

The City of Nagpur Corporation Act, 1948

MAHARASHTRA

India

The City of Nagpur Corporation Act, 1948

Act 2 of 1950

- Published in Madhya Pradesh Gazette on 27 February 1950
- Not commenced
- [This is the version of this document from 8 October 1958.]
- [Note: The original publication document is not available and this content could not be verified.]

1. [Amended by The City of Nagpur Corporation (Amendment) Act, 1958 (Act 79 of 1958) on 8 October 1958]

[Received the assent of the Governor-General on the 22nd January, 1950; assent first published in the Madhya Pradesh Gazette, Extraordinary on 27th February, 1950.] For Statement of Objects and Reasons, see Central Provinces and Berar Gazette, dated the 12th September, 1947, Part II, pages 145 to 268. For Report of Select Committee, see Central Provinces and Berar Gazette, Extraordinary, dated the 10th March, 1948, pages 195 to 320. For Proceedings in Assembly, see C. P. and Berar Legislative Assembly Proceedings, 1947, Volume IV, page 11 of No. 17; 1948, Volume V, pages 17 to 19 of No. 17; 1949, Volume VIII, pages 12 to 13 of No. 4, and pages 16 to 18 of No. 5. An Act to consolidate and amend the law relating to the municipal affairs of the City of Nagpur. Preamble. - Whereas it is expedient to make special legislative provision to consolidate and amend the law relating to the municipal affairs of the City of Nagpur: It is hereby enacted as follows :-

Part I

Chapter I

Preliminary

1. Short title, extent and commencement. -

(1) This Act may be cited as the City of Nagpur Corporation Act, 1948. (2) Except as is hereinafter otherwise expressly provided, it applies only to [the larger urban area constituting the City of Nagpur]. (3) It shall come into force on such [date] as the State Government may, by notification, appoint in this behalf.

2. Repeal of enactment. - (1) On the commencement of this Act, the Municipality of Nagpur shall, save as hereinafter provided, be deemed to have been withdrawn from the operation of the Central Provinces and Berar Municipalities Act, 1922 :

Provided that the Nagpur Improvement Trust constituted under the Nagpur Improvement Trust Act, 1936, shall in the City of Nagpur continue to exercise powers and perform duties conferred and imposed under the Nagpur Improvement Trust Act, 1936, and any other law for the time being in force, as if the Municipality of Nagpur had not been withdrawn from the Central Provinces and Berar Municipalities Act, 1922.(2)This withdrawal shall not revive any office, authority or thing abolished by the Central Provinces and Berar Municipalities Act, 1922, or affect the validity of anything done or suffered, or any right, title, obligation or liability accrued, before the commencement of this Act.(3)Nothing herein contained shall deprive any person of any right to property, or other private right, except as hereinafter provided.

3. Transfer of liabilities. - (1) All debts and obligations incurred, all contracts entered into with and all matters and things engaged to be done by, or for, the Municipality of Nagpur, before this Act comes into force shall be deemed to have been incurred, entered into with or engaged to be done by, or for, the Corporation as constituted under this Act.

(2)Every appointment, rule, by-law, form, notification, notice, tax, scheme, order, licence or permission made, issued, imposed, sanctioned or given under the Central Provinces and Berar Municipalities Act, 1922, shall, so far as it relates to the Municipality of Nagpur and so far as it is in force at the commencement of, and is not inconsistent with, this Act, be deemed to have been made, issued, imposed, sanctioned or given under the provisions of this Act, and shall unless previously altered, modified, cancelled, suspended, surrendered or withdrawn, as the case may be, under this Act remain in force for the period, if any, for which it was so made, issued, imposed, sanctioned or given.(3)All rates, taxes and sums of money due to the Municipality of Nagpur when this Act comes into force shall be deemed to be due to the Corporation.(4)All suits or other legal proceedings, civil or criminal, instituted, by or against the Municipality of Nagpur may be continued by or against the Corporation.(5)All the provisions of the Nagpur Improvement Trust Act, 1936, shall apply to the City of Nagpur immediately on the commencement of this Act.[4. Deleted].

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

[(1) "Administrator" means an Administrator appointed by the State Government under [section 409] of this Act, to exercise the powers and to perform the duties of the Corporation and its authorities;][(1A) Assembly constituency means a constituency provided by law for the purpose of elections to the Maharashtra Legislative Assembly, or any part thereof, which is for the time being comprised in the City;(1B)"Assembly roll" means the electoral roll prepared for any Assembly

constituency in accordance with the provisions of the Representation of the Peoples Act, 1950;](2)"assessment list" means any municipal assessment register prescribed by section 132 and includes any register subsidiary thereto;(3)"authorised" means authorised by the Corporation either generally or specially;[(3A) "Backward Class of citizens" means such classes or parts of or groups within such classes as are declared, from time to time, by the State Government to be Other Backward Classes and Vimukta Jatis and Nomadic Tribes;](4)"bakery" means any place in which bread or confectionery including biscuits is baked, cooked or prepared in any manner whatsoever for purposes of profit or sale;(5)"brothel" means any house, room or place, or any part thereof, occupied or let or intended to be occupied or let as a single tenement which is habitually used by one or more than one woman for the purpose of prostitution;(6)"budget grant" means a sum entered on the expenditure side of a budget estimate which has been finally adopted by the Corporation, and includes any sum by which such budget grant may at any time be increased under section 87, 88 or 89;(7)"building" includes a house, outhouse, stable, hut, shed or other enclosure, whether used as a human dwelling or otherwise and shall include verandahs, fixed platforms, plinths, door-steps, walls and the like;(8)"building line" means a line beyond which the outer face or any part of an external wall of a building should not project in the direction of any street existing or proposed;(9)the [Commissioner] means the [Municipal Commissioner for the City] appointed under section 45 and includes an acting [Commissioner] appointed under sub-section (3) of section 48 and any municipal officer empowered under this Act to exercise, perform or discharge any of the powers, duties or functions of the [Commissioner] to the extent to which such officer is so empowered;[(10) "City of Nagpur" or "the City" means the larger urban area specified in the notification issued in this respect under clause (2) of article 243-Q, of the Constitution of India, known by the name of the City of Nagpur;](11)"closet accommodation" means a receptacle for human excreta, together with the structure comprising such receptacle and the fittings and apparatus connected herewith;[(12) "the Corporation" means the Municipal Corporation of the City of Nagpur constituted or deemed to be constituted under this Act;](13) "Councillor" means any person who is duly elected as a member of the Corporation under this Act; and includes, a nominated Councillor who shall not have the right,-(i)to vote at any meeting of the Corporation and Committees of the Corporation; and(ii)to get elected as [* * *] a Mayor of the Corporation or a Chairperson of any of the Committee of the Corporation];(14)"dangerous diseases" means cholera, plague, smallpox, tuberculosis, cerebrospinal meningitis and diphtheria, leprosy other than leucoderma, and any other disease which the Corporation may, by public notice, declare to be a dangerous disease for the purposes of this Act;(15)"District Court" means the District Court, constituted for the Nagpur Civil District;(16)"drain" includes a sewer, tunnel, pipe, ditch, gutter or channel, and any cistern, flush, tank, septic tank, or other device for carrying off or treating sewage, offensive matter, polluted water, sullage, waste water, rain water or sub-soil water and any culvert, ventilation, shaft or pipe or other appliance or fitting connected therewith, and any ejectors, compressed air mains, sealed sewage mains and special machinery or apparatus for raising, collecting, expelling or removing sewage or offensive matter from any place;(17)"drug" means any substance used as medicine or in the composition or preparation of medicines, whether for internal or external use;(18)"eating-house" means any premises to which the public are admitted and where any kind of food is prepared or supplied for consumption on the premises for the profit or gain of any person owning or having an interest in or managing such premises;(19)the expression "erect or re-erect any building" includes -(a)any material alteration or enlargement of any building;(b)the conversion by

structural alteration into a place for human habitation of any building not originally constructed for human habitation;(c)the conversion by structural alteration of one or more places of human habitation into a greater number of such places;(d)the conversion by structural alteration of two or more places of human habitation into a lesser number of such places;(e)such alteration of the internal arrangement of a building as effects a change in its drainage or sanitary arrangements or affects its stability;(f)the addition of any rooms, buildings, outhouses or other structures to a building;(g)the reconstruction of the whole or any part of the external walls of a building or the renewal of the posts of wooden buildings;(20)the expression "essential officer or servant" means every person employed in the municipal fire brigade or in connection with the municipal air compressor or pumping stations or employed in connection with the drainage, conservancy or water supply of the City and any such other municipal officer or servant as may be prescribed in this behalf;(21)"factory" has the meaning assigned to it under the [Factories Act, 1934];[(21-A) "Finance Commission" means the Finance Commission constituted in accordance with the provisions of article 243-1 of the Constitution of India;](22)"food" includes every article used for food or drink by man other than drugs or water, and any article which ordinarily enters into or is used in the composition or preparation of human food; and also includes confectionery, flavouring and colouring matters and spices and condiments;[(22-A) "Scheduled Castes" means such castes, races or tribes or parts of or groups within, such castes, races or tribes as are deemed to be Scheduled Castes in relation to the [State of Maharashtra] under article 34 of the Constitution of India];(23)"keeper" means the person in charge of a lodging house, and may include the owner for the purposes of any rules or by-laws made under this Act;(24)"land" includes land which is being built upon or is built upon or covered with water;(25)"licensed plumber", "licensed surveyor" and "licensed architect" means, respectively, a person licensed by the Corporation as a plumber or surveyor or architect under this Act;(26)"lodging-house" means a building or part of a building,-(a)which is let for lodgings; or(b)which is occupied to any extent in common by members of more than one family, and the rent of which does not exceed one hundred rupees per mensem; or(c)which is let as a human habitation for a period of less than a month; provided that this definition shall not include hotels or boarding houses where the daily charge for board and residence is not less than one rupee;(27)"market" includes any place within the City where persons assemble for the sale of meat, fish, fruit, vegetables, live-stock or any other article of food;[(27-A) "Mayor" means the Mayor of the Corporation elected by the elected Councillors from amongst themselves;(27AA)[* * *](27AAA)[* * *](28)"municipal drain" means a drain vested in the Corporation;(29)"municipal market" means a market vested in or managed by the Corporation;(30)"municipal slaughter-house" means a slaughter house vested in or managed by the Corporation;(31)"municipal tax" means any impost levied by the Corporation under the provisions of this Act;(32)"municipal water-works" means a water work vested in or managed by the Corporation;(33)"nazul lands" means nazul lands within the City for the management and disposal of which special rules have been made by the State Government;(34)"nuisance" includes any act, omission, place or thing which causes or is likely to cause injury, danger, annoyance or offence to the sense of sight, smell or hearing, or which is or may be dangerous to life or injurious to health or property;(35)"occupier" includes any person for the time being paying, or liable to pay, to the owner the rent or any portion of the rent of the land or building in respect of which the word is used or damages on account of the occupation of such land or building, and also an owner living in, or otherwise using, his own land or building and a rent-free tenant;(36)"offensive matter" includes

animal carcasses, dung, dirt, putrid or putrefying substances, and filth of any kind which is not included in "sewage" as defined in this section;[(36A) "official year" means the year commencing on the first day of April;](37)"owner" when used with reference to any land or building includes the person for the time being receiving the rent of the land or building or of any part of the land or building whether on his own account or as agent or trustee for any person or society or for any religious or charitable purpose, or as a receiver who would receive such rent if the land, building or part thereof were let to a tenant;[(37A) "population" means the population as ascertained at the last preceding census of which the relevant figures have been published;](38)"prescribed" means prescribed by rules or by-laws made under this Act;(39)"public analyst" means any person to be appointed by the Corporation to perform the duties and to exercise the powers of a public analyst prescribed under this Act;(40)"public place" includes any public park or garden, or any ground to which the public have or are permitted to have access;(41)the expression "public securities" means Government securities and any securities guaranteed by Government, securities issued by the Corporation and any other securities which the State Government may declare to be public securities for the purposes of this Act;(42)"public street" means any street -(a)heretofore levelled, paved, metalled, channelled, sewerred or repaired out of municipal or other public funds; or(b)which under the provisions of section 311 is declared to be, or under any other provision of this Act becomes, a public street; and includes-(i)the roadway over any public bridge or causeway,(ii)the footway attached to any such street,(iii)public bridge or causeway, and the drains attached to any such street, public bridge or causeway;(43)"registered trade union" means a trade union registered under the Indian Trade Unions Act, 1926;(44)(a) a person shall be deemed to "reside" in any dwelling-house or hut which, or some portion of which, he sometimes, although not uninterruptedly, uses as a sleeping apartment; and(b) a person shall not be deemed to cease to "reside" in any such dwelling-house or hut merely because he is absent from it or has elsewhere another dwelling house or hut in which he resides, if there is the liberty of returning to it at any time and no abandonment of the intention of returning to it;(45)"rubbish" includes dust, ashes, broken bricks, mortar, broken glass, garden or stable refuse or refuse of any kind which is not "offensive matter" or "sewage" as defined in this section;(46)"sewage" means night-soil and other contents of water-closets, latrines, privies, urinals, cesspools, or drains and polluted water from sinks, bathrooms, stables, cattlesheds and other like places, and includes trade effluents and discharges from manufactories of all kinds;(47)"sewage connection" includes any drain connecting any water-closet, latrine, privy, urinal, bathroom, sink, sullage tray, manhole or trap with any drain set apart by the Corporation for sewage and other offensive matter;[(47A) "State Election Commission" means the State Election Commission consisting of the State Election Commissioner appointed in accordance with the provisions of clause (1) of article 243-K of the Constitution of India;](48)"street" means any road, lane, gully, alley, passage, pathway, square or court whether a thoroughfare or not, which is accessible to the public whether permanently or temporarily; and includes every vacant space, notwithstanding that it may be private property and obstructed wholly or partly by any gate, post, chain or other barrier, if houses, shops, or other buildings abut thereon and if it is used by any persons, whether occupiers of such buildings or not, as a means of access to or from any public place or thoroughfare but shall not include any part of such vacant space which the occupier of any such building has a right at all hours to prevent all other persons from using as aforesaid;(49)"street line" means a line dividing the land comprised in and forming part of a street from the adjoining land;(50)"traffic sign" includes all signals, warning sign posts, direction posts,

signs or other devices, erected by any person or authority authorised by law to do so, for the information, guidance or direction of persons using roads or of wheeled and other traffic;(51)"vehicle" means a wheeled conveyance capable of being used on a street;[(51A) "Wards Committees" means the Wards Committees constituted under section 38A;](52)"water closet" means closet accommodation used or adapted or intended to be used in connection with municipal water works and comprising provisions for the flushing of the receptacle by means of a water-supply and having connection with a sewer;(53)"water connection" includes -(a)any tank, cistern, hydrant, stand-pipe, meter or tap situated on private property and connected with a water main or pipe belonging to the Corporation;(b)the water pipe connecting such tank, cistern, hydrant, stand-pipe, meter or tap with such water main or pipe;(54)"water for domestic purposes" shall not include water for cattle, or for horses or for washing vehicles where the cattle, horses or vehicles are kept for sale or hire, or by a common carrier, and shall not include water for any trade, manufacture or business, or for building purposes, or for watering gardens, or for fountains or for any ornamental purposes;(55)"water-work" includes a lake, stream, spring, well, pump, reservoir, cistern, tank, duct, whether covered or open, sluice main-pipe, culvert, engine and anything for supplying or used for supplying water;(56)"workshop" means any building, place or premises, or any part thereof, not being a factory, to or over which the employer of the persons working therein has the right of access or control, and in which, or within the compound or precincts of which, any manual labour is employed or utilised in aid of or incidental to any process for the following purposes:-(i)the making of any article or part thereof; or(ii)the altering, repairing, ornamenting or finishing of any article; or(iii)the adapting for sale of any article.

Part II

Constitution and Government

Chapter II

The Municipal Authorities[6. Municipal authorities charged with the execution of this Act. - The Municipal authorities charged with carrying out the provisions of the Act shall be,-(a)the Corporation;(b)the Standing Committee;(c)the Mayor; and(d)the Commissioner.]

7. Incorporation of Corporation. - The Corporation shall by the name of the Corporation of the City of Nagpur be a body corporate, and have perpetual succession and a common seal, and shall by that name sue and be used.

8. Power of Corporation to acquire and hold movable and immovable property. - The Corporation shall have power to acquire and hold property, both movable and immovable, within or without the limits of the City, and subject to the provisions of this Act and the rules made thereunder, to transfer any property held by itself and to contract and to do all other things

necessary for the purposes of this Act.

[9. Constitution of Corporation and division of City into wards]. - [(1) The Corporation shall consist of, - (a) [one hundred thirty-six] Councillors directly elected at ward elections; (b) five nominated Councillors having special knowledge or experience in municipal administration, nominated by the Corporation in the prescribed manner.][(2) The State Election Commission shall, from time to time by notification in the Official Gazette, specify for the City the number and boundaries of the wards into which the City shall be divided for the purpose of the ward election of Councillors, [so that, as far as practicable, all wards shall be compact areas and the number of persons in each ward according to the latest census figures shall approximately be the same, each of the wards shall elect only one Councillor;] Provided that, before any notification is issued under this sub-section, a draft thereof shall be published in the Official Gazette and in such manner, as in the opinion of State Election Commission is best calculated to bring the information to the notice of all persons likely to be affected thereby, together with a notice specifying the date on or before which any objections or suggestions will be received and date after which the draft will be taken into consideration. Explanation. - For the purpose of this Act, the expression "latest census figures", obtaining in sub-section (2), shall mean, - (a) The figures of the latest census finally published and pending publication of final figures of the latest census shall mean the provisional figures published of such census; and (b) Where the relevant final or provisional figures of the latest census are not available, the final relevant figures of the census immediately preceding the latest census.][* * *][9A. Reservation of seats. - (1) In the seats to be filled in by election in the Corporation there shall be seats reserved for persons belonging to the Scheduled Castes, the Scheduled Tribes, Backward Class of citizens and women, as may be determined by the State Election Commissioner, in the prescribed manner. (2) The seats to be reserved for the persons belonging to the Scheduled Castes and the Scheduled Tribes in the Corporation shall bear, as nearly as may be, the same proportion to the total number of seats to be filled in by direct election in the Corporation as the population of the Scheduled Castes, or, as the case may be, the Scheduled Tribes, in the Corporation area bears to the total population of that area and such shall be allotted by rotation to different wards in the Corporation : Provided that, one-third of the total number of seats so reserved shall be reserved for women belonging to the Scheduled Castes or, as the case may be, the Scheduled Tribes : Provided further that, where only one seat is reserved for the Scheduled Castes, or as the case may be, the Scheduled Tribes, then no seat shall be reserved for women belonging to the Scheduled Castes, or as the case may be, the Scheduled Tribes and where only two seats are reserved for the Scheduled Castes, or as the case may be, the Scheduled Tribes, one of the two seats shall be reserved for women belonging to the Scheduled Castes, or as the case may be, the Scheduled Tribes. (3) The seats to be reserved for persons belonging to the category of Backward Class of citizens shall be twenty-seven per cent, of the total number of seats to be filled in by election in the Corporation and such seats shall be allotted by rotation to different wards in the Corporation : Provided that, one-third of the total number of seats so reserved shall be reserved for women belonging to the category of Backward Class of citizens. (4) One-third (including the number of seats reserved for women belonging to the Scheduled Castes, the Scheduled Tribes and the category of Backward Class of citizens) of the total number of seats to be filled in by direct election in the Corporation shall be reserved for women and such seats shall be allotted by rotation to different wards in the Corporation. (5) The reservation of seats (other than the reservation for women) under sub-section (2) shall cease to have effect on the

expiration of the period specified in article 334 of the Constitution of India.

9B. State Election Commission. - (1) The superintendence, direction and control of the preparation of the electoral rolls for, and the conduct of, all elections to the Corporation shall vest in the State Election Commissioner.

(2)The State Election Commissioner may, by order delegate any of his powers and functions to any officer of the Commission or any officer of the State Government not below the rank of Deputy Collector or any officer of the Corporation not below the rank of Assistant Commissioner.(3)All the officers and members of the staff appointed or deployed for preparation of electoral rolls and conduct of election of the Corporation under this Act or the rules shall function under the superintendence, direction and control of the State Election Commissioner.(4)Notwithstanding anything contained in this Act and the rules, the State Election Commissioner may issue such special or general orders or directions which may not be inconsistent with the provisions of the Act for fair and free elections.][9C. Power of State Election Commissioner to issue directions to prevent impersonation. - The State Election Commissioner may, with a view to prevent impersonation of electors at the time of election, issue such directions, as he thinks fit, to the presiding officers and such directions may include instructing the electors to produce, at the time of pollings, the photo identity cards issued to them under the provisions of the Representation of the Peoples Act, 1951.]

10. [* * *]

11. [* * *]

[12. Preparation of municipal election roll. - (1) The Assembly roll for the time being in force, on such date as the State Election Commissioner may, by general or special order notify, shall be divided by the State Election Commissioner into different sections corresponding to the different wards in the City; and a printed copy of each section of the roll so divided and authenticated by the State Election Commissioner or authorised officer, as the case may be, shall be the draft ward roll for each ward. The draft ward roll shall be published in such manner as may, in the opinion of the Commissioner or an officer authorised by him, shall be the ward roll for each ward.][12A. * * *][12AA. * * *][13. Enrolment in Municipal Electoral Roll. - Every person whose name is included in any ward roll shall be deemed to be enrolled in the municipal electoral roll.][13A. Person qualified to vote. - Every person whose name is in [* * *] a final and roll shall be deemed to be entitled to vote at the ward election and every person whose name is not in the said roll shall be deemed to be not entitled to vote.][13B. The voting at an election shall be by ballot or by electronic voting machine and no votes shall be received by proxy.][14. Qualifications of candidates. - (1) Subject to the provisions of this Act [a person who [is not less than twenty-one years of age on the last date fixed for making the nomination for any general election or by-election and] is enrolled in the municipal electoral roll as a voter for a ward] shall be qualified to be a Councillor, and to be elected either from such ward or from any other ward.(2)Any person who ceases to be a Councillor shall, if qualified under sub-section (1), be eligible for re-election as such.]

15. Disqualifications of candidates. - [(1)] No person [shall be eligible for election], as a Councillor if he -

[(a) is not a citizen of India; or](b)has been adjudged by a competent Court to be of unsound mind; or(c)is a leper; or[(ca) has, at any time alter the commencement of section 8 of the Maharashtra Municipal Corporation (Amendment) Act, 1970, been convicted of an offence punishable under section 1 53A, or sub-section (2) or (3) of section 505, of the Indian Penal Code :Provided that, such disqualification shall be for a period of six years from the date of such conviction; or][(d) has been convicted by a Court in India of any offence involving moral turpitude unless a period of six years has elapsed since the date of such conviction; or](e)has been dismissed from the service of the Government for misconduct and has been declared to be disqualified for employment in the public service; or(f)has been dismissed for misconduct from the service of any municipal corporation, municipal committee, notified area committee, [district council or local board] and has been declared by the State Government to be disqualified for employment in the public service; or[(g) has been so disqualified by or under any law,-(i)for the time being in force for the purposes of elections to the Legislature of the State :Provided that no person shall be disqualified on the ground that he is less than twenty-five years of age, if he has attained the age of twenty-one years;(ii)made by the Legislature of the State of Maharashtra.][(g-1) [* * *] is a servant of Government and is remunerated by salary or honorarium (which expression shall not include fees or commission); or](h)holds any salaried office under or place of profit in the gift or disposal of [the Corporation or any other local authority], while holding such office or place; or(i)has directly or indirectly any share or interest in any contract with, by or on behalf of the Corporation while owning such share or interest :Provided that a disqualification under clauses (e), (f), [* * *] or (i) may be removed by an order of the State Government in this behalf.Explanation. - A person shall not, by reason of being a share holder in or a member of any incorporate or registered company, be deemed to be interested in any contract entered into between the Company and the Corporation.][(j) has more than two children :Provided that, a person having more than two children on the date of commencement of the Maharashtra Municipal Corporation and Municipal Councils, Nagar Panchayats and Industrial Townships (Second Amendment) Act, 1995 (hereinafter in this clause referred to as "the date of such commencement"), shall not be disqualified under this clause so long as the number of children he had on the date of such commencement does not increase :Provided further that, a child or more than one child born in a single delivery within the period of one year from the date of such commencement shall not be taken into consideration for the purpose of disqualification mentioned in this clause.Explanation. - For the purposes of this clause,-(i)where a couple has only one child on or after the date of such commencement, any number of children born but of a single subsequent delivery shall be deemed to be one entity;(ii)"child" does not include an adopted child or children.][(k) is a Member of the State Legislature or of Parliament:Provided that, nothing in this clause shall affect the membership of a sitting Councillor till the expiry of his current term of office as such Councillor :Provided further that, any action taken by such Councillor during the period from the 7th October, 2001 till the 20th October, 2001, being the date of publication of the Maharashtra Municipal Corporations and Municipal Councils (Amendment) Ordinance, 2001, shall be deemed to have been validly taken and shall not be challenged in any Court of law only on the ground that during the said period he had incurred disqualification under this clause.][(2)(a) A person shall be disqualified for being a Councillor or for contesting an election for being elected as a

Councillor, for a period of six years, if, an order is passed by the concerned authority, under sections 19(a), 21(2) or as the case may be, section 428, holding that such person was elected as a Councillor to a seat which was reserved for a member belonging to a Scheduled Caste, Scheduled Tribe or a Backward Class of Citizens (hereinafter referred to as "a reserved category"), on the basis of a false claim or a false Caste Certificate declaring that such person belonged to such reserved category. (b) Such period of disqualification shall be computed with effect from the date of passing of such order by the concerned authority. (3) (a) Notwithstanding anything contained in sub-section (2), a Councillor who has been elected to a reserved seat as mentioned in sub-section (2), shall be disqualified for being such Councillor consequent upon the Caste Certificate Verification Committee or any other Competent Authority specified by the State Government for the purpose of scrutiny of the Caste Certificates, declaring the Caste Certificate of such Councillor to be invalid and cancelling the same, on the ground of the same having been based on a false claim or declaration made by such person claiming to be belonging to the reserved category, and thereupon the Councillor shall be deemed to have vacated his office on and from the date of declaration of such Certificate to be invalid and cancellation of the same by said Committee or the Competent Authority, (b) On any person having been disqualified for being a Councillor and consequently, his seat as such Councillor having become vacant under clause (a), the State Government shall, by notification in the Official Gazette, disqualify such person for being elected or being a Councillor for a period of six years from the date of such Order.][16. Publication of names of Councillors in the Official Gazette. - The names of all persons elected to be the Councillors shall be published by the State Election Commissioner in the Official Gazette.][16A. Notification of elections of Mayor and Deputy Mayor. - Every election of the Mayor or Deputy Mayor shall be notified in the prescribed manner and such persons shall enter on their respective offices from the date specified for that purpose in such notification.][17. (1) The Corporation shall, unless sooner dissolved, continue for a period of five years from the date appointed for its first meeting and no longer. (2) A Corporation constituted upon the dissolution of the Corporation before the expiration of its duration shall continue only for the remainder of the period for which the dissolved Corporation would have continued under sub-section (1), had it not been so dissolved.][17A. Term of office of Councillors. - The term of office of the Councillors shall be co-terminus with the duration of the Corporation.

17B. Election to constitute Corporation. - An election to constitute the Corporation shall be completed,-

(a) before the expiry of its duration specified in sub-section (1) of section 17; or (b) before the expiration of a period of six months from the date of its dissolution : Provided that, where the remainder of the period for which the dissolved Corporation would have continued is less than six months; it shall not be necessary to hold any election under this section for constituting the Corporation for such period.]

18. Filling up of casual vacancies. - [(1) In the event of failure to accept office by a person elected [* * *] to be a Councillor, or of the death, resignation or disqualification of a Councillor, or of his becoming incapable of acting before the expiry of his term of office, a casual vacancy shall be deemed to have

occurred in such office and such vacancy shall be filled [as soon as conveniently may be but not later than six months] by the election [* * *] of a person thereto as Councillor, who shall take office forthwith and shall hold such office in the unexpired term of his predecessor ;]

[* * *][(2) Notwithstanding anything contained in sub-section (1), no election shall be held for the filling of a casual vacancy if general election is due to be held in six months of the occurrence of such vacancy.]

19. Effect of subsequent disabilities. - If any person having been elected [* * *] a Councillor,-

(a) subsequently becomes subject to any of the disqualifications specified in section 15 and such disqualification is not removable or being removable is not removed, or (b) absents himself during three consecutive months from the meetings of the Corporation, except from temporary illness or for any other cause which the Corporation may consider sufficient to justify such absence, or (c) is retained or employed in any professional capacity in connection with any matter to which the Corporation is a party, or (d) absents himself during six consecutive months from the meetings of the Corporation, or (e) fails to pay any arrears of any kind due by him to the Corporation within three months after a special notice in this behalf has been served upon him by [the Commissioner, or], [(f) has constructed or constructs by himself, his spouse or his dependent, any illegal or unauthorised structure violating the provisions of this Act or the Maharashtra Regional and Town Planning Act, 1966 or the rules or by-laws framed under the said Acts; or has directly or indirectly been responsible for, or helped in his capacity as such Councillor in, carrying out such illegal or unauthorised construction or has by written communication or physically obstructed or tried to obstruct any Competent Authority from discharging its official duty in demolishing any illegal or unauthorised structure. Such disqualification shall be for the remainder of his term as a Councillor from the date of the declaration of such structure to be illegal or unauthorised by the concerned authority under the provisions of the said Acts, or as the case may be, from the date of commission of the act of interference or obstruction by the Councillor against the Competent Authority,] such person shall cease to be a Councillor and the State Government shall, by notification, declare his seat to be vacant.

[20. Election of Mayor and Deputy Mayor and reservation of office of Mayor. - [(1) The Corporation shall, subject to the provisions of sub-section (2), at its first meeting after the general elections, elect from amongst the Councillors one of its number to be the Mayor and another to be the Deputy Mayor. The tenure of the Mayor and the Deputy Mayor shall be of two and a half years : Provided that, the term of the Mayor and the Deputy Mayor in office on the date of coming into force of the Maharashtra Municipal Corporation (Amendment) Act, 2000, shall be extended to, and, be co-terminus with, the term of the office of the elected Councillors : Provided further that, the roster relating to the reservation of the office of the Mayor shall be deemed to have been amended to provide for the extended tenure of the Mayor.](2) There shall be reservation for the office of the Mayor in the Corporation, by rotation, for the Scheduled Castes, the Scheduled Tribes, women and the Backward Class of citizens, in the prescribed manner.(3) Notwithstanding anything contained in sub-section (1), on the date of commencement of the City of Nagpur Corporation (Amendment) Act,

1999, the term of office of the Mayor, who is in office on the said date, shall be deemed to have come to an end and he shall have vacated his office on the said date. The Mayor in office having so vacated his office, the first meeting for the purpose of election of the new Mayor, after the said date shall be held by the Commissioner within a period of seven days from the said date and all other provisions of this Act relating to such election shall, *mutatis mutandis* apply :Provided that Mayor in office immediately before the said date shall continue till the new Mayor enters the office.(4)The Mayor and the Deputy Mayor shall hold office until a new Mayor and a new Deputy Mayor have been elected under sub-section (1) and, in a year in which general elections have been held, shall do so notwithstanding that they have not been returned as Councillors on the results of the elections.(5)A retiring Mayor or Deputy Mayor shall be eligible for re-election to either office.(6)The Deputy Mayor may resign his office at any time by notice in writing to the Mayor and the Mayor may resign his office at any time by notice in writing to the Corporation.(7)If any casual vacancy occurs in the office of Mayor or Deputy Mayor, the Corporation shall, as soon as convenient after the occurrence of the vacancy, choose one of its number to fill the vacancy and every Mayor or Deputy Mayor so elected shall hold office so long only as the person in whose place he is appointed would have been entitled to hold it if the vacancy had not occurred.]

20.

-1A to 20-1D. [* * *][20-1E. Leader of Opposition. - (1) An elected Councillor who is for, the time being, the leader of the party in the opposition, having the greatest numerical strength and recognised as such by the [Mayor] shall be the Leader of the Opposition.Explanation. - Where there are two or more parties in the opposition, having the same numerical strength, the [Mayor] shall, having regard to the status of the Party, recognise any one of the leaders of such Parties as the Leader of the Opposition for the purposes of this Act, and such recognition shall be final and conclusive.[* * *](3)There shall be paid to the Leader of the Opposition such honoraria, fee and allowances and given such other facilities, as may be prescribed by by-laws made in this behalf by the Corporation.][20-1F. Leader of the House. - (1) An elected Councillor who is, for the time being, the Leader of the Party having the greatest numerical strength and recognised as such by the Mayor shall be the Leader of the House.Explanation. - When there are two parties in ruling, having the same numerical strength, the Mayor shall, having regard to the status of the Party, recognise the Leader of any one of such Parties to be the Leader of the House.(2)There shall be paid to the Leader of the House such honoraria and allowances and other facilities as may be provided by regulations made in this behalf by the Corporation.][20A. Honoraria, fees or allowances. - (1) With the previous sanction of the State Government, the Corporation may pay [* * *] each Councillor such honoraria, fees or other allowances as may be prescribed by by-laws made by the Corporation under this section.[(2) The Corporation shall place at the disposal of the Mayor, annually, such amount as sumptuary allowance, as the State Government may, from time to time, by an order determine.](3)Notwithstanding anything contained in sections 15 and 19, the receipt [by a Councillor] of any honorarium, fee or allowance aforesaid shall not disqualify any person for being elected [* * *] as, or for being, a Councillor.]

21. Removal of Councillor. - (1) Any Councillor (which term for the purposes of this section shall include the [Mayor or Deputy Mayor]) who becomes subject to any of the disqualifications specified in section 19, shall forthwith cease to be a Councillor and his office shall become vacant :

Provided that where a person who, by reason of a sentence of a Court, becomes disqualified by virtue of clause (d) of section 15 is at the date of disqualification a Councillor, his seat shall, notwithstanding anything in this section, not become vacant by reason of the disqualification until three months have elapsed from the date of such sentence or, if within those three months of such date an appeal or petition for revision is brought in respect of the conviction or the sentence, until that appeal or petition is disposed of, but during any period during which he continues to be a Councillor by virtue of this provision, he shall not sit or vote. (2) If any question arises whether a vacancy has occurred under sub-section (1), it shall be decided by the State Government and its decision shall be final. (3) The State Government may at any time remove a Councillor, - (a) if he refuses to act, or becomes incapable of acting, or absent himself without sufficient excuse from more than three consecutive meetings of the Corporation, and if the Corporation recommends his removal by a majority of two-thirds of the Councillors; or (b) if his continuance in office is undesirable in the interests of the public or of the Corporation, and if the Corporation recommends his removal by a majority of two-thirds of the Councillors. (4) The State Government may at any time remove a Councillor if he, being a legal practitioner, acts or appears on behalf of any other person against the Corporation in any legal proceeding or against the State Government in any such proceeding relating to any matter in which the Corporation is or has been concerned, or acts or appears on behalf of any person in any criminal proceeding instituted by or on behalf of the Corporation against such person. (5) No order under sub-section (3) or sub-section (4) shall be passed until reasonable opportunity has been given to the person concerned to furnish an explanation. (6) Removal from office under sub-section (3) or subsection (4) shall disqualify the person so removed for further election [* * *] to the office from which he is removed for the period during which, but for such removal, he would have continued in office.

22. Procedure in case of non-payment of Corporation dues by Councillors and office bearers of Corporation. - (1) Within fifteen days from the expiration of each calendar quarter, the [Commissioner] shall,-

(a) draw up a list of all Councillors (which term for the purposes of this section shall include the [Mayor and Deputy Mayor]), who have failed to pay any tax due by them to the Corporation within six months from the date on which such tax became due; (b) issue to every person on the said list a notice of demand requiring him to pay the arrears within thirty days from the date of service of such notice; and (c) submit a copy of the list to the State Government. (2) On receipt of the list, the State Government shall, if it finds that a notice of demand has not been issued to any person on the list, serve him with a special notice of demand requiring him to pay the arrears within thirty days from the date of the service thereof. (3) If on receipt of the notice referred to in sub-section (1) or sub-section (2) the Councillor fails to pay within three months the arrears of any tax specified in the notice, he shall cease to be a Councillor and his office shall be vacant; and he shall be disqualified for

further election [* * *] to such office until the arrears due by him are paid and a certificate to that effect is granted to him in the prescribed manner.(4)The State Government may make rules under this Act providing for all matters connected with the administration of this section.[22A. Councillor to vacate all offices if he ceases to be Councillor. - A person who ceases to be a Councillor shall ipso facto vacate any offices held by him on any committee of the Corporation by virtue of his being a Councillor.]

Chapter III

Conduct of BusinessTransaction of Business by the Corporation

23. Meetings. - The Corporation shall meet at least once every month for the transaction of business.

[24. First meeting after general election. - After every general election, notwithstanding anything contained in this Act, the Commissioner shall call the first meeting of the Corporation on the date specified in the notification issued under section 16A, to elect the Mayor, the Deputy Mayor, the Standing Committee and the Special Consultative Committees.]

25. Convening of meetings. - (1) A meeting of the Corporation shall be either ordinary or special.

[(2) The date of every meeting, except the meeting referred to in section 24, shall be fixed by the Mayor, or in the event of his being incapable of acting then by the Deputy Mayor, and in the like event in his case then by the Commissioner].(3)Notice of every meeting specifying the time and place thereof and the business to be transacted thereat shall be despatched to every Councillor and exhibited at the municipal office seven clear days before an ordinary meeting and three clear days before a special meeting :Provided that if the notice is exhibited at the municipal office, failure to serve it on any Councillor shall not affect the validity of a meeting.(4)No business other than that specified in the notice relating thereto shall be transacted at a meeting.[26. Power of Mayor and Deputy Mayor to call special meeting. - The Mayor, or in any such event as aforesaid, the Deputy Mayor, may whenever he thinks fit call a special meeting, and shall be bound to do so within two weeks of the receipt of a written requisition signed by not less than three members of the Standing Committee.]

27. Adjournment. - Any meeting of the Corporation may, with the consent of a majority of the Councillors present, be adjourned to any other date; but no business other than that left over at the adjourned meeting shall be transacted at the next meeting.

A notice of such adjournment posted in the municipal office on the day on which the meeting is adjourned shall be deemed sufficient notice of the next ensuing meeting.

28. Public to be admitted to the meetings of Corporation. - (1) Members of the public shall be admitted to the meeting of the Corporation :

Provided that the Corporation may temporarily exclude the public from a meeting as often as may be desirable at any meeting when in the opinion of a majority of the Councillors present at such meeting expressed by resolution, in view of the special nature of the business then being dealt with or about to be dealt with, such exclusion is advisable.(2)Such resolution shall be put by the presiding authority of its own motion or at the request of any Councillor, without previous notice or discussion.(3)Nothing in this section shall be construed to limit or abridge the power of the presiding authority at any time to cause any person who interrupts the proceedings to be removed.[29. Chairman of meeting. - (1) At a meeting of the Corporation the Mayor, if present, shall preside.(2)If the Mayor is absent from a meeting of the Corporation, the Deputy Mayor shall preside.(3)If both the Mayor and Deputy Mayor are absent from the meeting of the Corporation, the members present shall choose one of their numbers to preside.(4)In the case of an equality of votes the person presiding at the meeting shall have a second or a casting vote.]

30. Quorum. - [(1) The quorum to constitute a meeting of the Corporation shall if it is a special meeting be one-half, and if a general meeting be one-third, of the total number of Councillors].

(2)If at any meeting there are at any time not sufficient members present to form a quorum, the [President] of the meeting shall adjourn it to such time or date as he thinks fit and announce the same at once; and the business set down for the meeting shall be brought forward in the usual manner at the subsequent meeting, or if the subsequent meeting should be adjourned, then at any meeting thereafter whether at such meeting there is a quorum or not.(3)No business other than the business fixed for the original meeting shall be transacted at any such subsequent meeting.(4)A notice of adjournment exhibited in the municipal office on the day on which the meeting is adjourned shall be sufficient notice of the subsequent meeting.

30A. to 30C. [* * *]

31. Disability of Councillors for voting, etc. - (1) No Councillor shall vote or take part in the discussion of any matter before a meeting in which he has directly or indirectly by himself or his partner, any share or interest in any contract, grant or employment with, by or on behalf of, the Corporation.

(2)If a Councillor has any pecuniary interest, direct or indirect, in any contract, or proposed contract or other matter, and is present at a meeting of the Corporation [or Standing Committee] at which the contract or other matter is the subject of consideration, he shall at the meeting, as soon as practicable after the commencement thereof, disclose the fact, and shall not take part in the consideration or discussion of, or vote on any question with respect to, the contract or other matter :Provided that the section shall not apply to an interest in the contract or other matter which a

Councillor may have as a tax payer or inhabitant of the City, or as an ordinary consumer of electricity or water, or to an interest in any matter relating to the terms on which the right to participate in any service, including the supply of goods is offered to the public.(3)For purposes of this section a person shall (subject as hereinafter in this sub-section provided) be treated as having indirectly a pecuniary interest in a contract or other matter, if -(a)he or any nominee of his is a member of a company or other body with which the contract is made or is proposed to be made or which has a direct pecuniary interest in the other matter under consideration,(b)he is a partner, or member of the joint Hindu family or is in the employment of a person with whom the contract is made or is proposed to be made or who has a direct pecuniary interest, in the other matter under consideration :Provided that -(i)this sub-section shall not apply to membership of, or employment under, any public body;(ii)a member of a company or other body shall not, by reason only of his membership, be treated as being so interested if he has no beneficial interest in any shares or stock of that company or other body;(iii)no person shall be deemed to have any share or interest in a contract, grant or employment by reason only of his having any share or interest in-(a)any lease, sale or purchase of land or any agreement for the same; or(b)any agreement for the loan of money or any security for the payment of money only; or(c)any newspaper in which any advertisement relating to the affairs of the Corporation is inserted; or(d)any joint stock company which may enter into contract with or be employed by the Commissioner on behalf of the Corporation; or(e)the occasional sale to the [Commissioner] on behalf of the Corporation, to a value not exceeding in any one official year five hundred rupees, of any article in which he regularly trades.

32. Preservation of order. - (1) The presiding authority shall preserve order and may direct any Councillor whose conduct is in his opinion disorderly to withdraw immediately from the meeting of the Corporation; and any Councillor so ordered to withdraw shall do so forthwith and shall absent himself during the remainder of the day's meeting; and if he is ordered a second time within fifteen days to withdraw, the presiding authority may suspend him for any period not exceeding fifteen days and he shall absent himself from meeting accordingly :

Provided that the presiding authority may remit the suspension on receiving apology to his satisfaction from the Councillor under suspension :Provided also that suspension shall not prevent any Councillor from serving on any committee.(2)The presiding authority may, in case of grave disorder arising in the meeting, suspend the meeting for a period not exceeding three days.(3)If any person who has been ordered to withdraw, unlawfully remains in the meeting, the presiding officer may take such steps as he may deem fit to cause him to be removed.[33. Constitution of Standing Committee. - The Standing Committee shall consist of sixteen Councillors.

34. Election of Standing Committee. - (1) The Corporation shall, at its first meeting each year, elect ten out of its number to be members of the Standing Committee. Members of the Standing Committee shall, subject to the provisions of section 38, hold office until the first meeting of the Corporation

in the next following years.

(2) Any Councillor who ceases to be a member of the Standing Committee shall be eligible for re-election.

35. Election of the Chairman of Standing Committee. - (1) The Standing Committee shall at its first meeting elect one of its numbers to be Chairman of the Standing Committee until a new Standing Committee is constituted.

(2) In the absence of the Chairman the members of the Standing Committee present shall choose one of their numbers to preside over their meeting. (3) A member of the Standing Committee who ceases to be Chairman shall be eligible for re-election as such. (4) If any casual vacancy occurs in the office of Chairman, the Standing Committee shall, as soon as it conveniently can after the occurrence of such vacancy, elect one of its numbers to fill the vacancy and every Chairman so elected shall continue in office for the unexpired term of his predecessor.

36. Absence from meeting of Standing Committee. - Any member of the Standing Committee who absents himself from all meetings of the Standing Committee during two consecutive months shall cease to be a member of the Standing Committee, and his office as such member shall be vacant, and he shall not be eligible for re-election to the Committee during the unexpired term of the Corporation.

37. Casual vacancies in the Standing Committee. - If any casual vacancy occurs in the office of a member of the Standing Committee, the Corporation shall, as soon as may be after the occurrence of such vacancy, elect one of its numbers to fill the vacancy and every Councillor so elected shall continue in office for the unexpired term of his predecessor.

38. Each Standing Committee to continue in office till a new Committee is constituted. - The Standing Committee in existence on the day for the retirement of Councillors shall continue to hold office until such time as a new Standing Committee is constituted under section 34 notwithstanding that the members of the said Committee, or some of them, may no longer be Councillors.]

[Wards Committee

38A. Constitution of Wards Committee. - (1) There shall be constituted not more than ten Wards Committee for the City of Nagpur, each comprising such contiguous electoral wards, as may be decided by the Corporation.

(2) Each Wards Committee shall consist of - (a) the Councillors representing the electoral Wards within the territorial area of the Wards Committee; [* * *] (b) The officer-in-charge of the territorial area of the Wards Committee; (c) such number of other members, not exceeding three, nominated by the Councillors referred to in clause (a), from amongst the members of recognised non-Government Organisations and community based Organisations engaged in social welfare activities working within the area of the Wards Committee : Provided that, such persons shall be registered as electors in the Wards within the jurisdiction of the Wards Committee: Provided further that, the norms for recognition of the non-Government Organisations the requisite qualification for nomination as members and the manner in which they are to be nominated shall be such as the State Government may prescribe. (3) The duration of the Wards Committee shall be coterminous with the duration of the Corporation. (4) The elected Councillors referred to in clause (a) of subsection (2), shall at the first meeting of the Wards Committee in each official year, elect from amongst themselves the Chairperson who shall hold office until the first, meeting in the next following official year. (5) The Chairperson of the Wards Committee shall be deemed to have vacated the office as soon as he ceases to be a Councillor. (6) In the event of the office of the Chairperson falling vacant before the expiry of its term, the Wards Committee shall elect a new Chairperson : Provided that, the Chairperson so elected shall hold office so long only as the Chairperson in whose place he is elected would have held office if such vacancy had not occurred. (7) The functions of the Wards Committee shall, subject to the general supervision and control of the Corporation, be - (a) the speedy redressal of common grievances of citizens connected with local and essential municipal services like water supply, drainage, sanitation and storm water disposal; (b) to consider and make recommendations on the proposals regarding estimates of expenditure pertaining to the wards under different heads of account of the budget before being forwarded to the [Commissioner]; (c) to grant administrative approval and financial sanction to the plans for municipal works to be carried out within the territorial area of the Wards Committee costing upto rupees five lakhs, provided that a specific provision exists therefor in the budget sanctioned by the Corporation. (8) Notwithstanding anything contained in sub-section (7), the Corporation may, by resolution, delegate to a Wards Committee such other powers, authority and functions as it may deem fit and expedient. (9) The Wards Committee shall meet once in every month, at its Ward Office, if any, or in the Corporation Office.]

38B. [* * *]

[Special Consultative Committees

39. Special Consultative Committees, their term, election and filling of casual vacancies. - (1) There shall be five Special Consultative Committees each consisting of not less than five and not more than nine Councillors, namely :-

(a)a Public Works Committee to which may be referred for inquiry and report, or for opinion, any matter connected with roads, buildings, lighting, public parks and gardens ;(b)a Public Health and Markets Committee to which may be referred for inquiry and report, or for opinion, any matter connected with public health and safety, health of animals in the City, sanitation, markets, slaughterhouses, vaccination, the disposal of rubbish and offensive matter, and the regulation of dangerous and offensive trades;(c)an Education Committee to which may be referred for enquiry and report, or for opinion, any matter connected with education in the City;(d)a Hospital Committee to which may be referred for enquiry and report, or for opinion, any matter relating to hospitals and dispensaries and medical and public health administration in the City;(e)a Water-works Committee to which may be referred for enquiry and report, or for opinion, any matter relating to water supply in the City and management of waterworks belonging to the Corporation.(2)The term of office of every Committee mentioned in subsection (1) shall be one year.(3)At the first meeting after every general election the Corporation shall elect from among its Councillors members to serve on the Committees in sub-section (1).(4)If casual vacancies reduce the number of members of a Committee below the minimum, the Corporation shall elect members to the vacancies from among the Councillors, and such members shall hold office for the unexpired term of the Committee.]

40. Election of Special Committees for consultative purposes. - The [Corporation may also elect] from time to time and for such period as it may think fit, [Special Committees [including the Women and Child Welfare Committee], so however that the number of such Committees shall not exceed five and each such Committee shall consist] of such number of Councillors as it may thin fit, and may refer to such Committees for inquiry and report, or for opinion, any matter relating to the purposes of this Act.

[Provided that, on the Women and Child Welfare Committee not less than seventy-five per cent, of the members shall be from amongst women Councillors :Provided further that, the Chairperson and the Deputy Chairperson on the Women and Child Welfare Committee shall be from amongst the women Councillor members thereof.Explanation. - For the purpose of computing the number of members at seventy-five per cent, fraction, if any, shall be rounded off to one.]

41. Decision of questions by majority of votes. - Except as otherwise provided by or under this Act, any questions brought before any meeting held under this Act, shall be decided by a majority of the votes of the members present, and, in the case of an equality of votes, the presiding authority at the meeting shall have a second or casting vote :

Provided that in the case of an equality of votes at the election of [the Mayor or Deputy Mayor or any member of the Standing or Special Consultative Committee], the presiding authority shall not exercise his casting vote, and the result shall be decided by lot.[Provided further that, the persons referred to in clause (b) of sub-section (1) of section 9 shall not have the right to vote at any meeting of the Corporation.][42. Vacancy in Corporation or in any Committee not to invalidate proceedings.

- No act or proceeding of the Corporation or of any Committee appointed under this Act shall be questioned on account of any vacancy in the membership or any such Committee, as the case may be.]

43. Proceedings of meeting to be deemed to be good and valid. - Until the contrary is proved -

(i) every meeting of the Corporation or any Committee shall be deemed to have been duly convened and held, and all the members of the meeting shall be deemed to have been duly qualified, when the minutes of the meeting have been signed in accordance with the provisions of this Act; and [(ii) where the meeting is a meeting of the Standing Committee, such Committee shall be deemed to have been duly constituted and to have had power to deal with the matters referred to in the minutes.]

44. Minute books. - (1) Minutes recording the proceedings at every meeting of the Corporation and of any of its Committees and the, names of members present thereat shall be entered in the minute book and confirmed at the same or the next ensuing meeting by the person presiding.

(2) A copy of the minutes of the proceedings of each meeting of the Corporation shall be forwarded to the State Government within seven days of the meeting. (3) The minute books prescribed by this section shall be open at the municipal office at all reasonable times to the inspection of any councillor without payment and to the inspection of any other person on payment of a fee of eight annas.

Chapter IV

Municipal Officers and Servants The [Commissioner]

45. Appointment of [Commissioner]. - [(1)(a) The Commissioner shall from time to time be appointed by the State Government.

(b) The Commissioner shall in the first instance hold office for such period not exceeding three years as the State Government may fix and his appointment may be renewed from time to time for a period not exceeding three years at a time]. (2) [Notwithstanding] the provisions of clause (b) of sub-section (1), the Commissioner shall be forthwith removed from office if at a meeting of the Corporation not less than three-fourths of the total number of Councillors constituting the Corporation for the time being shall vote in favour of a proposition in this behalf; and he may be removed by the State Government at any time if it appears to the State Government that he is incapable of performing the duties of his office or has been guilty of any misconduct or neglect which renders his removal expedient : Provided that, when the [Commissioner] is a member of a Civil Service of or holds a lien on any civil post under the [Government], he shall be [liable to be recalled to the service of the State] by the State Government at any time in the exigencies of public

service of which the State Government shall be the sole judge.[46. Powers of Commissioner. - The Commissioner shall be the principal executive officer of the Corporation and all other officers and servants of the Corporation shall be subordinate to him. He shall have the right to speak at, and otherwise take part in, any meeting of the Corporation or any Committee thereof, but shall not be entitled to vote or to move any proposition.]

47. Salary of [Commissioner]. - [(1) The Commissioner shall receive from the municipal fund such monthly salary and allowances as the State Government may from time to time after consultation with the Corporation determines :

Provided that the salary of the Commissioner shall not be altered to his disadvantage during the period for which his appointment has been made or renewed.(1-A) The Commissioner shall devote his whole time and attention to the duties of his office as prescribed in this Act or in any other law for the time being in force and shall not engage in any other profession, trade or business whatsoever:Provided that he may with the sanction of the Corporation serve on any Committee constituted for the purpose of any local inquiry or for the furtherance of any object of local importance or interest.](2)The conditions of service other than salary and leave of a person appointed [Commissioner] who is a member of a Civil Service of or holds a lien on a Civil post under the [Government] during the tenure of his aforesaid appointment, shall be such as may be laid down by the State Government and in any other case they shall be such as may be laid down by by-laws framed by the Corporation.

48. Grant of leave of absence to [Commissioner]. - (1) The State Government may grant leave of absence to the [Commissioner].

(2)The leave salary to be paid to the [Commissioner] while so absent on leave shall be of such amount, not exceeding the salary of the Commissioner, as may be fixed by the State Government :Provided that if the Commissioner is an officer in the service of the [Government], the amount of such salary shall be that to which he may be entitled under any general or special orders of Government applicable to Government servants transferred to foreign service.(3)During any absence on leave of the [Commissioner], the State Government shall appoint a person to act as [Commissioner].(4)Every person so appointed shall exercise the powers conferred and perform the duties imposed on the [Commissioner] by this Act or by any other enactment for the time being in force, and shall be subject to the same liabilities, restrictions and conditions to which the [Commissioner] is liable and shall receive such monthly salary not exceeding [the salary payable for the time being payable to the Commissioner] as the State Government may determine.[Other Officers and Servants]

49. Appointment and salary of principal officers. - (1) Subject to confirmation by the State Government, the Corporation may at any time and from time to time, appoint a person to be the [Deputy Municipal Commissioner] if it shall appear to it expedient so to do. Every person so appointed shall receive such

salary and allowances as may be fixed by the Corporation and shall be subject to the same liabilities, restrictions and conditions to which the [Commissioner] is subject.

(2)The Corporation shall appoint fit and proper persons, for such periods, respectively, as it deems fit, to be City Engineer, Health Officer and Municipal Secretary, and shall fix the monthly salary and allowances to be paid to the persons so appointed :Provided that the appointment, salary, allowances and conditions of service of the City Engineer, Health Officer and Municipal Secretary and any step taken by the Corporation with a view to the termination of their appointments shall be subject to the approval of the State Government :Provided further that each of the officers mentioned in sub-section (2) shall, notwithstanding anything contained in the first proviso, be removable from office at any time for misconduct or for neglect of or incapacity for the duties of the office if at a meeting of the Corporation not less than five-eighths of the total number of Councillors consisting the Corporation for the time being shall vote in favour of a proposition in that behalf.

49A. [* * *]

50. Appointment of other officers or servants. - [(1)] Subject to the provisions of this Act the Corporation may appoint such other officers and servants as are necessary for the efficient carrying out of the purposes of this Act, and may assign to them such duties and pay them such salaries, allowances, pensions and gratuities, and make on their behalf. such payments to provident or annuity funds as the Corporation may determine by by-laws made in this behalf under section 415, subject to the condition that no post, the maximum salary of which exceeds [one thousand rupees] per month shall be created without the sanction of the State Government :

Provided that,-(1)the power of appointing a municipal officer, whose minimum monthly salary is not less than, [six hundred rupees], shall vest in the Corporation;(2)the power of appointing municipal officers and servants, whether temporary or permanent, whose minimum salary is not less than [four hundred and fifty rupees] but is less than [six hundred rupees] shall vest in the [Standing Committee];(3)the power of appointing all other municipal officers and servants shall vest in the [Commissioner];(4)any appointment made within his power by the [Commissioner] shall be reported for its information to the [Standing Committee].[(2) Any authority competent to make an appointment under sub-section (1) may employ by transfer to the service of the Corporation any person from the service of another Municipal Corporation or Municipal Committee in the [Maharashtra State] with the consent of such person and the other Corporation or Committee.(3)The State Government may make rules regulating the conditions of service in regard to the leave, provident fund and pension admissible to the person so transferred in respect of the period of service rendered by him before his transfer and specifying the extent of the liability of the local authorities concerned with the transfer.]

51. Acting appointments. - (1) The authority competent to appoint any officer or servant may -

(i)appoint him in a vacant post on which no other municipal officer or servant holds a lien;(ii)grant him such leave as may be due to him under the rules or by-laws framed in this behalf; and(iii)appoint any person to act in the place of such officer or servant upon the conditions laid down in the said rules or by-laws :Provided that -(a)when the acting period exceeds four months, the acting officer or servant shall possess the qualifications prescribed in the rules or by-laws, if any, for the particular post;(b)any appointment of a person to act as City Engineer, Health Officer or Municipal Secretary may be disallowed by the State Government, and shall be null and void from the date the order disallowing it is communicated to the Corporation.(2)A person appointed under this section to act for any officer or servant shall, while so acting, perform the same duties and exercise the same powers and be subject to the same liabilities, restrictions and conditions to which the said officer or servant is liable; and shall receive such pay and allowances as may be provided in the rules or by-laws.

52. Municipal officer or servants not to be interested in any contract with Corporation. - (1) No person shall be eligible for employment as a municipal officer or servant if he-

(a)has, directly or indirectly, by himself or his partner, any share or interest in any contract [* * *] with, by, or on behalf of the Corporation, other than an interest in a land held on a lease from the Corporation, or is a director, secretary, manager or other salaried officer of an incorporated company which has any such share or interest; or(b)has acted or is acting professionally in relation to any matter on behalf of any person having therein any such share or interest as aforesaid.(2)If any municipal officer or servant acquires, directly or indirectly, by himself or by his partner any share or interest as aforesaid, otherwise than as such officer or servant, he shall cease to be a municipal officer or servant and his office shall become vacant.(3)Nothing in the foregoing sub-sections shall apply to any such share or interest as, under section 31, it is permissible for a Councillor to have without being thereby prohibited from voting or taking part in the discussion of any matter.

53. Discharge and infliction of penalties. - (1) Any municipal officer or servant may be discharged -

(a)during a period of probation,(b)if appointed otherwise than under contract to hold a temporary appointment, on the expiration of the period of the appointment,(c)if engaged on contract, in accordance with the terms of the contract, or(d)on account of the abolition of the post held by him or on account of a reduction in the strength of a cadre of municipal officers and servants.(2)The following penalties may, for good and sufficient reasons, be imposed upon any municipal officer or servant-(i)censure;(ii)withholding of increments or promotion, including stoppage at an efficiency bar;(iii)reduction to a lower post or time-scale or to a lower stage in a time-scale;(iv)recovery from pay of the whole or part, of any pecuniary loss caused to the Corporation by negligence or by breach

of orders;(v)suspension;(vi)removal from the service of the Corporation, which does not disqualify from future employment;(vii)dismissal from the service of the Corporation, which ordinarily disqualifies from future employment :Provided that a dismissed municipal officer or servant maybe re-employed by the Corporation with the special sanction of the [Commissioner]; and(viii)fine to be deducted from salary :Provided that no fine shall be inflicted upon members of the clerical and ministerial establishments or upon any municipal servant with a monthly salary of more than forty rupees.Explanation. - The penalty of removal may be inflicted upon a municipal officer or servant either for misconduct not sufficiently grave to justify dismissal or on account of general unfitness for the duties of his office.(3)If a municipal officer or servant -(a)has been engaged on a written contract, he shall be entitled to notice, or salary in lieu of notice, in accordance with the terms of that contract;(b)has not been engaged on a written contract, he shall be entitled to one month's notice of the termination of his services or one month's salary in lieu of notice.(4)Municipal officers and servants discharged during a period of probation or on the expiration of the period of a temporary appointment, whether under contract or not, shall not be entitled to any notice or salary in lieu of notice.(5)No municipal officer or servant shall be discharged, dismissed or removed from the service of the Corporation by order of any authority subordinate to that which makes appointments to the post he holds at the time of the order.

54. Extraordinary Pension in case of officer or servant injured or killed in execution of his duty. - The Corporation may give an extraordinary pension, gratuity or compassionate allowance in accordance with the rules or by-laws framed in this behalf,-

(a)to any municipal officer or servant injured in the execution of his duty, or(b)to the family or other relatives dependent on any municipal officer or servant who is killed, in the execution of his duty, or whose death is due to devotion to duty or who dies during service :Provided that, the extraordinary pension, gratuity or compassionate allowance paid to a municipal officer or servant shall in no circumstances exceed that payable to a person of similar rank or position in the service of the [Government].

55. Reinstatement or re-employment of a convicted officer or servant and payment of salary and allowances to such officer or servant. - (1) Any municipal officer or servant who has been sentenced by a Criminal Court to imprisonment for an offence punishable with imprisonment for a term exceeding six months and involving moral turpitude shall, if such sentence is not set aside or reversed in appeal or revision, and if such officer or servant shall not have been dismissed, cease to be a municipal officer or servant on the expiry of such sentence and the Corporation shall not reinstate or re-employ any such officer or servant without the previous sanction of the State Government.

(2)The Corporation shall not pay any salary or any other allowance to any such municipal officer or servant during or on account of the period of his imprisonment ;Provided that, the Corporation may, with the previous sanction of the State Government, grant a subsistence allowance to any such officer or servant during or on account of the said period.

56. Essential officers and servants. - No essential officer or servant shall,-

(a)unless he is authorised in that behalf by the terms of his contract, resign his appointment or quit his employment without giving written notice, not less than one month previously, to the authority appointing him, of his intention so to do; or(b)absent himself from duty otherwise than on leave duly granted and not, subsequently cancelled; or(c)neglect or refuse to perform any of the duties or wilfully perform them in an inefficient manner.

Chapter V

Powers, Duties and Functions of the Municipal Authorities Obligatory and Discretionary Duties of the Corporation

57. Matters to be provided for by Corporation. - (1) The Corporation shall make adequate provision by any means or measures which it may lawfully use or take, for each of the following matters, namely :-

(a)lighting public streets, places and buildings;[(aa) Planning for Economic and Social development;(ab)urban forestry, protection of environment and promotion of ecological aspects;](b)cleaning public streets, places, and sewers and all spaces not being private property which are open to the enjoyment of the public whether such spaces are vested in the Corporation or not: removing noxious vegetation; and abating all public nuisances;[(c) disposing of night-soil and rubbish and, if so required by the State Government, preparation of compost manure, from night soil and rubbish;](d)the maintenance of a fire brigade for extinguishing fire and protection of life and property when fires occur;(e)regulating or abating dangerous or offensive trades or practices;(f)removing obstructions and projections in public streets or places, and in spaces not being private property, which are open to the enjoyment of the public, whether such spaces are vested in the Corporation or in Government;(g)establishing and managing cattle-pounds;(h)securing or removing dangerous buildings or places;(i)acquiring and maintaining, changing and regulating places for the disposal of the dead and disposing of unclaimed dead bodies and dead bodies of paupers;(j)constructing, altering and maintaining public streets, culverts and Corporation bounding marks, urinals, drains, sewers and providing public facilities for drinking water; weatering public streets and places;(k)the management and maintenance of all municipal water-works and the construction and maintenance of new works and means for providing a sufficient supply of suitable water for public and private purposes;(l)the erection in proper and convenient situations on municipal land of water closets, closet accommodation, urinals and other conveniences for the public and the maintenance and the cleansing of the same;(m)the construction and maintenance of public markets and slaughter-houses and the regulation of all markets and

slaughter-houses;(n)establishing and maintaining public hospitals and dispensaries and carrying out other means necessary for public medical relief;(o)the maintenance of an ambulance service;(p)naming streets and numbering houses;(q)registering births and deaths;(r)public vaccination;(s)establishing and maintaining primary schools;(t)prevention of vagrancy; establishing and maintaining poor houses;(u)taking measures to prevent the outbreak, spread or recurrence of infectious diseases;(v)the maintenance of a municipal office and of all public monuments and other property vested in the Corporation;(w)provision of traffic signs;(x)printing and publishing such annual reports and returns on the administration of the Corporation as the State Government may, by general or special order, require the Corporation to submit;(y)the maintenance of public parks, gardens, recreation grounds, public places and open spaces in existence and vested in the Corporation;(z)fulfilling any obligation imposed by this Act or any other law for the time being in force;(z-1) construction and maintenance of veterinary dispensaries;(z-2) establishing and maintaining a farm or factory for the disposal of sewage;(z-3) organisation and maintenance of maternity home; and infant welfare centres.(2)No suit for damages or for specific performance shall be maintainable against the Corporation or any officer or Councillor thereof, on the ground that any of the duties specific in sub-section (1) have not been performed.

58. Matters which may be provided for by Corporation at its discretion. - In addition to the other powers and duties conferred or imposed on it by or under this Act or any other Act for the time being in force, the Corporation may in its discretion provide from time to time either wholly or partly for all or any of the following matters, namely :-

(a)reclaiming unhealthy localities, laying out whether in areas previously built upon or not, new public streets, and acquiring land for that purpose, including plots of land for building to abut on such streets;[(aa) slum improvement and upgradation;(ab)urban poverty alleviation;(ac)cattle pounds and prevention of cruelty to animals; and(ad)regulation of tanneries;](b)constructing, establishing or maintaining public parks or gardens, libraries, museums, halls, offices, sarais, rest-houses and other public buildings;(c)furthering educational objects other than the establishment and maintenance of primary schools;(d)planting and maintaining road-side and other trees;[(da) providing for parking or halting places or lots for vehicles on any part of any public street or public place which vests in the Corporation;](e)taking a census, and granting rewards for information tending to secure the correct registration of vital statistics;(f)making a survey;(g)the destruction or the detention of ownerless dogs;(h)securing or assisting to secure suitable places for the carrying on of offensive trades;(i)supplying, constructing and maintaining pipe and other fittings for the supply of water to private premises from water-works maintained by the Corporation;(j)supplying, constructing and maintaining receptacles, fittings, pipes and other appliances on or for the use of private premises for receiving and conducting the sewage thereof into sewers under the control of the Corporation;(k)fairs and exhibitions;(l)constructing and maintaining such roads and buildings and other Government works as the State Government may transfer to the Corporation;(m)organisation and management of chemical or bacteriological laboratories for the examination or analysis of water, food or drugs, for the detection of disease or for researches connected with public health;(n)the construction and maintenance in the public

streets of drinking fountains for human beings and water-troughs for animals;(o)the prevention of cruelty to animals;(p)the playing of music in squares, gardens or other places of public resort;(q)the construction, purchase, organisation, maintenance or management of tramways, trackless trams or motor transport facilities for the conveyance of the public;(r)preparation and presentation of address to persons of distinction;[(ra) making any contribution towards any public reception, ceremony or entertainment :Provided that, the total expenditure on account of such contributions during any financial year shall not exceed rupees twenty-five thousand or such higher amount as the State Government may, from time to time, by notification published in the Official Gazette, specify in this behalf;(rb)with the previous sanction of the State Government and subject to such terms and conditions as the State Government may impose, subscribing to the share capital of any company or co-operative society, with a limited liability established or to be established for maintaining or setting up a slaughter-house or plant for the treatment of town refuse, or for providing any other services in the City, useful to the Corporation in carrying out any of the duties imposed upon it by or under this Act or any other law for the time being in force;](s)any other matter likely to promote the public health, safety or convenience of the public.[58A. Entrustment of certain functions by State Government to Corporation. - (1) The State Government may entrust either conditionally or unconditionally to the Corporation function in relation to any matter specified in the Schedule or in relation to any other matter to which the executive authority of the State extends or in respect of which functions have been entrusted to the State Government by the Central Government and the Corporation shall be bound to perform these functions.(2)Where functions are entrusted to the Corporation under this section, the Corporation shall, in the discharge of these functions, act as an agent for the State Government.(3)Where by virtue of this section powers and duties have been conferred or imposed as agency functions upon the Corporation, there shall be paid by the State Government to the Corporation such sum as may be determined by the State Government in respect of any extra costs of administration incurred by the Corporation in connection with the exercise of those powers and duties.(4)In so far as the Corporation is required to act under this section, it shall be under the general control of, and comply with such particular directions, if any, as may, from time to time, be given to it by the State Government or any other authority appointed by the State Government in this behalf.(5)The State Government may, by order, place at the disposal of the Corporation, and the Corporation shall utilise, the services of such servants of the State or such classes of servants of the State as are employed in the City in connection with a matter entrusted to the Corporation under this section, and all such servants shall discharge; their duties under the general supervision and control of the [Commissioner] :Provided that the extent of the said general supervision and control shall be such as may be prescribed by rules made under section 420.][58B. Performance of functions by agencies. - Where any duty has been imposed on, or any function has been assigned, to the Corporation under this Act or any other law for the time being in force, or the Corporation has been entrusted with the implementation of a scheme, the Corporation may, -(i)either discharge such duties or perform such functions or implement such schemes by itself; or(ii)subject to such directions as may be issued and the terms and conditions as may be determined by the State Government, cause them to be discharged, performed or implemented by any agency :Provided that, the Corporation may also specify terms and conditions, not inconsistent with the terms and conditions determined by the State Government for such agency arrangement.

58C. Environment Status Report. - The [Commissioner] shall before the 31st day of July every year place before the Corporation the report on the status of environment within the City of Nagpur in respect of the last preceding financial year covering such matters, and in such manner as may be specified by the State Government from time to time.]

[59. Functions of the several Municipal Authorities. - (1) The functions of the several municipal authorities shall be such as are specifically prescribed in this Act.(2)Municipal Government of the City vests in Corporation. - Except as in this Act otherwise expressly provided, the Municipal Government of the City vests in the Corporation.(3)Special functions of Commissioner. - Subject, whenever it is in this Act expressly so directed, to the approval or sanction of the Corporation or of the Standing Committee, and subject also to all other restrictions, limitations and conditions imposed by this Act, the entire executive power for the purpose of carrying out the provisions of this Act vests in the Commissioner who shall also -(a)perform all the duties and exercise all the powers specifically imposed or conferred upon him by this Act;(b)exercise supervision and control over the acts and proceedings of all municipal officers and servants, and, subject to the rules or by-laws for the time being in force, dispose of all questions relating to the services of the said officers and servants and their pay, privileges and allowances;(4)Emergency powers of Mayor and Commissioner. - On the occurrence of any accident or unforeseen event, or on the threatened occurrence of any disaster, involving or likely to involve extensive damage to any property of the Corporation or danger to human or animal life, the Commissioner shall in consultation and with the approval of the Mayor take such immediate action as the emergency shall appear to him to justify and require reporting forthwith to the Standing Committee or the Corporation, when he has done so, the action he has taken and his reasons for taking the same and the cost, if any, incurred or likely to be incurred in consequence of such action and not covered by a current budget grant :Provided that, in absence of either the Mayor or the Commissioner, any one of them who is present shall take such immediate decision and action.(5)Municipal officers may be empowered to exercise the powers of Commissioner. - Any of the powers, duties or functions conferred or imposed upon or vested in the Commissioner by this Act may be exercised, performed or discharged under the Commissioner's control and subject to his superintendence and to such conditions and limitations, if any, as he may think fit to prescribe, by any municipal officer whom the Commissioner may generally or specially empower in writing in this behalf.][59A. * * *

59B. * * *]

[59C. Delegation of powers of Municipal Authorities. - Any of the powers, duties and functions conferred upon, assigned to or vested in the Mayor, the Deputy Mayor, [* * *] and the Commissioner by or under this Act may be exercised, performed or discharged by such officer to whom such powers, duties or functions are delegated by the concerned authority by general or special order made, from time to time, in this behalf.]

60. Corporation may call for extracts from proceedings, etc., from the [Standing Committee] etc. - The Corporation may at any time call for an extract from any proceedings of [the Standing Committee] and for a return, statement, account or report concerning or connected with any matter with which [the Standing Committee] is empowered by this Act to deal; and every such requisition shall be complied with by [the Standing Committee] without unreasonable delay.

61. Corporation may require [Commissioner] to produce documents. - (1) The Corporation may at any time require the [Commissioner] -

(a) to produce any record, correspondence, plan or other document which is in his possession or under his control as [Commissioner] or which is recorded or filed in his office or in the office of any municipal officer or servant subordinate to him; (b) to furnish any return, plan, estimate, statement, account or statistics, concerning or connected with any matter appertaining to the administration of this Act or the Municipal Government of the City; (c) to furnish a report by himself, or to obtain from the head of a department subordinate to him and furnish, with his own remarks thereon, a report upon any subject concerning or connected with the administration of this Act or the Municipal Government of the City. (2) Every such requisition shall be complied with by the [Commissioner] without unreasonable delay and it shall be incumbent on every municipal officer and servant to obey any order made by the [Commissioner] in pursuance of any such requisition. (3) If, on any such requisition being made, the [Commissioner] shall declare that immediate compliance therewith would be prejudicial to the interests of the Corporation or of the public, it shall be lawful for him to defer such compliance until a time not later than the second ordinary meeting of the Corporation after he shall have declared as aforesaid. If at such meeting, or any meeting subsequent thereto, the Corporation shall repeat the requisition and it shall then still appear to the [Commissioner] in expedient to comply therewith, he shall make a declaration to that effect. Thereupon it shall be lawful for the Corporation to form a Committee consisting of [the Mayor, one Councillor chosen by the Corporation and one member elected by the Standing Committee from amongst its members] which shall engage to keep secret the existence and purport of all such documents and matters as may be disclosed to them except as hereinafter provided. The [Commissioner] shall be bound to make known and to disclose to the said Committee all writings and matters within his knowledge or under his control or otherwise available to him and included within the said requisition and the said Committee having taken cognizance of the information, writings and matters so laid before it shall determine by a majority of votes whether the whole or any part, and which part, if any, of such matters ought to be disclosed to the Corporation or kept secret for a defined time, which decision shall be conclusive and shall be reported to the Corporation at the next ordinary meeting thereof. (4) At such meeting the [Commissioner] when called on to do so by the Corporation, shall produce any documents and make any report or statement that may be required in order to give effect to the decision of the Committee.

62. Exercise of functions to be subject to sanction by Corporation of the necessary expenditure. - The exercise or performance by any municipal authority of any power conferred or duty imposed by or under this Act which is likely to involve expenditure shall, except in any case specified in the proviso to section 84, be subject to the following conditions namely :-

(a) such expenditure, so far as it is to be incurred in the financial year in which such power may be exercised or duty performed, shall have been provided for under a current budget grant; and (b) if the exercise of such power or the performance of such duty involves or is likely to involve expenditure for any period or at any time after the close of the said financial year, liability for such expenditure shall not be incurred without the sanction of the Corporation. [63. Procedure for making contracts by or on behalf of Corporation. - With respect to the making of contracts under or for any purpose of this Act, including contracts relating to the acquisition and disposal of immovable property or any interest therein, the following provisions shall have effect, namely :- (a) every such contract shall be made on behalf of the Corporation by the Commissioner; (b) no such contract, for any purpose which, in accordance with any provision of this Act, the Commissioner may not carry out without the approval or sanction of the Corporation or some other municipal authority, shall be made by him until or unless such approval or sanction has first been duly obtained; (c) no contract, other than a contract relating to the acquisition of immovable property or any interest therein or any right thereto, which will involve an expenditure exceeding rupees ten lakhs but [not exceeding rupees fifteen lakhs shall be made by the Commissioner, unless the same is approved by the Mayor. However, the total amount of the contracts approved by the Mayor shall not exceed rupees one crore during a year.] For any contract, which involves an expenditure [in excess of rupees fifteen lakhs] the previous approval of the Standing Committee shall be necessary : Provided that, the Standing Committee shall consider and dispose of the proposals made by the Commissioner for previous approval, within thirty days from the date of receipt thereof, failing which the previous approval to such contract shall be deemed to have been given by the Standing Committee and a report to that effect shall be made by the Commissioner to the Corporation; (d) every contract made by the Commissioner involving expenditure exceeding [fifty thousand rupees] but not exceeding [three lakh rupees] or such higher amount as may be fixed under clause (c) shall be reported by him, within fifteen days after the same has been made, to the [Standing Committee]; (e) the foregoing provisions of this section shall, as far as may be, apply to every contract which the Commissioner shall have occasion to make in the execution of this Act; and the same provisions of this section which apply to an original contract shall be deemed to apply also to any variation or discharge of such contract.] [64. Tenders to be invited for contracts involving expenditure exceeding fifty thousand rupees. - (1) The Commissioner shall invite tenders for contracts involving expenditure exceeding fifty thousand rupees. (2) The mode of executing contract under this Act shall be prescribed by the by-laws made under this Act. (3) No contract which is not made in accordance with the provisions of this Act and the rules and by-laws made thereunder shall be binding on the Corporation.] [64A. Commissioner to execute resolution. - The Commissioner shall execute all the resolutions made by the Corporation, the Standing Committee or any other Committee: Provided that, the Corporation, the Standing Committee or any other Committee, as the case may be, shall obtain and take into consideration the remarks of the Commissioner, before making any resolution

:Provided further that, if the Commissioner is of the opinion that the resolution passed or decision taken by the Corporation or any of the Committee is against the provisions of any law for the time being in force or may lead to wastage of municipal funds or seeks to divert funds allocated for any of the obligatory duties of the Corporation to some other purpose or is against the policy of the State Government, he may, before implementing the decision seek the direction from the State Government and the State Government shall within forty-five days of the receipt of such reference made by the Commissioner, issue directions to the Commissioner whether such decision should be implemented or not and the directions issued by the State Government shall be binding on the Corporation, or the concerned Committee, as the case may be.]

Chapter VI

Municipal Property and Liabilities

65. Transfer to Corporation of property of Municipality of Nagpur. - All property movable and immovable, and all interest of whatsoever nature or kind therein, vested in the Civil Station Sub-Committee, Nagpur, and the City Municipal Committee, Nagpur, at the commencement of this Act, with all rights of whatsoever description used, enjoyed or possessed by the said Committees shall be deemed to be vested in the Corporation as constituted under this Act.

66. Property of public institutions managed by municipal authority to be held in trust. - (1) All property, endowments and funds belonging to any public institution with the management, control, and administration of which the Corporation is charged under the provisions of this Act or of any other enactment for the time being in force, shall vest in the Corporation in trust for the purposes to which such property, endowments and funds may lawfully be applied.

(2)The Corporation may, with the sanction of the State Government, transfer to Government any property, endowments and funds so vested in it in trust under sub-section (1):Provided that no trusts of public rights subject to which such property, endowments and funds are held shall be affected by such transfer.

67. Acquisition of immovable property or easement by agreement. - (1) Whenever, it is provided by this Act that the [Commissioner] may acquire, or whenever it is necessary or expedient for any purpose of this Act that the [Commissioner] shall acquire, any immovable property, such property may be acquired by the [Commissioner] on behalf on 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 [Standing Committee]; either generally for any class of cases or specially in any particular case.

(2)Whenever under any provision of this Act the [Commissioner] is authorised to agree to pay the whole or any portion of the expenses of acquiring any immovable property, he shall do so on such terms, and at such rates or prices, or at rates or prices not exceeding such maxima, as shall have been approved by the [Standing Committee] :Provided that, no agreement for the acquisition of any immovable property under sub-section (1) or (2) at a price exceeding one thousand rupees shall be valid until such agreement has been approved by the Corporation.(3)The [Commissioner] may, on behalf of the Corporation, acquire by agreement any easement affecting any immovable property vested in the Corporation, and the provisions of subsections (1) and (2) shall apply to such acquisition.

68. Procedure when immovable property or easement cannot be acquired by agreement. - (1) Whenever the Commissioner is unable under section 67 to acquire by agreement any immovable property or any easement affecting any immovable property vested in the Corporation, or whenever any immovable property or any easement affecting any immovable property vested in the Corporation is required for the purposes of this Act, the State Government may in its discretion, upon the application of the [Commissioner] made with the approval of the [Standing Committee], order proceedings to be taken for acquiring the same on behalf of the Corporation as if such property or easement were land needed for a public purpose within the meaning of the Land Acquisition Act, 1894.

(2)The amount of the compensation awarded and all other charges incurred in the acquisition of any such property or easement shall, subject to all other provisions of this Act, be forthwith paid by the [Commissioner] and thereupon the said property or easement shall vest in the Corporation.(3)When any land is required for a new street or for the improvement of an existing street, the Corporation may proceed to acquire, in addition to the land to be occupied by the street, the land necessary for the sites of the building to be erected on both sides of the street, and such land shall be deemed to be required for the purposes of this Act.

69. Decision of claims to property by or against Corporation. - (1) Where any immovable property or any right in or over any such property is claimed by or on behalf of the Corporation, or by any person as against the Corporation, it shall be lawful for the Deputy Commissioner of Nagpur after formal enquiry, of which due notice has been given, to pass an order deciding the

claim.

(2)The Corporation or any person aggrieved by an order passed by the Deputy Commissioner of Nagpur under subsection (1) may, notwithstanding anything contained in any law for the time being in force, within one year from the date on which the Corporation or such person had due notice of such order, institute a suit in any competent Civil Court to set aside such order or to claim a relief consistent therewith.(3)If any such suit is instituted after the expiration of one year from the date on which the notice of such order has been given, such suit shall be dismissed although limitation has not been set up as a defence.(4)The Deputy Commissioner of Nagpur may, by general or special order, delegate the powers conferred on him under this section to an Assistant Commissioner or an Extra-Assistant Commissioner subordinate to him.(5)The formal enquiry referred to in this section shall be conducted in accordance with the provisions of [the Maharashtra Land Revenue Code, 1966].(6)A person shall be deemed to have had due notice of an enquiry or order under this section if notice thereof has been given in accordance with the provisions of [the Maharashtra Land Revenue Code, 1966].

70. Provisions governing the disposal of municipal property or property vesting in or under the management of Corporation. - (1) No nazul lands, streets, public places, drains or irrigation channels shall be sold, leased or otherwise alienated, save in accordance with such rules as the State Government may make in this behalf.

(2)Subject to the provisions of sub-section (1),-(a)the [Commissioner] may, [in his discretion] grant a lease of any immovable property belonging to the Corporation including any right of fishing or of gathering and taking fruit, flowers and the like, of which the premium or rent, or both, as the case may be, does not exceed five hundred rupees for any period not exceeding twelve months at a time :[Provided that every such lease granted by the Commissioner, other than a lease of a class in respect of which the Standing Committee has by resolution exempted the Commissioner from compliance with the requirements of this proviso, shall be reported by him to the Standing Committee within fifteen days after the same has been granted];(b)with the sanction of the [Standing Committee] the [Commissioner] may dispose of by sale or otherwise, any such right as aforesaid, for any period not exceeding three years at a time of which the premium or rent, or both, as the case may be, for any one year does not exceed three thousand rupees;(c)with the sanction of the Corporation, the [Commissioner] may lease, sell or otherwise convey any immovable property belonging to the Corporation.(3)The [Commissioner] may -(a)in his discretion, dispose of by sale or otherwise, any movable property belonging to the Corporation not exceeding five hundred rupees in value;(b)with the sanction of the [Standing Committee] dispose of by sale or otherwise any movable property belonging to the Corporation;(c)with the sanction of the Corporation, sell or otherwise convey any movable property belonging to the Corporation.(4)The sanction of the [Standing Committee] or of the Corporation under sub-section (2) or sub-section (3) may be given either generally for any class of cases or specifically in any particular case.(5)The foregoing provisions of this section shall apply to every disposal of property belonging to the Corporation made under, or for the purposes of this Act :Provided that -(i)no property vesting in the Corporation in a trust shall

be leased, sold or otherwise conveyed in a manner that is likely to affect the trust subject to which such property is held;(ii)no land exceeding ten thousand rupees in value shall be sold, leased or otherwise conveyed without the previous sanction of the State Government and every sale, lease or other conveyance of property vesting in the Corporation shall be deemed to be subject to the conditions and limitations imposed by this Act or by any other enactment for the time being in force.[(6) Notwithstanding anything contained in this section the Commissioner may, with the sanction of the Corporation and with the approval of the State Government, grant a lease for a period not exceeding thirty years, of a land belonging to the Corporation which is declared as a slum area under the provisions of the Maharashtra Slum Area (Improvement, Clearance and Redevelopment) Act, 1971 to a co-operative society of slum dwellers, at such rent, which may be less than the market value of the premium, rent or other consideration, for the grant of such lease, and subject to such conditions as the Corporation may impose. The approval of the State Government under this subsection may be given either generally for any class of cases of such lands or specially in any particular case of such land: Provided that, the Commissioner may, in like manner renew, from time to time, the lease for such period and subject to such conditions as the Corporation may determine and impose. Explanation. - For the purposes of this sub-section, the expression "slum dwellers" means the slum dwellers whose names are included -(a) in the list of hutment dwellers prepared in the census of hutments taken in the year 1976; or (b) where such census of hutments is not taken in the Assembly roll in force in the year 1976; or (c) in the Assembly roll prepared in 1980 and published in May, 1980; or (d) where it is contended that the name of a slum dweller remained to be included in the Assembly roll for the year 1980, in the Assembly roll in force in the year 1977, 1978 or 1979, and who are occupying such land on the date of making an application by their co-operative society to the Corporation for grant of lease of such land].

71. Management of nazul lands. - (1) The nazul lands transferred to the Corporation by the State Government shall be managed in accordance with the by-laws made by the Corporation with the previous approval of the State Government.

(2) The Corporation may, with the previous approval of the State Government, from time to time, add to, vary or rescind the by-laws made under sub-section (1).

72. Supply of water to area outside the City. - The Corporation may, with the previous sanction of, and on such terms as may be approved by the State Government, undertake to supply water to any area outside the city from the waterworks maintained by the Corporation and do other acts ancillary thereto.

73. Property vested in Corporation. - Subject to any special reservation made or to any special conditions imposed by the State Government, all property of the nature hereinafter in the section specified and situated within the city, shall vest in and be under the control of the Corporation, and with all other

property which has already vested, or may hereafter vest in the Corporation, shall be held and applied by it for the purposes of this Act, that is to say,-

(a)all public town-walls, gates, markets, slaughter-houses, manure and night-soil depots and public buildings of every description, which have been constructed or are maintained out of the municipal fund;(b)all public streams, springs and works for the supply, storage and distribution of water for public purposes, and all bridges, buildings, engines, materials and things connected therewith, or appertaining thereto, and also any adjacent land (not being private property) appertaining to any public tank or well;(c)all public sewers and drains, and all sewers, drains, culverts and watercourses in or under any public street, or constructed by or for the Corporation alongside any public street, and all works, materials and things appertaining thereto;(d)all dust, dirt, dung, ashes, refuse, animal matter, or filth or rubbish of any kind, or dead bodies of animals collected by the Corporation from the streets, houses, privies, sewers, cesspools or elsewhere or deposited in places fixed by the Corporation;(e)all public lamps, lamp-posts and apparatus connected therewith or appertaining thereto;(f)all land or other property transferred to the Corporation by the Government or acquired by gift, purchase or otherwise for local public purposes;(g)all public streets not being land owned by the Government and the pavements, stone and other materials thereof and also trees growing on, and erections, materials, implements and things provided for such streets.

74. Record of immovable property. - The Corporation shall maintain a register and a map of all immovable property of which it is the proprietor or which vests in it otherwise or which it holds in trust for the State Government.

75. Resumption by Government. - The State Government may resume any immovable property transferred to the Corporation by itself or by any local authority, where such property is required for a public purpose, without payment of any compensation other than the amount paid by the Corporation for such transfer and the market value at the date of resumption of any buildings or works subsequently erected or executed thereon by the Corporation with the intention that such buildings or works should be permanent :

Provided that compensation need not be paid for buildings or works constructed or erected in contravention of the terms of the transfer.

76. Management of Public Institutions. - (1) The management, control and administration of every public institution maintained out of the municipal fund shall vest in the Corporation.

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

in trust for the purposes to which such property, endowments and funds were lawfully applicable at the time when the institution was so placed :Provided that the extent of the independent authority of the Corporation in respect of any such institution may be prescribed by the State Government :Provided also that nothing in this section shall be held to prevent the vesting of any trust property in the Treasurer of Charitable Endowments, under the Charitable Endowments Act, 1890.[Chapter VI-A Power to Evict Persons from Corporation Premises

76A. Definitions. - In this Chapter :-

(a)"Corporation premises" means any premises belonging to, or vesting in, or taken on lease, by the Corporation;(b)"regulations" means regulations made by the Commissioner under section 76-I,(c)"unauthorised occupation", in relation to any Corporation premises, means the occupation by any person of Corporation premises without authority for such occupation; and includes the continuance in occupation by any person of the premises after the authority under which he was allowed to occupy the premises has expired, or has been duly determined.

76B. Power to evict persons from Corporation premises. - (1) Where the Commissioner is satisfied,-

(a)that the person authorised to occupy any Corporation premises has, whether before or after the commencement of the City of Nagpur Corporation (Amendment) Act, 2004,-(i)not paid for a period of more than two months, the rent or taxes, fees, compensation lawfully due from him in respect of such premises; or(ii)sub-let the whole or any part of such premises; or(iii)committed, or is committing, such acts of waste as are likely to diminish materially the value, or impair substantially the utility, of the premises; or(iv)otherwise acted in contravention of any of the terms, express or implied, under which he is authorised to occupy such premises;(b)that any person is in unauthorised occupation of any Corporation premises;(c)that any Corporation premises in the occupation of any person are required by the Corporation in public interest, the Commissioner may, notwithstanding anything contained in any law for the time being in force, by notice served by post, or by affixing a copy of it on the outer door or some other conspicuous part of such premises, or in such other manner as may be provided for by regulations, order that person, as well as any other person who may be in occupation of the whole or any part of the premises, that such person or persons, as the case may be shall vacate the same within one month of the date of the service of the notice.(2)Before an order under sub-section (1) is made against any person, the Commissioner shall issue, in the manner hereinafter provided, a notice in writing calling upon all persons concerned to 'show cause why an order of eviction should not be made'.The notice shall,-(a)specify the grounds on which the order of eviction is proposed to be made; and(b)require all persons concerned, that is to say, all persons who are or may be in occupation of, or claim interest in, the Corporation premises, to show cause against the proposed order, on or before such date as is specified in the notice.If such person makes an application to the Commissioner for the extension of period specified in the notice the Commissioner may grant the same on such terms as to payment and recovery of the amount claimed in the notice, as he deems fit.Any written statement put in by any person and documents produced, in pursuance of the notice, shall be filed with the record of the case, and such person shall be entitled to appear before the Commissioner by advocate, attorney or

other legal practitioner. The notice to be served under this sub-section shall be served in the manner provided for the service of a notice under sub-section (1); and thereupon, the notice shall be deemed to have been duly given to all persons concerned. (3) If any person refuses or fails to comply with an order made under sub-section (1), the Commissioner may evict that person and any other person who obstructs him and take possession of the premises; and may for that purpose use such force as may be necessary. (4) The Commissioner may, after giving fourteen clear days notice to the person from whom possession, of the Corporation premises has been taken under sub-section (3) and after publishing such notice in the Official Gazette and in at least one newspaper in local language circulating in the locality, remove or cause to be removed, or dispose of by public auction any property remaining on such premises. Such notice shall be served in the manner provided for the service of a notice under sub-section (1). (5) Where the property is sold under sub-section (4), the sale proceeds shall, after deducting the expenses of sale, be paid to such person or persons as may appear to the Commissioner to be entitled to the same; Provided that, where the Commissioner is unable to decide as to the person or persons to whom the balance of the amount is payable or as to the apportionment of the same, he shall refer such dispute to a Civil Court of competent jurisdiction and the decision of the Court thereon shall be final. (6) If a person, who has been ordered to vacate any premises under sub-clause (i) or (iv) of clause (a) of subsection (1), within one month of the date of service of the notice, or such longer time, as the Commissioner may allow, pays to the Commissioner the rent and taxes in arrears, or as the case may be, carries out or otherwise complies with the terms contravened by him to the satisfaction of the Commissioner, the Commissioner shall on such terms, if any (including the payment of any sum by way of damages or compensation for the contravention aforesaid), in lieu of evicting such person under sub-section (3), cancel his order made under sub-section (1) and thereupon such person shall continue to hold the premises on the same terms on which he held them immediately before such notice was served on him.

76C. Power to recover rent or damages as arrears of property tax. - (1)
Subject to any regulation made by the Commissioner in this behalf, but
without prejudice to the provisions of section 76-B, where any person is in
arrears of rent payable in respect of any Corporation premises, the
commissioner may, by notice served in the manner provided for service of
notice under sub-section (1) of section 76-B, order that person to pay the
same within such time not less than ten days as may be specified in the
notice.

(2) Where any person is in unauthorised occupation of any Corporation premises, the Commissioner may in the manner and having regard to the principles of assessment of damages provided for by the regulations, assess such damages on account of the use and occupation of the premises as he may deem fit and may, by notice, served in the manner referred to in sub-section (1) order that person to pay the damages, within such time as may be specified in the notice. (3) If any person refuses or fails to pay, within the time specified in the notice the arrears of rent under sub-section (1), or damages under sub-section (2), the Commissioner may recover the amount of rent, or as the case may be of damages in the same manner as the general or property tax due from such person. (4) No order shall be made under sub-section (2) until after the issue of a notice in writing to the person calling upon

him to show cause within a reasonable period to be specified in such notice, why such order should not be made, and until his objections, if and any evidence he may produce in support of the same have been considered by the Commissioner.

76D. Rent to be recovered by deduction from salary or wages in case of Corporation employees. - Without prejudice to the provisions of section 76-B, in the case of any person who is an employee of the Corporation and who has been allotted any Corporation premises, the amount of rent due by him in respect of such premises shall, on a requisition in writing made in this behalf by the Commissioner to the Head of the Corporation Department or Officer under whom such person is employed, be liable to be deducted from the salary or wages payable to such person. On receipt of such requisition, the Head of such Department or Officer, as the case may be, shall deduct from the salary or wages payable to such person the amount specified in the requisition and pay the amount so deducted to the Commissioner in satisfaction of the rent due by him.

76E. Commissioner to have powers of Civil Court. - The Commissioner shall, for the purpose of holding any inquiry under this Chapter, have the same powers as are vested in a Civil Court under the Code of Civil Procedure, 1908, when trying a suit, in respect of the following matters, namely

(a) summoning and enforcing the attendance of any person and examining him on oath; (b) requiring the discovery and production of documents; (c) any other matter which may be prescribed by regulations made under section 76-I.

76F. Appeal. - (1) An appeal shall lie from every order of the Commissioner, made in respect of any Corporation premises under section 76-B or section 76-C, to an appellate office, who shall be the District Judge or such other judicial officer in the City of not less than ten year's standing, as the District Judge may designate in this behalf.

(2) An appeal under sub-section (1) shall be preferred, - (a) in the case of an appeal from an order under section 76-B, within thirty days from the date of the service of the notice relating to the order under sub-section (1) of that section, and (b) in the case of an appeal from an order under section 76-C, within thirty days from the date of the service of the notice relating to the order under sub-section (1) or (2) of that section, as the case may be; Provided that, the appellate officer may entertain the appeal after the expiry of the said period of thirty days, if he is satisfied that the appellant was prevented by sufficient cause from filing the appeal in time. (3) Where an appeal is preferred from an order of the Commissioner, the appellate officer may stay the enforcement of that

order for such period, and on such conditions as the deems fit.(4)Every appeal under this section shall be disposed of by the appellate officer as expeditiously as possible.

76G. Finality of orders. - Save as otherwise expressly provided in this Chapter, every order made by the Commissioner or the appellate officer under this Chapter shall be final and shall not be called in question in any or suit application or execution proceeding.

76H. Bar of Jurisdiction. - Subject to regional the provisions of this Chapter, no Civil Court shall have jurisdiction to entertain any suit or proceeding in respect of the eviction of any person from any Corporation premises on any of the grounds specified in section 76-B or the recovery of the arrears of rent or the damages payable for use or occupation of such premises.

76I. Power to make regulations. - Commissioner with the approval of Standing Committee, may make regulations for all or any of the following matters, namely :-

(a)the forms of notice under sections 76-B and 76-C and for prescribing the other manners in which they may be served under those sections;(b)the holding of inquiries under this Chapter;(c)the procedure to be following in taking possession of any Corporation premises under section 76-B;(d)the manner in which the damages under section 76-C may be assessed and the principles which may be taken into account in assessing such damages;(e)the manner in which appeal may be preferred under section 76-F and the procedure to be followed in such appeal; or(f)any other matter which has to be, or may be, prescribed under this Chapter by regulations.

76J. Penalty for obstructing lawful exercise of power under this Chapter. - Any person, who obstructs the lawful exercise of any power conferred by or under this Chapter shall, on conviction be punished with fine which may extend to one thousand rupees].

Part III

Finance

Chapter VII

[The Municipal Fund and Other Funds]The Municipal Fund[77. Municipal fund to be held in trust. - Subject to the provisions of sections 83A and 83B, there shall be a Municipal Fund and it shall be held in trust for the purposes of this Act.]

78. Credit of money to municipal fund. - (1) [Subject to the provisions of sections 83A and 83B there shall be credited to the municipal fund] -

(a)all moneys received by or on behalf of the Corporation under the provisions of this Act or of any other law for the time being in force or under any contract;(b)the balance standing to the credit of the Civil Station Sub-Committee, Nagpur, and the City Municipal Committee, Nagpur, on the day when the Act comes into force;(c)all proceeds of the disposal of property by, or on behalf of the Corporation;(d)all rents accruing from any property of the Corporation;(e)all moneys raised by any tax levied for the purposes of this Act;(f)all fees payable and levied under this Act;(g)all moneys received by way of compensation or for compounding offences under the provisions of this Act;(h)all moneys received by, or on behalf of the Corporation from the State Government or private individuals by way of grant or gift or deposits; and(i)all interest and profits arising from any investment of, or from any transaction in connection with, any money belonging to the Corporation.(2)Nothing in this section or in the last foregoing section shall in any way affect any obligations accepted by or imposed upon the City Municipal Committee, Nagpur, and the Civil Station Sub-Committee, Nagpur, by any declarations of Trust executed by or on behalf of the said Municipal Committees or by any scheme settled under the Charitable Endowments Act, 1890, for the administration of the Trust.[78A. Annual grant by State Government from proceeds of land revenue, non-agricultural assessment and entertainments duty. - The State Government may, under appropriation duly made in this behalf, make a grant to the Corporation every year of such amount as it may, from time to time, determine, having regard to the proceeds of the land revenue and non-agricultural assessment levied and collected under the Maharashtra Land Revenue Code, 1966, and the entertainments duty levied and collected under the Bombay Entertainments Duty Act, 1923 by it in the City. The grant shall be made in such manner and shall be subject to such terms and conditions, as the State Government may, from time to time, determine. All moneys received by the Corporation by way of such grants shall be credited to the municipal fund] :[Provided that, it shall be competent for the State Government to deduct -(a)from the grants made under this section; or(b)from any sum representing the grant-in-aid or the share of the Corporation in the net proceeds of the taxes, duties, tolls and fees levied by the State and distributed and allocated, as determined by the State Government on the recommendations of the Finance Commission, any amount which is due to the State Government or to any Government Corporation, Government company or any other statutory authority constituted by the Government of Maharashtra :Provided further that before making such deductions, the Corporation's say in the matter shall be considered by the Government.]

79. Application from Municipal fund. - The moneys from time to time credited to the municipal fund shall be applied in the following order of preference -

Firstly, in making due provisions for the payment of all loans payable by the Corporation under the provisions of Chapter IX.Secondly, in discharge of all liabilities imposed on the Corporation by sub-section (1) of section 3.Thirdly, in payment of all sums, charges, and costs necessary for the purposes specified in sections 57 and 58 and for otherwise carrying this Act into effect, or of which the payment shall be duly or directly sanctioned under any of the provisions of this Act inclusive of

-(a)the cost of auditing the municipal accounts;(b)the expenses of every election of Councillors held under this Act;(c)the salaries, allowances and contributions to pensions and leave salaries of the Commissioner and of any other officer whose services may at the request of the Corporation be placed by the State Government at the disposal of the Corporation;(d)the salaries and allowances of municipal officers and servants, and all pensions, gratuities, contributions and compassionate allowances payable under the provisions of this Act;(e)the salaries and fees of experts for service or advice in connection with any matter arising out of the administration or undertaking of the Corporation;(f)all expenses and costs incurred by the Corporation or by any municipal officers on behalf of the Corporation in the exercise of any power conferred or the discharge of any duty imposed on it or them by this Act, including moneys which the Corporation is required or empowered to pay by way of compensation;(g)every sum payable, -(i)by order of the State Government or under an award made under the [Arbitration Act, 1940], or a decree or order of a Civil Court, as the case may be;(ii)under a decree or order of a Civil or Criminal Court passed against the [Commissioner];(iii)under a compromise of any suit or other legal proceeding or claim;(h)contributions to public institutions which the State Government may, after consulting the Corporation, declare to be in the interest of the inhabitants of the City.

80. Receipts and disposal of payments on account of the Municipal funds. - All moneys payable to the credit of the municipal fund shall be received by the [Commissioner] and shall be, forthwith paid into [the Imperial Bank of India at Nagpur] or into any other Bank approved by the State Government, to the credit of an account which shall be styled "The account of the municipal fund of the City of Nagpur".

81. Drafts on the municipal fund. - (1) Subject to the provision of section 404 no payment shall be made by any bank or society as aforesaid out of the municipal fund except upon a cheque signed in the prescribed manner.

(2)Payment of any sum due by the Corporation not exceeding one hundred rupees in amount, may be made in cash, cheques for sums not in excess of one thousand rupees each being drawn from time to time to cover such payments.(3)Payment of any sum due by the Corporation exceeding one hundred rupees in amount shall be made by means of a cheque signed as provided in sub-section (1), and not in any other way.

82. Deposit of portion of municipal fund outside Nagpur. - Notwithstanding anything contained in section 80 or 81, the [Commissioner], with the previous approval of the [Standing Committee] may, from time to times, remit any portion of the municipal fund to a bank or other agency approved by the State Government and carrying on business at any place beyond the city at which it may be desirable for the Corporation to have funds in deposit; and any money payable to the credit of, or chargeable against the municipal fund

which may, in the opinion of the [Commissioner], be most conveniently paid into or out of the account of the Corporation at any such bank or agency may be so paid.

83. Investment of surplus money. - Surplus moneys at the credit of the municipal fund, which cannot immediately or at an early date be applied to the purposes of this Act or of any loan raised thereunder, may from time to time be deposited in [the Imperial Bank of India at Nagpur] or in any other bank or Co-operative Society approved by the State Government [or deposited with the State Government or with any statutory Corporation approved by the State Government] or may be invested in such public securities as the State Government may prescribe in this behalf.

Chapter VIII

Budget Estimate[Special Funds

83A. Establishment of Consolidated Sewage Disposal and Water Supply Loan Fund. - (1) The Corporation shall establish and set apart a separate fund to be called 'the Consolidated Sewage Disposal and Water Supply Loan Fund' for the purposes of carrying into effect the provisions of Chapters XIII, XIV, XVI and XVII.

(2)The following moneys shall be credited to the said Loan Fund, namely :-(a)any sums borrowed in exercise of the powers conferred by or under this Act for the purposes of Chapters XIII, XIV, XVI and XVI;(b)such portion of the sinking fund referred to in section 97 as the Corporation may, from time to time, determine.(3)The fund so established shall be applied for,-(a)the expenditure on capital works for the purpose of Chapters XIII, XIV, XVI and XVII;(b)the repayment of the previous loans raised for such capital works.(4)Any moneys of the said Fund, not used or not immediately to be used in accordance with sub-section (3), shall be invested by the Commissioner, on behalf of the Corporation with the sanction of the [Standing Committee] in such manner as he deems fit and proper.

83B. Establishment of Sewage and Water Fund. - (1) The Corporation shall establish and set apart a separate fund to be called the Sewage and Water Fund.

(2)All moneys received by or on behalf of the Corporation under clauses (a) and (b) of section 115A or any other moneys received for the purposes of Chapters XIII, XIV, XVI and XVII shall be credited to the Sewage and Water Fund.(3)All moneys payable to the credit of the said Fund shall be received

by the Commissioner and forthwith paid by him into the Bank or Banks approved by the [Standing Committee], from time to time, in this behalf to the credit of account which shall be styled the 'Account of the Sewage and Water Fund' : Provided that, the Commissioner may retain such balance in cash as may be necessary for the purposes of Chapters XIII, XIV, XVI and XVII. (4) The moneys from time to time credited to the said Fund shall be applied only in payment of all sums, charges and costs necessary for the purposes of carrying into effect the provisions of Chapters XIII, XIV, XVI and XVII. (5) Surplus moneys at the credit of the said Fund, which cannot immediately or at an early date be applied as provided in sub-section (4) may, from time to time, be deposited by the Commissioner at interest in the Bank or Banks approved by the [Standing Committee] or be invested in public securities. (6) All such deposits and investments shall be made by the Commissioner on behalf of the Corporation with the sanction of the [Standing Committee], and with the like sanction, the Commissioner may, at any time, withdraw any deposits so made or dispose of any securities and redeposit or reinvest the moneys so withdrawn or the proceeds of the disposal of the securities; but no order for making any such deposit or investment or withdrawal or disposal, shall have any validity, unless the same is in writing signed in the prescribed manner as for signing of cheques under section 81. (7) The loss, if any, arising from any such deposit or investment shall be debited to 'the Sewage and Water Fund'.

84. Only sums covered by a budget grant to be expended from the municipal fund. - Except as hereinafter provided, no payment of any sum shall be made out of the municipal fund [or the special funds] unless the expenditure of the same is covered by a current budget grant and a sufficient balance of such budget grant is still available notwithstanding any reduction or transfer thereof which may have been made under section 87 or 89 ;

Provided that the following items shall be excepted from this prohibition, namely :- (a) sums of which the expenditure has been sanctioned by the [Standing Committee]; (b) refunds of taxes and other moneys which the [Commissioner] is by this Act authorised to make; (c) repayments of moneys belonging to contractors or other persons held in deposit and of money collected or credited to the municipal fund [or the special funds] by mistake; (d) sums which the [Commissioner] is by this Act required or empowered to pay by way of compensation; (e) sums payable in any of the circumstances mentioned in clause (g) in section 79; (f) expenses incurred by the Corporation in the exercise of the powers conferred on it by section 265; (g) costs incurred by the Commissioner under clause (c) of sub-section (3) of section 59.

85. Expenditure under certain of these exceptions to be reported by [Commissioner] to [Standing Committee]. - (1) Whenever any sum is expended by the [Commissioner] under clauses (d), (e) or (g) of the proviso to section 84, he shall forthwith communicate the circumstances to the [Standing Committee] which shall take such action under section 87 or recommend to the Corporation to take such action under section 88 as shall, in the circumstances, appear lawful and expedient for covering the amount of

the additional expenditure.

86. Preparation of budget estimates. - (1) The [Commissioner] shall on or before the [fifth day of February] each year, cause to be prepared and [laid before the Standing Committee], in such form as may be prescribed and in such manner as the [Standing Committee] may approve, budget estimates of the income and expenditure of the municipal fund [and also of the special funds separately] for the next financial year.

[(1A) The [Commissioner], shall, while preparing the statement referred to in clause (i) of sub-section (1) append thereto a report indicating whether the following services are being provided in a subsidised manner and, if so, the extent of the subsidy, the source from which the subsidy was met and the sections or categories of the local population who were the beneficiaries of such subsidy, namely :-(a)water supply and disposal of sewage,(b)scavenging, transporting and disposal of wastes, and(c)street lighting.Explanation. - A service shall be construed as being provided in a subsidised manner if its total cost, comprising the expenditure on operation and maintenance and adequate provision for depreciation of assets and for debt servicing, exceeds the income relatable to the rendering of that service.](2)Such estimates shall -(a)provide for the repayment of all loans with interest due thereon, for the repayment of which the Corporation is liable;(b)provide for the discharge of liabilities imposed on the Corporation by sub-section (1) of section 3;(c)provide for the payment in convenient instalments from the municipal fund of an amount equal to the grant assigned for education;[(ca) as respects the special funds,-(i)provide with reference to the provisions of Chapter XI such rates and extent of such municipal taxes, namely, sewerage tax, sewerage benefit tax, water tax and water benefit tax as the [Commissioner] thinks fit for the purposes of Chapters XIII, XIV, XVI and XVII;(ii)state the estimates of receipt of the aforesaid taxes or of any other receipts;(iii)provide for payment as they fall due, of all sums and of all instalments of principal and interest for which the Corporation may be liable under this Act in respect of matters falling under Chapters XIII, XIV, XVI and XVII; and(iv)provide for such expenditure, if any, as the [Commissioner] considers necessary to be incurred by the Corporation in the next financial year for the purpose of Chapters XIII, XIV, XVI and XVII;](d)allow for a cash balance at the end of the said year of not less than such sum as may be prescribed by the State Government.(3)The [Standing Committee] shall, on or as soon as may be after the [fifth day of February], consider the budget estimates prepared by the [Commissioner] and make such modifications and additions thereto as it shall think fit and submit the same to the Corporation not later than the [twenty-eighth day of February];(4)The Corporation shall finally adopt the budget estimates before the beginning of the year to which they relate and shall forthwith submit copies thereof to the State Government :Provided that, if for any reason the Corporation has not finally adopted the budget estimates before the commencement of the financial year to which they relate, the budget estimates as prepared by the [Commissioner] shall be deemed to be the budget estimates for that year until action has been taken by the Corporation :Provided further that, if the Corporation becomes indebted to the Government, the adoption of budget estimates under this sub-section shall be subject to confirmation by the State Government.

87. Power of [Standing Committee] to reduce or transfer budget grants. - (1) The [Standing Committee] may, from time to time during the financial year, reduce or transfer the amount or a portion of the amount of one budget grant to the amount of any other budget grant under the same major head in the budget estimates :

Provided that -(a) due regard shall be had when making any such reduction or transfer to all the requirements of this Act; and (b) every such reduction or transfer shall be brought to the notice of the Corporation at its next meeting. (2) If any such reduction or transfer is of an amount exceeding five hundred rupees, the Corporation may pass with regard thereto such order as it thinks fit, and it shall be incumbent on the [Standing Committee] and the [Commissioner] to give effect to the said order.

88. Power of Corporation to alter budget grants. - The Corporation may, from time to time during the financial year, transfer the amount or a portion of the amount of one budget grant from one major head to another in the budget estimate, or increase the amount of any budget grants, or make an additional budget grant for the purpose of meeting any special or unforeseen requirement arising during the said year, but not in such a way as to bring the estimated cash balance at the close of the year below the amount fixed under clause (d) of sub-section (2) of section 86.

89. Power of Corporation to re-adjust income and expenditure during the year. - (1) If at any time during the financial year it appears to the Corporation that notwithstanding any reduction of budget grants that may have been made under section 87, the income of the municipal fund during the same year will not suffice to meet the expenditure sanctioned in the budget estimates of that year, it shall be incumbent on the Corporation forthwith to sanction any measure which they may consider necessary for proportioning the year's income to the expenditure.

(2) For the purposes of sub-section (1), the Corporation may either diminish the sanctioned expenditure of the year, so far as it may be possible so to do with due regard to all the requirements of this Act, or have recourse, subject to the conditions and limitations prescribed by this Act, to supplementary taxation or to an increase of the rates, or adopt all or any of those methods. (3) Whenever the Corporation determines to have recourse to such supplementary taxation, it may do so by increasing, for the unexpired portion of the said year, the rates at which any tax imposed under this Act is being levied, or by adding to the number of articles, if any, on which a cess on imports is being levied, but every such increase or addition shall be made subject to the limitations and conditions prescribed in regard to such tax or cess.

Chapter IX

Loans

90. Power of Corporation to borrow money. - (1) Subject to the provisions of section 92 of this Act and section 31 of the Reserve Bank of India Act, 1934, the Corporation, in pursuance of a resolution passed at a special meeting convened for the purpose, may, by the issue of debentures or otherwise on the security of the immovable property vested in the Corporation, or of all or any taxes, duties, tolls, cesses, fees and dues authorized by this Act (or of both the immovable property and all or any taxes, duties, tolls, cesses, fees and dues) raise a loan of any money which may be required-

(i)for the construction of works under this Act, or(ii)for the acquisition of land for the purposes of this Act, or(iii)for the repayment of a loan raised under this Act or any other loan or debt for the repayment of which the Corporation is liable :Provided that,-(i)no loan shall be raised for the construction of any work other than a permanent work, which expression shall include any work of which the cost should in the opinion of the State Government be spread over a term of years;(ii)no loan shall be raised without the previous sanction of the State Government;(iii)the terms upon the period within and the method by which the loan is to be raised and repaid, shall be subject to the approval of the State Government; and(iv)the period within which the loan is to be repaid shall in no case exceed fifty years.(2)When any sum of money has been borrowed under subsection (1),-(i)no portion thereof shall, without the previous sanction of the State Government, be applied to any purpose other than that for which it was borrowed; and(ii)no portion of any sum of money borrowed under clause (i) of sub-section (1) shall be applied to the payment of salaries or allowances of any municipal officers or servants, other than those who are exclusively employed upon the works for the construction of which the money was borrowed :Provided that with the previous sanction of the State Government, part of the salaries or allowances of any municipal officer or servant employed in part upon the construction of such work may be paid out of the sum so borrowed.(3)The amount of the loan, the period within which it shall be repaid, and the terms upon and the method by which the loan is to be raised and repaid shall be notified by the State Government.

91. Power of Corporation to open credit or cash account with a bank. - (1) Notwithstanding anything contained in section 90, whenever the borrowing of any sum has been sanctioned under that section, the Corporation may, instead of borrowing such sum of any part thereof from the public or any member thereof, take credit on such terms as may be sanctioned by the State Government from any bank on a cash account to be kept in the name of the Nagpur Corporation to the extent of such sum or part and, with the previous sanction of the State Government, may grant mortgages of all or any of the

property vested in the Corporation by way of securing the repayment with interest of the amount of such credit or of the sums advanced from time to time on such cash account.

(2)The provisions of sub-section (3) of section 90 shall apply to such sum or part.

92. Limit of borrowing power. - Notwithstanding anything hereinbefore contained the borrowing powers of the Corporation shall be limited so that the sums payable under this Act shall not at any time exceed together with the balances of all the outstanding loans and debts due by the Corporation, in the whole, double the annual value of the lands and buildings in the City as defined in section 119.

93. Form, exchange, transfer and effect of debentures. - (1) All debentures issued under this Act shall be in such forms as the Corporation may, in the case of a loan raised out of India with the previous sanction of the Central Government and in every other case with the previous sanction of the State Government, prescribe.

(2)The holder of any debenture in any form prescribed under sub-section (1) may obtain in exchange therefor, upon such terms as the Corporation may determine, a debenture in any other form so prescribed.(3)Every debenture issued by the Corporation under this Act shall be transferable in such manner as shall be therein expressed.(4)The right to be paid the money secured by any of such debentures and to sue in respect thereto shall vest in the holders thereof for the time being, without any preference by reason of some of such debentures being prior in date to others.

94. Signature on coupons attached to debentures. - All coupons attached to debentures issued under this Act, shall bear the signatures of the [Chairman of the Standing Committee] and the [Commissioner] on behalf of the Corporation and such signatures may be engraved, lithographed or impressed by any mechanical process.

95. Debentures issued to two or more persons jointly. - Notwithstanding anything contained in section 45 of the Indian Contract Act, 1872 -

(1)when any debenture or security issued under this Act is payable to two or more persons jointly, and either or any of them dies, the debenture or security shall be payable to the survivor or survivors of such persons :Provided that nothing in this sub-section shall affect any claim by the legal representative of a deceased-person against such survivor or survivors;(2)when two or more persons are joint holders of any debenture or security issued under the Act, any one of such persons may

give an effectual receipt for any interest or dividend payable in respect of such debenture or security, unless notice to the contrary has been given to the Corporation by any other of such persons.

96. Repayment of loans. - Every loan raised by the Corporation under section 90 shall be repaid within the time approved under proviso (iii) to sub-section (1) of the said section and by such of the following methods as may be approved, namely :-

(a) by payment from a sinking fund established under section 97 in respect of the loan, or (b) by equal payments of principal, and interest, or, (c) by equal payments of principal, or (d) in the case of loans borrowed before this Act comes into force, by annual drawings, or (e) from any sum borrowed under section 90(1) (iii), or (f) partly from the sinking fund established under section 97 in respect of the loan and partly from money borrowed for the purpose under section 90(1)(iii).

97. Establishment and maintenance of sinking funds for such loan. - Whenever the repayment of a loan from sinking fund has been sanctioned under proviso (iii) to subsection (1) of section 90 the Corporation shall establish such fund and shall pay into it on such dates as may have been approved under the said proviso, such sum as will, with accumulation of compound interest, be sufficient after payment of all expenses, to pay off the loan at the time approved:

Provided that if at any time the sum standing to the credit of the sinking fund established for the repayment of any loan is of such amount that if allowed to accumulate at compound interest it will be sufficient to repay the loan at the time approved, then with the permission of the State Government, further payments into such fund may be discontinued.

98. Power of Corporation to consolidate loans. - (1) Notwithstanding anything contained in this Act, the Corporation may consolidate all or any of its loans, or any part of a loan and for that purpose may invite tenders for a new loan to be called "the Nagpur Corporation Consolidated Loan" and invite holders of municipal debentures to exchange their debentures for scrip of such loan.

(2) The terms of every such consolidated loan and the rates at which exchange into such a consolidated loan shall be permitted shall, save in the case of a loan granted by the State Government, be subject to the previous approval of the State Government. (3) Save in the case of a loan granted by the State Government, the period for the extinction of any such consolidated loan shall not, without the sanction of the State Government, extend beyond the furthest date within which any of the loans to be consolidated would otherwise be repayable. (4) The Corporation shall establish a sinking fund for the repayment of every such consolidated loan. (5) The provisions of section 97 shall apply to each sinking fund established under sub-section (4) : Provided that, in

calculating the sum to be paid into any such sinking fund in pursuance of section 97, any sums transferred to that fund in pursuance of the proviso to section 101 shall be taken into account.

99. Investment of sinking fund. - (1) All money paid into a sinking fund shall, as soon as possible be invested by the Corporation in -

(a)Government securities, or(b)Securities guaranteed by Government, or(c)Nagpur Municipal debentures, and shall be held by the Corporation for the purpose of repaying from time to time the debentures issued by it.(2)All dividends and other sums received in respect of any such investment shall, as soon as possible after receipt, be paid into the appropriate sinking fund and invested in the manner prescribed by sub-section (1).(3)Money standing to the credit of two or more sinking funds may, at the discretion of the Corporation, be invested in a common fund, and it shall not be necessary for the Corporation to allocate the securities held in such investments among the several sinking funds.(4)When any part of a sinking fund is invested in Nagpur municipal debentures or is applied to paying off any part of a loan before the period fixed for repayment, the interest which would otherwise have been payable on such debentures or on such part of the loan, shall be paid into the sinking fund and invested in the manner laid down in sub-section (1).(5)Any investment made under this section may, subject to the provisions of sub-section (1), be varied or transposed:Provided that the former sinking fund shall be increased by a sum equal to the sum taken for the purposes of transfer to the latter sinking fund.

100. Power of Corporation to invest in its own debentures. - (1) For the purpose of investing any portion of the municipal fund, including the sinking funds, the Corporation may reserve and set apart for issue at par, to and in the name of the Nagpur Corporation, any portion of the debentures to be issued on account of any loan, provided that the intention so to reserve and set apart such debentures shall have been notified as a condition of the issue of the loan.

(2)The issue of any such debentures to the Corporation as aforesaid shall not operate to extinguish or cancel such debentures, but every debenture so issued shall be valid in all respect as if issued to and in the name of any other person.(3)The purchase by, or the transfer, assignment or endorsement to, the Corporation, of any debenture issued by the Corporation, shall not operate to extinguish or cancel any such debenture, but the same shall be valid and negotiable in the same manner and to the same extent as if held by, or transferred, assigned or endorsed to any other person.

101. Application of sinking fund. - Until any loan is wholly repaid, the Corporation shall not apply the sinking fund established in respect of that loan to any purpose other than the repayment of that loan :

Provided that when any loan, or part thereof, is consolidated under section 98, the Corporation shall transfer to the sinking fund established for such consolidated loan, the sum standing to the credit of the sinking fund of the original loan, or if part only of a loan is consolidated, then such part of the sum standing to the credit of the sinking fund of the original loan as is proportionate to the amount of the original loan which is incorporated in the consolidated loan.

102. Provisions of loans raised by the Municipality of Nagpur, etc. - In the case of all loans raised by the Nagpur Municipal Committee before this Act comes into force, the following provisions shall apply :-

(i)if, when the loans were raised they were made repayable from sinking funds, the Corporation shall establish sinking funds for the repayment of the loans and shall pay into the funds such sums, on such dates as may have been fixed when the loans were raised;(ii)all securities and cash held by the Nagpur Municipal Committee in sinking funds, if any, established for the repayment of such loans, shall be transferred to the Corporation and shall be held by it as part of the sinking funds established under clause (i);(iii)the provisions of section 97 shall apply to such sinking funds;(iv)if, when any such loans were raised, the loans were made repayable by equal payments of principal and interest or by equal payments of principal or by annual drawings, the Corporation shall make such payments or annual drawings on such dates and in such manner as may have been fixed when the loans were raised;(v)the provisions of section 104 shall apply to such loans.

103. Annual examination of sinking funds. - (1) All sinking funds established under this Act shall be subject to annual examination by the [Chief Auditor, Local Fund Accounts] who shall satisfy himself that the provisions of section 101 are being complied with, and that the cash and the current value of the securities belonging thereto are actually equal to the amount which should be at the credit of such funds had investments been regularly made and had the rate of interest as originally estimated been obtained therefrom.

(2)The Corporation shall forthwith pay into any sinking fund any sum by which [the Chief Auditor, Local Fund Accounts] may certify the fund to be deficient, unless the State Government by general or special order sanctions a gradual re-adjustment.(3)If any dispute arises as to the accuracy of any certificate given by [the Chief Auditor, Local Fund Accounts] under sub-section (2), the Corporation may, after making the payment, refer the matter to the State Government whose decision shall be final.

104. Attachment of municipal fund in default of repayment of loan. - (1) If any money borrowed by the Corporation, or any interest or costs due in respect thereof, is not repaid according to the conditions of the loan, the State Government if it has itself given the loan may, and in other cases shall, on the application of the lender, attach the municipal fund in whole or in part.

(2)After such attachment no person except an officer appointed in this behalf by the State Government shall, in any way, deal with the attached fund, but such officer may do acts in respect thereof which any municipal authority, officer or servant might have done if the attachment had not taken place, and may apply the proceeds in satisfaction of the arrears and of all interest and costs due in respect thereof and of all expenses incidental to the attachment and subsequent proceedings :Provided that no such attachment shall defeat or prejudice any debt for which the fund or part thereof attached was previously pledged in accordance with law, but all such debts shall be paid out of the proceeds of the attached fund or part, before any part of the proceeds is applied to the satisfaction of the debt in respect of which such attachment is made.

105. Attachment of municipal fund for securing payment. - If the Corporation fails to make any payment as required by sub-section (2) of section 103, the State Government may attach the municipal fund or any part thereof, and the provisions of sub-section (2) of section 104 shall, with all necessary modifications, be deemed to apply.

106. Annual statement to be prepared by [Commissioner]. - (1) the [Commissioner] shall at the end of each year, prepare a statement showing-

(a)the amount and date of borrowing of loans raised by the Corporation and the annual loan charges;(b)in the case of every loan for which a sinking fund has been established under section 97, the accumulation in the sinking fund at the close of the year, showing separately the amount paid to the credit of the fund in the year;(c)the loans repaid during the year, and in the case of loans repaid in instalments or by annual drawings, the amounts repaid during the year and the balance due at the close of the year;(d)the particulars of securities in which the sinking funds have been invested or which have been reserved for the investment of these funds.(2)Every such statement [shall be laid] before a meeting of the Corporation and a copy of such statement shall be sent to the State Government and to the Accountant General of the [Bombay] and shall be published in the Gazette.

107. Application of the Local Authorities Loans Act, 1914. - The provisions of the Local Authorities Loans Act, 1914, shall apply to all loans borrowed under this Chapter so far as the said provisions are not inconsistent with the provisions herein contained.

Chapter X

Audits and Accounts

108. Accounts to be kept in a form approved by the [Standing Committee]. - Subject to any rules made by the State Government in this behalf, accounts of receipts and expenditure of the Corporation shall be kept in such manner

and in such forms as the [Standing Committee] may from time to time prescribe.

109. Transmission of accounts to Government. - The Corporation shall, as soon as the accounts of the past year have been finally passed by it, transmit to the Provincial Government an account in such form as the State Government may from time to time direct.

110. Annual administration report and statement of accounts of Corporation. - (1) The [Commissioner] shall [* * *], as soon as may be after the first day of April, in each year, cause to be prepared a detailed report of the municipal administration of the City during the previous year, together with a statement showing receipts and disbursements credited and debited to the municipal fund during the previous financial year, and the balance at the credit of the fund at the close of the said financial year.

(2) The [Commissioner] shall thereafter forward the report and statement to each Councillor and to the State Government.

111. Monthly abstract of accounts. - (1) The [Commissioner] shall draw up a monthly abstract of the receipts and expenditure of the preceding month and such abstract shall be examined and signed by the Government Auditor. [* * *].

(2) For this purpose the [Standing Committee] shall have access to all the municipal accounts and to all records and correspondence relating thereto, and the [Commissioner] shall forthwith furnish to the [Standing Committee] any explanation concerning receipts and disbursements which it may call for. (3) The abstract of the municipal accounts signed by the Government auditor shall be published in the Gazette quarterly in the prescribed form.

112. Audit of municipal accounts. - (1) The municipal accounts shall be examined and audited from time to time in accordance with the arrangement approved in that behalf by the State Government. The Auditor shall forthwith report to the [Standing Committee] any material impropriety or irregularity which he may at any time observe in the expenditure or in the recovery of moneys due to the Corporation or in the municipal accounts.

(2) The report of the Auditor of the municipal accounts under sub-section (1) shall be published in the Gazette. (3) The Government Auditor may communicate to the [Standing Committee] at any time any matter relating to the accounts of the Corporation or to the audit of the said accounts.

113. Municipal authorities to remedy defects and report to State Government.
- (1) The Corporation, [the Standing Committee or the Commissioner] as the case may be, shall forthwith remedy any defects or irregularities that may be communicated [by the auditor] and shall send quarterly report to the State Government of the action taken by the municipal authority concerned :

Provided that if there is difference of opinion between the municipal authority and the Auditor, or if the municipal authority does not remedy any defect, or irregularity within a period considered by the Auditor to be reasonable, the matter shall be referred to the State Government within such time and in such manner as may be prescribed, and the State Government may pass such orders thereon as it thinks fit. The orders of the State Government shall be final and the municipal authority shall take action in accordance therewith.(2)If within any period fixed by an order made by the State Government under sub-section (1), the municipal authority concerned fails to comply with such order, the provisions of section 404 shall, with all necessary modifications, be deemed to apply as if such order had been issued under section 403.

Part IV

Chapter XI

Taxation

114. Taxes to be imposed under this Act. - (1) For the purposes of this Act, the Corporation shall impose -

[(a) property taxes];[* * *](e)a cess on animals or goods brought within the City for sale, consumption or use therein.(2)In addition to the taxes mentioned in sub-section (1) the Corporation may, with the previous approval of the State Government and for the purposes of this Act, impose any of the following taxes, namely :-(a) * * *](b)a tax payable by the owners on all or any vehicles or animals, used for riding, driving, draught, or burden, or on dogs where such vehicles, animals or dogs are kept within the City;(c)a toll on vehicles and animals used as aforesaid entering the City and on boats moored within the City;(d)fees on the registration of cattle sold within the City;(e)a lighting rate where the lighting of public streets, places and buildings is undertaken by the Corporation;(f)market dues on persons exposing goods for sale in any market or in place belonging to or under the control of the Government, the Nagpur Improvement Trust or of the Corporation; and(g)any other tax [(not being a tax on professions, trades, calling and employments)] which the State Legislature has power to impose in the State under [the Constitution] :[Provided that no tax or toll shall be levied on motor vehicles save as provided in section 20 of the Bombay Motor Vehicles Tax Act, 1958].(3)The State Government may, by rules made under this Act, regulate the imposition, assessment and collection of taxes under this section and specify maximum amounts of rates for any tax and for preventing evasion of assessment and payment of taxes.

115. Procedure for imposing taxes. - (1) The Corporation may, at a special meeting, bring forward a resolution to propose the imposition of any tax under section 114.

(2) When such a resolution has been passed the Corporation shall publish in accordance with the rules made under this Act, a notice, defining the class of persons or description of property proposed to be taxed, the amount or rate of tax to be imposed, and the system of assessment to be adopted. (3) Any person resident within the City and objecting to the proposed tax may, within thirty days from the publication of the said notice, submit his objection, in writing to the Corporation and the Corporation shall at a special meeting take his objection into consideration. (4) If the Corporation decides to amend its proposals or any of them, it shall publish amended proposals, along with a notice indicating that they are in modification of those previously published for objection. (5) Any objections which may be received to the amended proposals within thirty days shall be dealt within the manner prescribed in sub-section (3). (6) The Corporation shall forward its final proposals to the State Government, which shall either refuse to sanction them or return them for further consideration, or sanction them without modification or with such modification not involving an increase of the rate to be proposed as it thinks fit. (7) Such sanction, if any, shall be published in the Gazette and the tax shall then come into force on such date as may be specified in that notification. (8) A notification of the imposition of a tax under this section shall be conclusive evidence that the tax has been imposed in accordance with the provisions of this Act. The Property [Taxes]-Imposition of Property [Taxes][115A. Property taxes of what to consist and at what rate leviable. - The following taxes shall be levied on buildings and lands in the City and shall be called "property taxes", namely :- (a) (i) the sewerage tax of so many per centum of their annual value, as the Corporation may consider necessary for collection, removal and disposal of human waste and other wastes; (ii) an additional sewerage tax which shall be called the "sewerage benefit tax" of so many per centum, of their annual value, as the Corporation may consider necessary for meeting the whole or a part of the expenditure incurred or to be incurred on capital, works for making and improving facilities for collection, removal and disposal of human waste and other wastes and for maintaining and operating such works; (b) (i) the water tax of so many per centum of their annual value, as the Corporation may consider necessary for providing water supply; (ii) an additional water tax which shall be called "the water benefit tax" of so many per centum of their annual value, as the Corporation may consider necessary for meeting the whole or part of the expenditure incurred or to be incurred on capital works for making and improving the facilities of water supply and for maintaining and operating such works; (c) a general tax of not less than twelve per centum of the annual value determined under this Chapter; [(d) the street tax, leviable under section 153A; (e) the education cess, leviable under section 153B;] [Provided that, all or any of the property taxes may be imposed on a graduated scale.]

115B. Sewerage taxes on what properties to be levied. - (1) The sewerage tax shall be levied only in respect of the properties, -

(a) situated in any portion of the City in which public notice has been given by the Commissioner that the collection, removal and disposal of all excrementitious and polluted matter from privies,

urinals and cesspools will be undertaken by the municipal agency; or(b)in which, wherever situate, there is a privy, water-closet, cess-pool, urinal, bathing place or cooking place connected by a drain with a municipal drain :Provided that, the said tax shall not be levied in respect of any premises situated in any portion of the City specified in clause (a) in or upon which, in the opinion of the Commissioner, no such matter as aforesaid accumulates or is deposited.(2)The sewerage benefit tax shall be levied in respect of all the premises situated in the City.

115C. Water taxes on what properties to be levied. - (1) Subject to the provisions of section 220, the water tax shall be levied only in respect of the properties,-

(a)to which a private water-supply is furnished from or which are connected by means of communication pipes with any municipal water-works; or(b)which are situated in a portion of the City in which the Commissioner has given public notice that sufficient water is available from municipal water-works for furnishing a reasonable supply to all the premises in the said portion.(2)Subject to the provisions of section 220, the water benefit tax shall be levied in respect of all the premises situated in the City.]

116. [General tax on properties to be levied]. - (1) [The General tax] shall be imposed by the Corporation upon all lands and buildings within the City except the following namely :-

(a)buildings or lands or portions thereof exclusively occupied for public worship or for charitable purposes or for public burial or burning or for the disposal of the dead;(b)buildings and lands vested in Government used solely for public purposes or in the Corporation, in respect of which the said tax, if levied, would under the provisions hereinafter contained be primarily leviable from the Government or the Corporation, respectively;(c)buildings and lands of a rental value of not more than [twenty-four rupees] per annum where such building or land is occupied by the owner, and he does not possess any other building or land within the limits of the Corporation.(2)The following buildings and lands or portions thereof shall not be deemed to be exclusively occupied for the purposes specified in clause (a) of sub-section (1), namely :-(i)those in which any trade or business is carried on; and(ii)those in respect of which rent is derived whether such rent is or is not applied exclusively towards the objects specified in that clause.(3)Where any portion of any building or land is exempt from the [general tax] by reason of its being exclusively occupied for the purposes specified in clause (a) of sub-section (1), such portion shall be deemed to be a separate property for the purposes of the said tax.[(4) In fixing the rate of property tax, the Corporation may, subject to the minimum laid down in sub-section (1), fix rates of [general tax] rising with the different slabs of annual valuation but the rate of tax for any such slab shall be uniform throughout the area of the Corporation].

[116A. Temporary provision for levying general tax at reduced rate in area of Zilla Parishad included in a City. - (1) Notwithstanding anything contained in section 116 or any other provisions of this Act, whenever the limits of a city are altered under sub-section (3) of section 389 so as to include any area of a Zilla Parishad, then the general tax shall be levied on lands and building in the former Zilla Parishad area during the periods specified in column 2 against each of

the entries of the Table hereto, as per the amounts respectively specified in column 3 thereof, and such amounts shall not be liable to be increased under sub-section (3) of section 89 during the said period. Table

Sr. No.	Period	Amount of Property Tax
(1)	(2)	(3)
1.	Period from the date of inclusion of the area in the City upto and inclusive of the 31st March of the second year following the year in which the area is including in the city.	The amount calculated at the rate of tax on land and buildings payable in the area immediately before the inclusion in the City, under clause (i) of sub-section (1) of section 124 of the Bombay Village Panchayats Act, 1958, or clause (e) of sub-section (1) of section 157 of the Maharashtra Zilla Parishads and Panchayat Samitis Act, 1961, as the case may be (hereinafter in this Table referred to as "the amount of tax payable in the Zilla Parishad area:").
2.	Period of one year following the period referred to in entry 1.	20 per cent, of the amount of general tax payable in the City or the amount of tax payable in the //Zilla Parishad// area, whichever is more.
3.	Period of one year following the period referred to in entry 2.	40 per cent, of the amount of general tax payable in the City or the amount of tax payable in the //Zilla Parishad// area, whichever is more.
4.	Period of one year following the period referred to in entry 3.	60 per cent, of the amount of general tax payable in the City or the amount of tax payable in the //Zilla Parishad// area, whichever is more.
5.	Period of one year following the period referred to in entry 4.	80 per cent of the amount of general tax payable in the City or the amount of tax payable in the //Zilla Parishad// area, whichever is more.
6.	Period of one year following the period referred to in entry 5.	The same amount of general tax as in force and payable in the remaining area of the City.

(2) The Corporation shall spend the amount worked out at the rate of not less than one third of the per capita expenditure incurred in the Corporation area for the year immediately preceding the year of inclusion of the Zilla Parishad area in the City or any such higher amount as may be feasible on development works in the newly included Zilla Parishad area for the periods mentioned in entries 1 to 5 in the Table in subsection (1).]

117. Exemption from [general tax]. - (1) The State Government shall pay to the Corporation annually, in lieu of the [general tax] from which buildings and lands vested in [the State Government] are exempted by clause (b) of sub-section (1) of section 116, a sum ascertained in the manner provided in sub-sections (2) and (3).

(2)The annual value of the buildings and lands within the City and vested in [the State Government] and beneficially occupied, in respect of which but for the said exemption, [general tax] should be leviable from the State Government, shall be fixed by a person appointed in this behalf by the State Government with the concurrence of the Corporation. The said value shall be fixed as far as may be, in accordance with the provisions hereinafter contained concerning the valuation of property assessable to [general taxes] at such amount as the person making the assessment shall deem to be fair and reasonable. The assessment so made shall hold good for a term of five years, subject only to proportionate variation, if in the meantime the number or extent of the buildings and lands vested in [the State Government] in the City materially increases or decreases.(3)The sum to be paid annually to the Corporation by the State Government shall be eight-tenths of the amount which, but for this sub-section, would have been payable under the assessment.

118. Discount on [general tax]. - (1) Notwithstanding anything contained in sections 116 and 117 the Corporation may, if it thinks fit, direct by resolution that a discount not exceeding six and quarter per cent shall be allowed on the amount due from every person who pays the tax due before such date as the Corporation shall fix :

Provided that the discount (a) shall not be allowed without the previous sanction of the State Government; and (b) shall be allowed at the same rate to all persons entitled thereto.(2)The Corporation may at any time revoke a resolution under this section.

119. Annual value of land or building how to be ascertained. - For the purpose of assessing land or buildings to the [property taxes],-

(a)the annual value of land shall be deemed to be the gross annual rent at which the land might at the time of assessment reasonably be expected to be let from year to year ;Provided that in the case of land assessed to land revenue or of which the land revenue has been wholly or in part released, compounded for, redeemed or assigned, the annual value shall, if the State Government so directs, be deemed to be double the aggregate of the following amounts, namely :-(i)the amount of the land revenue for the time being assessed on the land, whether such assessment is leviable or not, or(ii)when the land revenue has been wholly or in part compounded for or redeemed, the amount which would have been leviable but for such composition or redemption; and,(b)the annual value of any building shall be deemed to be the gross annual rent at which such building, together with its appurtenances and any furniture that may be let for use or enjoyment therewith, might reasonably at the time of assessment be expected to be let from year to year, less an allowance of ten per cent for the cost of repairs and for all other expenses necessary to maintain the building in a state to command such gross annual rent.Explanation I. - For the purposes of this clause it is immaterial whether the building and the land let for use or enjoyment therewith are let by the same contract or by different contracts, and if by different contracts, whether such contracts are made simultaneously or at different times.Explanation II. - The term "gross annual rent" shall not include any tax payable by the owner in respect of which the owner and tenant have agreed that it shall be paid by the tenant.(c)the annual value of any building, the gross annual rent of which cannot be determined

under clause (b), shall be deemed to be [eight and a quarter per cent] on the sum obtained by adding the estimated present cost of erecting the building, less any amount which the [Commissioner] may deem it reasonable to deduct for depreciation, to the estimated market value of the land valued with building as part of the same premises and (ii) when a building is occupied by an owner under such exceptional circumstances to render excessive valuation of [eight and a quarter per cent.] on the cost of erecting the building, less depreciation, a lower percentage may be taken.

120. Requisition of name of owner. - The [Commissioner] may, by written notice, require the occupier of any land or building to furnish him within fifteen days with the name and address of the owner of such land or building.

121. Treatment of property which is let to two or more persons in separate occupancies. - Where any building constructed or adapted for the purpose of a single dwelling, or constructed or adapted for that purpose as two parts and for another purpose as to the rest, is let out to two or more tenants severally, the assessing authority in preparing, or revising the assessment list, or amending a current assessment list may, if it thinks fit, having regard to all the circumstances of the case, including the extent, if any, to which the parts separately occupied have been served by structural alteration, treat the building or part thereof as a single property, and a building or part of a building so treated as a single property shall for the purposes of the [property taxes] be deemed to be a single property.

122. Responsibility for payment of property taxes. - The property [taxes] leviable upon any land or building shall be paid by owner thereof.

Explanation. - For the purpose of this section a tenant of land or building or both, under a lease for any agreed period with a covenant for its renewal thereafter, shall be deemed to be owner thereof.

123. Employment of assessor. - (1) The Corporation may, if it thinks fit, employ a person to determine the annual value of lands and buildings in accordance with the principles laid down in section 119.

(2) Any person so employed shall have power, at all reasonable times and after giving due notice, and on production, if so required, of authorization in that behalf from the [Commissioner], to enter on, survey and value any land or building within the City which the [Commissioner] may direct him to survey and value. (3) If any person wilfully delays or obstructs any person in the exercise of any of his powers under this section he shall be liable to a fine not exceeding one hundred rupees.

124. Assessment of annual value and duration of assessment. - (1) The valuation of any land or building situated in one or more of the several wards, the respective numbers, names and boundaries of which may be specified by the State Government by notification, which has been made before the commencement of this Act and is in force at the commencement of this Act, shall remain in force and shall be deemed to be the valuation for the assessment of the [property taxes] on such land or building under this Act until such time as the [Commissioner] makes a fresh valuation under this Act of the lands and buildings in each such ward, and the annual value of such lands and buildings in each such ward shall, after such assessment has been made by the [Commissioner] remain unchanged for a period of one year and may be revised thereafter by the [Commissioner] at the termination of successive periods of one year.

(2)The [Commissioner] may, instead of making a new assessment every year, adopt the existing assessment, with such alteration as he thinks fit, as the assessments for each new year, giving to persons affected by such alterations the same notice of the altered valuation and assessment as would have been required if a new assessment had been prepared.(3)The [Commissioner] shall arrange for a survey for the purposes of assessment of each part of the City at least once in five years save for the omission, with the previous consent of the [Standing Committee], of any small areas which might be more conveniently re-assessed in a subsequent year.

125. Returns for purposes of valuation. - (1) To enable him to prepare the assessment list, the [Commissioner] may, by written notice, require the owner or occupier of any land or building or any portion thereof to furnish him, within such reasonable period as the [Commissioner] may fix, with information or with a written return signed by such owner or occupier -

(a)as to the name and place of abode of the owner or occupier, or of both the owner and occupier of such land or building; and(b)as to the measurement or the gross annual rent or revenue or the description of other specified details or the actual cost or estimated market value of such land or building.(2)Every owner or occupier from 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 without reasonable cause to comply with such requisition, or furnishes a return which is untrue, shall in addition to any other punishment to which he may be liable, be precluded from objecting to any assessment made by the [Commissioner] in respect of such land or building of which he is the owner or occupier.

126. Public notice and inspection of valuations. - (1) When the valuation under section 124 of the lands and buildings in any ward has been completed, the [Commissioner] shall cause the respective valuations to be entered in a list and give public notice of the place where such list may be inspected.

(2)Time for filing complaints against valuation. - The [Commissioner] shall, at the same time and in the same manner, give public notice of a date, not being less than twenty days from the publication of such notice, by which objections to the amount of any annual value or other particulars entered in the assessment list may be delivered at his office.

127. Notice when valuation made for first time is increased. - The [Commissioner] shall, in all cases in which any land or building is for the first time valued, or in which the valuation of any land or building previously valued is increased under section 124, give special notice thereof to the owner or occupier of the same, and when the valuation is so increased, the said notice shall contain a statement of the grounds of the increase.

128. Notice of objection to valuation. - (1) Any person dissatisfied with a valuation made under this Chapter may deliver at the municipal office a written notice stating the grounds of his objection to such valuation.

(2)Such notice shall be delivered on or before the last day fixed in this behalf in the public notice referred to in section 126 or 127.

129. Investigation of objections by [Commissioner]. - (1) All such objections shall be entered in a register to be maintained for the purpose and, on receipt of any objection, the [Commissioner] shall give a notice in writing to the objector of the time and place at which his objection will be investigated.

(2)At the time and place so fixed the [Commissioner] shall hear the objection, in the presence of the objector or his authorised agent if he appears, or may, for reasonable cause, adjourn the investigation.(3)When the objection has been determined, the order passed on such objection shall be recorded in the said register and, if necessary, an amendment made in the assessment list in accordance with the result of the objection.

130. Appeal to District Court. - (1) If any dispute arises as to the liability of any land or building to assessment or as to the basis or principle of assessment, an appeal shall lie from the decision of the [Commissioner] to the District Court, Nagpur, whose decision shall be final.

(2) Such appeal shall be presented to the District Court within thirty days from the date of the order passed under section 129, and shall be accompanied by an extract from the register of objection containing the order objected to. (3) The provisions of Parts II and III of the Indian Limitation Act, 1908, relating to appeals shall apply to every appeal preferred under this section. (4) No appeal shall be admitted under this section unless an objection has first been determined under section 129. (5) Effect shall be given by the [Commissioner] to the decision of the District Court. (6) The pendency of an appeal under this section shall not operate to delay or prevent the levy of any tax or instalment thereof payable in respect of any building or land according to the order of assessment under appeal but, if by the final decision in the appeal it is determined that such tax or instalment ought not to have been levied in whole or in part, the [Commissioner] shall refund to the person from whom the same has been levied, the amount of such tax or instalment, or the excess thereof over the amount properly leviable in accordance with such final decision, as the case may be.

131. Valuation when to be final. - (1) Every made by the [Commissioner] under section 124 shall, subject to the provisions of sections 128, 129 and 130, be final.

(2) Every order passed by the [Commissioner] under section 129 shall, subject to the provisions of section 130, be final.

132. Keeping of Municipal assessment list. - (1) The annual value fixed under this chapter shall be entered in one or more registers to be kept for the purpose, wherein shall also be recorded

(a) the serial number of each set of premises; (b) the description of each set of premises; (c) the name and place of abode of the owner and the name of the occupier; (d) the amount of the valuation; (e) the amount payable on account of the property [taxes]; (f) any exemption granted from payment of the [general tax]; and (g) such other particulars as the [Commissioner] may direct. (2) The particulars mentioned in sub-section (1) may be contained in as many registers as the [Commissioner] may determine, which shall together constitute the assessment list. (3) When the name of the owner or occupier of any premises is not known, it shall be sufficient to designate him in the said assessment list as "the owner" of "the occupier", as the case may be.

133. Authentication of assessment list when all objections have been disposed of. - (1) When objections have been determined and appeals disposed of and the entries required by section 132 have been made, the assessment list shall be authenticated by the [Commissioner], who shall certify under his signature that except in the cases in which amendments have been made as shown therein, no valid objection has been made to the annual values entered in the said list.

(2) Thereupon the said assessment list shall, subject to such alterations as may thereafter be made therein under the provisions of sub-section (5) of section 130 or of section 136, be conclusive evidence of the amount of property tax leviable on each land or building within the City in the financial year to which the list related.

134. Power of [Commissioner] to amend assessment list. - (1) The [Commissioner] may at any time amend the assessment list by the inclusion, omission or substitution of any matter :

Provided that whenever he proposes to make any amendment in respect of any matter other than the correction of an arithmetical total, he shall before making the amendment, send notice thereof to persons interested and shall allow thirty days to elapse for the making of any objection to the proposed amendment : Provided further that nothing in this sub-section shall empower the [Commissioner] to vary the valuation of any premises determined on appeal to the District Court. (2) If any amendment be made in respect of any matter other than the correction of arithmetical totals, any person on whom a notice is served may object by a written application addressed to the [Commissioner] and delivered at the Corporation Office before the date fixed in the said notice; and the provisions of sections 129 and 130 shall, with all necessary modifications, apply to such objection. (3) When the erection of a new building is completed after the completion of the assessment list, the [Commissioner] may add the particulars of the building to the list, and in such case the provisions of sections 126, 128, 129, 130 and 133 shall apply, except that no public notice shall be required. In such a case the assessment shall take effect from the beginning of the quarter following the date on which the building is added to the assessment list or from the date when it is occupied or let, if that is earlier.

135. Notice of increase of rent. - (1) When an owner has furnished information or a written return as provided by section 125, he shall give notice in writing to the [Commissioner] of any subsequent increase in the rent.

(2) If an owner of any land or building or any portion thereof has, after he has been assessed for the same, made any increase in the rent thereof, he shall give notice in writing to the [Commissioner] of such increase. (3) The [Commissioner] shall, on receipt of such notice as to increase of rent, amend the assessment list by altering the assessment of such land or building or any portion thereof as provided for by section 134.

136. Notice to be given to [Commissioner] of demolition or removal of a building. - (1) When any building or any portion of a building liable to the payment of property [taxes] is demolished or removed other wise than by order of the [Commissioner] the person liable for payment of the said tax shall give notice thereof, in writing, to the [Commissioner].

(2) Until such notice is given, the person aforesaid shall be liable to pay every such property [taxes] on the land on which the building stood 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.

137. Failure to give notice of increase of rent. - Whoever fails to give notice of an increase of rent required by subsections (1) and (2) of section 135, or gives notice of an increase of rent which in substance is untrue, shall in addition to any punishment to which he may be liable, be precluded from objecting to any assessment made by the [Commissioner] in respect of such building or land or any portion thereof of which he is the owner.

138. Period for which revised valuation to continue in force. - When the valuation of any land or building is revised in consequence of an objection made under section 128 or an appeal is preferred under section 130, the revised valuation shall take effect from the quarter in which the first valuation would have been taken effect in the same manner and for the same period and subject to the same conditions as the original valuation.

139. Payment of property [taxes] how affected by objections to valuations. - When an objection to a valuation has been made under section 128, the property [taxes] shall, pending the final determination of the objection, be paid on the previous valuation.

140. Refund of excess payment. - If upon the hearing of any objection or appeal from any valuation it is made to appear to the [Commissioner] or the Court, as the case may be, that the appellant has paid any sum or sums of money in consequence of assessment which he ought not to have paid, the [Commissioner] or the Court as the case may be, shall direct the excess payment to be refunded to the appellant.

Supplemental Provisions

141. [Commissioner] to supply copies on payment. - The [Commissioner] shall furnish to any person who applies for it, a copy of the valuation or assessment list for the time being in force or any extract from any such list on payment of a sum not exceeding the rate of five rupees for every hundred entries numbered separately, and the [Commissioner] or a person authorised by him in this behalf, shall, if required, certify the copy or extract in such

manner as may be prescribed.

142. Tax not invalid for defect of form. - (1) No assessment and no charge or demand of any tax made under this Act shall be called in question or in any way affected by reason of -

(a)any mistake -(i)in the name, residence, place of business or occupation of any person liable to pay the tax; or(ii)in the description of any property or thing liable to the tax; or(iii)in the amount of tax assessed; or(b)any clerical error; or(c)any other defect of form.(2)For the purpose of assessing any tax on property under this Act it shall suffice if the property is so described as to be readily identifiable and the owner or occupier need not be named.

143. Power of the Corporation in regard to taxes. - (1) The Corporation may exempt from the payment of any tax in whole or in part, for any period not exceeding one year, any person who by reason of poverty is in its opinion unable to pay the same, and may renew such exemption as often as it may consider necessary.

(2)Subject to the provisions of section 116, the Corporation may, with the sanction of the State Government -(a)abolish, suspend or reduce any tax; or(b)exempt from the payment of any such tax in whole or in part any person or any class of persons or any property or description of property.

144. Power of the State Government in regard to taxes. - (1) The State Government may by order exempt from the payment of any such tax in whole or in part any person or class of persons or any property or description of property.

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

145. Refund of tax on unoccupied immovable property. - (1) When any land or building or any portion of a building treated as a separate property for the purpose of assessment under any provision of this Act has been vacant and unproductive of rent for a period of at least sixty consecutive days, the [Commissioner] shall refund three-quarters, of the property [taxes]

proportionately to the period during which the land or building has been vacant and unproductive of rent. Such a refund shall be granted proportionately for the number of months the land or building is vacant, each complete consecutive period of thirty days being reckoned as one month.

(2)The burden of proving the facts entitling any person to claim relief under this section shall lie upon him.(3)For the purposes of this section any building reserved by its owner for his own occupation whenever required, shall be deemed to be occupied whether it is actually occupied by such owner or not.(4)No such refund shall be granted unless notice in writing of the circumstances under which it is claimed has been given to the [Commissioner] within three months of the beginning of the period for which a refund is claimed.(5)In no case shall any such refund be permitted unless the total sum demanded by way of all taxes on the property concerned has actually first been paid up to the end of the period for which the concession is claimed.

146. Duty of furnishing true information regarding liability to municipal taxation. - (1) Every person shall, on the demand of an officer duly authorised by the [Commissioner] in this behalf, furnish such information as may be necessary in order to ascertain whether such person is liable to pay any tax under this Act and if so, how much; and every hotel or lodging house keeper or secretary of a residential club shall also, on demand made as aforesaid, furnish a list of all persons residing in such hotel, lodging house or club.

(2)If any person so called upon to furnish information omits to do so or furnishes information which is untrue to his knowledge, he shall be punishable with fine which may extend to one hundred rupees.

147. Duty of occupier to furnish true information regarding owner's name and address. - If the occupier of any land or building neglects or refuses, without reasonable cause, to comply with a notice served under section 120 or furnishes information which is untrue to his knowledge he shall be punishable with fine which may extend to one hundred rupees.

148. Notice of transfers of title, when to be given. - (1) Whenever the title in any land or building or in any part or share of any land or building is transferred, the transferor and the transferee, shall within three months of the registration of the deed of transfer, or if it be not registered, within three months of the execution of the instrument of transfer, or, if no such instrument be executed after the transfer is effected, give notice in writing of such transfer to the [Commissioner].

(2) Every person liable for the payment of a tax on any property, who transfers his title to or over such property without giving notice of such transfer to the Corporation as aforesaid, shall in addition to any other liability which he incurs through such neglect, continue to be liable for the payment of all such taxes payable in respect of the said property until he gives such notice or until the transfer is recorded in the Corporation's books. (3) In the event of the death of the person in whom title to any land or building or in any part or share of any land or building vests, the person who as heir or otherwise takes the title of the deceased by descent or devise shall, within three months from the death of the deceased, give notice of his title to the [Commissioner] in writing. (4) Nothing in this section shall be deemed to affect the liability of the heir or devise for the said taxes or to affect the prior claim of the Corporation for the recovery of the taxes due thereupon.

149. Power of entry for the purposes of valuation of taxation. - The [Commissioner] may authorise any person to do the following acts at any time between sunrise and sunset after giving twenty-four hours' notice to the occupier, or, if there be no occupier, to the owner, of a building or land,-

(a) to enter, inspect and measure any building for the purpose of valuation; (b) to enter and inspect any stable, coach house or other place where there is reason to believe that there is any vehicle or animal liable to taxation under this Act or for which a licence has not been duly taken out.

150. Power to examine article liable to toll or cess on imports. - Every person bringing or receiving within the limits of the City any article in respect of which a toll or cess on imports is payable, shall when required by an officer duly authorised by the [Commissioner] in this behalf and so far as may be necessary for ascertaining the amount of tax chargeable,-

(a) permit the officer to inspect, examine, Weigh and otherwise deal with the article, and (b) communicate to the officer any information and exhibit to him any bill, invoice or document of a like nature which such person may possess relating to the article.

151. Power to search where toll or cess on imports is leviable. - (1) If any person, bringing or receiving within the prescribed limits of the City a conveyance or package on which a toll or cess on imports is or is believed to be leviable, refuses on the demand of an officer authorised by the [Commissioner] in this behalf to permit the officer to inspect, weigh or otherwise examine the contents of the conveyance or package for the purpose of ascertaining whether it contains any article in respect of which a toll or cess on imports is payable, or refuses to communicate to the officer any information or to exhibit to him any bill, invoice or document of a like nature which he may possess relating to the article, or with the intention of

defrauding the Corporation communicates false information or exhibits any false, forged, or fraudulent bill, invoice or document of a like nature, he shall be punished with a fine which may extend to fifty rupees.

(2) Any such person, may demand that the conveyance or package or both, as the case may be, shall be taken without unnecessary delay before the [Commissioner] or a person appointed by him for this purpose, who shall cause the inspection to be made in his presence.

152. Punishment for evading payment of toll or cess. - If animals or articles passing the limits of the Corporation are liable to the payment of a toll or cess on imports, then every person who, with intention to defraud the Corporation causes or abets the introduction of, or himself introduces or attempts to introduce within the said limits, any such animals or articles upon which payment of the toll or cess on imports due on such introduction has neither been made nor tendered, shall be punishable with fine which may extend, either to ten times the value of such toll or cess on imports, or to fifty rupees, whichever may be greater.

153. Extension of taxation limits by agreement. - (1) When the Corporation, with the sanction of the State Government has agreed with a Cantonment Authority or the Committee of an adjoining Municipality or the Committee of an area notified under section 240 of the Central Provinces and Berar Municipalities Act, 1922, that in consideration of the payment of the lumpsum or otherwise, the same limits for cess on imports or any toll or tax shall be established for the contracting parties, the Corporation may fix limits by by-law so as to include so much of the area controlled by the said contracting parties as it may deem necessary, and shall have the powers of collecting such toll or cess on imports on animals or articles brought within such limits, and the provisions of this Act for the assessment and collection of such tax or toll or cess on imports shall apply in the same way as if the said limits were wholly comprised in the area of the Corporation.

(2) The total of the proceeds of such taxes or tolls made in the joint area of the Corporation and Cantonment or Municipality or notified area and the cost thereby incurred shall be apportioned between the municipal fund and the fund subject to the control of the Cantonment Authority or the Municipal Committee or the Committee of the notified area in such proportion as shall have been determined by the agreement. [Street Tax

153A. Levy of Street tax. - (1) The Corporation may, for the purposes of clause (j) of sub-section (1) of section 57, levy within its area, an additional tax on lands and buildings (hereinafter referred to as "the street tax") of so many per centum, not exceeding ten, of their rateable value as the Corporation may, from time to time, determine :

Provided that,-(a)all buildings and lands vesting in the Central Government;(b)all other buildings and lands exempted from the general tax under section 116;(c)all buildings and lands of a rateable value below such sum as the Corporation may determine, shall be exempted from the levy of street tax.(2)The Corporation may require the Commissioner to recover the amount of the street tax determined under subsection (1) by an addition to the general tax levied under this Act. Every addition to the general tax imposed under this subsection shall be recovered by the Commissioner from each person liable therefor, in the same manner as the general tax due from him. The provisions of section 122 shall apply to the street tax as if it were a part of the general tax levied under this Act.Education Cess

153B. Levy of Education Cess. - (1) For the purposes of clause (s) of sub-section (1) of section 57, the Corporation may, [* * *] levy within its area, an additional tax on buildings and lands (hereinafter referred to as "the education cess"), of so many per centum not exceeding five of their rateable value, as the Corporation may determine. Such tax may be levied, if the Corporation so determines, on a graduated scald :

Provided that,-(a)all buildings and lands vesting in the Central Government;(b)all other buildings and lands exempted from the general tax under section 116;(c)all buildings and lands of a rateable value below such sum as the Corporation may determine, shall be exempted from the levy of education cess.(2)The Corporation may require the Commissioner to recover the amount of the education cess determined under sub-section (1), by an addition to the general tax levied under this Act. Every addition to the general tax imposed under this sub-section shall be recovered by the Commissioner from each person liable therefor in the same manner as the general tax due from him. The provisions of section 122 shall apply to the education cess as if it were a part of the general tax levied under this Act.

153C. Payment to be made to Corporation in lieu of education cess by State Government. - (1) With effect from the first day of April, 1993, and in respect of the period during which the education cess is levied under section 153B, the State Government shall pay to the Corporation annually in lieu of the education cess from which the buildings and lands vesting in the State Government are exempted by virtue of clause (b) of the proviso to sub-section (1) of section 153B (hereinafter in this section referred to as "the

exempted buildings and lands"), a sum ascertained in the manner provided in sub-section (2)].

(2)The sum to be paid annually to the Corporation by the State Government shall be eight-tenths of the amount which could be, or would have been payable by an ordinary owner of buildings or lands on account of the education cess, on the rateable value of the same amount as that fixed under subsection (2) of section 117 in respect of the exempted buildings and lands.]

Chapter XII

Recovery of Corporation's Claims

154. Presentation of bill for taxes and other demands. - (1) When any amount declared by or under the provisions of this Act to be recoverable in the manner provided in this Chapter or payable on account of any tax now imposed or hereafter to be imposed within the limits of the City shall have become due, the [Commissioner] shall, with the least practicable delay, cause to be presented to any person liable for the payment thereof a bill for the sum claimed as due.

(2)Contents of bill. - Every such bill shall specify (a) the period for which, and (b) the property, occupation or thing in respect of which the sum is claimed, and shall also give notice of, -(i)the liability incurred in default of payment; and(ii)the time within which an appeal may be preferred as hereinafter provided against such claim.

155. If bill not paid within fifteen days, notice of demand to issue. - (1) If the sum, for which a bill is presented as aforesaid, is not paid within fifteen days from the presentation of the bill, the [Commissioner] may serve upon the person to whom such bill has been presented a notice of demand in the prescribed form.

(2)For every notice of demand a fee shall be charged at the rate specified in the by-law and shall be payable by the said person, and the fee shall be included in the costs of recovery.

156. In what case warrant may issue. - (1) If the person on whom a notice of demand is served under sub-section (1) of section 155 does not within twenty-one days of the service of such notice,-

(a)pay the sum demanded in the notice; or(b)show cause to the satisfaction of the [Commissioner] why he should not pay the same; or(c)prefer an appeal in accordance with the provisions of section

164 against the demand, such sum with all costs of recovery may be recovered under a warrant in the prescribed form signed by the [Commissioner],-(i)by distress and sale of the movable property belonging to such person, or(ii)by attachment and sale of the immovable property belonging to him :Provided that, where any precautionary or other measures in respect of any such property have been taken by the State Government for the recovery of any sum claimed by it, no proceedings shall be taken or continued under this Chapter in respect of such property until the State Government's claim has been paid off.(2)To whom warrant should be addressed. - Where the property is within the limits of the City, the warrant shall be addressed to an officer of the Corporation and where the property is outside the limits, to the Deputy Commissioner of the district concerned :Provided that the officer to whom the warrant is addressed may endorse such warrant to a subordinate officer.(3)Levy of fee on every warrant issued. - For every warrant issued under this section, fee shall be charged at the rates specified in the by-laws and the said fee shall be included in the cost of recovery.

157. Power of Corporation to remit certain fees. - The Corporation may in its discretion remit the whole or any part of any fee chargeable under sub-section (2) of section 155 or sub-section (3) of section 156.

158. Power of officer to break open door or window. - Any officer charged with the execution of a warrant of distress issued under section 156 may, if authorised by a general or special order in writing by the [Commissioner] between sunrise and sunset break open any outer or inner door or window of a building in order to levy distress,-

(a)if he has reasonable ground for believing that such building contains property which is liable to such distress, and(b)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 or window of any apartment appropriated to the use of women until he has given not less than three hours' notice of his intention and has given the women an opportunity to withdraw.

159. Warrant how to be executed. - The officer charged with the execution of a warrant of distress issued under section 156 shall, if authorised by the warrant, distrain, wherever it may be found, any movable property or attach any immovable property of the person named in the warrant subject to the following conditions, namely :-

(a)the following property shall not be distrained :-(i)the necessary wearing apparel and bedding of the defaulter, his wife and children;(ii)the tools of artisans;(iii)when the defaulter is an agriculturist, his implements of husbandry, seed, grain, and such cattle as may be necessary to enable him to earn his livelihood;(b)the distress shall not be excessive, that is to say, the property distrained shall be as nearly as possible equal in value to the amount recoverable under the warrant, and if any property has been distrained which, in the opinion of the [Commissioner] or of the person to whom the

warrant was addressed, should not have been so distrained, it shall forthwith be returned to the person from whom it was distrained;(c)the officer shall on distraining the property forthwith make in the presence of two witnesses an inventory of the property which he distrains under such warrant, and shall at the same time give a written notice in the prescribed form, or in a form to the like effect, to the person in possession thereof at the time of distraint that such property will be sold as therein mentioned;(d)when the property is immovable,-(i)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;(ii)the orders shall be proclaimed at some place on or adjacent to the property by beat of drum or other customary mode, and a copy of the order shall be fixed on a conspicuous part of the property and upon a conspicuous part of the Corporation office, and also, when the property is land paying revenue to the State Government, in the office of the Deputy Commissioner;(e)any transfer of or charge on the property attached or 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.

160. Sale of goods distrained in special in cases. - (1) When the property seized is subject to speedy and natural decay, or when 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 amount named in the warrant is forthwith paid.

(2)On the expiry of the time specified in the notice served by the officer executing the warrant, the property distrained or attached, or in the case of immovable property, a sufficient portion thereof, if not sold at once under sub-section (1), may be sold by public auction under the orders of the [Commissioner], unless the warrant is suspended by him or the sum due is paid by defaulter together with all costs incidental to the notice, warrant, distress, attachment or detention of the property as the case may be.(3)Where the sum due together with costs is paid by the defaulter as aforesaid, any attachment levied on his immovable property shall be deemed to be removed.(4)All sales of immovable property under this section shall, so far as may be practicable, be regulated by the procedure laid down in the rules made by the State Government in that behalf.(5)No officer or servant in the service of the Corporation shall directly or indirectly purchase any property at any such sale.(6)The sale proceeds or such part thereof as may be sufficient shall be applied, first, in discharge of any such due to the State Government in respect of such property and secondly, in discharge of the sum due to the Corporation and all such incidental costs as aforesaid.(7)The surplus proceeds shall be forthwith credited to the Corporation and notice of such credit shall be given at the same time to the person in whose possession the property was at the time of distraint or attachment. If such person claims the surplus by written application to the [Commissioner] within three years from the date of the notice given under this sub-section, the [Commissioner] shall refund the surplus to him.(8)Any such surplus not so claimed shall be the property of the Corporation.

161. Sale outside the City. - Where the warrant is to be executed outside the limits of 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 section 160 and to exercise the powers and perform the duties of the [Commissioner] under sub-sections (1) and (2) of section 160 in respect of such sale except the power of suspending the warrant. 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 section 160.

162. Fees and costs chargeable. - The fees for every notice or warrant issued and for the maintenance of any live-stock seized under this Chapter shall be chargeable at the rates specified in this behalf in the by-laws of the Corporation and shall be included in the cost of recovery to be levied under section 156.

163. Summary proceedings may be taken against persons about to leave the City. - (1) If any sum recoverable under the provisions of this Chapter is due or is about to become due from any person, and if the [Commissioner] shall have reason to believe that such person is about to leave the limits of the City the [Commissioner] may direct the immediate payment by such person of such sum and cause a bill for the same to be presented to him.

(2) If, on presentation of such bill, the said person does not forthwith pay the said sum or does not furnish security to the satisfaction of the [Commissioner], the amount shall be levied by distress and sale of his movable property or by attachment and sale of his immovable property in the manner specified in this Chapter except that it shall not be necessary to serve upon him any notice of demand and the [Commissioner's] warrant for distress and sale may be issued and executed without any delay.

164. Appeal to Magistrates. - (1) Appeals against any notice of demand issued under sub-section (1) of section 155 may be made to any [Judicial] Magistrate by whom under the directions of the [Sessions Judge] such class of cases is to be tried.

(2) No such appeal [shall be entertained] unless -(a) the amount claimed from the appellant [up to date of filing the appeal] has been deposited by him in the Corporation Office, and a written

objection has been made and determined in accordance with the provisions of this Act;(b)the appeal is brought within fifteen days next after the order terminating the written objection;(c)in the case of any tax or claim other than property tax an application in writing, stating the grounds on which the amount of the tax or claim is disputed, has been made to the [Commissioner] within fifteen days next after the presentation of the bill.[(3) In the case of any appeal against a claim on account of a tax, entertained by the Judicial Magistrate, but not heard by him, before the date of commencement of the Maharashtra Municipal Corporations (Amendment) Act, 1975, the Magistrate 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 annual valuation, up to the date of filing the appeal has been deposited by the appellant with the Commissioner, within thirty days from the date of publication of a general notice by the Commissioner in this behalf in the local newspapers. The Commissioner shall simultaneously serve on each such appellant a notice under sections 351 and 352 and other relevant provisions of this Act for intimating the amount to be deposited by the appellant with him.(4)As far as possible, within fifteen days from the expiry of the period of thirty days prescribed under sub-section (5), the Commissioner shall intimate to the Magistrate 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 Magistrate shall summarily dismiss the appeal of any appellant who has not deposited the required amount with the Commissioner within the prescribed period.(5)In the case of any such appeal, which may have been entertained by the Magistrate before the date of commencement of the Act aforesaid or which may be entertained by him on or after the said date, the Magistrate shall not hear and decide the 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 Magistrate shall summarily dismiss the appeal.]

165. Liability of buildings, lands etc., for taxes. - All sums due from any person in respect of taxes on any land or building shall, subject to prior payment of any land revenue in respect of it due to the Government, be a first charge upon the said land or building and upon any movable property found within or upon such land or building and belonging to the said person :

Provided that, no arrears of any such tax shall be recoverable from any occupier who is not the owner, if such arrears are for a period during which the occupier was not in occupation.

166. Receipts to be given for all payments. - For every sum paid on account of any tax under this Act a receipt shall be tendered by the person receiving these payments, stating the sum and the tax on account of which it has been paid.

167. Writing off irrecoverable taxes. - The [Commissioner] may, with the previous approval of the [Standing Committee], order to be struck off the books any sum due on account of any tax or of the costs of recovering any tax, which may appear to him to be irrecoverable.

168. Recovery of toll and cess on imports. - (1) If any toll or cess on imports is not paid on demand, the officer empowered to collect the same may seize any article on which the cess on imports is chargeable, or any animal on which the toll is chargeable, or any part of the burden, borne by such animal of sufficient value to satisfy the demand.

(2) The [Commissioner] after the lapse of five days from the seizure and after the issue of a proclamation fixing the time and place of sale, may cause any property so seized, or so much thereof as may be necessary, to be sold by auction to satisfy the demand, with the expenses occasioned by the seizure, custody, and sale thereof, unless the demand and expenses are in the mean time paid : Provided that, by order of the [Commissioner], articles of a perishable nature which cannot be kept for five days without serious risk of damage may be sold after the lapse of such shorter time as he may think proper having regard to the nature of the articles.

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

(2) The State Government may make rules under this Act regulating the refund of taxes and such rules may impose limitations on such refunds. (3) No refund of any tax shall be claimable by any person otherwise than in accordance with the provisions of this Act and the rules thereunder.

Part V

Public Health, Safety and Convenience

Chapter XIII

Public ConvenienceMunicipal Drains

170. Cleaning drains. - For the purpose of Hushing and cleansing drains the [Commissioner] may construct or setup such reservoirs, sluices, engines, and other works as he may from time to time deem necessary.

171. Places for emptying of drains and disposal of sewage. - The [Commissioner] may cause all or any municipal drains to empty into any place, whether within or without the limits of the Corporation, and may dispose of the sewage at any place, whether within or without the limits of the Corporation, and in any manner which he may deem suitable :

Provided that the State Government may prohibit the [Commissioner] from causing any municipal drains to empty into any place or from disposing of any sewage at any place or in any manner, which it considers unsuitable.

172. Provision of means for disposal of sewage. - For the purpose of receiving, storing, disinfecting, treating, purifying, distributing, or otherwise disposing of sewage the [Commissioner] may -

(a)construct any work within or without the limits of the Corporation;(b)purchase or take on lease any land, building, engine, material or apparatus, either within or without the limits of the Corporation; and(c)enter into an arrangement with any person, for a period not exceeding three years, for the removal or disposal of sewage within or without the limits of the Corporation.

173. Alteration and discontinuance of drains. - The [Commissioner] may enlarge, arch over or otherwise improve any municipal drain, and may discontinue, close up or destroy any such drain which has, in his opinion, become useless or unnecessary :

Provided that if, by reason of anything done under this section, any person is deprived of the lawful use of any drain, the [Commissioner] shall, as soon as may be, provide for his use some other drain as effectual as the drain which has been discontinued, closed up or destroyed.Drains and Privies

174. Latrines and urinals. - The Corporation shall provide latrines and urinals for the use of the public.

175. Provision of drains, privies, etc. - The [Commissioner] may by notice, require the owner of any building or land to provide, move or remove any drain, privy, latrine, urinal, absorption pit, disposal work, cesspool or other receptacle for filth or refuse or provide any additional drains, privies, latrines, urinals, absorption pits, disposal works, cesspools or other receptacles as aforesaid which should, in his opinion, be provided for the building or land, in such manner and of such pattern as the [Commissioner] may direct.

(2)The [Commissioner] may, by notice, require any person employing more than twenty workmen or labourers to provide such latrines and urinals as the [Commissioner] may think fit and to cause the same to be kept in proper order and to be daily cleaned.(3)The [Commissioner] may, by notice, require the owner or occupier of any building or land to have any privy, latrine or urinal provided or the same shut out by a sufficient roof and wall or fence from the view of persons passing by or dwelling in the neighbourhood, or to remove or alter, as the [Commissioner] may direct any door or trapdoor or other opening of a privy, latrine or urinal opening on to any street or drain.

176. Repair and closing of drains, privies, latrines, urinals etc. - (1) The [Commissioner] may by notice, require the owner or occupier of any building or land to repair, alter or put in good order any private drain, privy, latrine, urinal, absorption pit, disposal work, cesspool or receptacle for any filth or refuse, or to close or destroy any private drain, privy, latrine, urinal, absorption pit, disposal work or cesspool belonging thereto, or direct that such private drain shall from such date as he prescribes in this behalf, be used for offensive matter and sewage only, or for rain water and unpolluted subsoil water only, and by written notice require the owner or occupier of the premises to make an entirely distinct private drain for rain water or for unpolluted sub-soil water or for offensive matter and sewage.

(2)No drain connecting any premises with a municipal drain or other place set apart for the discharge of drainage may be closed, discontinued or destroyed by the [Commissioner] under sub-section (1) except on condition of his providing another drain equally effectual for the drainage of the premises and communicating with such municipal drain or other place aforesaid as the [Commissioner] thinks fit; and the expenses of construction of any drain so provided by the [Commissioner] and of any work done under this section shall be paid from the municipal fund.

177. Power of [Commissioner] to demolish drains etc. - The [Commissioner] may, by notice, require any person who may construct any new drain, privy, latrine, urinal, absorption pit, disposal work, cesspool or receptacle for filth or refuse without his permission in writing or contrary to his directions or the provisions of this Act or the rules or by-laws made thereunder or who may construct, rebuild or open any drain, privy, latrine, urinal, absorption pit, disposal work cesspool or receptacle for filth or refuse which the [Commissioner] has ordered to be demolished or stopped or not to be made, to demolish the drain, privy, latrine, urinal, absorption, pit, disposal work, cesspool or receptacle, or to make such alteration therein as he may think fit.

178. Unauthorised building over drains, etc. - The [Commissioner] may, by notice, require any person who without his permission in writing may newly erect or rebuild any building over any drain, conduit, water-course, pumping main, or water pipe vested in the Corporation to pull down or otherwise deal with the same as the [Commissioner] may think fit.

179. Removal of latrine etc. near any source of water supply. - (1) The [Commissioner] may, by notice, require any owner or occupier on whose land any drain, privy, latrine, urinal, absorption pit, disposal work, cesspool or other receptacle for filth or refuse for the time being exists within a hundred feet of any spring, well, tank, reservoir or other source from which water is or may be derived for public use, to remove or close the same within one week from the service of such notice.

(2) Whoever, without the permission of the [Commissioner], makes or keeps for a longer time than one week after the issue of notice under this section, any drain, privy, latrine, urinal, absorption pit, disposal work, cesspool or other receptacle for filth or refuse, within hundred feet of any spring, well, tank, reservoir or other source from which water is or may be derived for public use, shall be punishable with fine which may extend to fifty rupees, and, when a notice has been issued, with a further fine, not exceeding five rupees for each day during which the offence is continued after the lapse of the period allowed for removal.

180. Discharging sewage. - Whoever, without the permission of the [Commissioner] causes or knowingly or negligently allows the contents of any sink cesspool or any other offensive matter to flow, drain or be put upon any street or public place, or into any irrigation channel or any drain not set apart for the purpose, shall be punished with fine which may extend to twenty rupees.

181. Making or altering drains without authority. - Whoever, without the permission of the [Commissioner], makes or causes to be made, or alters or causes to be altered, any drain, leading into any of the drains vested in the Corporation, shall be punished with fine which may extend to fifty rupees.

182. Power to require removal of nuisance arising from tanks and the like. - The [Commissioner] may, by notice, require the owner or occupier of any land or building to cleanse, repair, cover, fill up or drain off any private well, tank, reservoir, pool, depression or excavation therein which may appear to the [Commissioner] to be injurious to health or offensive to the

neighbourhood :

Provided that if for the purpose of effecting any drainage under this section it should be necessary to acquire any land not belonging to the same owner or to pay compensation to any person, the Corporation shall provide such land or pay such compensation.

183. New buildings not to be erected without drains. - It shall not be lawful to erect or re-erect any building, any part of which is within one hundred feet of a municipal drain or of some place set apart by the [Commissioner] for the discharge of drainage or to occupy any such building newly erected or re-erected unless and until -

(a) a drain has been constructed which, in the opinion of the [Commissioner] shall be sufficient for the effectual drainage of such building to such municipal drain or place, and (b) there have been provided for and set up in such building and in the premises appurtenant thereto, all such appliances and fittings as may appear to the [Commissioner] to be necessary for the purpose of gathering and receiving the drainage from, and conveying the same off, the said building and the said premises, and of effectually flushing the drain of the said building and every fixture connected therewith.

184. Sewage and rain-water drains to be distinct. - Whenever it is provided in this Act that steps shall or may be taken for the effectual drainage of any premises, the [Commissioner] may require that there shall be one drain for offensive matter and sewage and another drain for rainwater and unpolluted sub-soil water, each emptying into separate municipal drains or other places set apart by the [Commissioner] for the discharge of drainage, or into other suitable places.

185. Rights of owners and occupiers of premises to carry drains through lands belonging to other persons. - (1) If it appears to the [Commissioner] that the only means by which the owner or occupier of any building or land can conveniently cause this drain to empty into a municipal drain or other place set apart by the [Commissioner] for the discharge of drainage, is by carrying the same into, through or under any land belonging to or occupied by some persons other than the said owner or occupier, the [Commissioner] shall give such other person a reasonable opportunity of stating any objection, and if no objection is raised, or if any objection which is raised appears to him invalid or insufficient, may, by an order in writing, authorise the said owner or occupier to carry his drain into, through or under the said

land in such manner as he may think fit to allow.

(2) Subject to the provisions of this Act, on receipt of any such order bearing the signature of the [Commissioner], the person in whose favour it is made or any agent or person employed by him for the purpose may, after giving to the owner or occupier of the land reasonable written notice of his intention to do so, enter upon the said land with assistants, and workmen at any time between sunrise and sunset, and execute the necessary work. (3) In executing any work under this section as little damage as possible shall be done, and the owner or the occupier of the premises for the benefit of which the work is done shall - (a) cause the work to be executed with the least practicable delay; (b) fill in, reinstate and make good at his own cost and with the least practicable delay, the ground or portion of any building or other construction opened, broken up or removed for the purpose of executing the said work; and (c) pay compensation to any person who sustains damage by the execution of the said work. (4) If any land in which work has been executed under subsection (2) was un-built upon at the time of such execution and if at any time thereafter the owner or occupier thereof desires to erect a building thereon and applies to the [Commissioner] in this behalf, the [Commissioner] shall, by written notice, require the owner or occupier of the premises for the benefit of which such drain was constructed, to close, remove or divert the same in such manner as may be approved by the [Commissioner] and to fill in, reinstate and make good the land as if the drain had not been carried into, through or under the same.

186. Obligation of owner of drain to allow use of or joint ownership therein to others. - Every owner of a drain connected with a municipal drain or other place set apart by the [Commissioner] for drainage shall be bound to allow the use of it to other persons, or to admit other persons as joint owners thereof, on such terms as may be prescribed under section 188.

187. How right of use or joint ownership of a drain may be obtained by a person other than the owner. - Any person desiring to drain his premises into a municipal drain through a drain of which he is not an owner may make a private arrangement with the owner for permission to use his drain, or may apply to the Commissioner for authority to use such drain or to be declared a joint owner thereof.

188. [Commissioner] may authorise person other than the owner of a drain to use the same or declare him to be a joint owner thereof. - (1) Where the [Commissioner] is of opinion, whether on receipt of an application or otherwise, that the most convenient means by which the owner or occupier of any premises can drain such premises is through a drain belonging to some person other than the said owner or occupier, the [Commissioner] shall give the owner of the drain a reasonable opportunity of stating his

objection thereto, and, if no objection is raised or if any objection which is raised appears to him invalid or insufficient, may, by an order in writing, authorise the said owner or occupier to use the drain or declare the said owner to be a joint owner thereof, on such conditions as may appear to him equitable with regard to the payment of rent or compensation and to connecting the drain of the said premises with the communicating drain and to the respective responsibilities of the parties for maintaining, repairing, flushing and cleaning the joint drain.

(2) Every such order, bearing the signature of the [Commissioner] shall be a complete authority to the person in whose favour it is made, or to any agent or person employed by him for this purpose, after giving or tendering to the owner of the drain the compensation or rent specified in the said order and otherwise fulfilling, as far as possible, the conditions of the said order, and after giving to the owner of the drain reasonable written notice of his intention so to do, to enter upon the land in which the said drain is situated with assistants and work men, at any time between sunrise and sunset and, subject to the provisions of this Act, to do all such things as may be necessary for - (a) connecting the two drains; or (b) renewing, repairing or altering the connection; or (c) discharging any responsibility attaching to the person in whose favour the [Commissioner's] order is made for maintaining, repairing, flushing or cleansing the joint drains or any part thereof. (3) In respect of the execution of any work under subsection (2), the person in whose favour the [Commissioner's] order is made shall be subject to the same restriction and liabilities as are specified in sub-section (4) of section 185.

189. Power of [Commissioner] to drain premises in combination. - (1) If, in the opinion of the Commissioner any part of a group or block of premises is situated conveniently near a municipal drain already existing or about to be constructed or a place set apart by the [Commissioner] for the discharge of drainage, and if the [Commissioner] is of opinion that such group or block can be drained more economically or advantageously in common than separately, he may give the owners of all the premises a reasonable opportunity of stating any objection, and, if no objection is raised or if any objection which is raised appears to him invalid or insufficient, may cause such group or block to be drained by such method as appears to him to be most suitable therefor, and the expenses incurred by him in so doing shall be paid by the owners of such premises in such proportions as the [Standing Committee] may think fit.

(2) Not less than fifteen days before any work under this section is commenced, the [Commissioner] shall, by written notice, intimate to the owners of all the premises to be drained. (a) the nature of the intended work, (b) the estimated expenses thereof, and (c) the proportion of such expense payable by

each owner.

190. Connecting drains to be constructed at the expenses of owners of premises. - (1) In the case of premises abutting on a public street in which there is municipal drain and in the case of premises drained in pursuance of the provisions of this Chapter, the [Commissioner] shall construct at the expense of the owner of the said premises such portion of the drain of the said premises as may be necessary to lay under any part of a public street.

(2)The portion of any connecting drain so laid under a public street shall vest in the Corporation and be maintained and kept in repair by the [Commissioner] as a municipal drain.(3)The remainder of every drain constructed, erected, set up or continued for the sole use and the benefit of any premises shall -(a)vest in the owner of such premises;(b)be maintained and kept in repair by the owner or occupier of such premises; and(c)be from time to time flushed, cleansed and emptied under the orders of the [Commissioner] at the cost of the municipal fund :Provided that, where several premises are drained in common under the last preceding section, such remainder shall vest in the owners jointly and the cost of maintenance and repair thereof shall be distributed in the same proportions as are fixed by the [Standing Committee] under the said section.

191. Affixing of pipes for ventilation of drains. - (1) For the purpose of ventilating any drain, whether belonging to the Corporation or any other person, the [Commissioner] may, after giving not less than four days' written notice to the occupiers of the premises, erect upon any premises or affix to the outside of any building, or to any trees, any such shaft or pipe as may appear to him necessary and may cut through any projection from any building (including the eaves of any roof thereof) in order to carry up such shaft or pipe through any such projection and may lay in, through or under any land such appliances as may in opinion of the [Commissioner] be necessary for connecting such ventilating shaft or pipe with the drain intended to be ventilated.

(2)Any shaft or pipe so erected or affixed shall -(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 fixed to a wall supporting the eaves of a roof, be carried at least five feet higher than such eaves; and(c)be removed by the [Commissioner] to some other place, if at any time the owner of the aforesaid premises, building or tree is desirous of effecting any change in his property which cannot without unreasonable inconvenience be carried out unless the shaft or pipe is removed.(3)If the [Commissioner] declines to remove a shaft or pipe under clause (c) of sub-section (2), the owner of the aforesaid premises, building or tree may apply to the District Court, Nagpur, and the said Court may, after such enquiry as it thinks fit to make, direct the [Commissioner] to remove the shaft or pipes, and it shall be incumbent on the [Commissioner] to obey such order.(4)Where the owner of

any building or land cut through, opened or otherwise dealt with under sub-section (1) is not the owner of the drain intended to be ventilated, the [Commissioner] shall, so far as is practicable, reinstate and make good such buildings and fill in and make good such land at the cost of the municipal fund.

192. Right of Corporation of drains constructed at charge of municipal fund. - All drains and fittings thereof (including ventilation, shafts and pipes) constructed or set up at the cost of the municipal fund [or the special funds constituted under section 83A or 83B] shall vest in the Corporation.

Chapter XIV

Conservancy

193. Deposit of rubbish, offensive matter, sewage and carcasses. - (1) The [Commissioner] shall provide or appoint, in proper and convenient situations, public receptacles, depots and places for the temporary deposit or final disposal of rubbish, offensive matter, sewage and the carcasses of dead animals accumulating in the City.

(2) All things deposited in receptacles, depots or places provided or appointed under this section shall be the property of the Corporation.

194. Collection and removal of sewage. - The [Commissioner] may give public notice that the collection and removal of sewage, offensive matter and rubbish from the land and buildings in any portion of the City will be undertaken by municipal agency, and he shall then forthwith take measures for the due collection and removal of such matter from any lands and buildings situated in the said portion of the City.

195. Collection and temporary deposit of rubbish and offensive matter by occupiers of premises. - (1) The [Commissioner] may, by public notice, direct that all rubbish and offensive matter accumulating in any premises in any street or quarter of the City, specified in the notice, shall be collected by the occupier of such premises and deposited in a box, basket or other receptacle, of a kind prescribed by the Corporation, to be provided by such occupier and kept near the entrance to, or, where open space is available, within the premises.

(2)The [Commissioner] may cause public dustbins or other convenient receptacles to be provided at suitable intervals and in proper and convenient situations in streets or quarters in respect of which no notice issued under subsection (1) is for the time being in force; and may, by public notice, direct that all rubbish and offensive matter accumulating in any premises, the entrance to which is situated within fifty yards of any such receptacle, shall be collected by the occupier of such premises and deposited in such receptacle.(3)The [Commissioner] may, by public notice, direct that all rubbish and offensive matter accumulating in any premises in any street or quarter in respect of which no notice issued under sub-section (1) or sub-section (2) is for the time being in force, shall be collected by the occupier of such premises and deposited in lump in the street on which such premises abut or in some portion of such premises.(4)In any notice issued under any of the foregoing subsections the [Commissioner] shall prescribe the hours within which rubbish and offensive matter shall be deposited under this section.(5)The [Commissioner] may, by public notice, direct that sweepers privately employed on the removal of sewage, rubbish or offensive matter shall remove the same in proper receptacles of a type to be approved by the [Commissioner] in such manner as not to cause any unnecessary nuisance to passers-by in the street.

196. Prohibition of accumulations of offensive matter. - No person -

(a)shall throw or place any rubbish, offensive matter or sewage on any street, or in any place not provided or appointed for the purpose under the provisions of this Act;(b)who is the owner or occupier of any land or building shall allow any sewage or offensive matter to flow, soak or be thrown therefrom, or keep or suffer to be kept therein or thereupon, anything so as to be a nuisance to any person, or negligently suffer any receptacle or place for deposit of offensive matter or rubbish on his premises to be in such a state as to be offensive or injurious to health.

Chapter XV

Sanitary ProvisionsRegulation of Public Bathing, Washing, Etc.

197. Construction of places for public bathing, etc. - The [Commissioner], may from time to time -

(a)set apart suitable places for use by the public for bathing, or for washing animals, or for washing or 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; and(d)charge fees for the use of such place by any specified class or classes of persons or by the public generally.

198. Prohibition of corruption of water by steeping therein animal or other matter. - No person shall -

(a)steep in any bank, reservoir, stream, well, trough 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 in or near any lake, tank, reservoir, fountain, cistern, duct, stand-pipe, stream, well or trough, or any part of a river within the limits of the Corporation or within five miles upstream from the Corporation boundary.

199. Regulation of washing of clothes by washermen. - (1) The [Commissioner] may, by public notice, prohibit the washing of clothes by washermen in the exercise of their calling, except at such places as he may appoint for this purpose; and after such prohibition no washerman shall wash clothes at any place not appointed for this purpose except for himself or for the owner or occupier of such place.

(2)Washing places to be provided by ^Commissioner] for washermen. - The [Commissioner] shall provide suitable places for the exercise of their calling by washermen, and may require the payment of such fees for the use of any such place as he may from time to time determine.

Chapter XVI

Water Supply

200. General powers for supplying the City with water. - For the purpose of providing a supply of water proper and sufficient for public and private purposes, the [Commissioner] may, either within or without the City,-

(a)construct and maintain water-works and do all acts which may be necessary or expedient in connection with such construction or maintenance;(b)purchase or take on lease any water-work or any water or right to store water or to take and convey water; or(c)enter into any arrangement with any person for the supply of water.

201. Supply of water. - (1) The [Commissioner] may supply water for any purpose on receiving [either from the owner or the occupier of any premises,] a written application specifying the purpose for which such supply is required and the quantity likely to be consumed.

(2)The supply of water shall be made upon such terms and conditions as to payment and quantity and for such period, as the Corporation may prescribe in this behalf.

202. Making connections with municipal water works. - Where an application under section 201 has been received, all necessary communication-pipes and fittings 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 any such connection and of all communication pipes and fittings so supplied and of all work so executed, shall be paid by the owner or the person making such application. The [Commissioner] shall provide a meter and charge rent for the same.

203. Obligation of owner or occupier to give notice of waste of water. - Any owner or occupier of any land or building in or on which water supplied under this Act is misused from negligence or other circumstances under his control or in which the pipes, mains or other works are out of repair to such an extent as to cause waste of water shall, if he has knowledge thereof, be bound to give notice of the same to such officer as the [Commissioner] may appoint in this behalf.

204. Responsibility for damage caused by leakage of water. - Neither the owner nor occupier of any land or building in which pipes, mains or other works are situated, nor the Corporation shall be liable to pay compensation to any person for any damage caused by any leakage of water or any failure to keep in repair such pipes, mains or other works, unless the owner or occupier or the Corporation has knowledge thereof and has failed to take reasonably prompt action to report the same to the prescribed officer or to stop the leakage or to execute the required repairs, as the case may be.

205. Cutting off of water supply to premises. - If any person whose premises are supplied with water neglects to pay any sum payable, under section 201 when due, or to give notice as provided in section 203 or wilfully or negligently misuses or causes waste of water, the [Commissioner] may cut-off the supply of water to the said premises.

206. Presumption as to correctness of meter. - Whenever water is supplied under this Chapter through a meter, it shall be presumed, that the quantity indicated by the meter has been consumed, until the contrary is proved.

207. Injuring water-works, misappropriating water and tampering with meters. - No person shall -

(a) wilfully or negligently injure or suffer to be injured wells, reservoirs, mains, pipes or other appliances for the supply of water under the management or control of the Corporation; (b) draw off,

divert or take any water from any municipal well, reservoir, main or pipe; or(c)tamper with any meter under the management or control of the Corporation.

208. Misuse of and leaving open valves and tampering with valves and hydrants. - No person shall -

(a)open or keep open the valves of any water-works used for the supply of water to the public by any means other than the use of pressure by the hand; or(b)having opened such valve fail to close the same or leave the same open or tamper with any valve or hydrant not intended for the supply of water to the public.

209. Prohibition of erection of any building which would injure sources of water supply. - Except with the permission of the Corporation, no person shall -

(a)erect any building for any purpose whatever on any part of the area enclosed by the boundary fence of any lake or reservoir from which a supply of water is derived for a municipal water-work; or(b)remove, alter, injure, damage or in any way interfere with the aforesaid boundary-fence.

210. Prohibition of bathing in or polluting water. - Except as provided hereinafter, no person shall -

(a)bathe in or near any water works belonging to the Corporation; or(b)wash, throw, or cause any animal to enter into the water of such works; or(c)throw any rubbish, dirt, filth or any other thing whatsoever into or upon the water of such works, or(d)wash or cleanse therein any cloth, wool, leather or skin of any animal or any clothes or other things; or(e)cause the water of any sink, drain, steam engine, boiler or other filthy water belonging to him or under his control, to run or be brought, into any such water works or do any other act whereby the water in such works may be fouled or polluted or its quantity altered.

Chapter XVII

General Provisions with Reference to Drainage, Water Supply and Water and Other Mains

211. Occupier of premises to be primarily liable for certain offences against the Act. - If an offence against any provision of Chapter XIII, XIV, XV or XVI or against any rule or by-law made under the provisions of this Act relating to water supply has been committed on any premises to which a private supply of water is furnished by the Corporation, it may be presumed, until the contrary is proved, that such offence has been committed by the occupier of the said premises.

212. Least practicable nuisance to be caused. - (1) In carrying out the duties imposed on the Corporation by clauses (b), (c), (i) and (l) of section 57, or exercising the powers conferred upon it by sections 170, 171, 172, 173, 191, 193 and 194, the Corporation shall not cause any nuisance which in the circumstances of the case can reasonably be avoided.

(2)The [Commissioner] shall make reasonable compensation to any person who has sustained damage occasioned by the-carrying out of any such operations :Provided that no compensation shall be claimed or paid for inconvenience unavoidably caused.

213. Power of carrying wires, pipes, drains, etc. - Subject to the provisions of any law for the time being in force, the [Commissioner] may carry any cable, wire, pipe, drain or channel of any kind required for the establishment or maintenance of any system of drainage, water supply or lighting through, across, under or over any street or any place laid out as or intended for a street, and also after giving reasonable notice in writing to the owner or occupier, through, across, under, over or along side any land or building whatsoever within or without the City, and may place and maintain in any immovable property in the City or without the City any posts, poles, standards, brackets or other contrivances for supporting cables, wires, pipes, channels and lights and may do all acts necessary or expedient for repairing, and maintaining any such cable, wire, pipe, drain, channel, post, pole, standard, bracket or other similar contrivance in an effective state for the purpose for which it is intended to be used or for removing the same.

214. Provision as to wires, pipes or drains laid or carried above surface or ground. - In the event of any cable, wire, pipe, drain, sewer, or channel being laid or carried above the surface of any land or through, over or up the side of any building, such cable, wire, pipe, drain, sewer or channel, as the case may be, shall be so laid or carried as to interfere as little as possible with the rights of the owner or occupier to the due enjoyment of such land or building and reasonable .compensation shall be paid in respect of any substantial interference with any such right to such enjoyment.

215. Previous notice to be given. - Except in cases to which sections, 354, 355 and 356 relate the [Commissioner] shall cause not less than fourteen days notice in writing to be given to the owner or occupier before commencing any operations under section 213.

216. Connection with main not to be made without permission of [Commissioner]. - (1) No person shall, without the permission of the [Commissioner], at any time, make or cause to be made, any connection or communication with any cable, wire, pipe, ferrule, drain or channel constructed or maintained by or vested in the Corporation for any purpose whatsoever.

(2) Any person acting in contravention of the terms of subsection (1) shall be punished with a fine not exceeding fifty rupees.

217. Power of Commissioner to require the owner to make provision for drainage. - Where any premises have no drain communicating with a public sewer, or a drain communicating with the public sewer, but insufficient for the effectual drainage of the premises, or a drain not adapted to the general sewerage system of the City, or a drain which is in the opinion of the [Commissioner], otherwise objectionable, the [Commissioner] may, by notice, require the owner of the premises to make satisfactory provision for the drainage of the premises or to do such other work within such time as may, in the opinion of the [Commissioner], be necessary for remedying the cause of complaint.

218. Power to establish meters and the like. - The [Commissioner] may establish meters or other appliances for the purpose of testing the quantity or quality of electricity supplied to the premises of any person or for the use of any person or business.

219. Communications and connections, etc., to be executed subject to inspection by and to satisfaction of [Commissioner]. - The ferrules, communication pipes, connections, meters, stand-pipes and all fittings thereon or connected therewith, leading from mains or service cables, wires, pipes, drains, or channels into any house or land and the wires, pipes, fittings and works inside any such house or within the limits of any such land, shall in all cases, other than cases which the State Government may by general or special order exempt from the operation of this section, be executed to the satisfaction of the [Commissioner].

220. Power of [Commissioner] to fix scale of charges. - Subject to the provisions of any law for the time being in force the [Commissioner] may, from time to time, fix the scales of charges which the Corporation may make for establishing communications from and connections with mains or service cables or for installing wires and pipes for the supply of electricity or water or for the use of meters or other appliances for testing the quality or quantity thereof and may levy such charges from the owner or occupier as the circumstances may require.

221. Troughs and pipes for rainwater. - (1) The [Commissioner] may, by notice, require the owner of any building or land in any street to put up and keep in good condition proper troughs and pipes for receiving and carrying water and sullage from the land or building and for discharging the same so-as not to inconvenience persons passing along the street.

(2) For the purpose of efficiently draining any building or land the [Commissioner] may by notice in writing -(a) require any courtyard, alley or passage between two or more buildings to be paved by the owner or part owner of such buildings with such materials and in such manner as may be approved by the [Commissioner], and (b) require such paving to be kept in proper repair.

222. Control by Corporation and the [Standing Committee]. - In dealing with municipal drainage, sewage and water-works schemes the [Commissioner] shall follow the general principles laid down by the Corporation, with the approval of the State Government, for any scheme of sewage or drainage or water-works [and may refer to the Standing Committee any question connected with the carrying out of such a scheme in which the intention of the Corporation does not appear to him to have been clearly expressed, or in which the provisions of the scheme appear to him to require modification. The Standing Committee shall in its discretion either decide the question or refer the matter for the orders of the Corporation] :

Provided that any question involving the expenditure of a sum, exceeding one lakh of rupees shall be referred to the Corporation for orders.

223. Buildings not to be erected without permission over drains or water or air mains. - (1) Without the written permission of the [Commissioner], no building, wall or other structure shall be erected or re-erected, and no street, railway, electric or telephone line or similar other structure shall be constructed over any municipal drain or water or air main.

(2) If any building, wall or other structure is erected, or re-erected or constructed in contravention of the provisions of sub-section (1), the [Commissioner] may, subject to the provisions of any law for the time being in force, remove the same or otherwise deal with it as he may think fit. The expenses incurred by him under this sub-section shall be paid by the person offending.

224. Control by the State Government. - No drainage or sewage or water-works scheme involving an expenditure of a sum of five lakhs of rupees or more shall be sanctioned by the Corporation without the previous approval of the State Government.

225. Power of access to municipal water works. - Any municipal sewage or drainage scheme or any municipal water works may be inspected by a person appointed by the State Government in this behalf, and the [Commissioner] or any such person may at all reasonable times-

(a) enter upon and pass through any land whether within or without the City, adjacent to or in the vicinity of such a drainage or sewage scheme or such water-works in whomsoever such land may vest; (b) after giving not less than four days' written notice to the occupiers, cause to be conveyed into and through any such land all necessary men, materials, tools and implements.

226. Compensation for damage. - If in the exercise of any of the powers conferred by section 213 or 225 any damage or inconvenience is caused, which in the circumstances could reasonably have been avoided, the Corporation or the Government shall pay compensation according as the damage or inconvenience is caused by the Corporation or by a person appointed by the Government.

Chapter XVIII

Public Health and Safety Regulation of Factories and Trades

227. Factories not to be established, etc. without permission of [Commissioner]. - No person shall -

(a) newly establish, or (b) remove from one place to another, or (c) re-open or renew after discontinuance for a period of not less than three years, or (d) enlarge or extend the area or dimensions of any factory, workshop or bakery in any area, other than an area set apart for the accommodation of industries by any Act, for the time being in force or by any local authority, except with the permission of the [Commissioner] and in accordance with the terms and conditions stated in such permission : Provided that no such permission shall be required in the case under clause (c) if during the period of discontinuance the machinery has not been removed from the place where

the factory, workshop or bakery was originally established.

228. Sanitary regulation of factories, etc. - (1) Whenever it appears to the [Commissioner] that any factory, workshop or workplace or any building or place, in which mechanical power is employed is not kept in a cleanly state, or is not ventilated in such a manner as to render as far as practicable harmless any gas, vapour, soot or other impurity generated in the course of the work carried on therein, or is so over crowded during working hours as to be dangerous or injurious to the health of the persons employed therein; or that any machinery therein is so fixed or so insecurely fenced as to be dangerous to life or limb, the [Commissioner] may, by written notice, require the owner thereof to take such order with it as the [Commissioner] shall think fit to order.

(2) Nothing in this section shall be deemed to affect any provision of Indian Boilers Act, 1923, and nothing in this section regulating the fixing or fencing of any machinery shall apply to any factory subject to the provisions of the [Factories Act, 1934].

229. Regulation of dangerous and offensive trade. - Except in accordance with the provisions of this Act, no person shall -

(a) store or keep in any premises any articles mentioned in any by-laws made under this Act as dangerous or offensive, or as being, or likely to be a nuisance to the public, or dangerous to life, health or property; (b) store or keep in any premises the hide or any part of the carcass of any animal afflicted at the time of its death with infectious or contagious disease; or (c) carry on or allow to be carried on in any premises any trade, manufacture, industry or operation mentioned in any rules under this Act as dangerous to life, health or property or as likely to create a nuisance, either from its nature or by reason to the manner in which or the conditions under which the same may be carried on : Provided that nothing in this section shall affect the provisions of the Indian Explosives Act, 1884, or the Petroleum Act, 1934.

230. Premises not to be used for certain purposes without a licence. - (1) No person shall use or permit to be used any premises for any of the following purposes without or otherwise than in conformity with the terms of a licence granted by the [Commissioner] in this behalf, namely :-

(a) carrying on within the City the trade or operations of a carrier; (b) keeping articles in excess of the maximum laid down for such articles by the by-laws; (c) keeping any article, which, except for domestic purposes, is prohibited by any by-laws; (d) keeping in or upon any building used or intended to be used as a dwelling house or within fifteen feet of such building, any quantity of cotton in excess of four hundred weights; (e) keeping horses, cattle or other four-footed animals for sale or

hire or for the sake of the produce thereof, or for any purpose for which any charge or remuneration is made or received;(f)carrying on any of the prescribed trades or operations connected therewith, or any trade or operation which in the opinion of the [Commissioner], is dangerous to life, health or property, or likely to create a nuisance either from its nature or by reason of the manner in which, or the conditions under which, it is carried on.Explanation I. - A person shall be deemed to know that a trade or operation is, in the opinion of the [Commissioner], dangerous or likely to create a nuisance within the meaning of this clause after a written notice to that effect signed by the [Commissioner] has been served on him or affixed to the premises to which it, relates.Explanation II. - A person shall be deemed to carry on a trade or operation or to allow it to be carried on within the meaning of this paragraph if he does any act in furtherance of such trade or is in any way engaged or concerned therein as principal, agent, master or servant or in any other similar capacity.[(2) It shall be in the discretion of the Commissioner to grant a licence for any of the purposes referred to in subsection (1) subject to such restrictions or conditions as he may think fit to specify or to refuse to grant such licence.](3)Every person to whom a licence is granted by the [Commissioner] under sub-section (2) shall keep such licence in or upon the premises, to which it relates.(4)Nothing in this section shall be deemed to apply to mills for spinning or weaving cotton, wool, silk or jute or to any other mill or factory which the [Commissioner] may with the previous approval of the [Standing Committee], from time to time, specially exempt from the operation thereof.

231. Prohibition of corruption of water by chemicals, etc. - (1) No person engaged in any trade or manufacture which may be specified in the by-laws shall -

(a)wilfully cause or suffer to be brought or to flow into any lake, tank, reservoir, cistern, well, duct or other place for storing 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; or(b)wilfully do any act connected with such trade or manufacture whereby the water in any such lake, tank, reservoir, cistern, well, duct or other place for storing water is fouled or corrupted.(2)After giving not less than twenty-four hours' previous notice in writing to the owner or to the person who has the management or control of any works, pipes or conduits connected with any such manufacture or trade as is referred to in sub-section (1), the [Commissioner] may lay open and examine the said works, pipes or conduits; and if, upon such examination, it shall appear that the provisions of subsection (1) have been contravened by reason of anything contained in or proceeding from the said works, pipes or conduits the expenses incurred in laying open and examining them and in adopting any other measure which the [Commissioner] considers necessary for removing the cause of such contravention shall be paid by the owner of the said works, pipes or conduits, or by the person who has the management or control thereof, or through whose neglect or fault the contravention has occurred.But if it appears that there has been no such contravention, the said expenses and also compensation for any damage occasioned by such laying open and examination shall be paid by the [Commissioner].

232. Inspection of premises used for manufactures, etc. - (1) Subject to the by-laws made by the Corporation in this behalf, the [Commissioner] may, at any time, by day or night, and without notice, enter into or upon any premises used for any of the purposes mentioned in section 230 or upon any premises in which furnace is employed for the purpose of any trade or manufacture, or into any bakery, in order to satisfy himself that there is no contravention of any provision of this Act or any rule or by-law made thereunder or of any condition of any licence granted under this Act, or that no nuisance is being created upon such premises.

(2) No claim for compensation shall lie against any person for any damage which may unavoidably be caused by any such entry or by the use of any force necessary for effecting such entry : Provided that force shall not be used for effecting an entry, unless there is reason to believe that an offence is being committed against some provision of this Act or some rules made thereunder.

233. Prohibition of cinematographs and dramatic performances except in licensed premises. - (1) No exhibition by cinematograph or other apparatus in which inflammable film is used, no public dramatic performance, circus, or pantomime, shall be given within the limits of the City except in premises for which a licence has been granted by the [Commissioner] under this section.

(2) If the owner of a cinematograph or other apparatus uses the apparatus or allows it to be used, or if any person takes part in any public dramatic performance, circus or pantomime, or if the occupier of any premises allows those premises to be used, in contravention of the provisions of this section, or of any condition of a licence granted under this section, he shall be liable to a fine not exceeding two hundred rupees and in the case of a continuing offence, to a further penalty of fifty rupees for each day during which the offence continues, and his licence shall be liable to be revoked by the [Commissioner].

Chapter XIX

Markets and Slaughter Places

234. Power of Corporation to permit opening of new private markets. - (1) The Corporation may at its discretion permit the establishment of a new private market in the City or in any specified portion thereof.

(2) No person shall establish a new private market for the sale of animals intended for human food, or for the purpose of exposing them for sale except with the sanction of the Corporation. (3) When the establishment of a new private market is sanctioned the [Commissioner] shall cause a notice of

the sanction to be exhibited in English, Hindi and Marathi in some conspicuous spot on or near the building or place where such market is to be held.

235. Private markets not to be kept open without a licence. - (1) Except under a licence granted by the [Commissioner] in accordance with the general or special orders issued by the [Standing Committee] in that behalf, and in conformity with its terms, no person shall establish or keep a private market or when established, remove it from one place to another, or re-open or re-establish it after it has been closed for a period in excess of twelve months, or enlarge its area or dimensions :

Provided that the [Commissioner] shall not refuse a licence to keep a private market or cancel or suspend the same, for any cause other than the owner's failure to comply with this Act or the terms of this licence after compliance has been required of him.(2)When the [Commissioner] has refused, cancelled or suspended any licence to keep a private market, he shall cause a notice thereof in English, Hindi and Marathi languages to be conspicuously exhibited near the building or place where such market is or was to be held.

236. Selling animals, meat, etc. outside a market without a licence. - (1) Without a licence from the [Commissioner] no person shall sell or expose for sale any animal, or any meat or fish intended for human food in any place other than a Corporation or licensed market.

(2)Nothing in sub-section (1) shall apply to meat or fish sold in any hotel or eating house for consumption on the premises.

237. Power of Corporation to regulate the manufacture, preparation and sale of food and drink. - The Corporation may, and if required by the State Government shall, by by-laws -

(a)prohibit the manufacture, sale or preparation or exposure for sale, of any specified article of food or drink, in any place or premises not licensed by the Corporation;(b)regulate the hours and manner of transport of any specified articles of food or drink within the City and prescribe the route by which such articles shall be carried;(c)prohibit the sale of milk, butter, ghee, curd, meat, game, fish and poultry by persons licensed by the Corporation;(d)prohibit the import by persons not licensed by the Corporation of milk, cream, butter, ghee, curd, meat, game, fish and poultry within the City for sale;(e)provide for the grant and withdrawal of licences and the levying of fees therefore under this section :Provided that no person shall be punishable for the breach of any by-law made under clause (a) by reason of the continuance of such manufacture, preparation, or exposure for sale, or sale in any place or upon any premises which are at the time of the making of such by-laws used for such purpose until he has received from the Corporation six months' notice in writing to discontinue

such manufacture, preparation or exposure for sale.

238. Places for slaughter of animals for sale. - (1) The Corporation may, and when required by the State Government, shall, fix places, with the approval of the State Government either within or without the limits of the City, for the slaughter of the animals or of any specified description of animals, for sale, and may with the like approval grant and withdraw licences for the use of such premises, or if they belong to the Corporation may charge rent or fees for the use of the same.

(2)When such places have been fixed by the Corporation beyond municipal limits it shall have the same power to make by-laws for the inspection and proper regulation of the same if they were within those limits.(3)When any such premises have been fixed no person shall slaughter any such animal for sale within the City at any other place.(4)Any person who slaughters for sale any animal at any place within the City other than the one fixed by the Corporation under this section shall be punishable with fine which may extend to twenty rupees.

239. Disposal of dead animals. - (1) Whenever any animal in the charge of any person dies otherwise than by slaughter for sale or for a religious purpose, such person shall within twenty-four hours either -

(a)convey the carcass to the place fixed by the Corporation for the disposal of dead animals or to any place at least one mile beyond the limits of the City; or(b)give notice of the death to the [Commissioner] who shall cause the carcass to be disposed of.(2)For the disposal of dead animals under clause (b) of sub-section (1), the [Commissioner] may charge such fees as the Corporation may fix by public notice.(3)For the purposes of this section the word "animal" shall include horned cattle, elephants, camels, horses, ponies, asses, mules, deer, sheep, goats and swine.(4)Any person bound to act in accordance with subsection (1) of this section shall, if he fails so to act, be punished with fine which may extend to ten rupees.

Chapter XX

Food, Drinks, Drug and Dangerous Articles

240. Prohibition of sale of diseased animals or unwholesome articles intended for human consumption. - No person shall sell, expose or hawk or keep for sale any animal intended for human consumption which is diseased, and no person shall sell, store for sale, expose or hawk for sale or manufacture any food, drink or drug intended for human consumption or medical treatment which is unsound, unwholesome, adulterated or unfit for

human consumption.

241. Prohibition of adulterants in places where butter, ghee, etc. are manufactured or stored. - (1) No person shall keep or permit to be kept in any shop or place in which milk is stored or in any manufactory, shop or place in which butter, ghee, wheat flour, mustard oil, tea, edible oil, edible fat or any article notified by the State Government in this behalf is manufactured or stored, any substance intended to be used for adulteration of such milk, butter, ghee, wheat flour, mustard oil, other article.

(2) If any article capable of being so used is found in any such manufactory, shop or place, the Court shall, unless and until the contrary is proved, presume, in any prosecution under this section that it is intended to be used for adulteration.

242. Prohibition of sale of certain articles which are not of the prescribed standard of purity. - No person shall, directly or indirectly, sell, expose or hawk for sale, or manufacture or store for sale any drug or article of food or drink to which the State Government has by notification applied this section unless it fulfils the conditions specified in such notification.

243. Substitutes. - No person shall sell, or offer, expose, manufacture or store for sale, as being a specified drug or article of food or drink to which the State Government has by notification extended this section, any article (hereinafter referred to as "substitute") which resembles or purports to be a notified drug or article but differs therefrom in nature, substance or quality.

244. Prohibition of sale etc. of food or drink not of the nature, substance or quality of the article as represented. - (1) No person shall directly or indirectly, himself or by any other person on his behalf, sell, expose or hawk for sale, or manufacture or store for sale, any article of food or drink Which is not of the nature, substance, or quality it is represented to be :

Provided that an offence shall not be deemed to be committed under this section in the following cases, namely :-(a) where any matter or ingredient not injurious to health has been added to any article of food or drink in order to facilitate the production or preparation of the same as an article of commerce in a state fit for carriage or consumption, and not fraudulently to increase the bulk, weight or measure of the article or to conceal the inferior quality thereof; or (b) where any article of food or drink is unavoidably mixed with some extraneous matter in the process or collection or preparation. (2) In any prosecution under this section it shall be no defence to allege that the vendor, manufacturer or storer was ignorant of the nature, substance or quality of the article sold, exposed,

hawked about for sale, or manufactured or stored for sale, by him, or that the purchaser having bought such article only for analysis was not prejudiced by the sale.

245. Licence required for dealing in milk, etc. - 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 limits of the City the trade or business of a dealer in milk or milk products or of an importer, vendor or hawker of the same, or(b)use any place for the sale of milk or milk products.

246. Provisions relating to prosecutions. - In any prosecution under sections 240, 241, 242 and 243 -

(a)the Court shall, until the contrary is proved, presume that any animal, food, drink, drug or substitute therefor found in the possession of a person who is in the habit of selling that class of animal or of manufacturing, storing or selling such articles, was being kept, manufactured or stored for sale by such person;(b)no such person shall plead that he was ignorant that the animal, food, drink, drug or a substitute was diseased, unsound, unwholesome, unfit for human consumption or adulterated or did not fulfil the conditions specified or was a substitute, as the case may be;(c)no offence shall be deemed to have been committed where such person proves to the satisfaction of the Court that he obtained the food, drink, drug or substitute under a warranty from the person manufacturing it within the City or importing it within the same that the food, drink, drug or substitute had not been adulterated, or that it fulfilled the conditions specified or that it was not a substitute and that he had no reason to believe otherwise or had no reasonable ground for believing that by lapse of time or otherwise the warranty no longer held good.

247. Liability of warrantors. - When any person has been discharged or acquitted of an offence on the grounds mentioned in clause (c) of section 246 and the warranty proves to be incorrect or misleading, the warrantor shall be liable to be prosecuted for such offence and the provisions of section 246 shall apply in a like manner as if he were himself the seller or storer, as the case may be.

248. Inspection of place for sale of food or drink and seizure of unwholesome articles or utensils found therein. - (1) Any officer of the Corporation duly authorised in this behalf by the [Commissioner] may enter into and inspect any market, building, shop, stall, or place used for the sale of any animal, food, drink or drug intended for human consumption or medical treatment or for the preparation, manufacture or storage of the same for sale, and may inspect and examine any such animal, food, drink or drug and any utensil or

vessel used for preparing, manufacturing or containing any such food, drink or drug.

(2) If any such animal appears to such officer to be diseased, or if any such food, drink or drug appears to him to be unsound, unwholesome or unfit for human consumption or medical treatment, as the case may be, or to be adulterated, or not to fulfil the specified conditions or to be a substitute, or if any such utensil or vessel is of such kind or in such state as to render any food, drink, or drug prepared, manufactured or contained therein unwholesome or unfit for human consumption or medical treatment, he may seize and remove such animal, food, drink, drug, utensil or vessel in order that the same may be dealt with as hereinafter in this Chapter, provided. (3) The authorised officer may, instead of removing any animal, food, drink, drug, utensil or vessel seized under subsection (2) leave the same in such safe custody as the [Commissioner] directs in order that it may be dealt with as hereinafter in this Chapter provided; and no person shall remove it from such custody or interfere or tamper with it in any way while it is so detained.

249. Destruction of animals and articles seized under section 248. - (1) When any animal, food, drink, drug, utensil or vessel is seized under sub-section (2) of section 248, it may be destroyed by the officer making the seizure with the consent of the owner or the person in whose possession it was found.

(2) The officer destroying any animal, food, drink, drug, utensil or vessel under sub-section (1) shall report such destruction to the Medical Officer of Health. (3) If any food, drink or drug seized under sub-section (1) is of a perishable nature and is in the opinion of the officer making the seizure, infected, unsound, unwholesome or unfit for human consumption or medical treatment, it may, with the previous sanction of the Medical Officer of Health, be destroyed without the consent referred to in sub-section (1). (4) The expenses incurred in taking any action under sub-sections (1) and (3) shall be paid by the person in whose possession such animal, food, drink, drug, utensil or vessel was at the time of its seizure and no claim shall lie for compensation for any animal or article so destroyed.

250. Taking before Magistrate of animals and articles seized under section 248. - (1) Any animal, food, drink, drug, utensil or vessel seized under sub-section (2) of section 248 but not destroyed in pursuance of section 249 shall, subject to the provisions of sub-section (3) of section 248, be taken before a Magistrate as soon as may be after such seizure.

(2) If it appears to the Magistrate that such animal, food, drink, drug, utensil or vessel was rightly seized, he shall cause the same to be forfeited to the Corporation or to be destroyed at the expenses of the person in whose possession it was found at the time of its seizure. (3) If the Magistrate is of the contrary opinion, the person from whose shop or place it was taken shall be entitled to have it restored to him, and it shall be in the discretion of the Magistrate to award him such compensation, not exceeding the actual loss or expenses which he has sustained or incurred, as the Magistrate may

think proper.

251. Food, drink or drugs directed to be destroyed deemed to be the property of the Corporation. - Any animal, food, drink or drug in respect of which any authority exercising powers under this Chapter passes an order of destruction or disposal so that it cannot be used as food or medicine, shall thereupon be deemed to be the property of the Corporation.

252. Application of provisions of this Chapter to other articles. - The provisions of this Chapter shall, so far as they are applicable, apply to such other articles as the State Government may by notification in the Gazette declare to be dangerous for human use.

Chapter XXI

On Restraint of Infection

253. Information to be given of existence of dangerous disease. - Whoever -

(a)being a medical practitioner or a person openly and constantly practising the medical profession and in the course of such practice becoming cognisant of the existence of any infectious disease in any dwelling other than a public hospital, or, in default of such medical practitioner or person practising the medical profession,(b)being the owner or occupier of such dwelling and becoming cognisant of the existence of any such disease therein, or, in default of such owner or occupier,(c)being the person in charge of, or in attendance on, any person suffering from any such disease in such dwelling, and becoming cognisant of the existence of the disease therein, fails forthwith to give information, or knowingly gives false information to the Medical Officer of Health or to any other officer to whom the Corporation may require information to be given respecting the existence of such disease, shall be punishable with fine which may extend to fifty rupees :Provided that a person not required to give information in the first instance, but only in default of some other person, shall not be punishable if he shows that he had reasonable cause to suppose that the information had been, or would be, duly given.

254. Powers of Medical Officer of Health to inspect places and take measures to prevent spread of dangerous diseases. - The Medical Officer of Health, or any other municipal officer authorised by him in this behalf, may, at any time by day or by night, without notice, or after giving such notice of his intention as may, in the circumstances, appear to him to be reasonable, inspect any place in which any dangerous disease is reported or suspected to exist, and take such measures as he may think fit to prevent the spread of the disease

beyond such place.

255. Prohibition of use for drinking or for other domestic purposes of water likely to cause dangerous disease. - (1) If it appears to the Medical Officer of Health that the water in any well, tank or other place is likely, if used for the purpose of drinking or for any other domestic purpose, to endanger or cause the spread of any dangerous disease, he may by public notice prohibit the removal or use of the said water for such purpose.

(2) No person shall remove or use for such purpose any water in respect of which any such public notice has been issued.

256. Power of Medical Officer of Health to remove patient to hospital in certain cases. - (1) When, in the opinion of the Medical Officer of Health, any person is suffering from a dangerous disease and is also without proper lodging or accommodation or is lodged in such a manner that he cannot be effectually isolated so as to prevent the spread of infection, and the said officer considers that such person should be removed to a hospital or place at which patients suffering from such disease are received for medical treatment, he may, with the approval of the [Commissioner], direct or cause the removal of such person to such hospital or place :

Provided that all costs incurred for the removal and the treatment of any such patient shall be borne by the Corporation ; Provided also that, if any such person is a woman, she shall not be removed to any such hospital or place unless the same has accommodation for women, of a suitable kind, and set apart from the portion assigned to males. (2) Any person having charge of a person in respect of whom an order is made under sub-section (1) shall obey such order. (3) If any woman who according to custom does not appear in public is to be removed to any hospital or place under subsection (1), - (a) the removal shall be effected in such a way as to preserve her privacy; (b) special accommodation suited to such custom shall be provided for her in such hospital or place; (c) she shall, if she so desires, be treated therein by women only; and (d) her female relatives shall be allowed to remain with her.

257. Power of Medical Officer of Health to disinfect building, tank, pool or well. - (1) If the Medical Officer of Health or any officer of the Corporation authorised by him in this behalf, is of the opinion that the cleansing or disinfecting of any building or any part of a building, or of any article therein which is likely to retain infection, or of any tank, pool or well adjacent to a building, would tend to prevent or check the spread of any dangerous disease, he may cause to be cleansed or disinfected such building, part,

article, tank, pool or well and may by written notice, require the occupier of such building or any part thereof to vacate the same for such time as may be prescribed in such office.

(2) The cost of cleansing or disinfecting any building or part thereof, or any article therein under sub-section (1), shall be paid by the occupier of such building and the cost of cleansing or disinfecting any tank, pool or well under the said sub-section, shall be paid by the person in actual possession of such tank, pool or well or if there be no such person, by the owner thereof : Provided that if, in the opinion of the [Commissioner], the owner or occupier is from poverty unable to pay the cost, the [Commissioner] may direct payment thereof to be made from the municipal fund.

258. Power of Medical Officer of Health to destroy huts and sheds. - (1) If the Medical Officer of Health 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 he considers reasonable, take measures for having such hut or shed and all the materials thereof destroyed.

(2) Compensation not exceeding the value of the hut shall be paid by the Corporation to any person who sustains loss by the destruction of any such hut or shed, but, except as so allowed by the [Commissioner], no claim for compensation shall lie for any loss or damage caused by any exercise of the power conferred by sub-section (1).

259. Infected building not to be let without being first disinfected. - No person shall let a building or any part of a building in which he knows or has reason to know that a person has been suffering from a dangerous disease -

(a) unless the Medical Officer of Health has disinfected the same and has granted a certificate to that effect, and (b) until a date specified in such certificate as that on which the building or part may be occupied without causing risk of infection. Explanation. - For the purpose of this section the keeper of a hotel or inn shall be deemed to have let part of his building to any person accommodated therein.

260. Provisions of places for disinfection, washing or destruction of infected articles and power of [Commissioner] to disinfect or destroy such articles. -

(1) The Corporation shall provide a place or places with all necessary apparatus and establishment, for the disinfection of conveyances, clothing, bedding or other articles which have become infected, and when any articles have been brought to any such place for disinfection, shall cause them to be disinfected either -

(a) free of charge; or (b) in its discretion, on payment of such fees as it may from time to time fix in this behalf. (2) The Corporation shall, from time to time, by public notice, appoint a place or places at which conveyances, clothing, bedding or other articles which have been exposed to infection from any dangerous disease may be washed; and no person shall wash any such article at any place not so appointed, without having previously disinfected the same. (3) The Medical Officer of Health, or any person authorised by him in this behalf, shall disinfect or destroy, or by written notice direct the disinfection or destruction of any clothing, bedding or other articles likely to retain infection. (4) The [Commissioner] shall pay such compensation as may appear to him reasonable for any article destroyed under sub-section (3) and his decision as to the amount of compensation shall be final.

261. Infected articles not to be transmitted, etc., without previous disinfection. - (1) No person shall, without previous disinfection of the same, give, lend, sell, transmit, or otherwise dispose of any article which he knows or has reason to know has been exposed to infection from any dangerous disease.

(2) Nothing in sub-section (1) shall apply to a person who transmits, with proper precautions, any such article for the purpose of having the same disinfected.

262. Restrictions on carriage of patient or dead body in public conveyance. -

(1) No person who is suffering from a dangerous disease shall enter, or cause or permit himself to be carried in a public conveyance, nor shall any other person knowingly cause or permit a person in his charge and suffering from a dangerous disease or the dead body of any person who has died from such disease to be carried in a public conveyance without -

(a) previously notifying to the owner, driver, or person in charge of such conveyance that he is so suffering, and (b) taking proper precautions against the spreading of such disease. (2) Notwithstanding anything contained in any enactment relating to public conveyances for the time being in force, no owner or driver or person in charge of a public conveyance shall be bound to carry any person suffering as aforesaid or any such dead body in such conveyance, unless payment or tender of sufficient compensation for the loss and expenses he must incur in disinfecting such conveyance is first of all made to him. (3) No owner, driver or person in charge of a public conveyance shall knowingly carry or permit to be carried in such conveyance any person suffering as aforesaid or any such dead body in contravention of sub-section (1).

263. Disinfection of public conveyance after carriage of patient or dead body. -

(1) The owner, driver or person in charge of any public conveyance in which any person suffering from a dangerous disease or the dead body of any person who had died of such disease has been carried shall immediately take the conveyance for disinfection to a place appointed under sub-section

(1) of section 260.

(2)The person in charge of such place shall forthwith intimate to the Medical Officer of Health the number of the conveyance and proceed to disinfect the conveyance.(3)No such conveyance shall be used until the Medical Officer of Health has granted a certificate stating that it may be used without causing risk of infection.

264. Power of Corporation to provide special conveyance for patient or dead body. - (1) The Corporation may provide and maintain suitable conveyances for the free carriage of persons suffering from any dangerous disease or of the dead bodies of persons who have died of any such diseases.

(2)When such conveyances have been provided, it shall not be lawful, without the sanction of the Medical Officer of Health, to carry any such person or dead body in, or for such person to cause himself to be carried in, any other public conveyance.

265. Power of Corporation to take special measures on outbreak of dangerous disease or infectious epizootic disease. - 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 epizootic disease breaking out or being likely to be introduced into the City, the Corporation, if it considers that the other provisions of this Act, or the provisions of any other enactment for the time being in force are insufficient for the purpose, may, with the sanction of the State Government -

(a)take such special measures; and(b)by public notice, prescribe such temporary rules to be observed by the public or by any person or class of persons as it may deem necessary to prevent the outbreak of such diseases or the spread thereof.

Chapter XXII

Disposal of the Dead

266. Provision of new places for disposal of the dead. - If the existing places for the disposal of the dead appear to the Corporation at any time to be insufficient, it shall provide further fit and convenient places for the purpose :

Provided that, except with the written permission of the State Government no place shall be so provided -(a)if it has never previously been lawfully used for the purpose, or(b)if having been

formerly so used it is no longer so used.

267. Power of State Government to direct the closing of any place for the disposal of the dead. - (1) If after personal inspection the [Commissioner] is at any time of opinion that any place used for the disposal of the dead is or is likely to become injurious to public health, he may submit his considered opinion with the reasons therefor [to the Corporation] and the Corporation shall forward the same with its opinion, for the consideration of the State Government.

(2) Upon receipt of such an opinion the State Government, after such further enquiry as it deems fit to make, may, by notification published in the Gazette and in such newspaper as it may deem necessary, direct that such place shall no longer be used for the disposal of the dead. (3) On the expiration of three months from the date of any such notification, the place to which it relates shall no longer be used for the disposal of the dead. (4) Private space set apart for burial may be exempted from any such direction subject to such conditions as the Commissioner may impose in this behalf, provided that the limits of such space are sufficiently defined and that it shall only be used for the burial of members of the family of the owners thereof.

268. Power of the State Government to direct reopening of place closed under section 267 or other enactment. - (1) If, after personal inspection, the [Commissioner] is of opinion that any place formerly used for the disposal of the dead which has been closed under the provisions of this Act has, by lapse of time, become no longer injurious to health and may without risk or danger be again used for the said purpose, he may submit his opinion with the reasons therefor [to the Corporation] which shall forward the same, with its opinion, for the consideration of the State Government.

(2) Upon receipt of such opinion the State Government, after such further enquiry as it deems fit to make, may, by notification in the Gazette, direct that such place be reopened for the disposal of the dead.

269. Prohibition of certain acts without the permission of [Commissioner]. - (1) No person shall, without the written permission of the [Commissioner] -

(a) make any vault, grave or interment within any wall, or underneath any passage, porch, portico, plinth or verandah, or any place of worship; or (b) make any interment or otherwise dispose of any corpse in any place which is closed for the disposal of the dead under section 267; or (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 other than a place for the disposal of the dead; or (d) exhume any body from any place for the disposal of the dead, except under the provisions of section 176 of

the [Code of Criminal Procedure, 1898], or of any other enactment for the time being in force.(2)Such permission may be granted by the [Commissioner] only and subject to such general or special orders as the State Government may make in this behalf.(3)An offence under this section shall be deemed to be a cognizable offence within the meaning of sections 149, 150 and 151 of the said Code.

270. Removal of corpses. - (1) The [Commissioner] may by public notice, prescribe routes for the removal of corpses to burial or burning places.

(2)Whoever carries a corpse along a route prohibited by the [Commissioner] or in a manner likely to cause annoyance to the public, shall be punishable with fine which may extend to ten rupees.

Part VI

Lands, Buildings and Streets

Chapter XXIII

Town Planning

271. Town planning scheme. - (1) The Corporation may, and if so required by the State Government shall, within six months of the date of such requisition, direct the [Commissioner] to draw up a town planning scheme, which may, among other things, provide for the following matters, namely:-

(a)a direction that in any street, portion of a street or locality specified in the scheme the elevation and construction of the frontage of all buildings thereafter erected or re-erected shall, in respect of their architectural features, be such as may be fixed for the locality;(b)a direction that in any street, portion of a street or locality specified in the scheme, there shall be allowed the construction of only detached or semi-detached buildings or both, and that the land appurtenant to each building shall be of an area not less than specified in the scheme;(c)a direction that any street, portion of a street or locality specified in the scheme, the construction of more than a specified number of houses on each acre of land shall not be allowed;(d)a direction that in any street, portion of a street or locality specified in the scheme, the construction of shops, warehouses, factories, huts or buildings of a specified architectural character or buildings designed for particular purposes shall not be allowed;(e)a street line and a building line on either side or on both sides of any street existing or proposed;(f)a standard plan, either for the division of land into building sites, or for the location of buildings within a building site;(g)the amount of land which shall be transferred to the Corporation for public purposes and public streets by owners of land on payment of compensation;(h)the prohibition of building operations permanently or temporarily when by reason of the situation or nature of the land, the erection of buildings thereon would be likely to involve danger or injury to health, or excessive expenditure of public money in the provision of roads, sewers, water supply or

other public services;(i)regulating, in the interest of safety, the height and position of proposed walls, fences or hedges near the corners or bends of streets;(j)limiting the number or prescribing the sites of new roads entering a highway maintained by the State Government;(k)regulating, in respect of erection of any building intended to be used for purposes of business or industry, the provision of accommodation for loading, unloading or fuelling vehicles with a view to the prevention of obstruction of traffic on any highway; and(l)a direction that in any street, portion of a street or locality specified in the scheme, the use of land for any purposes even though not involving the erection of buildings, shall not be inconsistent with the provisions of this section with respect to buildings.(2)When a scheme has been drawn up under the provisions of sub-section (1), the [Commissioner] shall give public notice of the scheme and shall therein announce a date not less than thirty days front the date of such notice by which any person may submit to the [Commissioner] in writing any objection or suggestion with regard to the scheme which he may wish to make.(3)The [Commissioner] shall within fifteen days of the date announced under the provisions of sub-section (2), forward to the [Standing Committee] the notice together with the objections or suggestions, if any, and his opinion on the scheme.(4)The [Standing Committee] shall, within fifteen days of the receipt of the documents relating to the scheme, forward them to the Corporation together with [the opinion of the Commissioner and] any comments which the [Standing Committee] may make.(5)The Corporation shall consider every objection or suggestion with regard to the scheme and may modify the scheme in consequence of any such objection or suggestion and shall then forward such scheme as originally drawn up, or as modified, together with the documents, mentioned in sub-section (4), to the State Government which may sanction the scheme or sanction it with such modifications as it may think fit or may refuse to sanction it, or may return it to the Corporation for reconsideration and resubmission by a specified date.(6)If the Corporation fails to submit a scheme within six months of being required to do so under sub-section (1), or fails to resubmit a scheme by a specified date when required to do so under sub-section (5), or resubmits a scheme which is not approved by the State Government, the State Government may draw up a scheme which shall be published within the limits of the Corporation together with an intimation of the date by which any person may submit in writing to the State Government any objection or suggestion which he may wish to make. The State Government may sanction such scheme as originally published or modified in consequence of any such objection or suggestion as the State Government may think fit.(7)The cost of such scheme, or such portion of the cost as the State Government may deem fit, shall be defrayed from the municipal fund.(8)When sanctioning a scheme the State Government may impose conditions for the submission of periodical reports on the progress of the scheme to the State Government, and for the inspection and supervision of the scheme by the State Government.(9)No person shall erect or re-erect any building or take any other action in contravention of any such scheme or of any rule or by-law made under the provisions of this Act.[272. * * *]

Chapter XXIV

Building Control

273. Prohibition of erection or re-erection of buildings without permission. -
(1) No person shall -

(i)erect or re-erect any building; or(ii)commence to erect or re-erect any building; or(iii)make any material external alteration to any building; or(iv)construct or reconstruct any projecting portion of a building which the [Commissioner] is empowered by section 284 to require to be set back or is empowered to give permission to construct or reconstruct,-(a)unless the [Commissioner] has either by an order in writing granted permission or has failed to intimate within the prescribed period his refusal of permission for the erection or re-erection of the building or for the construction or re-construction of the projecting part of the building, or(b)after the expiry of one year from the date of the said permission or such longer period as the [Commissioner] may allow or from the end of the prescribed period as the case may be :Provided that nothing in this section shall apply to any work, addition or alteration which the Corporation may by bye-law declare to be exempt.(2)If a question arises whether a particular alteration in or addition to an existing building is or is not a material alteration, the decision of the District Court, Nagpur, shall be final and conclusive.(3)No appeal shall be admitted under this section unless the matter has first been determined by the [Commissioner].

274. Notice of buildings. - (1) Every person who intends to erect or re-erect a building shall submit to the [Commissioner] -

(a)an application in writing for approval of the site together with a site plan of the land, and, in the case of land which is the property of the Government or of the Corporation, a certified copy of the documents authorising him to occupy the land, and if so required by the [Commissioner] the original document or documents; and(b)an application in writing for permission to build together with a ground plan, elevation and section of the building and a specification of the work to be done.(2)Every plan of any building to be constructed wholly or partly of masonry, submitted under sub-section (1) shall, in token of its having been prepared by him or under his supervision, bear the signature of a licensed surveyor.(3)Every document submitted under sub-section (1) shall be prepared in such manner and shall contain such particulars as may be prescribed.(4)Nothing herein contained shall require a person to comply with the provisions of clause (b) of sub-section (1) until such time as the site has been approved by the [Commissioner] or such person as he may appoint.

275. [Commissioner] to refuse erection or re-erection of buildings. - (1) The [Commissioner] shall refuse to sanction the erection or re-erection of any building in contravention of any scheme sanctioned under section 271 or in contravention of any rule or by-law made under the provisions of this Act.

(2)The [Commissioner] may refuse to sanction the erection or re-erection of any building if in respect of the building there are just and sufficient reasons, which shall be communicated in writing to the applicant, why sanction should not be given, or if the land on which it is proposed to erect or re-erect such building is vested in the Government or in the Corporation and the consent of the Central or the State Government or the Corporation, as the case may be, has not been obtained, or if

the title to the land is in dispute between the applicant and the Corporation or the Government.(3)Notwithstanding anything contained in sub-section (2) but subject to the provisions of sub-section (9) of section 271, if the [Commissioner] within sixty days of the receipt from any person of valid notice of such person's intention to erect or re-erect a building, or within one hundred and twenty days of such receipt if the notice relates to a building on the same or part of the same site on which sanction for the erection of a building has been refused within the previous twelve months, neglects or omits to pass orders sanctioning or refusing to sanction such erection or re-erection, such erection or re-erection shall, unless the land on which it is proposed to erect or re-erect such building belongs to or vests in the Corporation, be deemed to have been sanctioned, except in so far as it may contravene any rule or by-law or any town-planning scheme sanctioned under this Act or any other enactment for the time being in force :Provided that if an order granting or refusing such sanction is suspended under section 407, the period specified by this sub-section shall commence to run afresh from the date of the communication of final orders under the said section by the State Government.

276. Grounds on which site of proposed building may be disapproved. - The [Commissioner] may on all or any of the following grounds refuse to approve the site on which an applicant proposes to erect or re-erect any building :-

(a)that the erection or re-erection of the proposed building on such site would be in contravention of a town planning scheme under section 271 or of any other provision of this Act or of any other enactment for the time being in force; or(b)that the site is in a portion within the limits of the City in which the position and direction of the streets have "not been determined, and that the building which it is proposed to erect on such site will, in the opinion of the [Commissioner] obstruct or interfere with the construction in future of suitable streets in such portion or with the drainage, water supply or ventilation thereof:Provided that any person to whom permission to erect or re-erect a building on such a site has been refused may, by written notice to the [Commissioner], require that the position and direction of streets to be laid down in future in the vicinity of the proposed building should be forthwith determined, and if such requisition is not complied with within one year from the date thereof, may, subject to all other provisions of this Act applicable thereto, proceed with the erection of his building; or(c)that the site has been reclaimed or used as a place for depositing sewage, offensive matter or rubbish or the carcasses of dead animals or is otherwise insanitary or dangerous to health; or(d)that the site is in a portion within the limits of the City for which a town planning schemes has not been sanctioned by the State Government and that the building which it is proposed to erect or re-erect on such site will, in the opinion of the [Commissioner] be likely to conflict in a manner, to be communicated in writing to the applicant, with the provisions of a town-planning scheme :Provided that any person to whom permission to erect or re-erect a building on a such a site has been refused may, by written notice to the [Commissioner], require that the preparation of a town planning scheme for the portion in which the site is situated shall be proceeded with as early as possible; and if the applicant is not informed in writing within twelve months of the date of the requisition that the State Government have sanctioned the said town planning scheme, he may, subject to all the other provisions of this Act applicable thereto, proceed with the erection or re-erection of the building in respect of which the application was made.

277. Grounds on which permission to erect or re-erect buildings may be refused. - (1) The [Commissioner] shall not grant permission to erect or re-erect any building unless and until he has approved of the site thereof on an application under section 274.

(2)The [Commissioner] may refuse permission to erect or re-erect any building,-(a)if the plans and specifications submitted with the application show that such building is not in accordance with the town planning schemes sanctioned under section 271, or with any provision of this Act, or any rule or by-law made thereunder, or any provision of any law for the time being in force; or(b)if in his opinion the erection or re-erection of such building would be a nuisance or injurious to the inhabitants of the neighbourhood or to the public; or(c)unless and until any plans, specifications or particulars called for by him are supplied.

278. Power of [Commissioner] to direct modification of a sanctioned plan of a building before its completion. - If at any time before the completion of a building, of which the erection has been sanctioned under section 275, the [Commissioner] finds that any modification of the sanctioned plan is necessary, the [Commissioner] may, subject to compensation for any loss to which the owner may be put, direct that the building be modified accordingly.

279. Lapse of sanction after one year from the date of such sanction. - Every sanction for the erection or re-erection of any building shall remain in force for one year only from the date of such sanction, or for such longer period as the [Commissioner] may have allowed when conveying sanction under section 273. If the erection or re-erection of the building is not commenced within one year and completed within two years or such longer period as may have been allowed by the [Commissioner] the sanction shall be deemed to have lapsed; but such lapse shall not bar any subsequent application for fresh sanction under the foregoing provisions of this Act.

280. Completion certificate and permission to occupy or use. - (1) Every person who -

(i)erects or re-erects any building; or(ii)makes any material external alteration in or addition to any existing building; or(iii)constructs or re constructs any projecting portion of a building which the [Commissioner] is empowered under section 284 to require to be set back or is empowered to give permission to construct or re-construct;shall within one month of the completion of the work deliver to the [Commissioner] at his office a notice in writing of such completion and shall give to the [Commissioner] all necessary facilities for the inspection of such work.(2)Within seven days after the receipt of the said notice the [Commissioner] shall depute an officer to commence the inspection

of such work.(3)Within seven days from the date of commencement of such inspection the [Commissioner] shall -(a)give permission for the occupation of the building erected or for the use of the part of the building re-erected, or(b)refuse such permission in case such erection, re-erection, construction or re-construction is in contravention of any provision of this Act or any rule or bylaw made thereunder or any other enactment for the time being in force.(4)No person shall occupy or permit to be occupied any such building or use or permit to be used any part affected by the re-erection of such building -(a)until the permission referred to in clause (a) of sub-section (3) has been granted in the prescribed manner, or(b)unless the [Commissioner] has failed for fifteen days after the receipt of notice of completion to intimate his refusal to grant the said permission.

281. Power of [Commissioner] to stop progress of building work unlawfully commenced or carried on. - (1) In any case in which the erection of a building has been commenced or is being carried on unlawfully as mentioned in section 286, the [Commissioner] may by written notice require the building operations to be discontinued from the date of service of such notice.

(2)Any person failing to comply with the terms of such notice shall be punishable with a fine which may extend to one thousand rupees and if he fails to comply with the terms of such notice after the first day of his failure so to do, with a further fine which may extend to fifty rupees for every such day after the first.

282. Power of [Commissioner] to direct removal of person from buildings in which works are being unlawfully carried on or which are unlawfully occupied. - (1) If any person contravenes any provision of section 280 or disobeys any direction of the [Commissioner] made under that section, the [Commissioner] after giving twenty-four hours' notice shall direct all persons engaged in any capacity in the work of erecting or re-erecting the building in question or part thereof or constructing or re-constructing any projecting portion thereof or occupying or using such building or part thereof to remove themselves and shall take such measures as will prevent any one of such persons from again entering into or remaining upon such building or part thereof except with his permission :

Provided that any person, occupying or using such building or part thereof either as tenant or as owner in contravention of sub-section (4) of section 280 shall not be so directed to remove himself unless he has been served by the [Commissioner] with one week's notice in writing requiring him to vacate ;Provided further that if in the opinion of the [Commissioner] there is imminent danger to human life, the [Commissioner] may require such building or part thereof to be vacated immediately.(2)All expenditure incurred in the enforcement of the provisions of this section may be recovered from the person offending.

283. Erection and use of temporary buildings to be approved by [Commissioner]. - (1) No building shall be erected for a temporary purpose without the sanction of the [Commissioner] or otherwise than in accordance with any bylaws made in this behalf under this Act.

(2) If any building erected for a temporary purpose is not used strictly for such purpose and in accordance with any bylaws made under this Act or is erected without the sanction of the [Commissioner] the building may be demolished by the [Commissioner] at the expense of the owner thereof, whether he is prosecuted under this Act or not.

284. Power to regulate line of buildings. - (1) If any part of a building projects beyond the regular line of a public street, either other as existing or as determined for the future, or beyond the front of immediately adjoining building the Corporation may -

(a) if the projecting part is a verandah, step or some other structure external to the main building then at any time, or (b) if the projecting part is not such external structure as aforesaid, then whenever the greater portion of such building or whenever any material portion of such projecting part has been taken down or burned down or has fallen down, require by notice either that the part or some portion of the part projecting beyond the regular line or beyond the front of the immediate adjoining building shall be removed, or that such building when being rebuilt shall be set back to or towards the said line or front; and the portion of land added to the street by such setting back or removal shall thenceforth be deemed to be part of the public street and shall vest in the Corporation : Provided that the Corporation shall make reasonable compensation to the owner for any damage he may sustain in consequences of his building or any part thereof being set back. (2) The Corporation may, on such terms as it thinks fit, allow any building to be set forward for the improvement of the line of the street.

285. Compensation. - (1) No compensation shall be claimable by an owner for any damage which he may sustain in consequence of the prohibition of the erection of any building.

(2) The Corporation shall make reasonable compensation to the owner for any damage or loss which he may sustain in consequence of the prohibition of the re-erection of any building or part of a building except in so far as the prohibition is necessary under any rule or by-law : Provided that the Corporation shall make full compensation to the owner for any damage he may sustain in consequence of his building or any part thereof being set back unless for a period of three years or more immediately preceding such notice the building has by reason of its being in a ruinous or dangerous condition become unfit for human habitation or unless an order of prohibition issued under section 288 has been and still is in force in respect of such building. (3) The Corporation shall make reasonable compensation to the owner for any damage or loss which he may sustain in consequence of the inclusion of his land in a public street but in assessing such compensation,

regard shall be had to the benefits accruing to that owner from the development of the land belonging to him and affected by such street.

286. Power to require removal or alteration of work not in conformity with by-laws or any scheme or any other requirement. - (1) If any building is erected or re-erected in contravention of any town-planning scheme mentioned under section 271 or of any building by-laws made under section 415, the [Commissioner], without prejudice to his right to take proceedings for a fine in respect of the contravention, may by notice require the owner either to pull down or remove the work or, if he so elects, to effect such alterations therein as may be necessary to make it comply with the said scheme or by-laws.

(2) If a building is erected or re-erected - (a) without any sanction as required by section 273(1), or (b) when sanction has been refused, or (c) in contravention of the terms of any sanction granted, or (d) when the sanction has lapsed under section 279, the [Commissioner] may by notice require the owner or owners to alter or demolish the building within such reasonable time as the [Commissioner] may think fit. (3) If a person to whom a notice has been given under the foregoing provisions of this section fails to comply with the notice before the expiry of twenty-eight days, or such longer period as the District Court, Nagpur, may on his application allow, the [Commissioner] may pull down or remove the work in question, or effect such alteration therein as he deems necessary and may recover from him the expenses reasonably incurred by the [Commissioner] in so doing. (4) If the plans are approved by the [Commissioner] and the approval is communicated to the person intending to build the house or if the plans are rejected by the [Commissioner] but no notice of their rejection is given to person intending to build the house within the prescribed period, it shall not be open to the [Commissioner] to give a notice under subsections (1) and (2) on the ground that, the building is erected or re-erected in contravention of any scheme or by-laws or any other requirements under this Chapter. (5) Nothing in this section shall affect the right of the Corporation or any other person to apply to the District Court, Nagpur, for an injunction for the removal or alteration of any building on the ground that it contravenes any provision of this Act or of the by-laws made thereunder, but if the building is one in respect of which plans have been deposited and the plans have been passed by the [Commissioner] or notice that they have been rejected has not been given within the prescribed period after the deposit thereof, and if the work has been executed in accordance with the plans, the Court on granting an injunction shall have power to order the Corporation to pay to the owner of the work such compensation as the Court thinks just, but before making any such order the Court shall cause the [Commissioner] if not a party, to be joined, as a party to the proceeding.

287. Bar on jurisdiction. - Save as otherwise expressly provided in this Act or rules made thereunder, no Civil Court shall have jurisdiction to settle, decide or deal with any question which is by or under this Chapter required to be settled, decided or dealt with by the Corporation, or the [Commissioner].

Chapter XXV

Dangerous and Insanitary Buildings

288. Provisions regarding buildings unfit for human habitation. - (1) If it appears to the [Commissioner] that any building intended or used for human habitation or human occupation, for any purpose whatever is unfit for such habitation or occupation, he shall give notice in writing to the occupier or to the owner, if the building is not occupied, stating that the building is unfit and signifying his intention to prohibit the further use of such building for such purposes, and calling upon the occupier or owner to state in writing his objections to such prohibition within seven days from the receipt of the notice. If no objection is stated by such occupier or owner within the said period, or if the objection stated appears to the [Commissioner] to be insufficient or not well founded, he may, with the previous approval of the [Standing Committee] prohibit by an order in writing the further use of such building for human habitation or occupation :

Provided that, before such order is given the occupier or owner of the building shall be given an opportunity of appearing before the [Standing Committee] in person or by an agent in support of his objection.(2)Notice of such prohibition shall be served upon the owner of any building affected thereby and also upon every occupier or user thereof, specifying a period, not being less than fourteen days from the date of service of such notice, within which every such person shall remove himself and his movable property from the said building; and if within the period so specified any such person fails to remove himself and his property as aforesaid, the [Commissioner] may cause him and his property and to be removed and may recover from him the cost of such removal.(3)When a building has been vacated by removal under sub-section (2), the [Commissioner] shall affix a notice to the building in the prescribed manner and no person except with the permission in writing of the [Commissioner] and in accordance with the terms and conditions of such permission, shall without sufficient cause enter into or remain in such building.(4)If at any time after a building has been vacated by removal under sub-section (2), the [Commissioner] considers that it can be rendered fit for human habitation or occupation by structural alterations or repairs, he may by a notice in writing call upon the owner to execute, within a period of six months from the date of receipt of such notice, such structural alterations or repairs as he deems necessary, and if at the expiry of the aforesaid period such alterations or repairs have not been executed to his satisfaction, he shall issue to the owner a notice in writing ordering the demolition of such building within a period of thirty days from the receipt of the notice or such longer period as the [Commissioner] may specify.(5)If the [Commissioner] is of the opinion that the building cannot be rendered fit for human habitation or occupation, he may, with the previous approval of the [Standing Committee], by a notice in writing call upon the owner to demolish it within a period of thirty days from the receipt of such notice or such longer period as the

[Commissioner] may specify.(6)If at the expiry of the said period an order to demolish a building given under sub-section (4) or sub-section (5) has not been complied with the [Commissioner] may, with the previous approval of the [Standing Committee] direct, by an order in writing, the demolition thereof by any municipal officer, servant or contractor. The materials of the building so demolished shall thereupon be sold by public auction and the proceeds of the sale shall be made over to the owner after deducting the cost of the demolition and sale. If the amount realised is not sufficient to cover the cost of the demolition and sale, the balance, if any, shall be recovered from the owner :Provided that, before such an order is given, the owner of the building shall be given an opportunity of appearing before the [Standing Committee] in person or by agent, and of showing cause why such order should not be given.(7)If any building in respect of which an order under this section has been given is held under a lease, the lease shall be voidable at the opinion of the lessee with effect from the date on which the lessee has to remove himself and his property.

289. Removal of buildings in dangerous state. - (1) If, in the opinion of the [Commissioner], any building, wall, structure or anything affixed thereto is in a dangerous state, the [Commissioner] may, by a notice in writing, require the occupier or owner thereof forthwith either to demolish or remove the building, wall, structure or anything affixed thereto or to cause such repairs to be made thereto as the [Commissioner] considers necessary for the public safety; and if the danger appears to him to be imminent, he may forthwith take such steps as may be required to avert such danger, including the forcible removal without notice from such building of all the occupiers thereof and their property.

(2)Any expenses incurred by the [Commissioner] under sub-section (1) shall be paid by the owner of the building, wall, structure, or anything affixed thereto.(3)Except with the permission in writing of the [Commissioner] no person shall without sufficient cause enter into or remain in any building from which the occupier and his property has been removed under sub-section (1).

290. Abandoned or unoccupied premises. - If it appears to the [Commissioner] that any building or structure has been abandoned or is unoccupied and has become a resort of disorderly persons or is by reason of its condition seriously detrimental to the amenities of the neighbourhood, the [Commissioner] may give a written notice to the owner of such building or structure if he is known and found to be a resident within the limits of the Corporation, or to any person who is known or believed to claim to be the owner, if such person is resident within the limits of the Corporation, and shall also affix a copy of the notice on some conspicuous part of the building or structure requiring all persons having any right or interest therein to take such order with the said building or structure as may, in the opinion of the

[Commissioner] be necessary to prevent the same from being resorted to as aforesaid or from being seriously detrimental to the amenities of the neighbourhood.

291. Reclamation of low-lying sites. - (1) If for any reason it appears to the [Commissioner] that the level of the site on which it is proposed to erect or re-erect a building is so low that such building is likely to become insanitary or likely to be a source of nuisance, he shall give to the owner of the site proposed to be built upon a notice in writing, calling upon him to show cause in writing within thirty days after the receipt of such notice why the site should not be reclaimed with such materials and raised to such height and within such period not being less than six months from the date of the notice, as the [Commissioner] thinks fit and in the notice, the [Commissioner] shall specify the cost at which the site can be reclaimed and raised by municipal agency if the owner desires to employ that agency.

(2) If no objection is stated within such period as aforesaid, or if any objection which is stated appears to the [Commissioner] to be insufficient or not well founded, he may by a notice in writing, direct such owner or occupier, - (a) to reclaim and raise the site within the specified period; or (b) within thirty days after the receipt of the said notice to pay to the [Commissioner] the estimated cost of reclaiming and raising the site by municipal agency. (3) In any case in which the estimated cost of the reclamation has not been paid to the [Commissioner] and the owner will proposes to erect the building and fails to commence the reclamation within three months of the receipt of the notice under sub-section (2), or if he fails to raise the site to the specified height with the specified materials within the specified period, the [Commissioner] may recover from him the estimated cost as stated in the notice issued under subsection (1), or so much thereof as the [Commissioner] considers necessary to complete the work, and shall carry out and complete the work.

292. Power to prohibit re-erection of building on inaccessible sites. - (1) If any building so situated as to be inaccessible to a fire engine or as to cause obstruction to a fire engine from reaching other buildings is demolished or destroyed by fire or otherwise, the [Commissioner] may by a notice in writing addressed to the owner of the building demolished or destroyed as aforesaid, direct that no building shall be erected which would be inaccessible to a fire engine or which would cause obstruction to a fire engine from reaching other buildings.

(2) No person shall erect or re-erect any building in contravention of a notice, vide sub-section (1).

293. Removal of building materials from any premises in certain cases. - If it appears to the [Commissioner] that any stones, rafters, building materials or debris of building materials are stored or collected in or upon any premises in such quantity or bulk or in such a way as to constitute a harbourage or breeding place for rats or other vermin or is otherwise a source of danger or nuisance to the occupiers of the said premises or to persons residing in the neighbourhood thereof, the [Commissioner] may by a written notice require the owner of such premises, or the owner of the materials or debris so stored or collected therein, to remove or dispose of the same or to take such order with the same as may, in the opinion of the [Commissioner], be necessary or expedient to abate the nuisance or prevent a recurrence thereof.

294. Power of [Commissioner] to call for statement of accommodation. - (1) The owner of a building shall, within a period of seven days of the receipt of a written notice from the [Commissioner], supply such information with respect to such building or its occupants as the Corporation may prescribe.

(2)The occupier of a building occupied as a separate tenement shall on like not ice and within the like period supply such information as may be prescribed with respect to such building as aforesaid which is in his occupation.

295. Cleaning and disinfecting of buildings. - (1) Should the owner, part-owner, or occupier of any building suffer the same to be in a filthy or unwholesome state, the [Commissioner] may, by a notice require him within twenty-four hours to cleanse the same or otherwise pul it in a proper state and thereafter to keep it in a clean and proper state and if it appears to be necessary for sanitary purposes so to do, may, at any time by a notice, direct the occupier of any building to lime wash or otherwise cleanse the said building inside and outside in the manner and within a period to be specified in the notice.

(2)If the [Commissioner] is of opinion that the cleansing or disinfection of a building or any part thereof, of any article therein, which is likely to retain infection, will tend to prevent or check the spread of any disease, he may, by a notice require the owner or occupier to cleanse or disinfect the same in the manner and within the period to be specified in the notice.

296. "Building" to include part of a building for purposes of this Chapter. - For the purposes of this Chapter the expression "building" includes a part of a building.

Chapter XXVI

StreetsPublic Streets

297. Closing of public streets. - (1) The [Commissioner] may with the previous sanction of the [Corporation] permanently close the whole or any part of the public street ;

Provided that, no such street or part thereof shall be closed unless for a period of not less than one month before the date of the meeting of the Corporation at which the matter is to be decided, a notice has been posted in the street or part thereof which it is proposed to close informing the residents of the proposal and until any objections to the proposal made in writing at any time before the day of the said meeting have been received and considered by the Corporation.(2)When any public street or part thereof is permanently closed under sub-section (1), the site of such street, or of the part thereof which has been closed, may be disposed of, subject to the provisions of section 70, as land belonging to the Corporation.

298. Laying railway, tramways or electrical telephone poles. - (1) Without the previous permission in writing of the [Commissioner] no person shall lay on, under or above any public street any railway or tramway, or erect or lay any poles or cables or the like, or operate the same.

(2)The [Commissioner] shall give such permission in accordance with any general or special rules which may be made by the State Government after considering any representation made by the Corporation.(3)Nothing in this section shall be deemed to affect any provision of the Indian Telegraph Act, 1885, the Indian Tramways Act, 1886, the Indian Railways Act, 1890, or the Indian Electricity Act, 1910.

299. Prohibition of projections upon streets. - (1) Except with the previous permission of the [Commissioner] and in accordance with such terms and conditions, including the payment of rent, as he may impose. [* * *] no person shall erect, add to, set up or place against or in front of any premises any structure or fixture or obstruction which will -

(a)overhang or project into or encroach upon or in any way obstruct the passage of the public along any street; or(b)project into or encroach upon or cover any drain or open channel in any street so as to interfere in any way with the use or proper working of such drain or channel or to impede the

inspection or cleansing thereof.(2)The [Commissioner] may, by a written notice, require the owner or occupier of any premises to take such order as he may direct with any structure, fixture or covering which has been erected, set up or placed against or in front of the said premises in contravention of this section.(3)Any rent payable under this section shall be recoverable under Chapter XII of this Act.

300. Procedure to be followed by [Commissioner] on conviction of a person under section 421. - When any person has been convicted under section 421, the [Commissioner] may -

(a)by a notice, require such person to remove the overhanging structure, encroachment or obstruction and where necessary, to restore the street, drain, or channel to the condition it was in before the encroachment; and(b)if the requirement is not complied with within the time fixed in the notice, have the required act done by his subordinate officers at the expense of such person and recover the cost of the required act from such person as an arrear of tax under Chapter XII of this Act.

301. Restriction on powers of municipal authorities in relation to streets. - (1) [The Corporation or the Commissioner] shall not in respect of any street vested in the Government for the purposes of this State, grant permission to do any act the doing of which without the permission of the [Corporation or the Commissioner] is punishable under this Act or the rules or by-laws made thereunder except with the previous sanction of the State Government which may accord its sanction either generally or in particular cases.

(2)[The Corporation or the Commissioner] shall, if so required by the State Government, exercise in respect of such streets, all or any of the powers conferred by this Act upon [the Corporation or the Commissioner] as the case may be.

302. Footing of building not to establish title to land belonging to Government or vesting in Corporation. - No title to any land belonging to or vested in the Government or the Corporation shall be deemed to have been acquired by reason only that the footing of the foundations of any building, wall or other structure, project or have projected below the surface of such land.

Obstruction in Streets

303. Prohibition of obstructions in streets. - No person shall, except with the permission of the [Commissioner] and in accordance with such conditions including the payment of rent as he may impose either generally or specially in that behalf, place or deposit upon any street or drain, well or channel therein, any stall, chair, bench, box, ladder, bale, tray, goods or other things and the [Commissioner] may without giving notice remove any such stall, chair, bench, box, ladder, bale, tray, goods or other thing or may in lieu of such removal collect such rent for the use of the land as he may impose.

304. Streets not to be opened or broken up and building materials not to be deposited therein without permission. - (1) Except in such cases as the State Government may by general or special order exempt from the operation of this section, no person shall, except with the permission of the [Commissioner] and in accordance with such terms and conditions, including payment of rent or otherwise, as the [Commissioner] may impose either generally or in each special case,-

(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, post, chain or other material or thing forming part of any street or in any open space vested in the Corporation;or(b)deposit any building material in any street or in any open space vested in the Corporation; or(c)set up in any street or in any open space vested in the Corporation 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 sub-section (1), clause (b) or (c), 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)The [Commissioner] may, without notice -(a)cause the soil or pavement or any wall, fence, post, chain or other material forming part of the street to be restored to the condition it was in before any opening or breaking up or displacement or alteration or damage made or done without the permission of the authority specified in sub-section (1);(b)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 or in any open space vested in the Corporation without any permission of the authority specified in sub-section (1), or which, having been deposited or set up with such permission, have not been removed within the period specified in the notice issued under sub-section (2) and recover the costs of such restoration or removal from the offender.

305. Ground floor doors, etc. not to open outwards on streets. - If any door, gate, bar or window on the ground floor of any premises opens outwards upon a street or upon any land required for the improvement of a street in

such a manner as, in the opinion of the [Commissioner], to obstruct the safe or convenient passage of the public along such street, the [Commissioner] may at any time by a written notice require the owner of the said premises to have the said door, gate, bar or window altered so as not to open outwards.

306. Powers to require removal of old projections. - (1) If any such structure, fixture or covering as is described in section 299 has already been erected, set up or placed against or in front of any premises, the [Commissioner] may give notice under sub-section (2) of the said section to the owner of the said premises.

(2) If the owner or occupier of the building proves that any such structure, fixture or covering was authorised by any law previously in force or that it was erected with the consent of any Corporation authority duly empowered in that behalf, the Corporation shall, after such structures have been removed, make reasonable compensation to every person who suffers damage by the removal or alteration thereof. Streets

307. [Commissioner] may call for further particulars. - (1) Every person who intends to make or lay out a street shall give a written notice of his intention to the [Commissioner] and shall submit such plans and other documents as the Corporation may prescribe in this behalf.

(2) If any notice given under sub-section (1) does not supply all the information which the [Commissioner] deems necessary to enable him to deal satisfactorily with the case, he may at any time within thirty days of receipt of the said notice, by written order require the persons who gave the said notice to furnish such information.

308. Level of new street to be determined by [Commissioner]. - The level direction, width, and means of drainage of every new street and the height and means of drainage of the buildings to be erected on each side thereof shall be fixed and determined by the [Commissioner].

309. New streets not to be made and buildings on either side thereof not to be erected except in accordance with the direction of [Commissioner]. - (1) No person shall make or lay out any new street or erect any building on either side thereof otherwise than in accordance with the directions of the [Commissioner] under section 308.

(2) If any such new street be made or laid out, or if any building on either side of any such street be erected by any person in contravention of this section, the [Commissioner] may, by a written notice,

require the said person to make a statement in writing subscribed by him in that behalf and addressed to the [Commissioner] to show cause on or before such date as may be specified in such notice why such street or building should not be altered to the satisfaction of the [Commissioner], or if that is impracticable, why the same should not be demolished or removed; or may require the said person on such day and at such time and place as may be specified in such notice to appear before the [Commissioner], as the case may be, either personally or by an agent, and to show cause as aforesaid.(3)If such person fails to show sufficient cause as aforesaid, the [Commissioner] may cause the street or building to be so altered or to be demolished or removed and may recover the expenses thereof from the said person.

310. Levelling, metalling, etc. of streets. - (1) If any street be not levelled, paved, lighted, sewerred, drained, channelled or flagged to the satisfaction of the [Commissioner] he may, by a written notice, require the owner or owners of the street and the owners of the several premises fronting or adjoining the said street or abutting thereon, or to which access is obtained through such street, or which will benefit by works executed under this section, to contribute in such proportions as he may direct to the cost of levelling, metalling, tarring or asphaltting, paving, lighting, sewerred, draining, channelling or flagging the same.

(2)The notice shall show,-(a)the nature of the intended works;(b)the estimated expenses thereof including 5 per cent for contingencies; and(c)the proportion of the expenses payable by each owner.(3)Any person dissatisfied with the notice of the [Commissioner] calling upon him to contribute towards the cost may appeal to the District Court, Nagpur.(4)Every such appeal shall be presented within thirty days from the date of the receipt of the notice issued under sub-section (1) and shall be accompanied by a copy of the said notice.(5)The provisions of Parts II and III of the Indian Limitation Act, 1908, relating to appeals shall apply to every appeal preferred under this section.(6)On recovery of the full amount of the estimated expenses, the [Commissioner] shall carry out the work with all convenient speed.(7)Any expenditure involved over and above the amount so recovered shall be met from the municipal fund; but if the actual cost of the work as finally completed is less than the estimated cost, the surplus shall be refunded to the contributors proportionately to their contributions in all cases where a refund would amount to not less than fifty rupees.(8)If no appeal is preferred under sub-section (3) within the period specified in sub-section (4), or if an appeal is preferred and no effect is given to the decision of the District Court affirming the order of the [Commissioner], the [Commissioner] may execute the work mentioned in the notice referred to in sub-section (1) and may recover the expenses incurred in so doing from the owners in default in the proportion specified in the said notice.[Provision for parking or halting places or lots

310A. Provision for parking or halting places or lots and fees or charges therefor. - The Commissioner may, in consultation with the Commissioner of Police, Nagpur, 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.]Conversion of Streets into Public Streets

311. Power to declare streets when metalled, etc. public streets. - (1) When any street has been levelled, metalled, tarred or asphalted, paved, made good, lighted, drained, channelled and flagged to the satisfaction of the [Commissioner] he shall, if so required by the persons liable for the greater part of the expenditure on such street, by notice put up in any part of such street, declare the same to be a public street. The said street shall I hereupon become a public street.

(2)The [Commissioner] may, at any time, by a notice exhibited in any street or part of a street not maintained by the Corporation, give intimation of his intention to declare the same a public street and, unless within one month next after such notice is first exhibited the owner of the majority of owners of such street or such part of street, lodges or lodge objections thereto with the Corporation, the [Commissioner] may by a notice exhibited in such street or part, declare the same to be a public street vested in the Corporation.(3)Any person aggrieved by a notice under sub-section (2) may appeal within thirty days from the date the notice is first exhibited, to the District Court of Nagpur, which shall give a reasonable opportunity of being heard to the appellant and the Corporation.(4)The provisions of Parts II and III of the Indian Limitation Act, 1908, relating to appeals shall apply to every appeal preferred under this section.

312. Power to construct or maintain public bridges. - The [Commissioner], when authorised by the Corporation in this behalf, may agree -

(a)with any person to adopt and maintain any existing or proposed bridge, viaduct or arch and approaches as part of a public street, or as property vested in the Corporation; or(b)for the construction or alteration of any such bridge, viaduct or arch or for the purchase or acquisition of any adjoining land required for the foundation and support thereof, or for the approaches thereto, either entirely at the expense of such person or partly at the expense of the Corporation.

Chapter XXVII

General Provisions as to Streets and Public Nuisance

313. Power to require protection of streets during cutting down of trees, erection, demolition of buildings, etc. - (1) No person shall without the previous permission in writing of the [Commissioner] cut down any tree or cut off a branch of any tree, or erect or demolish any building or part of a building or alter or repair the outer portion of any building, where such action is of a nature to cause obstruction, danger or annoyance or risk of obstruction, danger or annoyance to any person using a street.

(2)The [Commissioner] may at any time by a notice require that any person doing or proposing to do any of the acts referred to in sub-section (1) shall refrain from beginning or continuing the act unless he puts up, maintains, and provides from sunset to sunrise with sufficient lighting such hoardings or screens as are specified or described in the notice and may further at any time by notice require the removal, within a time to be specified in the notice, of any hoarding or screen erected in anticipation or in pursuance of any of the said acts.(3)Whoever contravenes the provisions of sub-section (1) or omits to comply with the terms of a notice under subsection (2), shall be punishable with fine which may extend to fifty rupees and in case of a continuing contravention or omission, with a further fine which may extend to five rupees for every day after the first during which the contravention or omission continues.

314. Power to attach brackets for lamps. - The [Commissioner] may at tach brackets for lamps to the outside of any building but in such manner as not to occasion any injury to the building or inconvenience to persons using it or passing by it.

315. Destroying direction-posts, lamp-posts, etc. - Whoever, without being authorised by the [Commissioner], defaces or disturbs any municipal direction-post, lamp-post of lamp or extinguishes any municipal light in any public place, shall be punishable with fine which may extend to ten rupees.

316. Bill sticking without permission. - (1) Whoever, without the consent of the owner or occupier or other person for the time being in charge affixes or causes to be affixed any poster, bill, notice, placard or other paper or means of advertisement against or upon any street, building, wall, tree, board, fence or pole or writes upon, soils, defaces or marks any such building, wall, tree, board, fence or pole with chalk or paint or in any other way whatsoever, shall be punishable with fine which may extend to twenty rupees.

(2)Notwithstanding anything contained in section 380, a Court may take cognizance of an offence under sub-section (1) of this section upon the complaint of the owner or occupier or other person in charge of the property in respect of which such offence is alleged to have been committed.

317. Indecent or obscene pictures or printed or written matter. - (1) Whoever affixes to, inscribes or stencils on any house, building, wall, boardings, gate, fence, pillar, post, board, tree, road or any other thing whatsoever so as to be visible to a person being in or passing along any street, public highway, or footpath, and whoever affixes or inscribes or stencils on any public latrine or urinal or delivers or attempts to deliver, or exhibits to any inhabitant or to any person being in or passing along any street, public highway or footpath, or throws into the area of any house or exhibits to public view in the window of any house or shop, any picture or printed or written matter which is of an indecent or obscene nature, shall on conviction be punished with imprisonment which may extend to one month or with fine which may extend to fifty rupees or with both.

(2)Whoever gives or delivers to any other person any such pictures, or printed or written matter mentioned in sub-section (1), with the intent that the same, or some one or more thereof, should be affixed, inscribed, stencilled, delivered or exhibited as therein mentioned, shall on conviction be punished with imprisonment which may extend to three months or with fine which may extend to one hundred rupees, or with both.(3)Any police officer may arrest without warrant any person whom he shall find committing any offence under this section.(4)Nothing in this section shall apply to any advertisement published by the Corporation or published with the sanction of the State Government.[317A. Regulation of posters depicting scenes from films, etc. - No person shall, without the written permission of the Commissioner, erect or fix or retain any poster depicting any scene from a cinematographic film, stage play or other stage performance, upon any land, building, wall, boarding or structure. No such permission shall be granted unless prior scrutiny of such poster is made by the Commissioner and he is satisfied, that the erection, fixing or retention of such poster is not likely to offend against decency or morality.]

318. Naming of streets and numbering of houses. - [* * *]

(1)The [Commissioner] may from time to time -[(a) with the sanction of the Corporation determine the name by which any street shall be known];(b)cause to be put up or painted on a conspicuous part of any house at or near each end, corner or entrance to every street, the name of such street as so determined;(c)determine the number by which any premises shall be known;(d)by a written notice require the owner of any premises, either to put up or paint a number of such premises in such position and manner as may be specified in such notice or to signify in writing his desire that the work shall be executed under the orders of the [Commissioner],(2)No person shall, without the permission of the [Commissioner] or without other lawful authority, destroy, remove, deface, or in any way injure any such name or number or put up or paint any name or number different from that put up or painted by order of the [Commissioner],(3)When a number is put up or painted on any premises under the order of the [Commissioner] in accordance with clause (d) of sub-section (1), the expense of such work shall be payable by the owner of the premises.[(4) * * *]

319. Inflamable materials. - The [Commissioner] may, where it appears to him to be necessary for the prevention of danger to life or property, by public notice prohibit all persons from stacking or collecting timber, wood, dry grass, straw or other inflamable materials or placing mats or thatched huts or lighting fires in any place or within any limits specified in the notice.

320. Roofs and external walls not to be made of inflammable materials. - The [Commissioner] may by general or special order direct that no roofs and external walls of huts or other buildings shall, within the specified limits be made of grass, mats, leaves, or other inflammable material, or repaired or renewed with the same, unless his permission in writing has been obtained.

(2)The [Commissioner] may by a written notice require any person who has built the roof and external wall of any hut or other buildings in contravention of a direction issued under sub-section (1), to remove or alter the roof or wall so built.

321. Picketing animals or collecting carts. - (1) Subject to the provisions of any other Act for the time being in force, whoever, without the permission of the [Commissioner] pickets animals or collects carts on any street, or uses any street as a halting place for vehicles or animals of any description or as a place of encampment, or causes or permits animals to stray, shall be punishable with fine which may extend to twenty rupees.

(2)Any animal found picketed, tethered or straying on any public street without the permission of the [Commissioner] may be removed to a pound by any officer or servant of the Corporation or by a police officer.

322. Driving vehicles without proper lights. - Whoever drives or propels any vehicle not properly supplied with lights in any street during the period from half an hour after sunset to half an hour before sunrise shall be punishable with fine which may extend to five rupees.

323. Beating drums, etc. - (1) Whoever, in contravention of any general or special prohibition issued by the [Commissioner], and without the permission of the [Commissioner], beats a drum or blows a horn or trumpet or beats or sounds any other instrument or makes a noise on any utensil, shall be punishable with fine which may extend to twenty five rupees.

(2) In the case of bands, each individual member of such band shall be punishable under this section. (3) For purposes of this section "instrument" shall include a gramophone, a wireless receiver, a loudspeaker or other electrically operated means of producing or reproducing sound.

324. Use of steam whistle, etc. - (1) No person shall use or employ in any factory or other place any whistle or trumpet, or any other mechanical contrivance which emits an offensive noise, for the purpose of summoning or dismissing workmen or persons employed, nor shall any person by means of any contrivance increase the noise emitted in any such factory or place by the exhaust pipe of any engine, without the written permission of the [Commissioner], in granting which, the [Commissioner] may impose such conditions as he may deem proper, restricting the times at which such whistle or trumpet or other contrivance may be used.

(2) The [Commissioner] may on giving one month's notice revoke any permission given under sub-section (1). (3) Whoever in contravention of the provisions of this section, uses or employs any whistle, trumpet or other contrivance, shall be punishable with fine which may extend to fifty rupees, and with a further fine which may extend to five rupees for every day during which the offence is continued.

325. Discharging fire-arms. - Whoever discharges firearms or lets off fire-works, fire balloons, or detonators, or engages in any game in such a manner as to cause, or be likely to cause danger to persons passing by or dwelling or working in the neighbourhood, or risk of injury to property, shall be punishable with fine which may extend to twenty rupees.

326. Quarrying, blasting, cutting timber or building. - Whoever quarries, blasts, cuts timber or carries on building operations in such manner as to cause, or to be likely to cause danger to persons passing by or dwelling or working in the neighbourhood, shall be punishable with fine which may extend to fifty rupees.

327. Lopping of branches, etc. of tree or plant on a public place. - Whoever, without the permission of the [Commissioner], lops or cuts the branches or twigs of any tree or plant standing on a public place, or plucks the fruits, flowers or leaves of such tree or plant, or causes any damage thereto, shall be punishable with fine which may extend to twenty five rupees, or in the case of a second or subsequent breach, to fifty rupees.

Part VII

Chapter XXVIII

Co-Operation of Police

328. Co-operation of Police. - (1) The City Superintendent of Police, and his subordinates shall, as far as may be, co-operate with the [Commissioner] for carrying out the purposes of this Act and for the maintenance of public health, safety and convenience within the limits of the Corporation.

(2) It shall be the duty of every police officer within the limits of the Corporation - (i) to communicate without delay to the [Commissioner] any information which he receives of a design to commit or of the commission of any offence against this Act or any rule or by-law made thereunder, and (ii) to assist any Corporation Officer or servant reasonably demanding his aid for the lawful exercise of any power vested in the Corporation or in any Corporation Officer or servant under this Act or any rule or by-law made thereunder. (3) Any officer or servant of the Corporation, when empowered so to do by a general or special order of the State Government, may exercise such of the powers of a police officer for such of the purposes of this Act as may be specified in the order.

329. Powers of police to arrest offenders. - (1) Any police officer, and in the absence of a police officer any officer or servant of the Corporation empowered in this behalf by the general or special order of the State Government under sub-section (3) of section 328 may arrest any person who commits any offence against this Act or any rule or by-law made thereunder -

(a) if the name and address of the person are unknown to him, and (b) if the person declines to give his name and address or there is reason to doubt the accuracy of the name and address given. (2) Any person arrested under this section may be detained until his name and address are correctly ascertained: Provided that no person so arrested shall be detained longer than is necessary for bringing him before a Magistrate unless an order of a Magistrate for his detention is obtained.

330. Power of City Superintendent of Police to arrest a person on requisition from [Commissioner]. - On a written requisition from the [Commissioner], the City Superintendent of Police shall order arrest of any person who obstructs any Corporation Officer or servant engaged in the discharge of any duty imposed by this Act or by any rule or by-law made thereunder.

331. Police protection at fairs, etc. - When special police protection is, in the opinion of the State Government, necessary on occasion of any fair, agricultural show or industrial exhibition managed by the Corporation, or for the purpose of guarding houses evacuated through plague or other epidemic, the State Government may provide such protection, and the Corporation shall pay the charges thereof or such part of them as the State Government considers equitable.

Chapter XXIX

Prevention and Extinction of Fires

332. Maintenance of fire brigade and arrangements for the prevention and extinction of fire. - (1) For the prevention and extinction of fire, the Corporation shall maintain a fire brigade and shall provide such implements, machinery or means of communication as the Corporation may think necessary for the efficiency of the brigade.

(2) In order to indicate the location of fire-mains and hydrants the [Commissioner] may direct the fixing of plates on any building or land, the painting of signs, or the erecting of appliances as he may think fit. (3) No person shall destroy, pull down, deface, cover or conceal any such plate, sign or appliance.

333. Power of fire brigade and other persons for suppression of fire. - (1) On the occasion of a fire within the limits of the City, any Magistrate, the [Commissioner], any member of the Corporation, any member of a fire brigade maintained by the Corporation, then and there directing the operations of men belonging to the brigade, and, if directed so to do by a Magistrate or the [Commissioner] or a member of the Corporation, any police officer, above the rank of constable, may -

(a) remove or order the removal of any person who by his presence interferes with or impedes the operation for extinguishing the fire or for saving life or property; (b) close any street or passage in or near which any fire is burning; (c) for the purpose of extinguishing the fire break into or through or pull down or cause to be broken into or through or pulled down, or use for the passage of houses or other appliances, any premises; (d) cause mains and pipes to be shut off so as to give greater pressure of water in or near the place where the fire has occurred; (e) call on the persons in charge of any fire engine to render such assistance as may be possible; and (f) generally, take such measures as may appear necessary for the preservation of life or property. (2) When any building belonging to, vested in or occupied by the Government is endangered by such a fire, the officer of the Public Works

Department for the time being in charge of the building may exercise the power conferred on a Magistrate by sub-section (1).(3)On the occasion of a fire, all persons assisting the fire brigade whether voluntarily or otherwise, shall be under the officer in charge of the fire brigade and shall obey all orders and directions given by such officer.(4)No person shall be liable to pay damages in respect of anything in good faith done or intended to be done under subsection (1).(5)Any damage done in the exercise of a power conferred or a duty imposed by this section shall be deemed to be damaged by within fire the meaning of any policy of insurance against fire.

334. Power to make regulations for fire brigade. - (1) [The Commissioner shall make regulations for] -

(a)the training, discipline and good conduct of the men belonging to the fire brigade;(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 state of efficiency; and(d)the submission of reports of fires.(2)With the approval of the Standing Committee and subject to the conditions and limitations prescribed by this Act, the [Commissioner] make any regulations for the grant of gratuities, rewards or certificates, to persons who have given notice of fires or who have rendered effective service to the fire brigade on the occasion of a fire.

335. Precautionary measures for places of public entertainment. - The [Commissioner] may, by notice, require the manager or proprietor of any place of public entertainment to make such provision as he may direct for the prevention and extinction of fire, and for the easy exit of the audience in case of fire.

Chapter XXX

Dangerous Animals

336. Disposal of mad and stray dogs and other animals. - (1) The [Commissioner] may -

(a)authorise any person -(i)to destroy, or cause to be destroyed, or confine or cause to be confined for such period as the [Commissioner] may direct, any dog or other animal suffering or reasonably suspected to be suffering from rabies, or bitten by any dog or other animal suffering or suspected as aforesaid, or any dog or other animal dangerous to human safety, or any bird, animal or other vermin causing a nuisance;(ii)to confine, or cause to be confined any dogs found wandering about streets or public places without collars or other marks distinguishing them as private property and to charge a fee for such detention and to destroy or otherwise dispose of any such dog if it is not claimed within one week, and the fee paid;(b)issue a temporary or standing order that any dogs without collars or other marks distinguishing them as private property found straying on the streets or beyond the enclosure of the houses of the owners of such dogs should be destroyed and destroy or

cause them to be destroyed accordingly :Provided that before issuing such order a notice to that effect shall be published in the prescribed manner.(2)No damage shall be payable in respect of any dog or other animal destroyed or otherwise disposed of under this section.

337. Allowing dogs to be at large. - Whoever, being the owner or person in charge of any dog, allows it to be at large in any street without a muzzle -

(a)if such dog is likely to annoy or intimidate passers-by, or(b)if the [Commissioner] has by notice in the prescribed manner during the prevalence of rabies directed that dogs shall not be at large without muzzles, shall be punishable with fine which may extend to twenty rupees.

338. Control of elephants or camels. - Whoever, being in charge of any elephant, camel or bear, omits on being requested so to do to remove as far as may be practicable his elephant, camel or bear to a safe distance on the approach of a horse, whether ridden or driven, or any vehicle drawn by bullocks, shall be punishable with fine which may extend to twenty rupees.

339. Taking elephants along public streets. - Whoever, without a permit from the City Superintendent of Police or any other officer not below the rank of a Sub-Inspector of Police, authorised by him in this behalf or in contravention of the terms of such a permit takes an elephant along a street, shall be punished with fine which may extend to twenty rupees.

340. Letting loose horse or other animals. - Whoever wilfully or negligently lets loose any horse or other animal so as to cause, or negligently allows any horse or other animal to cause injury, danger alarm or annoyance to any person or damage to property, shall be punishable with fine which may extend to fifty rupees.

Chapter XXXI

Beggars

341. Commencement of Chapter. - The provisions of this Chapter shall come into the force on such date as the State Government may by notification appoint in that behalf.

342. Soliciting alms. - (1) Whoever, in any street or public place within the limits of the Corporation, begs for alms, or exposes, or exhibits with the object of exciting or extorting alms any deformity, disease or bodily ailment or any offensive sore or wound, shall be punishable with imprisonment which may extend to three months, or with a fine not exceeding fifty rupees, or with both.

(2) If the Court finds that a person has committed an offence punishable under sub-section (1), it may, if in its opinion the person is unable to earn a livelihood owing to physical infirmity or debility, or is otherwise a fit person to be committed to a poor-house, in lieu of passing a sentence order that he may be committed to poor-house maintained by the Corporation or approved by the State Government, for such terms and subject to such conditions as may be prescribed by rules made under this Act : Provided that no such order shall be made without giving the person in charge of the poor-house an opportunity to submit objections and be heard in support of them if he so desires. (3) If the person committed to a poor-house under subsection (2) escapes from it or commits a breach of any condition subject to which he was committed to the poor-house, he shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to one hundred rupees, or with both. (4) If the Court finds that the person who has committed an offence punishable under sub-section (1) was not born within the limits of the City or has not been continuously resident therein for more than one year, it may, in lieu of passing a sentence or order referred to in the aforesaid sub-sections, by order in writing direct the said person to leave the said limits within such time and by such route or routes as may be stated in the order and not to return thereto without the permission in writing of the District Magistrate. If the said person fails to comply with the order within the time specified therein, the Court may cause the said person to be removed beyond the limits of the City under such escort as it may direct. (5) If the said person returns within the limits of the City without the permission of the authority specified in subsection (4), he shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to one hundred rupees, or with both. (6) Until and during the trial, a person accused of an offence under this section may be detained either in custody under section 344 of the [Code of Criminal Procedure, 1898], or in a poor-house, according as the Court may, from time to time, direct. (7) Notwithstanding anything contained in the [Code of Criminal Procedure, 1898], an offence punishable under this section shall be cognizable.

343. Importing beggar. - Whenever the [Commissioner] receives information that any person within the limits of the City lives wholly or in part on the proceeds of the begging of others, he may, in writing inform a Magistrate, who shall deal with such person as if the information received about him was of the description mentioned in section 109 of the [Code of Criminal Procedure, 1898], and for the purposes of any proceedings under this section the fact that a person lives as aforesaid may be proved by evidence of general repute or otherwise.

Chapter XXXII

Disorderly Houses[344. x x x][345. x x x]

Chapter XXXIII

Weights and Measures

346. Power to inspect weights and measures and seize false weights, etc. -

(1) The [Commissioner] may authorise any person, at any reasonable time, to enter into and to inspect any market, building, shop, stall or place used for the sale of any goods, food, drink, or drug, and the person so authorised may inspect any instrument for weighing, weights or measures found therein and test the same with other weights and measures, and may seize any such instrument for weighing, weight or measure which he reasonably believes to be false or not in accordance with by-laws made by the Corporation under this Act, and may take the same to be examined or tested by the officer appointed for the purpose.

(2) Every person for the time being in charge of or employed in such market, building, shop, stall or place shall, if so requested by the person making such inspection, produce for such inspection and comparison all instruments for weighing, weights and measures kept therein.

Part VIII

Chapter XXXIV

General Provisions for the Carrying on of Municipal Administration[347. * *]ProcedureLicense and Written Permissions

348. Licenses and written permissions. - (1) Wherever it is prescribed that the permission of the [Commissioner] is necessary for the doing of any act, such permission shall (unless it is otherwise expressly provided) be in writing.

(2) Every licence and written permission granted under this Act or under any rule or by-law made thereunder shall be signed by the [Commissioner] and shall specify -(a) the date of the grant thereof; (b) the purpose and the period (if any) for which it is granted; (c) the restrictions and conditions (if any) subject to which it is granted; (d) the name of the person to whom it is granted; and (e) the tax or fee, if any, paid for the licence or written permission. (3) Except when it is in this Act, or in any rule or by-law made thereunder, otherwise expressly provided, for every such licence

or written permission a fee may be charged at such rate as may be fixed by the Corporation and such fee shall be payable by the person to whom the licence is granted.(4)Every person to whom a licence or permission has been granted shall produce it at all reasonable hours of inspection if required by the [Commissioner] or any officer authorised by him in this behalf.(5)Any licence or written permission granted under this Act, or under any rule or by-law made thereunder may at any time be suspended or revoked by the [Commissioner] if any of its restrictions or conditions is infringed or evaded by the grantee, or if the grantee is convicted of a breach of any of the provisions of this Act or of any rule or bye-law made thereunder in any matter to which such licence or permission relates.(6)When any such licence or written permission is suspended or revoked, or when the period for which the same was granted has expired, the grantee shall, for all purposes of this Act or of any rule or by-law made thereunder, be deemed to be without a licence or written permission until such time (whether within the said period or otherwise) as the authority granting the same may see fit to cancel the order suspending or revoking the licence or written permission or until the licence or written permission is renewed, as the case may be.(7)Pending the receipt of orders on his application made before the expiry of a licence or permission, an applicant for the renewal of a licence or permission thereof shall be entitled to act as if it has been renewed.(8)The acceptance by or on behalf of the [Commissioner] of the fee or a licence or permission shall not entitle the person paying the fee to the licence or permission.(9)Every application for a licence or permit shall be addressed to the [Commissioner],(10)Save in cases falling under sections 227 and 229, if the orders of the [Commissioner] on an application for a licence or permission which complies with the provisions of the foregoing sub-sections are not communicated to the applicant within six weeks from the date of receipt of the application by the [Commissioner], the applicant may act as if the licence or permit had been granted for the year or for such shorter period as is mentioned in the application.Evidence

349. Proof of consent, etc. of municipal authorities or municipal officers. - Whenever under this Act or any rule or by-law made thereunder, the doing or the omitting to do any thing or the validity of anything depends upon the approval, sanction, consent, concurrence, declaration, opinion, or satisfaction of -

(a)the Corporation, [or the Standing Committee] or the [Commissioner], or(b)of any municipal officer,a written document purporting to have been signed in case (a) by the [Commissioner], and in case (b) by the said municipal officer, purporting to convey or set forth such approval, sanction, consent, concurrence, declaration, opinion or satisfaction shall be prima facie evidence thereof.Signature and Service of Notices, etc.

350. Signature on notices, etc. may be stamped. - (1) Every licence, written permission, notice, bill, schedule, summons, warrant or other document which is required by this Act or by any rule or bye-law made thereunder to bear the signature of any municipal officer, shall be deemed to be properly signed if it bears a facsimile of the signature of such municipal officer

stamped thereupon.

(2) Nothing in sub-section (1) shall be deemed to apply to a cheque drawn upon the municipal fund or to any deed of contract.

351. Service of notice, etc. how to be effected on owner or occupier of premises. - When any notice, bill, schedule, summons or other document is required by this Act or any rule or by-law made thereunder to be served upon or issued or presented to any person as owner or occupier of any land or building, in so far as it concerns that land or building, the service, or issue or presentation thereof shall be effected either -

(a) by giving or tendering to any person whose name has been entered in the assessment list as the owner, or one of the owners, of the property concerned, or (b) by causing the said notice, bill, schedule, summons or other document to be affixed on some conspicuous part of the land or building to which the document relates, or (c) by delivering at some post office, the said notice, bill, schedule, summons, or other document under cover addressed by the description of the owner (or occupier) of (here describing the property concerned) without further name or description of the person concerned, and obtaining a certificate of posting the same from the post office, or (d) by any one or more of these methods.

352. Service of notice, etc. how to be effected on any person otherwise than as owner or occupier of premises. - When any notice, bill, schedule, summons or other document is required by this Act or by any rule or by-law made thereunder to be served upon or issued or presented to any person, otherwise than as owner or occupier of any land or building, such service, issue or presentation shall be effected -

(a) by delivering at some post office the said notice, bill, schedule, summons or other such documents under cover bearing the address of the person concerned and obtaining therefor a certificate of posting, or (b) by giving or tendering to such person the said notice, bill, schedule, summons or other such documents, or (c) by both methods.

353. The two preceding sections inapplicable to Magistrate's summonses. - Nothing in the two preceding sections shall apply to any summons issued under this Act by a Magistrate.

Powers of Entry and Inspection

354. Power of entry on premises for purposes of inspection, survey or execution of necessary work. - (1) Any municipal officer duly authorised in this behalf by the [Commissioner] may enter into or upon any premises, with or without assistants or workmen, in order to make any inspection, survey, measurement, valuation or inquiry, or execute any work which is authorised by this Act or by any rule or by-law made thereunder or which, in his opinion it is necessary or expedient for any of the purposes or in pursuance of any of the provisions of this Act or of any such rule or by-law, to make or execute :

Provided as follows :-(a)except when it is in this Act or in any rule or by-law made thereunder otherwise expressly provided, no such entry shall be made between sunset and sunrise;(b)except when it is in this Act or in any rule or by-law made thereunder otherwise expressly provided, no building used as a dwelling house shall be so entered, unless with the consent of the occupier thereof, without giving the said occupier at least six hours' previous notice in writing of the intention to make such entry and (except where it is in expedient to mention the purpose) of the purpose thereof;(c)notwithstanding any power to enter any premises conferred upon municipal officers by this Act or any rule or by-law made thereunder, sufficient notice of such entry shall in every instance be given to enable the inmates of any apartment appropriated to women to withdraw to some part of the premises where their privacy need not be disturbed;(d)due regard shall always be had, so far as may be compatible with the exigencies of the purpose for which the entry is made, to the social and religious usages of the occupants of the premises entered.(2)Except when it is in this Act or any rule or by-law made thereunder otherwise expressly provided, no claim shall lie against any person for compensation for any damage necessarily caused by any entry made or by the use of any force necessary for effecting such entry :Provided that force shall not be used for effecting an entry, unless there is reason to believe that an offence has been or is being committed against some provisions of this Act or any rule or by-law made thereunder.

355. Power of entry on lands adjacent to works. - (1) Any municipal officer duly authorised to carry out works may enter upon any land adjoining or within one hundred yards of any works authorised by this Act or by any rule or by-law made thereunder and deposit any earth, gravel, sand, lime, bricks, stone, or other materials necessary for such works, or for any other purpose connected with the carrying on of such works.

(2)Such officer shall before depositing materials under sub-section (1), give the owner or occupier of the land reasonable notice of his intention to make such entry, and of the purpose thereof, and shall, if so required by the owner or occupier, set apart by sufficient fences so much of the land as may be required for the purposes mentioned in the said sub-section.(3)The municipal officer shall not be bound to make any payment, tender or deposit before entering upon any land under sub-section (1), but shall do as little damage as may be, and the [Commissioner] shall pay compensation to the owner or occupier of the land for such entry and for any temporary damage that may be done in

consequence thereof, and shall also pay compensation to the said owner for any permanent damage resulting therefrom.

356. Right of entry into and inspection of premises licensed for any purpose.

- The [Commissioner], or any Corporation officer authorised by him in that behalf, may at any time by day or night and without notice, enter into or upon any place or premises used or intended to be used for any purpose for which any licence or permission is required by or under this Act or any rule or by-law made thereunder in order to satisfy himself whether any provision of this Act or any rule or by-law or any condition of any licence or permission granted or required under this Act or any rule or by-law made thereunder is being contravened, and whether any nuisance is being created in or upon such place or premises.

357. Prohibition of obstructing entry. - No person shall, in any way, obstruct any municipal officer duly authorised in that behalf in making any entry under sections 346, 354, 355 or 356 or any other municipal officer or any other persons accompanying him at his request or acting under his orders for the purpose of such entry.

Enforcement of Orders to Execute works, etc.

358. Execution of works which any person is required to execute by [Commissioner] at such person's cost. - (1) When any requisition or order is made under this Act or any rule or by-law made thereunder, by written notice issued by the [Commissioner] or by any municipal officer duly empowered in this behalf, a reasonable period to be determined by the [Commissioner] shall be prescribed in such-notice for carrying such requisition or order into effect.

(2) If, within the period so prescribed, such requisition or order or any portion thereof is not complied with, the [Commissioner] may take such measures, or cause such work to be executed or things to be done, as may, in his opinion, be necessary for giving effect to the requisition or order so made; and unless it is in this Act or in any rule or by-law made thereunder otherwise, expressly provided, the expenses thereof shall be paid by the person or any one or more of the persons to whom such requisition or order was addressed. (3) When a person is required under any provision of this Act or under any rule or by-law made thereunder to supply any materials or fittings or to do any work, the [Commissioner] may, upon the requisition of such person in writing, supply the necessary materials or fittings or cause the necessary work to be done in this behalf : Provided that the said person shall first deposit a sum sufficient in the opinion of the [Commissioner] to cover the cost of

the said materials, fittings or work.(4)When a person is required to execute any work under the provisions of this Act or under any rule or by-law made thereunder, the [Commissioner] may, for reasons to be recorded in writing instead of giving him the option of executing it, cause such work to be executed by municipal or other agency under his own supervision, and may recover the expenses incurred thereby from the person liable to execute the work :Provided that the Corporation may, on the advice of the [Commissioner], execute the work at the cost of the municipal fund.Recovery of Expenses

359. Power of [Commissioner] to accept agreement for payment of expenses in instalments. - (1) Whenever under this Act or under any rule or by-law made thereunder the cost of any work executed or of any measure taken or thing done by, or, under the order of a municipal authority, any Magistrate or any municipal officer empowered in this behalf, is payable by any person, the [Commissioner] may, with the approval of the [Standing Committee], instead of recovering any such cost in any other manner provided in this Act or in any rule or by-law made thereunder, take an agreement from the said person to pay the same in instalments of such amount and at such intervals as will secure the payment of the whole amount due, with interest thereon at the rate not exceeding six per centum per annum, within a period of not more than five years.

(2)If any instalment is not paid on or before the date on which it falls due, the [Commissioner] may thence forward recover interest on the sum then due at such rate not exceeding nine per centum per annum as he may deem fit.

360. Power of State Government to declare certain expenses to be improvement expenses. - If any cost or expenses recoverable under this Act have been incurred by the [Commissioner] under any provision of this Act or any rule or by-law made thereunder or by any Trust under the Nagpur Improvement Act, 1936, in respect of, or for the benefit of, any land or building, the State Government may after consulting the Corporation and the [Commissioner], declare such expenses to be improvement expenses.

361. Improvement expenses how recoverable and by whom payable. - (1) Improvement cost or expenses declared as such under section 360 shall be a charge on the premises in respect of which or for the benefit of which they have been incurred, and shall be recoverable in instalments of such amount (not being less than twelve rupees per annum for each separate property), and at such intervals as will surface to discharge such cost or expenses

together with interest thereon at a rate not exceeding six per centum per annum, within such period, not exceeding thirty years, as the State Government may in each case determine.

(2)The said instalments shall be payable by the owner or occupier of the premises on which the expenses are still payable.(3)If any instalment is not paid on or before the date on which it falls due, the [Commissioner] may recover interest on the sum due at such rate not exceeding nine per centum per annum as he may deem fit.

362. Right of owner or occupier to redeem charge for improvement expenses. - At any time before the expiry of the period for the payment of any improvement cost or expenses, the owner or occupier of the premises on which they are charged may, redeem such charge by paying to the [Commissioner] such part of the said cost or expenses as are still payable.

363. Execution of work by occupier in default of owner and deduction of expenses from rent. - Whenever the owner of any land or building fails to execute any work which he is required to execute under this Act, or under any rule or bylaw made thereunder, the occupier (if any) of such land or building may, with the previous approval of the [Commissioner], execute the said work and shall be entitled to recover from the owner the reasonable expenses incurred by him in so doing and may, without prejudice to any other right of recovery, deduct the amount thereof from the rent payable by him to the owner.

364. Limitation of liability of agent or trustee or owner. - No person who receives the rent of any land or building as an agent or trustee only shall be liable to do anything which by this Act or any rule or by-law made thereunder is required to be done by an owner, if he proves to the satisfaction of the [Commissioner] that he has not in his hands funds belonging or payable to the owner sufficient for the purpose ;

Provided that nothing in this section shall be deemed to prevent the [Commissioner] from carrying out the necessary works and recovering the expenses so incurred from the actual owner.Payment of Compensation

365. General power of [Commissioner] to pay compensation. - In any case not otherwise expressly provided for in this Act, or in any rule or by-law made thereunder, the [Commissioner] may, with the previous approval of the

[Standing Committee], pay compensation to any person who sustains damage by reason of the exercise of any of the powers vested by this Act or by any such rule or by-law, in the [Commissioner], or in any municipal officer or servant.

366. Compensation to owner for value of immovable property deteriorated. - (1) In any case in which immovable property has deteriorated in value owing to the exercise of any power conferred by sections 170, 171, 172, 173, 191, 193, 194 and 265, the Corporation may offer to the owner of the property reasonable compensation.

(2) If the owner of the property which has deteriorated in value accepts the compensation, he shall be deemed to have granted to the Corporation a perpetual right to continue the exercise of its powers under any of the said sections in such a manner as not to create greater nuisance or to cause greater damage than was being created, or caused at the time when compensation was received.

367. Principle on which and manner in which compensation should be determined. - (1) In determining the amount of compensation, the authority assessing the compensation shall be guided, so far as may be, by the provisions of sections 23 and 24 of the Land Acquisition Act, 1894, and as to matters which cannot be dealt with under those provisions by such provisions as may be prescribed.

(2) The authority assessing compensation for any land acquired by or under the provisions of this Act shall exercise all the powers and perform all the functions of a Court of original jurisdiction and (so far as may be) shall follow the same procedure as may be followed by a Court under the Land Acquisition Act, 1894. (3) The decision of an authority assessing compensation shall subject to the provisions of section 371, be final. (4) In this section "land" includes immovable property of every kind and any rights in or over such property.

Complaint of Injury

368. Procedure on complaint of injury. - (1) Any person who is injuriously affected by the exercise of any power conferred by sections 170, 171, 172, 173, 191, 193, 194 and 265, may complaint to the State Government that more than the least practicable nuisance or damage has been created or caused.

(2) The State Government may appoint an officer to enquire into any such complaints, and such officer shall, for the purpose of this enquiry, have all the powers of a Civil Court trying a suit and shall submit his report to the State Government. (3) Upon receipt of the report the State Government may, if it thinks fit, direct the Corporation - (a) to take such measures as it may deem practicable and reasonable for preventing, abating, removing or diminishing the nuisance or damage; (b) to pay to

the complaint all reasonable costs of and relating to his complainant, which costs may include compensation for the complainant's loss of time in prosecuting the complaint.(4)It shall be incumbent on the Corporation, the [Standing Committee] or the [Commissioner], as the case may be, to obey every such order.

369. Compensation to be paid by offenders against this Act for any damage caused by them. - (1) Any person who has been convicted of an offence punishable under this Act or under any rule or by-law made thereunder shall, notwithstanding any punishment for which he may have been sentenced for the said offence, be liable to pay such compensation for any damage to any property of the Corporation resulting from the said offence as the [Commissioner] may consider reasonable.

(2)In the event of dispute regarding the amount of compensation payable under sub-section (1), such amount shall, on application made to him, be determined by the Magistrate, before whom the said person was convicted of the said offence and on his failure to pay the amount of compensation so determined the same shall be recovered under a warrant issued by the said Magistrate as if it were a fine inflicted by him on the person liable to pay the compensation.Recovery of Expenses or Compensation in case of Disputes

370. Reference by [Commissioner] to the District Court, Nagpur. - (1) If, when the [Commissioner] demands payment of any expenses referred to in section 359, his right to demand the same or the amount of the demand is disputed, the [Commissioner] shall refer the case for the determination of the District Court, Nagpur.

(2)The [Commissioner] shall, pending the decision on any such reference, defer further proceedings for the recovery of the sum claimed by him, but shall not, by reason only of the pendency of any dispute or reference to the said Court, defer the execution of any temporary measures which may be necessary under any provision of this Act.

371. Application to District Court. - (1) Where the Corporation or any municipal officer or servant or any other person is required by this Act or by any rule or by-law made thereunder to pay any expenses or any compensation, the amount to be paid and, if necessary, the apportionment of the same, shall in case of dispute, be determined by the District Court, Nagpur, on application being made to him for this purpose at any time within six months from the date when such expenses or compensation first become claimable.

(2) This section shall not apply to any case which is otherwise provided for in the Land Acquisition Act, 1894.

372. Recovery of sums ascertained under section 366 to be due. - If the amount of any expenses, or compensation determined in accordance with section 366, is not paid on demand by the person liable to pay the same, it shall be recoverable as if the same were due under a decree of the Court of a District Judge.

373. Saving of right to claim damages for injury. - Nothing in this Act shall affect the right of any person who may suffer injury or whose property may be injuriously affected by reason of any act done in exercise of any power conferred by sections 170, 171, 172, 173, 191, 193, 194 and 265 to recover damages.

Recovery of Certain Dues

374. Recovery of certain dues by distress and sale. - In any case not expressly provided for in this Act or in any rule or by-law made thereunder, any sum due to the Corporation on account of any charge, cost or costs, expenses, fees, rates or rent or any other account under this Act or under any such rule or by-law, shall be recoverable by distress and sale of the movable property of the person from whom such sum is due, in the manner provided by Chapter XII.

375. If the defaulter is the owner of premises in respect of which expenses are payable the occupier may also be liable for payment thereof. - If the default referred to in the last preceding section is in connection with a building or land and the defaulter is the owner thereof, the sum due may be demanded from any person who at the time when the said expenses were incurred occupied the said building or land under or from the said owner. In the event of the occupier failing to pay the sum due, it may be recovered by distress and sale of the goods and chattels of the said person as if the amount thereof were a property tax due by him :

Provided that -(a) if the occupier makes a true disclosure of the name and address of the person to whom the rent is due and proves to the satisfaction of the [Commissioner] that the amount of rent payable by him to that person on the date of the demand for the payment of the said expenses was less than the amount of the said demand, then the occupier shall not be liable to pay on account of

the said demand any sum greater than the amount payable as rent on the date aforesaid;(b)the occupier shall be entitled to credit in account with the owner for any sum recovered from him on account of the said expenses;(c)nothing in this section shall affect any agreement made between the occupier and the owner respecting the payment of expenses as aforesaid.Proceedings before Courts

376. Decision of the District Court. - Notwithstanding anything to the contrary in any other law for the time being in force, the District Court, Nagpur, shall exercise all the powers and jurisdiction expressly conferred on or vested in it by the provisions of this Act; and unless it is otherwise expressly provided by this Act, its decision shall be subject to revision by the High Court.

377. Procedure in inquiries before Civil Courts. - (1) For the purposes any appeal, inquiry or proceeding under this Act, the High Court and the District Court, Nagpur, may exercise all the powers conferred on them by the Code of Civil Procedure, 1908, and the Central Provinces and Berar Courts Act, 1917, as the case may be, and shall observe the procedure prescribed in the said enactments, so far as it is not inconsistent with the provisions of this Act.

(2)The costs of every appeal, inquiry, or proceeding under this Act shall be payable by such parties and in such proportions as the Court may direct and the amount thereof shall, if necessary, be recoverable as if it were due under a decree of the Court.

378. Fees in proceedings before Civil Courts. - (1) The State Government may by notification in the Gazette prescribe what fee (if any) shall be paid -

(a)on any application, appeal or reference made under this Act to the District Court, Nagpur, and(b)for the issue in connection with any enquiry or proceedings, of the Court under this Act, of any summons or other process :Provided that the fee (if any) prescribed under clause (a) shall not, in cases in which the value of the claim or subject-matter is capable of being estimated in money, exceed the fees leviable, for the time being, in cases in which the value of the claim or subject-matter is of like amount.(2)The 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 District Court until the fee (if any) prescribed under clause (a) of sub-section (1) has been paid.

379. Limitation of time. - Where no time is prescribed by this Act for the presentation of an application or appeal, such application or appeal shall be presented, subject to the provisions of section 5 of the Indian Limitation Act, 1908, within thirty days after the date of the order in respect of or against which the application or appeal is made :

Provided that if the application is an application for revision to the High Court, the period of limitation shall be ninety days. Proceedings before Magistrates

380. Procedure in prosecution. - (1) No Court shall take cognizance of any offence under this Act or under any rule or by-law made thereunder except on a complaint signed by the [Commissioner] [or by the officer in-charge of a police station authorised by the [Commissioner] in this behalf either generally in regard to all such offences or particularly in regard only to specific offences or offences of a special class].

(2) Notwithstanding anything contained in the [Code of Criminal Procedure, 1988], it shall not be necessary in respect of any offence punishable under this Act to examine the complainant when the complainant is presented in writing.

381. Power of Magistrate to hear case in absence of accused. - If any person summoned to appear before a Magistrate to answer a charge of an offence under this Act or against any rule or by-law made thereunder fails to appear at the time and place mentioned in the summons, the Magistrate may, if -

(a) service of the summons is proved to his satisfaction; and (b) no sufficient cause is shown for the non-appearance of such person; hear and determine the case in his absence.

382. Limitation of time for prosecution. - No Magistrate shall take cognizance of any offence under this Act or under any rule or by-law made thereunder unless complaint of such offence is made -

(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 date on which the commission or existence of such offence was first brought to the notice of the [Commissioner] or of any officer or servant whose duty it is to report such offence to the [Commissioner]. Legal Proceedings

383. Power of [Commissioner] to institute legal proceedings and obtain legal advice. - The [Commissioner] may on behalf of the Corporation -

(a) institute, defend or withdraw from legal proceedings under this Act, or under any rule or by-law made thereunder or any other enactment for the time being in force; (b) compound any offence under this Act or under any rule or by-law made thereunder; (c) admit, compromise or withdraw any claim made under this Act or under any rule or by-law made thereunder, or under any other enactment for the time being in force; and (d) obtain such legal advice and assistance as he may from time to time think it necessary or expedient to obtain, for any of the purposes referred to in the

foregoing clauses of this section, or for securing the lawful exercise or discharge of any power or duty vesting in or imposed upon the Corporation, the [Standing Committee] or any municipal officer or servant: Provided that the [Commissioner] shall not admit, compromise or withdraw any claim in a suit in which the whole amount claimed exceeds five hundred rupees without the previous sanction of the [Standing Committee], or where the total amount claimed exceeds two thousand rupees, without the previous sanction of [the Corporation].

384. Notice, limitation and tender of amends in suit against Corporation, etc. -

(1) No suit shall be instituted against the Corporation, the [Standing Committee] or any Corporation officer or servant, or any person acting under the direction of the Corporation, the [Standing Committee] or any municipal officer or servant, in respect of any act done in pursuance or execution or intended execution of this Act, or in respect of any alleged neglect or default in the execution of this Act or any rule or by-law made thereunder until the expiration of one month next after notice in writing has been delivered or left at the chief Corporation office or at the residence of such officer, servant or person, stating with reasonable particularity,-

(a) the cause of action; (b) the name and residence of the intending plaintiff and of his advocate, pleader or agent (if any) for the purpose of the suit; and (c) the relief which the claims. (2) Every such suit shall be commenced within six months next after the accrual of the cause of action, and the plaint therein shall contain a statement that a notice has been delivered or left as required by sub-section (1). (3) If the Corporation or any person to whom any notice is given under sub-section (1) tenders sufficient amends to the plaintiff before the suit is instituted, the suit shall be dismissed. (4) If the claim is for damages and if after the institution of the suit a sufficient sum of money with costs is paid into Court, the suit shall be dismissed. (5) If the defendant in any such suit is the [Commissioner] or any other Corporation officer or servant, payment of any sum or part thereof payable by him in or in consequence of the suit may, with the sanction of the [Standing Committee], be made from the municipal fund.

385. Bar to grant of injunctions. - Save as otherwise expressly provided, no injunction shall be granted by any Civil Court to interfere with the public duties of the Corporation, the [Standing Committee] or the [Commissioner].

386. Indemnity for acts done in good faith. - No suit shall be maintainable against the Corporation or the [Standing Committee], or any Corporation officer or servant, or any person acting under or in accordance with the direction of the Corporation or [Standing Committee] or any Corporation officer or servant, or of a Magistrate, in respect of anything in good faith done or intended to be done under this Act or under any rule or by-law made

thereunder.

Appeals

387. Order passed under this Act and the rules thereunder. - (1) If any person aggrieved by any order passed under this Act or under any rule or by-law made thereunder, does not receive the address to which he considers himself entitled, he may appeal to any Corporation officer who has been appointed by the [Commissioner] to hear such appeals, or failing such appointment, to the [Commissioner].

(2) Any order passed in appeal by any Corporation officer, other than the [Commissioner], shall be subject to revision by the [Commissioner]. (3) If the original order has been passed by the [Commissioner] himself, the appeal shall lie to the State Government or such persons as it may direct.

388. Appeals and revisions. - Save as otherwise expressly provided, every final order passed by the District Court, Nagpur, or a Magistrate in exercise of original jurisdiction under the provisions of this Act shall be subject to appeal, and every final order passed by such Judge or Magistrate in exercise of appellate jurisdiction shall be subject to revision at the instance of either party, by the Court to which appeals or, as the case may be, revision from the Court which gave such decision, ordinarily lie.

Chapter XXXV

Supplemental Provisions

389. Power of State Government to include certain areas within the limits of the City. - (1) The State Government may, [having regard to the factors mentioned in clause (2) of article 243-Q of the Constitution of India,] by notification in the Gazette and in such other manner as it may determine, declare its intention to include within the limits of the City any specified area in the neighbourhood of the City.

(2) If the local authority having jurisdiction in the said area or any person resident therein objects to such declaration, such authority or person may submit an objection in writing to the State Government within such period as may be specified in this behalf in the said notification; and the State Government shall take such objection into consideration. (3) When the said period has expired and the State Government has considered any objections under sub-section (2), the State

Government may by notification include such area or any portion thereof within the limits of the City.

390. Effect of Inclusion. - (1) When the said area is included within the limits of the City under section 389. then,-

(a)the Central Provinces and Berar Municipalities Act, 1922, or [the Central Provinces and Berar Local Self-Government Act, 1920], or the Central Provinces and Berar Panchayats Act, 1946, or the Central Provinces and Berar Village Sanitation and Public Management Act, 1920, as the case may be, if in force in such area shall be deemed to be repealed therein; and(b)except as the State Government may otherwise by notification in the Gazette direct, all rules, by-laws, regulations, orders, directions, and powers made, issued or conferred under this Act and in force at the date of inclusion shall apply to the said area, in supersession of all corresponding rules, by-laws, regulations, orders, directions and powers made, issued or conferred under the Central Provinces and Berar Municipalities Act, 1922, or [the Central Provinces and Berar Local Self-Government Act, 1920], or the Central Provinces and Berar Panchayats Act, 1946, or the Central Provinces and Berar Village Sanitation and Public Management Act, 1920, as the case may be.(2)The State Government may issue such orders as may be necessary to give effect to the inclusion of the said area and any matters incidental or ancillary thereto.

391. Exclusion of specified areas from the operation of certain provisions. -

(1) The State Government may, by notification in the Gazette and in such other manner as it may determine, declare its intention to exclude any specified area within the limits of the City from the operation of such provisions of this Act as are, in the opinion of the State Government unsuited thereto, and thereupon the said provisions shall cease to have effect in the said area :

[Provided that before making the declaration the State Government shall be satisfied that the City of Nagpur after exclusion of such specified area continues to fulfill the factors mentioned in clause (2) of article 243-Q of the Constitution of India.](2)The State Government may make rules for the guidance of the municipal authorities and public officers in respect of the matters covered by the said provisions while the area is excluded.General Provisions

392. Power of authority to require any one or more of a number of things to be done. - Where a power is expressed as being conferred on any authority to require a person to do a number of things, that authority may from time to time in its discretion require that person to do any one or more of those things.

393. Determination of owner or occupier where there are gradations of owners or occupiers. - Whenever any right is conferred or duty imposed by or under this Act, or by any rule or by-law made thereunder, on the owner or occupier of any premises, and, in consequence of there being gradations of owners or occupiers, doubt arises as to who is the owner or occupier entitled to exercise such right or bound to perform such duty, the [Commissioner] may, after due inquiry determine from time to time which of such owners or occupiers shall be deemed to be so entitled or bound :

Provided that if the name of any one of such owner or occupier has been entered in the assessment list in pursuance of any decisions given by the [Commissioner], such owner or occupier shall be deemed to be so entitled or bound until his name is duly removed from the said assessment list.

394. Councillors and Municipal Officers, etc. to be deemed public servants. - Every officer or servant in the employ of the Corporation whether for the whole or part of is time, and every Councillor of the Corporation shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code, 1860.

395. Prohibition of obstruction to municipal contractors. - No person shall obstruct or molest any person with whom the [Commissioner] has entered into a contract, in the performance or execution of his duty, or of anything which he is empowered or required to do by virtue or in consequence of this Act or any rule or by-law made thereunder.

396. Prohibition of removal of mark. - No person shall remove any mark set up for the purpose of indicating any level, measurement or direction necessary to the execution of works authorised by this Act or by any rule or by-law made thereunder.

Construction of References

397. Construction of references. - In every enactment or instrument in force at the commencement of this Act, unless a different intention appears,-

(a)all references to the municipal area shall be construed in respect of the City as references to the area within the limits of the City,(b)all references to the Municipal Committee or the Municipality of Nagpur shall be construed in respect of the City as references to the Corporation constituted by this Act.(c)all references to the President or Vice-President of the Municipality of Nagpur shall be

construed in respect of the City as references to the [Commissioner], (d) all references to the members of the said Municipality shall in respect of the City be construed as references to the Councillors referred to in section 9, and (e) all references to any chapter or section of the Central Provinces and Berar Municipalities Act, 1922, shall as far as possible be construed in respect of the City as references to this Act or to its corresponding chapter or section. Supplemental Provisions

398. Informalities and errors in assessments, notices, bills, etc. not to be deemed to invalidate such assessment, etc. - (1) Any informality, clerical error, omission, or other defect, in any assessment made, or in any notice, bill, schedule, summons or other document issued, under this Act, may at any time and as far as possible be rectified.

(2) No such informality, clerical error, omission or other defect shall be deemed to render the assessment, notice, bill, schedule, summons or other document invalid or illegal, if the provisions of this Act 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.

399. Disputes between Corporation and local authorities. - If any dispute arises between the Corporation and any local authority as regards anything done or to be done under this Act, it shall be referred to the State Government for decision, and such decision may include an order as to the costs of any enquiry ordered by the State Government, and shall be final :

Provided that it shall be competent to the Corporation and the local authority to agree in writing that any such dispute shall, instead of being referred to the State Government for decision, be referred to the decision of an arbitrator or arbitrators appointed under the Arbitration Act, 1940, or to a Civil Court under section 90 of the Code of Civil Procedure, 1908.

400. Disputes between State Government and Corporation. - (1) If at any time it appears to the State Government that a dispute has arisen or is likely to arise between the State Government and the Corporation as to the interpretation of any of the provisions of this Act or of any of the rules made thereunder, which is of such a nature and of such public importance that it is expedient to obtain the opinion of the High Court upon it, the State Government may refer the question to the High Court for consideration, and the High Court may, after such hearing as it thinks fit, report to the State Government.

(2) The report drawn up by the High Court under subsection (1) shall be binding on the State

Government and the Corporation.(3)Nothing in this section shall derogate from the authority of the State Government as laid down in Chapter XXXVI.

Part IX

Chapter XXXVI

Control

401. Power of State Government to require returns, etc. - The State Government may require the [Commissioner] to furnish it with -

(a)any return, statement, estimates, statistics or other information regarding any matter under the control of any municipal authority;(b)a report on any such matter; or(c)a copy of any document in his charge or under his control.

402. Power of State Government to depute officers to make inspection or examination and report. - (1) The State Government may depute an officer not below the rank of Assistant or Extra-Assistant Commissioner to make an inspection or examination of any department, office, service, work, or thing under the control of any Corporation authority and to report to it the result of such inspection or examination.

(2)Any officer so deputed may, for the purpose of making such inspection or examination, inspect the condition of any part of the City, and may require the [Commissioner],-(a)to produce any record, correspondence, plan or other document which is in his possession or under his control or which is recorded or filed in his office or in the office of any officer or servant of the Corporation, or(b)to furnish any report, return, plan, estimate, statement, account, or statistics.(3)Every requisition made under this section shall be complied with by the [Commissioner] without delay.

403. Power of State Government to require municipal authority to take action. - If the [Commissioner] fails within such period as may have been fixed by the State Government to furnish a document called for under section 401, or if on receipt of any document furnished under section 401 or of any report submitted under section 402, or of any information which appears to the State Government to require action under this section, the State Government is of opinion that,-

(a)any of the duties imposed by or under this Act or by any other law for the time being in force has not been performed or has been performed in an imperfect, inefficient or unsuitable manner;

or(b)the Corporation, the [Standing Committee], the [Commissioner] or any other officer or servant of the Corporation has failed to take such measures in any matter as appear to the State Government to be required by the circumstances of the case; or(c)adequate financial provision has not yet been made for the performance of any such duty or the taking of any such measure;the State Government may, by written order direct the Corporation, the [Standing Committee], the [Commissioner], or any other officer or servant of the Corporation within a period specified in the order -(i)to make arrangements to the satisfaction of the State Government for the proper performance of the duties referred to in clause (a) or to take such measures as may be specified by the State Government in connection with any matter referred to in clause (b), or to make financial provision to the satisfaction of the State Government for the performance of any such duty or for the taking of any such measure, as the case may be; or(ii)to show cause to the satisfaction of the State Government against the making of such arrangements, the taking of such measures or the making of such provisions, as the case may be.

404. Procedure by the State Government when municipal authority fails to take action. - (1) If, within the period fixed by any order issued under section 304 any action directed thereunder has not been duly taken, or cause has not been shown as aforesaid, the State Government may, by order-

(a)appoint some person to take the action so directed;(b)fix remuneration to be paid to him; and(c)direct that such remuneration and the cost of taking such action shall be defrayed out of the Municipal fund and, if necessary, that any one or more of the taxes authorised by Chapter XI shall be levied or increased.(2)The person appointed under sub-section (1) may for the purpose of taking the action directed under section 403, exercise any of the powers conferred on any officer of the Corporation by or under this Act, including the power to draw cheques on the account of the Municipal fund.(3)Any bank or society having the custody of any account referred to in sub-section (2) shall be bound to honour cheques drawn as aforesaid on that account to the extent of the amount standing to the credit of the Municipal fund.(4)The State Government may, in addition to or instead of directing under sub-section (1) the levy or increase of any taxes, direct by notification that any sum of money which may, in its opinion, be required for giving effect to any order issued under that sub-section be borrowed, by way of debenture on the security of all or any of the said taxes, at such rates of interest and upon such terms as to the time of repayment and otherwise as may be specified in the notification.(5)The provisions of Chapter IX shall apply to any loan raised in pursuance of sub-section (4).

405. Power to demand punishment or dismissal. - Notwithstanding anything contained in this Act, if in the opinion of the State Government any officer or servant of the Corporation is negligent in the discharge of his duties, the Corporation shall, on the requirement of the State Government, suspend, find or otherwise punish him, and if in the opinion of the State Government he is unfit for his employment, the Corporation shall dismiss him.

406. Power to prevent extravagant establishment. - If, in the opinion of the State Government, the number of persons employed by the Corporation as officers or servants, or whom the Corporation may propose to employ as such, or the remuneration assigned by the Corporation to those persons or any of them, is excessive, the Corporation shall, on the requirement of the State Government, reduce the number of those persons or the remuneration as the case may be.

407. Power of State Government to suspend any resolution or order. - (1) If the State Government is of opinion that the execution of any resolution or order of the Corporation or of any other authority or officer subordinate thereto or the doing of any act which is about to be done or is being done by or on behalf of the Corporation, is not in conformity with law or with the rules or by-laws made thereunder, or is likely to lead to a breach of the peace or to cause injury or annoyance to the public or to any class or body of persons, or is likely to cause waste of or damage to Municipal funds, the State Government may, by order in writing, suspend the execution of such resolution or order or prohibit the doing of any such act.

(2) A copy of such order of the State Government shall be sent to the Corporation by the Government. (3) On receipt of a copy of the order as aforesaid, the Corporation may, if it is of opinion that the resolution, order or act is not in contravention or excess of the powers conferred by any law for the time being in force, or the execution of the resolution or the doing of the act is not likely to cause waste of or damage to Municipal funds, make a representation to the State Government against the said order. (4) The State Government may, after considering the said representation, either cancel, modify or confirm the order passed by it under sub-section (1) or take such other action in respect of the matter as may in the opinion of the State Government be just or expedient having regard to all the circumstances of the case. [408. Power to dissolve Corporation. - If, in the opinion of the State Government, - (a) the Corporation is not competent to perform the duties assigned to it, by or under this Act, or any other law for the time being in force; or (b) the Corporation persistently makes default in the performance of such duties, or in compiling with the lawful directions or orders issued by the State Government or any other authority empowered under any law for the time being in force, to issue such directions or order, to the Corporation; or (c) the Corporation exceeds or abuses its power; or (d) a situation has arisen in which the administration of the Corporation cannot be carried out in accordance with the provisions of this Act; or (e) the financial position and the credit of the Corporation is seriously threatened. the State Government may, after giving the Corporation a reasonable opportunity of being heard, by an order published in the Official Gazette, stating the reasons therefor, dissolve the Corporation.] [409. Consequences of supersession. - (1) When the Corporation is superseded under section 408 the following consequences shall ensue, namely :- (a) all the Councillors of the Corporation shall, as from the date specified in the order of dissolution, vacate their offices as such Councillors; (b) all the powers and

functions vesting in or exercisable by the Corporation, the Mayor, [* * *] the various committees, and the Councillors under this Act or any other law for the time being in force shall vest in and be exercisable by such Government officer or officers, as the State Government may, from time to time, appoint in this behalf and such officer or officers shall receive such remuneration from the Municipal Fund as the State Government may, from time to time, determine;(c)all property vested in the Corporation shall, during the period of dissolution, vest in the State Government.]

410. Reconstitution of Corporation. - [(1) When the Corporation is dissolved under section 408, general elections shall be held to constitute a Corporation on such date as may be specified by the State Election Commissioner :

Provided that an election to constitute the Corporation shall be completed before the expiration of a period of six months from the date of dissolution of the Corporation].[(2) * * *][(3) * * *](4)All debts and obligations incurred, all contracts entered into and all matters and things to be done by, or for, the Corporation or the Administrator of the City before the reconstitution of the Corporation shall be deemed to have been incurred, entered into or to be done by, or for, the Corporation as reconstituted under this section.(5)Every appointment, notification, notice, tax, order, scheme, licence, permission, rule, by-law, or form made, issued, or imposed by the Corporation or the Administrator of the City before the reconstitution of the Corporation under this section and not inconsistent with this Act, shall be deemed to have been respectively made, issued, or imposed under the provisions of this Act, and shall unless subsequently altered, modified, cancelled, suspended, surrendered or withdrawn, as the case may be, under this Act, remain in force for the period, if any, for which it was so made, issued or imposed.(6)All rates, taxes and sums of money due to the Corporation or to the Administrator of the City when the Corporation is reconstituted under this section, shall be deemed to be due to the Corporation.(7)All suits or other legal proceedings, civil or criminal, instituted by or against the Corporation or the Administrator of the City before the reconstitution of the Corporation under this section, may be continued by or against the Corporation as so reconstituted.

411. Control of the State Government. - [(1)] The State Government may, at any time, for the purpose of satisfying itself as to the legality or propriety of any order passed by the [Commissioner] in exercise of the powers conferred by this Act, or as to the regularity of the proceedings of any meeting of the Corporation or a [Standing Committee], held in pursuance of the provisions of this Act, call for and examine the record of any case pending before or disposed of by the [Commissioner], the Corporation or a [Standing Committee], and may pass such order in reference thereto as it thinks fit ;

Provided that no order shall be varied or reserved unless notice has been given to the parties interested to appear and to be heard in support of such order.[(2) If the Commissioner is of the opinion that any action likely to be taken by the Corporation, the Mayor, the Deputy Mayor [* * *] is against the policy of the State Government then the Commissioner shall, as soon as possible, send a

report thereof to the State Government.]

412. Enforcement of orders. - In all matters connected with this Act, if the Corporation makes default in carrying out any order made by the State Government or by any authority other than the Corporation in exercise of any of the powers conferred by this Act or any rule made thereunder, the State Government shall have all the powers necessary for the enforcement of such order at the cost of the Corporation.

[413. Certain officials entitled to attend meetings of Corporation or Standing Committee. - Any officer of the Educational, Public Works, Medical, Sanitary and other Technical Departments, whom the State Government may by general or special order appoint in this behalf, shall be entitled to attend any meeting of the Corporation or Standing Committee and address it on any matter affecting the work of his department.]

414. Rules for inspection of institution and works of Corporation. - The State Government may make rules under this Act authorising inspection by servants of the Government or institutions and works which are under the management and control of the Corporation and regulating such inspection.

Part X

Chapter XXXVII

Bye-Laws

415. Bye-laws. - The Corporation may, and if so required by the State Government shall, make by-laws for carrying out the provisions and intentions of this Act, and in particular and without prejudice to the generality of the foregoing power, it may make by-laws to regulate all or any of the following matters, namely

(1) Conduct of business. - (a) the time and place of committees; (b) the manner in which notice of such committees may be given; (c) the quorum necessary for the transaction of business at any committee; (d) the filling of vacancies on any committee [other than the Standing Committee]; (e) any other matter relating to the proceedings of the Corporation or the [Standing Committee], the holding and regulation of meetings and the conduct of debate and the mode of asking and answering of questions connected with the administration of this Act and the inspection of minute books and the supply of copies of minutes to Councillors or other persons on payment of fees or otherwise; (2) Delegation of powers. - The exercise by the [Commissioner] or any other officer or any

of the servants of the Corporation of the powers conferred upon the Corporation by this or any other Act for the time being in force, and the conditions and limitations subject to which such powers may be exercised;(3)Municipal officers and servants. - (a) the qualifications of persons to be appointed Medical Officer of Health, Chief Engineer, or Engineer in charge of a separate department of Corporation works, or of persons to be appointed to posts requiring scientific or technical knowledge, and the qualifications of persons to be appointed Corporation officers or servants;(b)the conditions of service of Corporation officers or servants;(c)the procedure to be followed in dismissing or removing from office or otherwise punishing or penalising any Corporation officer or servant, and the cases in which and the authorities to which an appeal may be allowed;(d)the Corporation officers or servants from whom security may be required and the amount and nature of the security;(e)the grant of leave to Corporation officers and servants;(f)leave salaries to Corporation officers and servants on leave;(g)the remuneration of persons appointed to act for any of the said officers or servants during their absence on leave;(h)the period of service of Corporation officers and servants;(i)the conditions under which Corporation officers and servants may receive pensions, gratuities or compassionate allowances on retirement or discharge and the grant of gratuities to the surviving relatives of any such officers or servants;(j)the conveyance allowance payable to Corporation officers;(k)the travelling allowance of Corporation officers and servants;(l)the determination of what Corporation officers and servants are essential for the purposes of section 56;(4)Provident or annuity fund. - (a) a provident or annuity fund;(b)compulsory subscription to such fund, whether by deduction from pay or otherwise, by all Corporation officers and servants other than those in the service of the State Government;(c)contributions to such funds by the Corporation from the Municipal fund;(d)the times, circumstances, and conditions at or under which payments may be made out of any funds established under the Act and the conditions under which such payments shall discharge the fund from further liability;(e)the settlement by arbitration or otherwise of disputes relating to such fund or to the payments or subscriptions thereto or to claim thereon arising between the Corporation and other persons or between persons claiming any share or interest therein;(5)Manner of service of notice under section 69. - The manner in which notice of any enquiry or order shall be given under sub-section (1) of section 69;(6)Transfer of property. - The conditions and limitations under which immovable property vested in the Corporation may be transferred or disposed of;(7)Publication of annual administration report and statements of accounts. - (a) the form and contents of the report and statement to be prepared under section 106;(b)the publication of the said report and statement;(c)the submission of a copy thereof by the [Commissioner] to the State Government;(8)Contracts. - (a) the manner in which and the persons by whom contracts may be executed;(b)the security to be demanded for the due performance of contracts;(c)the submission of estimates of works before contracts are entertained;(d)the examination and acceptance of tenders;(e)the kind of works which may be executed otherwise than by contract;(9)Signature on cheques, etc. - (a) the manner in which and the person by whom payments may be made out of the Municipal fund or cheques drawn upon the said fund may be signed;(b)the manner in which and the person by whom coupons attached to debentures issued under this Act may be signed;(10)The common seal. - The custody of the common seal of the Corporation and the manner in which and the person by whom the common seal may be affixed;(11)Preparation of budget estimates. - The manner in which the budget estimates shall be prepared;(12)Tolls and cess on imports. - The classes of goods on which, and the rate at which tolls and cess on imports may be imposed;(13)Time and

mode of collection of taxes, cesses, etc. - The regulation of the time and mode of collection of any tax which may be imposed under sub-section (2) of section 114;(14)Assessment, collection, remission, refund and recovery of taxes, cesses, etc. - (a) the date before which, and the rates at which municipal taxes to be levied shall be determined;(b)the assessment, collection, composition, remission, refund and recovery of taxes and cesses and the exemptions from such taxes and cesses, and the prevention of evasion;(c)the date, place and manner of paying any tax or instalment of tax payable under this Act and the person to whom it shall be paid;(d)the fees for notice of demand of any tax and for the execution of warrants of distress and the rates of be charged for maintenance of any livestock distrained; and the persons authorised to receive payment of any sums so payable;(e)the manner in which the annual values of building and lands shall be determined for the purposes of assessment;(15)Drains. - (a) the maintenance and improvement of existing drains;(b)the construction of new drains;(c)the alteration and discontinuance of drains;(d)the flushing and cleaning of drains;(e)the drainage of any building or land;(f)the drainage of private streets;(g)the construction and position of closet accommodation, water-closets, privies, urinals and similar conveniences, public or private and bathing and washing places and the prevention of nuisances arising therefrom;(h)the construction and maintenance of a sufficient number of some or all of the aforesaid conveniences in all buildings;(i)similar provisions for the use of the public;(j)the payment of the cost of agency under the authority conferred by this Act;(16)Public latrines and washing places. - (a) the maintenance and regulation of urinals, closet accommodation, water closets, bathing and washing places and premises appurtenant thereto, belonging to the Corporation;(b)the regulation of urinals, closet accommodation, water-closets and bathing and washing places provided for the common use of the inhabitants of one or more buildings;(17)Scavenging and disposal of refuse. - The scavenging of streets and the removal or disposal of sewage and rubbish and offensive matter from all buildings and lands within the City;(18)Waterworks. - (a) waterworks;(b)the inspection of waterworks;(c)the power to enter waterworks;(d)the protection of waterworks from waste, injury, or contamination;(e)fire-hydrants;(f)boating, fishing or bathing in any waterworks;(g)the terms and conditions of the supply of water to lands and buildings and the provision of meters;(h)the cutting-off of private water supplies and the regulation of water supply;(i)the prevention of fraud in connection with water supply or the use of meters;(j)the digging or construction of any new well, tank, pond, cistern, or fountain;(k)the prevention of the pollution of water within the city;(19)Streets. - (a) the maintenance and improvement of public streets;(b)projections, obstructions or encroachments in public streets, and the issue of licences and the conditions under which they may be issued, including the payment of rent or fees;(c)the execution of works in or near public streets and the temporary occupation of public streets;(d)the naming and numbering of streets and the numbering of houses;(e)the cleansing of private streets and keeping them free of dust by asphaltting, tarring or other means;(f)bill-posting and sky signs including prohibition of the same;(g)dangerous places;(h)the lighting of public streets;(i)the watering of public streets;(20)Street traffic. - Street traffic and the reduction of noise caused by such traffic;(21)Prohibition or restriction and regulation of use of barbed wire, etc. - The use of barbed wire or any material likely to cause injury to persons or animals on any land or premises abutting on any street, pathway or place which the public are entitled to use or frequent;(22)Hedges. - The removal, trimming and cutting of trees, shrubs and hedges;(23)Lodging houses. - (a) the periodical regulation of the number of persons who may occupy a lodging house and the licences necessary for

keepers of lodging houses;(b)the inspection of lodging houses;(c)the cleanliness and ventilation of lodging houses;(d)the lighting of common spaces and staircases in lodging houses;(e)the precautions to be taken in the case of any dangerous or infectious disease breaking out in a lodging house;(f)the general control of lodging houses;(24)Over crowding. - The number of persons who may occupy any building;(25)Rest houses etc. - The inspection and control of stables, camping grounds, pounds and rest-houses;(26)Camping on public ground. - The encamping or picketing of animals or the collection of parking of vehicles in any public place, or the use of such places for the halting of animals or vehicles;(27)Keeping of animals. - (a) the keeping of animals in the City;(b)the importation of animals into the City and the transport of animals within the City;(c)measures to be taken with stray animals or animals likely, if at large in any street or public place, to cause annoyance or intimidation;(d)the prevention of cruelty to animals;(e)the disposal of carcasses of animals dying in the City;(f)the destruction of any animals which from old age or other causes are in a moribund or infirm state or have received such injuries or are suffering from such dangerous disease that their recovery therefrom is unlikely;(g)the prevention of the sale or use as human food of the carcasses of animals which die naturally or from disease;(h)the prohibition of importation into, or sale or disposal or use within, the Corporation limits of any animal or of the hide or any portion of the carcass of any animal dying or slaughtered on account of, or suffering from, any contagious or infectious disease;(28)Wash houses. - Public wash-houses and the exercise of their calling by washermen at places other than those appointed or approved by the [Commissioner];(29)Dangerous and offensive trades and factories. - (a)(i) the articles to be included in the description contained in clause (a) of section 229;(ii)the prohibition or regulation by licence or otherwise of the storage or keeping of such articles;(b)(i)the trades, manufactures, industries, or operations to be included in the description contained in clause (c) of section 229;(ii)the prohibition or regulation by licence or otherwise of the exercise of such trades, manufactures, industries, or operations;(c)the supervision and sanitary regulation of factories and workshops;(30)Exemption of articles and trade operations. - The articles or quantity thereof and the trade operations connected with trade which may be exempted;(31)Standard of water used in aerated waters etc. - The standard of water or other ingredients to be used in the manufacture or preparation of aerated water or of cordials;(32)Labels and inscription. - The form or kind of label to be attached to packages containing articles of food or drink or drugs or any mixture thereof and the inscription on the label of such particulars, directions, statement, information or words as may be specified;(33)Nuisances. - (a) the discharge of smoke, steam, dust, fumes or noxious vapours;(b)the use of whistles, trumpets and noise-producing instruments operated by any mechanical means;(c)the prevention of other nuisances;(34)Advertisement. - The exhibition of advertisements; and hoardings and similar structures used for the purpose of advertising;(35)Management of municipal markets, etc. and the supervision of the manufacture, storage and sale of food. - (a) the sale of the flesh of any four footed animal not slaughtered in a Corporation slaughter-house and the importation within the Corporation limits of the flesh of any such animal outside these limits;(b)the sale of meat;(c)the sanitary conditions of municipal slaughter houses;(d)the sanitary conditions of municipal markets;(e)the destruction of diseased animals;(f)the manufacture for sale and the sale of articles of food and drink or drugs either by licence or otherwise;(g)the qualifications of persons who may compound, mix, prepare, dispense or sell any drugs and the certificates or permissions necessary;(h)the hours and manner of importation into, or of transport within, the City of any articles of food and drink or drugs, by licence for such importation or transport or otherwise;(i)the

places at which articles of food and drink or drugs shall be produced for inspection prior to importation, transport or exposure for sale;(j)the places in which articles of food and drink or drugs may or may not be manufactured, kept, sold or exposed for sale;(k)the notice boards to be exhibited by the vendors and labels to be affixed by them to adulterated articles of food and drink or drugs exposed for sale and the particulars which such notice-boards and labels shall contain;(l)the importation or transport within the City of any articles of food or drink produced under such conditions as will make them or are likely to make them injurious to the health of persons consuming them;(m)the supervision and sanitary condition of bakeries, places where sweets are manufactured, public eating houses, stalls, aerated water and ice factories and dairies, stables, and buildings or enclosures where animals are kept, whether or not the animals therein are kept for profit;(n)the exposure of goods for sale on streets and the levying of fees from persons setting up stalls or otherwise selling or exposing goods for sale on the streets;(o)the regulation of the manner in which foodgrains whether intended for sale or for private consumption, may be stored;(p)the precautions to be taken for protecting milch-cattle, milk and milk products against infection or contamination;(q)the giving of notice of the outbreak of any contagious disease among animals, and prescribing precautions to be taken for preventing the spread of any such disease;(r)the hawking of articles of food and drink;(36)Private markets. - (a) the construction and structural and architectural features of private markets;(b)the drainage, water supply, ventilation, lighting, sanitary conditions and regulation of private markets;(c)the prevention of cruelty, nuisance, obstruction and over-crowding in; or in the approaches to, or in the passage of, private markets;(d)the supervision of private markets;(e)the appointment and dismissal of superintendents of private markets;(f)the days on which and the hours during which any private market may be held;(g)the prevention of undesirable or diseased persons from entering private markets;(h)the prohibition of all persons from selling in a private market in respect of which a licence has been refused, cancelled, or suspended;(37)Pawnbrokers. - Licences to pawnbrokers, the conditions for such licences and the determination, by public auction or otherwise, of the amount to be paid for such licences;(38)Registration of births and deaths etc. - The registration of all births, deaths and marriages which take place within the City; the taking of a census and the verification of deaths and causes of deaths;(39)Licensing of theatres, etc. - (a) the safety, sanitation and internal arrangement of theatres or other places of public entertainment or resort and the control and inspection thereof, in order to ensure the safety, health and convenience of persons employed in, or visiting, attending or resorting to the same;(b)the licensing of such entertainments;(40)Construction of buildings. - (a) the information and plans to be submitted with applications for the approval of sites for buildings and for permission to erect or re-erect any building;(b)the period within which sanction for erection or re-erection of a building must be granted or refused;(c)the appointment of a person to supervise the work of erection or re-erection of buildings or of any specified class or classes of buildings and his qualifications;(d)the grant of a completion certificate for newly erected or re-erected buildings and the cases in which, and the persons by whom, such certificates shall be granted;(e)the heights of buildings;(f)the level and width of the foundation, the level of the lowest floor or plinth and the stability of the structure;(g)the number and height above the ground, or above the next lower storey, of the storeys of which any buildings may consist;(h)the height and slope of the roof above the uppermost floor upon which human beings are to live or cooking operations are to be carried on and the provision of chimneys for cooking operations;(i)the space to be left about any building to secure the free circulation of air and to facilitate scavenging and to prevent fire and the minimum width of

streets in front of buildings;(j)the ventilation and drainage of buildings and the minimum dimensions of doors and windows;(k)the means and appliances to be provided and maintained for egress from buildings and protection of life in case of fire;(l)the material to be used and the method of construction to be adopted for the building or class of buildings, and the provision of impervious floors and damp-proof courses for walls;(m)the position, materials and methods of construction of fire-places, smoke-escapes, chimneys, staircases, water-closets, closet accommodation and drains in buildings;(n)the parts or portions of building sites on which no building shall be erected;(o)the paving of any passage between two buildings or appurtenant to any building;(p)the restriction and the use of inflammable materials in buildings;(q)the precautions to be taken for the purposes of preventing danger or injury to the public or to persons employed in erecting a building and of securing the stability of the various parts of the building and of the buildings and other property in the vicinity thereof, during the progress of the buildings or of any demolition or excavation incidental thereto;(r)the line of frontage where a building abuts on a street;(s)the materials and methods of construction to be used for godowns intended for the storage of food grains in excess of fifty maunds;(t)the minimum requirements, including dimensions of accommodation for human beings and of accommodation for animals;(u)the position and dimensions of projections beyond the outer face of any external wall of a building;(v)the height of factory chimneys and the consumption of smoke;(41)Removal or improvement of insanitary building. - (a) the removal or improvement of insanitary buildings and buildings in a ruinous or dangerous condition;(b)the marking of vacant uninhabitable buildings;(c)the cleansing, lime-washing, painting or repair of such buildings;(d)the exercise of compulsion upon the owners or occupiers to take such order with abandoned, unoccupied or neglected buildings or lands as the [Commissioner] may direct;(e)the excavation of earth, stone or other materials from any place;(42)Assessment of compensation under section 284. - The assessment of compensation by the Corporation under section 284;(43)Passenger-lifts. - (a) the construction, maintenance and working of passenger lifts, and all machinery and apparatus pertaining thereto;(b)the construction, maintenance, fencing and lighting of shafts, landings, hatches and gates connected with passenger-lifts;(c)the entry upon, and inspection of any premises containing a passenger-lift by such persons as the [Commissioner] may authorise in this behalf;(d)the prohibition of the use of any lift where any by-law made under this sub-section has not been complied with :Provided that such by-laws shall not affect any provisions of the [Factories Act, 1934], or of the Indian Electricity Act, 1910, or any rules framed thereunder;Explanation. - A lift actually used as a lift by passengers is, for the purposes of this sub-section, a passenger-lift notwithstanding that it may not have been constructed for that purpose and that its use as a passenger-lift is not authorised by the owner or occupier;(44)Precautions in demolition of buildings. - (a) the precautions to be taken for the prevention of danger or injury to the public during, and to persons engaged in, the demolition of buildings or parts of a building and for the protection of other parts of the same building and of other buildings in the vicinity thereof;(b)the notice to be given by any person intending to demolish a building or part of a building to the [Commissioner] together with particulars of the proposed demolition and of the precautions to be taken during the progress of the work;(c)the prohibition of the commencement of demolition within a prescribed period except with the permission of the [Commissioner];(d)the prohibition of the commencement or continuance of the demolition until all precautions have been and are being taken in accordance with the rules and with any directions and requisitions in writing which the [Commissioner] may issue to the person in charge of the work, or to the person who submitted the notice, if any, required

under the rules;(45)Improvement of insanitary lands. - (a) the prohibition of accumulation of water in any pool, ditch, tank, well, pond, quarry, hole, drain, water-course, cistern or other receptacle;(b)the prohibition of cultivation, use of manure or irrigation injurious to health;(c)the paving and draining of cattle-stands;(d)the adoption of measures generally to tender insanitary lands sanitary;(46)Holding of fairs, etc. - The holding of fairs and industrial exhibitions in the City;(47)Protection of property of the Corporation. - The protection of the property of the Corporation from injury;(48)Protection against fire. - The stacking of inflammable materials and of the lighting of fires in any specified portion of the City;(49)Charges for services by municipal authorities. - The charge for services rendered by any municipal authority;(50)Register of improvement charges. - The maintenance of a register showing charges on buildings or lands for improvement expenses under section 360;(51)Appointment of agents by owners of lands not resident in the City. - The appointment by owners of buildings or lands in the City, who are not residents in the City, of persons residing within or near the City to act as their agents for all or any of the purposes of the Act or any rule or bye-law made thereunder;(52)Mode of performance of acts not otherwise provided for. - The person by whom and the time, place and manner at or in which anything prescribed under this Act, shall be done, where no express provision has been made therefor;(53)Inspection of municipal records. - The cases in which inspection and copies of municipal records may be granted, and the procedure and the fees for the grant of such inspection of copies;(54)Licences and notices. - The form of licences and notices issued under this Act and the authority entitled to sign or issue them;(55)Burial and burning grounds. - The disposal of the dead; the control, use and management of burial and burning grounds, the maintenance of all such places in good order and in a safe and sanitary condition, and the prevention of encroachments thereon;(56)Vehicles or animals plying for hire. - (a) vehicles or animals kept for plying for hire within the limits of the Corporation, the issue of licences to proprietors or drivers of such vehicles or animals, the prescription of types and specification of vehicles to be licensed and the fixing of fees payable for such licences and the conditions on which they may be granted or revoked;(b)the rates which may be demanded for the hire of any carriage, cart, motor vehicle or other conveyance or animals hired to carry loads or persons, and restriction of the loads which may be carried by any animal or carriage, cart or other conveyance plying for hire, within the limits of the Corporation :Provided that no by-laws made under clause (a) or (b) shall apply to any vehicle to which the Hackney Carriage Act, 1879, applies in any area where that Act is in force ;Provided further that the operation of any by-law made under the provisions of clause (a) or (b) or of any rules made under the Hackney Carriage Act, 1879, may, with the sanction of the State Government, be extended to -(i)any railway station;(ii)the whole or any part of any street so far as such street is situate within ten miles of the limits of the Corporation;(iii)the whole or any part of any street leading from the limits of the Corporation to the limits of any municipality, notified area, or cantonment, if the distance between the limits of the Corporation and the boundaries of these authorities does not exceed fifty miles, and the Corporation and the authorities concerned each consent to the extension of such by-laws or rules;(57)Poor houses. - (a) the maintenance of poor-houses by the Corporation or by private persons or institutions;(b)the requirements to be satisfied before a poor house managed by a private person or institution is approved by the Corporation;(c)the compulsion of able-bodied beggars to work;(d)the nature of the work which may be required of beggars and the kind of food to be supplied to them;(e)the authority by which exemption from the obligation to work may be granted in a poor house on the ground of ill-health or debility;(f)the inspection of poor-houses by

authorities to be prescribed in the by-laws;(58)Preventing of use of false or incorrect weights, etc. - The preventing of use in any market of false or incorrect weights, scales or measures;(59)Printing and sales of by-laws and exhibitions thereof in suitable places. - The printing and sale of by-laws and rules made under this Act and provision for the exhibition thereof in suitable places.

416. Penalties for breach of by-laws. - (1) In making a by-law under section 415, the Corporation may provide that a breach or any abetment of a breach of it shall be punishable-

(a)with fine which may extend to fifty rupees and in the case of a continuing breach, with fine which may extend to ten rupees for each day during with the breach continues after conviction for the first breach, or(b)with fine which may extend to ten rupees for every day during which the breach continues after receipt of written notice from the [Commissioner] to discontinue the breach.(2)In lieu of or in addition to such fine, the Magistrate may require the offender to remedy the mischief so far as is in his power.

417. Conditions precedent to the making of by-laws. - The power to make by-laws under this Act is subject to the condition of the by-laws being made after previous publication, and to the following further conditions, namely :-

(a)a draft of the by-laws shall be published for such time and in such manner as the State Government may prescribe in this behalf;(b)for not less than one month during such period, a printed copy of such draft shall be kept at the municipal office for public inspection, and every person shall be permitted at any reasonable time to peruse the same, free of charge; and(c)printed copies of such draft shall be obtainable by any person requiring the same, on payment of such fee not exceeding one rupee for each copy, as may be prescribed by the Corporation.

418. By-laws to be subject to sanction of State Government. - (1) No by-law made by the Corporation under this Act shall have any validity until it is confirmed by the State Government.

(2)Before sanctioning any such by-law, the State Government may modify it.(3)The State Government may cancel its confirmation of any such by-law, and thereupon the by-law shall cease to have effect.

419. Publication of by-laws and rules in Gazette and effect of such publication. - All by-laws and rules made and sanctioned under this Act or by-laws cancelled under subsection (3) of section 418 shall be published in the Gazette and shall thereupon have effect as if enacted in this Act.

420. Power of State Government to make rules. - (1) The State Government may frame forms for any proceeding of the Corporation and may after previous publication make rules for the purpose of carrying into effect the provisions of this Act:

[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 election, under this Act.](2)In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely :-[(a) the maintenance of the municipal electoral roll];[(b) * * *];[(c) * * *];(d)the nomination of candidates and objections to such nomination;[(e) * * *];(f)the date and time of elections, the mode of recording votes, the management of contested elections, and the procedure in case of equality of votes or in the event of one Councillor being elected to represent more than one ward [* * *];(g)the holding of elections to fill casual vacancies;(h)the division of electorate into wards [* * *] and the allocation of Councillors thereto;(i)the procedure for elections under this Act, the contribution towards election expenses by candidates, the deposit of security by candidates and the conditions of forfeiture of such deposits;(j)any other matter relating to representation and election for which it may be expedient to provide;(k)the qualifications requisite in the case of persons appointed by a municipal authority to offices requiring professional skill;(l)the procedure to be observed for the employment, punishment, suspension or removal of officers and servants of the Corporation and appeal from orders of punishment or removal];[(l-i) the extent of general supervision and control to be exercised by the [Commissioner] over servants of the State placed at the disposal of the Corporation under section 58-A];[(l-ii) the conditions of service in regard to the leave, provident fund, and pension admissible to the person transferred in pursuance of section 50 in respect of the period of service rendered by him before such transfer and the extent of the liability of the local authorities concerned with the transfer];(m)the conditions on which property may be acquired by the Corporation or on which property vested in the Corporation may be transferred by sale, mortgage, lease, exchange or otherwise;(n)the authority on which money may be paid from the municipal fund, and the management and regulation of provident funds;(o)the preparation of plans and estimates for works partly or wholly to be constructed at the expense of the Corporation and for the preparation, and periodical revision of maps and registers made under section 74 and for the authorities by which and the conditions subject to which such plans, estimates, maps and registers are to be prepared and sanctioned;(p)the regulation of contracts with electric supply companies for the supply of electrical energy;(q)the preparation of estimates of income and expenditure of the Corporation, and as to the persons by whom, and the conditions subject to which such estimates may be sanctioned;(r)the manner of making applications for permission to borrow money; the enquiries to be made in relation to loans and the manner of conducting such enquiries; the inspection of any works carried out by means of loans; and the utilisation of unexpended balances of loans, etc.;(s)the manner in which accounts are to be kept by the Corporation; the conditions on which such accounts are to be open to inspection by inhabitants paying any tax under this Act, the manner in which such accounts are to be audited and published and the power of auditors in respect of disallowance and surcharge;(t)the assessment and collection of and the compounding for revision or limiting refunds

or taxes imposed under this Act, and preventing evasion of the same; and for fixing the fee, payable for notices of demands;(u)the conditions on which, the Corporation may receive animals or articles into a bonded warehouse and the agreement to be signed by traders and others wishing to deposit animals or articles therein;(v)the returns, statements and reports to be submitted by the Corporation;(w)the formation and working of the municipal fire-brigade;(x)the language in which business shall be transacted, proceedings recorded and notices issued;(y)the publication of notices;(z)generally for the guidance of the municipal authorities and public officers in carrying out the purposes of this Act;(z-1) the same purposes as those for which the Corporation may make by-laws under the provisions of section 415;(z-2) any other matters incidental or ancillary to the matters in respect of which the State Government is empowered to make rules :[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 :Provided further that, any such rules may provide for charging of fess for any of the purposes of this Act.](3)Rules under clauses (a) to (j) of sub-section (2) may among other matters provide -[(i) the preparation, publication and sale of copies of the municipal electoral roll];[(ii) * * *];[(iii) * * *];[(iv) * * *];[(v) * * *];[(vi) * * *];[(vii)for the form and manner in which and the conditions on which nominations may be made, and for the scrutiny of nominations;(viii)for the appointment of a returning officer for each ward and for his powers and duties;(ix)for the appointment of polling stations for each ward;(x)for the appointment of officers to preside at polling stations, and for the duties of such officers;(xi)for the checking of voters by reference to the electoral roll;(xii)for the manner in which votes are to be given and in particular for the case of illiterate voters, or voters under physical or other disability;(xiii)for the procedure to be followed in respect of tender of votes by persons representing themselves to be electors after other persons have voted as such electors;(xiv)for the scrutiny of votes;(xv)for the safe custody of ballot papers and other election papers, for the period for which such papers shall be preserved, and for the inspection and production of such papers;(xvi)for the definition of the practices at elections held under the provisions of this Act which are to be deemed to be corrupt;[[(xvii) x x x];][(xviii) for the procedure to be followed by the District Court in enquiries relating to applications presented under section 428, the liability of witnesses to answer questions, the evidence to be recorded, the powers lo be exercised including power to indemnify witness against civil or criminal proceedings and the enforcement of orders made in such enquiries];(xix)for rendering incapable of municipal office either permanently or for a term of years any person who may have been proved guilty as aforesaid of a corrupt practice or of conniving at or abetting the same;[(xx) x x x];(xxi)for provision of other matters incidental or ancillary to the [* * *] publication and regular maintenance of the roll and for the conduct of elections.(4)In making rules under clauses (d) and (i), and clauses (t) and (u) of sub-section (2), the State Government may direct that a breach of any provision thereof shall be punishable with fine which may extend to Rs. 500.(5)Notwithstanding anything hereinbefore contained the State Government shall not make rules under clause (z-2) of sub-section (2) for the Corporation unless the Corporation has been required by the State Government to make by-laws under section 415 and has failed to make any such by-laws, or having made them has failed to obtain their confirmation by the State Government as required by sub-section (1) of section 418 within nine months of the date of the order of the State Government requiring them to be made, and any rules made by the State Government under clause (z-2) of subsection (2) shall have effect as if they were, and shall be deemed for all purposes to be by-laws, made by the Corporation.

Part XI

Chapter XXXVIII

Punishment of Offences

421. Certain offences punishable with fine. - (1) Whoever -

(a) contravenes any of the provisions of this Act or of the rules made thereunder mentioned in the first column of the following table, or (b) fails to comply with any direction lawfully given to him or any requisition lawfully made upon him under any of the said provisions or rules, shall be punishable with fine which may extend to the amount mentioned in the third column of the said table. (2) Whoever after having been convicted of any offence under clause (a) or (b) of sub-section (1), continues to commit such offence shall be punished for each day after the first during which he continues so to offend, with fine which may extend to the amount mentioned in the fourth column of the said table. Explanation. - The entries in the second column of the following table headed "subject" are not intended as definitions of the offences described in the provisions mentioned in the first column, or even as abstracts of those provisions, but are inserted merely as references to the subject matter thereof. Table

Section sub-section or clause	Subject	Maximum fine which may be imposed	Daily fine which may be imposed when the offence is a continuing one
(1)	(2)	(3)	(4)
Section 183	New buildings not to be erected without drains	One thousand rupees	Fifty rupees
Section 185, sub-section (1)	Owner of land to allow others to carry drain through the land	Fifty rupees	Five rupees
Section 186	Owner of drain to allow use thereof or joint ownership, therein to others	Fifty rupees	Five rupees
Section 188	Resistance to order of the [Commissioner] () regarding use of joint ownership of a drain	Fifty rupees	Fifty rupees
Section 189	Resistance to [Commissioner] () draining premises in combination	Fifty rupees	Fifty rupees
Section 190	Resistance to the [Commissioner] () constructing drains or failure to maintain and keep in repair portion of a drain vesting in an	Fifty rupees	Fifty rupees

	owner		
Section 191	Resistance to the [Commissioner]() affixing shifts or pipes for ventilation of drains	Fifty rupees	Fifty rupees
Section 277	Establishment, etc. of factory, etc. without permission of the [Commissioner]()	One thousand rupees	One hundred rupees
Section 229	Storing dangerous or offensive articles or carrying on dangerous or offensive trades	Five hundred rupees	Fifty rupees
Section 235, sub-section (1)	Keeping open a private market without permission	Two hundred rupees	Twenty-five rupees
Section 235, sub-section (2)	Establishment, removal, re-opening, re-establishment or enlarging of private market without permission	One thousand rupees	One thousand rupees
Section 236	Selling animals, meat, etc., outside market without a licence	One hundred rupees	Ten rupees
Section 238, sub-section (3)	Slaughter of animals without permission outside municipal slaughter-houses	One hundred rupees	-
Section 240	Sale of diseased or unwholesome animal or article intended for human food	Two hundred rupees for first offence and one thousand rupees for any subsequent offence	One hundred rupees
Section 241	Keeping adulterants in place where butter, ghee, etc., are manufactured	One hundred rupees	-
Section 242	Sale, etc. of notified article which is not of prescribed standard of purity	Two hundred rupees for a first offence and one thousand rupees for any subsequent offence	-
Section 243	Sale, etc. of substitutes	One hundred rupees for a first offence and five thousand rupees for any subsequent offence	-
Section 248, sub-section (3)	Removing, interfering or tampering with animal, food,	Two hundred rupees	-

	drink, drug, etc. seized and left in custody		
Section 253	Failure to give information of existence of dangerous disease	Fifty rupees	-
Section 269, sub-section (1), clauses (a), (b) and (d)	Prohibition of burials within places of worship and exhumations without permission	Five hundred rupees	-
Section 269, sub-section (1), clause (c)	Burial or burning of any corpse at any other place which is not a burial or burning ground	Fifty rupees	-
Section 271	Erection or re-erection of a building in contravention of a town-planning scheme	One thousand rupees	One hundred rupees
Section 273	Prohibition of erection or re-erection of buildings without permission of the [Commissioner]()	One thousand rupees	One hundred rupees
Section 280, sub-section (1)	Notice to be given to the [Commissioner]() of completion of building	One hundred rupees	-
Section 280, sub-section (4)	Prohibition of occupation of new or re-erected building without permission of the [Commissioner]()	One thousand rupees	-
Section 288, sub-section (3)	Entering into or remaining in a building which has been declared unfit for human habitation	Five hundred rupees	-
Section 289, sub-section (1)	Requisition to remove or repair buildings in ruinous or dangerous state	One hundred rupees	Ten rupees
Section 289, sub-section (3)	Entering into or remaining in a ruinous or dangerous building from which occupants have been removed	Two hundred rupees	Five rupees
Section 292, sub-section (2)	Erection or re-erection of building on inaccessible sites	One thousand rupees	One hundred rupees
Section 298, sub-section (1)	Laying a tramway or railway on a public street	One thousand rupees	One hundred rupees
Section 299, sub-section (1)	Prohibition of projections upon streets etc.	Two hundred rupees	Ten rupees

Section 299, sub-section (1)	Requisition to remove the same	Two hundred rupees	Ten rupees
Section 305	Requisition to alter ground floor doors, etc, opening on roads, or streets, etc.	Twenty rupees	-
Section 306	Requisition to remove projections upon streets, etc.	Two hundred rupees	Ten rupees
Section 309, sub-section (1)	Laying out of private street otherwise than in accordance with the permission of the [Commissioner]()	One thousand rupees	One hundred rupees
[[Section 317A]()]()	Regulation of posters depicting scenes from films, etc.	One hundred rupees	Ten rupees]

422. Punishment for certain offences. - Whoever contravenes any provisions of section 209, 210, 265, 357, 395 or 396 or of any order made thereunder, or fails to comply with any lawful direction or requisition under any of the said provisions, shall be punished with imprisonment which may extend to one month or with fine which may extend to one thousand rupees or with both.

423. Power of Corporation in the event of non-compliance. - Whenever the terms or any one of the terms of a notice are not complied with, the [Commissioner] may after six hours' notice, by his officers, cause the term or terms to be complied with.

424. Penalty for obstruction. - Any person who wilfully obstructs any Corporation authority, or any Corporation officer or servant, or any person authorised by any Corporation authority in the exercise of powers conferred by this Act or any rules or by-laws made thereunder shall be punished with fine which may extend to one hundred rupees.

425. Punishment for acquiring share or interest in contract, etc. with Corporation. - If any Councillor, Corporation officer, or servant knowingly acquires, directly or indirectly, by himself or a partner or employer or employee, any share or interest in any contract or employment with by, or on behalf of, the Corporation, not being a share or interest permissible under sub-section (3) of section 52, for an officer or servant of the Corporation to have without being thereby disqualified from employment of the Corporation, he shall be punishable with simple imprisonment for a term which may extend to one year or with fine or with both.

426. Punishment for essential officer leaving employment. - Any essential officer or servant contravening any of the provisions of section 56 shall be punishable with imprisonment which may extend to six months or with fine or with both.

427. Penalty for disobedience of orders of Corporation authorities. - Whoever disobeys any lawful direction or prohibition given by an authority of the Corporation by a public notice or any written notice lawfully issued by it under the provisions of this Act, or fails to comply with the conditions subject to which any permission was given to him by an authority of the Corporation under the said provisions, shall, if the disobedience or omission is not an offence punishable under any other section, be punishable with fine which may extend to fifty rupees, and in case of continuing breach, with a further fine which may extend to fifty rupees for every day after the first during which the breach continues :

Provided that when the notice fixes a time within which a certain act is to be, done and no time is specified in this Act, it shall rest with the Magistrate trying an offence under this section to determine whether the time so fixed was reasonable for purposes of compliance with the notice.

Part XII

Chapter XXXIX

Election Petitions

428. Election petitions to be heard and disposed of by District Court. - (1) If the qualification of any person declared to be elected for being a Councillor is disputed, or if the validity of any election is questioned, whether by reason of the improper rejection by [the State Election Commissioner] of a nomination or of the improper reception or refusal of a vote, or for any other cause, any person enrolled in the municipal election roll may, at any time within [ten] days from the date on which the election of a Councillor is notified under section 16, apply to the District Court. If the application is for a declaration that any particular candidate shall be deemed to have been elected, the applicant shall make parties to his application all candidates who, although not declared elected, had contested the election from the same ward [* * *].

(2) If the District Court, after making such inquiry as it deems necessary, finds that the election was valid election and that the person whose election is objected to is not qualified, it shall confirm the declared result of the election. If it finds that the person whose election is objected to is disqualified for being a Councillor, it shall declare such person's election null and void. If it finds that the election is not a valid election, it shall set it aside. In either case it shall direct that the candidate, if any, in whose favour next highest number of valid votes is recorded after the said person or after all the persons who were returned as elected at the said election, and against whose election no cause of objection is found, shall be deemed to have been elected. (3) The District Court's order shall be conclusive. (4) 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. [Part XIII]

Chapter XL

Transitory Provisions][The Schedule](See section 58-A)

- 1. Relief of the poor, unemployment other than industrial unemployment.**
- 2. Charities and charitable institutions, charitable and religious endowments.**
- 3. Prevention of Cruelty to Animals Act, 1890.**
- 4. Protection of wild birds and animals.**
- 5. Relief on account of Hoods, earthquakes, etc.**
- 6. Jubilee and memorial funds.**
- 7. Intoxicating liquors and narcotic drugs, opium, dangerous drugs.**
- 8. Poisons.**
- 9. Agriculture, including agricultural education and research, protection against pests and prevention of plant diseases.**
- 10. Marketing of agricultural produce.**
- 11. Arboriculture.**

12. Sericulture.

13. Gardens.

14. Veterinary, including improvement of live-stock and prevention of animal diseases.

15. Prevention of the extension from one unit to another of infectious diseases affecting animals or plants.

16. Markets established under the Berar Cotton and Grain Markets Law. the Central Provinces and Berar Cotton Market Act, 1932, and the Central Provinces and Berar Agricultural Produce Market Act, 1935.

17. Fisheries.

18. State forests, including afforestation, disforestation, forest rates and grazing.

19. Land improvement and agricultural loans.

20. Colonization.

21. Collection of land revenue and rents.

22. Collection of local cesses and other sums recoverable as land revenue.

23. Malguzari and zamindari forests and other forests not under the management of Forest Department.

24. Scarcity and famine relief and relief of agricultural indebtedness.

25. Fuel and fodder reserves.

26. Floods.

27. Money lending and moneylenders.

- 28. Pounds and prevention of cattle trespass.**
- 29. Burials and burial grounds.**
- 30. Central Provinces and Berar Slaughter of Animals Act, 1915.**
- 31. Hospitals and dispensaries excluding epidemic and travelling dispensaries.**
- 32. Lunacy and mental deficiency including places for the reception of treatment of lunatics and mental deficient.**
- 33. Sanitary Laws and Regulations**
- 34. Appointment, qualifications and duties of health officials and welfare workers.**
- 35. Public Health Laboratories.**
- 36. Conservancy (scavenging and cleaning).**
- 37. Drainage.**
- 38. Sewage disposal and purification.**
- 39. Sanitary conveniences.**
- 40. Lighting and ventilation of houses and buildings.**
- 41. Housing.**
- 42. New streets and buildings.**
- 43. Factories and workshops.**
- 44. Offensive trades and nuisances, including smoke nuisances.**

- 45. Pig-stys and keeping of animals.**
- 46. Sanitation of fairs and labour camps.**
- 47. River pollution prevention.**
- 48. Disposal of the dead.**
- 49. Water-supply.**
- 50. Food supply including (a) purity of food, (b) [Central Provinces and Berar Prevention of Adulteration Act, 1919] and (c) milk and dairies.**
- 51. Infectious and contagious diseases, and diseases caused by animal parasites.**
- 52. Prevention of epidemics.**
- 53. Epidemic and travelling dispensaries, including those specially appointed for aborigines and rural uplift.**
- 54. Vaccination.**
- 55. Registration of births and deaths.**
- 56. Welfare works.**
- 57. Social hygiene.**
- 58. Agricultural statistics and prices.**
- 59. Elections to the State and Central Legislature.**
- 60. Education.**
- 61. Libraries.**

62. Technical and industrial education.

63. Public works including State buildings, roads, bridges and ferries managed by the Public Works Department.

64. Tolls.

65. Planning of post-war development, liason with other Government departments with reference to schemes of post-war development.

66. Re-settlement and re-employment of servicemen, Civil Pioneers and labour employed in war industries including State and District Soldiers' Boards.

67. Welfare of labour.

68. Unemployment insurance.

69. Industrial unemployment.

70. Co-operative Societies.

71. Rural Development; (i) village uplift including welfare activities in backward areas, and (ii) cottage and small-scale industries.

72. Rehabilitation of refugees.