

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

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

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

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Punishment for breach of section 61 or 62.

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

Punishment for offences against section 194.

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

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

398. Where any vehicle, animal, or goods imported into the limits of the City are liable to the payment of toll ¹[* *] any person who, with the intention of defrauding the Corporation, causes or abets the introduction of or himself introduces or attempts to introduce within the limits of the City any such vehicle, animal or goods upon which payment of the toll ¹[* *] due on such introduction has neither been made nor tendered, shall, on conviction, be punished with fine which may extend to ten times the amount of such toll ¹[* *] or to two hundred and fifty rupees, whichever may be greater.

Penalty for evasion of ²[* *] toll.

399. Whoever contravenes any provision of this Act or rule, by-law, regulation, standing order, licence, permission or notice issued thereunder or fails to comply with any requisition lawfully made under any such provision shall, if no penalty is provided in any other provision of this Act for such contravention or failure, be punished, for each such offence, with fine which may extend to one hundred rupees and with further fine which may extend to twenty rupees for every day on which such contravention or failure continues after the first conviction.

General penalty.

400. No person who receives the rent of any premises in any capacity described in paragraph (i), (ii) or (iii) of sub-clause (a) of clause (45) of section 2 shall be liable to any penalty under this Act for omitting to do any act as the owner of such premises, if he shall prove that his default was caused by is not having funds of, or due to, the owner sufficient to defray the cost of doing the act required.

Extent of penal responsibility of agents and trustees of owners.

401. Where a person committing an offence under this Act, or any rule, bylaw, regulation or standing order is a company, or a body corporate, or an association of persons (whether incorporated or not), or a firm, every director, manager, secretary, agent or other officer or person concerned with the management thereof, and every partner of the firm shall, unless he proves that the offence was committed without his knowledge or consent, be deemed to be guilty of such offence.

Offence by companies, etc.

1. The words "or octroi" were deleted by Guj. 22 of 2007, s. 6 (i).

2. The words "octroi or" were deleted, *ibid.*, s. 6 (ii).