The Gangtok Municipal Corporation Act, 1975

Act 4 of 1975

Keyword(s):
Bridge, Conservancy, Dangerous Disease, Drain, Holding, Hut, Inhabitant, Land, Market, Owner, Private Street, Public Street, Sewage, Slaughter-House, Tribunal
THE GANGTOK MUNICIPAL CORPORATION ACT, 1975

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The Gangtok Municipal, Corporation

Act, 1975:

(Act No. IV of 1975).

AN,

ACT

to make provisions for the establishment of a Municipal Corporation in Gangtok and for matters co-

[12th October, 1975]

WHEREAS, it is expedient to make provisions for the establishment of a Municipal Corporation at Gangtok and matters connected therewith.

It is hereby enacted: as follows;

CHAPTER I

Preliminary

1. (i) This Act may be called the Gangtok Municipality, Corporation Act, 1975.

(ii) It extends and applies to the town of Gangtok; but the State Government, may- by notification extend all or any of the provisions of, this Act to areas outside the town of Gangtok.

(iii) It shall come into force [at once.]

2. In this Act, unless there is anything repugnant in the subject or context, (1) "Administrator" means the officer appointed by the State Government under, sub-section (5) of section 3 ;

(Ia) "bridge" includes a culvert;

(Ia) "bridge" includes a culvert;

(2) building includes a house, out-house, stable, privy, urinal, shed, hut" wall (other than a boundary wall not exceeding ten feet in height and any other such structure," whether of masonry" bricks, wood, mud, metal or any' other material whatsoever but

Short title, extent and commencement.

Definitions.

"Administrator"

"Bridge".
"Drain" includes a sewer, a house-drain, a drain of any other description, a tunnel, a culvert, a ditch, a channel and 'any other such device for carrying of salvage, sewage, offensive matter, polluted water, rainwater or sub-soil water;.

"Conservancy"  
(3) "conservancy" means the removal and disposal of sewerage, offensive matter and rubbish.

"Corporation"  
(3a) "Corporation" means the Gangtok Municipal Corporation constituted under subsection (1) of section 3;]

"Dangerous disease"  
(4) "dangerous disease" means

(a) cholera, plague, small-pox', cerebrospinal meningitis and diphtheria; and

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

"Drain"  
(5) "drain" includes a sewer, a house-drain, a drain of any other description, a tunnel, a culvert, a ditch, a channel and 'any other such device for carrying of salvage, sewage, offensive matter, polluted water, rainwater or sub-soil water;.

"Executive Officer"  
(5a) "Executive Officer" means the Officer appointed by the State Government under section 10;

"Holding"  
(6) "holding" means land held under one title or agreement and surrounded by one set of boundaries:

Provided that where two or more adjoining holdings from part and parcel of the site or premises of a dwelling house, manufactory, warehouse or place of trade or business, such holdings shall be deemed to be one holding for the purpose of this Act.

Explanation.- Holdings separated by a street or other means of communication shall be deemed to be adjoining within the meaning of this proviso;

"Hut"  
(7) "hut" means any building which is constructed principally of wood, bamboo, mud, leaves, grass or thatch and includes any temporary structure of

4. Ins. by ibid.
Whatever, size, or any small building (not being masonry building) of whatever material made;

(8) "inhabitant" used with reference to any local area means' any "person' ordinarily residing or carrying on business or owing of occupying immovable property therein;

(9) "land" includes benefits arising out of land, and things attached to the earth, or permanently fastened to any thing attached to the earth;

(10) "market" includes anyplace where persons assemble for the sale of any living thing intended for human food or of any article 'of food;

(11) "notification" means a notification published in the official Gazette;

(12) "occupier" mean any person for the time being in possession or deemed to be in possession of any land, or building, in respect of which the word is used and includes' an' owner living in, or otherwise using, his own land or building',

(13) owner'. includes the person for the time being receiving the "rent of any land or building or any part of any 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, or who would so receive such rent if the land building is part thereof were let. to a tenant;

(14) "prescribed" means prescribed by this Act or, by rules, or by-laws made there under;

(15),"private street" means, any street, road, lane, gully, alley, passage or square which is not a public street as defined in this section, but does not include a passage securing access to less than four premises, or a passage provided in effecting the partition of any building amongst joint-owners;

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

(a) the roadway over any, public bridge or causeway,
(b) the footway attached to any such street, public bridge, or causeway;
(c) the passage connecting two, public streets; and,
(d) the drains attached to any such street, public bridge or causeway and
where there is, no drain attached to any such street, shall be deemed to include also, unless the contrary is shown, all land up to the boundary wall, hedge or, pillar of the premises if any, abutting on the street, 'or if a street alignment have been fixed then up to 'the, alignment: .

\textit{Sewage} 

(17) "(Sewage" means night soil and other contents of privies; a urinal, cesspools of drains and includes trade effluent and discharges from manufactories of all kinds;

\textit{Slaughter-house} 

(18) 'slaughterhouse" means any place used for the slaughter of cattle, sheep, goat, kids or pigs for the purpose of selling the flesh there of as meat

\textit{Tribunal} 

(18a) "Tribunal" means the Tribunal constituted by the State Government under section 49F ;

\textit{Year} 

(19) "year" means a year beginning on the 'first day Of April.

\textit{CHAPTER} 

\textit{The Municipal Authorities} 

\textit{Constitution and} 

3. (I) There shall be established for the town

5. In this, by see, :2 of the 0, M. Co (Amd,) Act No.1 of 1982 (w. E. f 12-10"7a).
of Gangtok a Municipal Corporation consisting of such number of Councillors not exceeding nine in number as the State Government may specify in the notification constituting the Corporation. The boundaries of the Corporation shall be specified in the notification and may, by notification be altered by the State Government from time to time.

(2) The Corporation shall be a body corporate by the name of the Gangtok Municipal Corporation, having perpetual succession and a common seal and by that name shall sue and be sued.

(3) The first Councillors shall be nominated by the Government by notification and shall hold office for four years commencing from the date of the first meeting of the newly formed Corporation after the notification at which a quorum is present.

6[Provided that the Government may by notification nominate a new Councillor or Councillors in the place of the existing Councillor or Councillors within the said period of four years.]

(4) Subject to the provision of sub-section (3), the Councillors shall be elected on the basis of adult franchise in the manner prescribed by rules made by the State Government and shall hold office for four years commencing from the date of the first meeting of the Corporation after such election at which a quorum is present.

7[(5) If before the expiry of the term of the first Councillors nominated under subsection (3) no new Councillors have been

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6. Ins. by sec. 3 of the G. M. C. (Amd.) Act No.2 of 1978 (w. e. f. 30-3-78). Ins. by sec. 2 of the G. M. C. (Amd.) Act No.5 of 1980 (w. e. f. 11-12-79).
elected as required under sub-section (4), the State Government may by order published in the Official Gazette, appoint an officer (hereinafter referred to as Administrator) for the Corporation for a period of 8[four years] or until the reconstitution of the Corporation, whichever is earlier.

9[Provided that the State Government may by a like order, extend the period of appointment of the Administrator for a further period of one year or until the reconstitution of the Corporation, whichever is earlier.]

(6) When an order is issued under sub-section (5) the following consequences shall ensue:

(a) all the powers, functions and duties of the Corporation, its Chairman, Vice Chairman and Committee, if any, shall be exercised, performed and discharged by the Administrator until the reconstitution of the Corporation;

(b) the administrator shall be deemed in law to be the Corporation 10[the Corporation at meeting] Chairman, Vice Chairman or Committee, if any, as the occasion may require;

(c) such salary and allowances as the State Government may, by order, in that behalf fix, shall be paid to the Administrator out of the Corporation Fund;

(d) notwithstanding anything in the Act, the Administrator may review any act done or decision taken by the outgoing

8 Subs. by sec. 3 of the G. M. C. (Amd.) Act No.1 of 1982 (w. e. f. 16-12-81).
9 Ins. by ibid.
10 Ins. by ibid.
Corporation Chairman, Vice-Chairman or Committee in the exercise or performance of their powers and duties under the Act.

4. The State Government may, by notification, divide the Corporation into Wards and for the purpose of the election of the Councillors determine the number of Councillors to be elected from each such Ward.

5. (1) A person shall not be eligible for nomination or election as a Councillor if such person

(a) has been adjudged by a competent Court to be of unsound mind; or

(b) is under twenty one years of age; or

(c) is an undischarged insolvent; or

(d) being a discharged insolvent, has not obtained from the Court a certificate that his insolvency was caused by misfortune without any misconduct on his part; or

(e) is a municipal officer or servant or holds any office of profit under the Corporation; or

(f) has directly or indirectly by himself or by his partner or employer or any employee, any share or interest in any contract or employment with, by, or on behalf of, the Corporation; or

(g) is in arrears for more than six months in payment of any rate or tax; or

(h) having held any office under the Government of any State, has been dismissed for corruption or disloyalty to the State, unless a

11. I I l s. by sec. 4 of the G. M. C. (Amd.) Act No.2 of 1978 (w. e. f. 30-3-78).
period of five years has elapsed since his dismissal; or

(i) is disqualified under sub-section (4) of section 8 of the Act.

(2) If any person is or has been convicted by a Criminal Court of an offence punishable with imprisonment for a period of more than six months, such person shall not be eligible for election or nomination for five years from the date of expiration of the sentence:

Provided that, on application made by a person disqualified under this sub-section, the State Government shall by an order made in this behalf, remove the disqualification if in the opinion of the State Government the offence does not involve moral turpitude.

6. Every person who is nominated or elected as Councillor shall before taking his seat make and subscribe before such officer as the State Government may authorize in this behalf an oath or affirmation in the following form, namely,

"I, A.B., having been nominated/elected a Councillor of the Gangtok Municipal Corporation, do swear in the name of God (or solemnly affirm) that I will bear true faith and allegiance to the Constitution of India as by law established and that I will faithfully discharge the duties upon which I am about to enter."

7. At the first meeting of the Corporation, the Councillors, after making and subscribing the oath of allegiance under section 6 shall appoint one of their member to preside at the meeting and shall proceed to elect a Chairman and a Vice-Chairman of the Corporation.

8. (1) The State Government may remove a Councillor
(a) if the removal is recommended by a resolution of the Corporation passed at a special meeting called for the purpose and supported by the votes of not less than two-thirds of the total number of the Councillors of the Corporation holding office for the time being; or

(b) if he has been declared by the State Government by notification issued after due enquiry to have violated his oath of allegiance; or

(c) if he absents himself from the meetings of the Corporation for six months continuously without having obtained permission from the Chairman, or in his absence from the Vice. Chairman; or

(d) if he refuses to act or becomes incapable of acting or is declared insolvent or if, after his appointment as Councillor, he is convicted of an offence which in the opinion of the State Government involves moral turpitude or

(e) if he acquires or continues to have directly or indirectly by himself or his partner or his agent, any share of interest in any contract or employment with, by, or on behalf of the Corporation or holds any office of profit under the Corporation; or

(f) if he is in arrears for more than one year in payment of rates and taxes payable under this Act; or
12[ (g) if he has acted as a Councillor by voting or taking part in the discussion of any matter in which he has, directly or indirectly a personal interest or in which he is professionally interested on behalf of a client, principal or any other person; or
(h) if he has flagrantly abused his position or has been guilty of gross misconduct in the discharge of his duty as such Councillor].

(2) Before removing a Councillor under subsection (1), the State Government shall allow the Councillor concerned an opportunity of being heard.

(3) All acts’ and proceedings of any Councillor shall, if done previously to such removal, be valid and effectual to all intents and purposes.

13[(4) A person who has been removed from the Councillorship of the Corporation under subsection (1), shall be disqualified for being elected or nominated and being a Councillor of the Corporation for a period of four years from the date of his removal:

Provided that the State Government may at any time by order remove the disqualification.]

Casual Vacancy. 14[8A. (1) Where before the expiry of the term of office of a Councillor or his seat becomes vacant owing to death, resignation or any other cause, a new Councillor shall be elected or nominated as the case may be, in the same manner as is provided for the nomination or election of Councillors under the Act:

Provided that where the term of an outgoing Councillor would be in the ordinary course expire

12. Ins. by sec. 5 of the G. M. C. (Amd.) Act No.2 of 1978 (w.e.f. 30-3-78). 13. Ins. by ibid.
14. Ins. by sec. 6 of the G. M. C.(Amd.) Act No.2. of 1978 (w.e.f. 30-3-78).
within four months of the occurrence of, the vacancy his seat shall be left unfilled unless the Government decides otherwise.

(2) The existence of a casual vacancy will not at any time render any action of the Corporation invalid or inoperative in anyway whatsoever.

8B. A Councillor may at any time resign by writing under his hand addressed to the Chairman and his resignation shall take effect from the date of its acceptance by the Councillors at a meeting. In case the Chairman wishes to resign he shall address his resignation letter to the Government and his resignation shall take effect from the date of its acceptance by the Government.

9. (1) The Corporation may subject to the provisions of this Act and the rules made there under from time to time determine what officers and other servants of the Corporation are necessary for the Corporation and may make appointments of such officers and servants and fix their salaries and allowances.

(2) The Corporation may delegate to the Chairman the power to appoint and dismiss such officers and Servants as it may deem fit.

(3) No appointment to and dismissal from the post of any officer or servant carrying a monthly salary rising by periodical increments to more than 15(eight hundred) rupees shall be made by the Corporation under sub-section (1) or by the 'Chairman under sub-section (2) without the approval of the State Government.

(4) No person shall be eligible for employment as an officer or servant of the Corporation if he has, directly or indirectly by himself or his partner

15: Subs. by sec. 4 of the G. M. C. (Amd.) Act No.1 of 1982 (w.e f. 12-10-75).
or employer or employee, any share or interest in any contract or employment with, by, or on behalf of the Corporation and if any such officer or servant subsequently acquires such share or interest he may be removed from service in accordance with rules which may be prescribed.

10. (1) The State Government may, after consulting with the Councillors, if it thinks necessary so to do in the public interest, appoint by notification, an Executive Officer for the Corporation and shall make such appointment if in its opinion the affairs of the Corporation are not properly managed or can not be managed in accordance with law, for such period -not exceeding one year at a time as may be specified in the notification.

(2) The Executive Officer shall be paid out of the Municipal Fund such salary and allowances as may from time to time to be fixed by the State Government.

(3) The Executive Officer appointed under this section shall exercise such powers of the Chairman or of the Corporation as may be conferred on him by notification by the State Government, and on such notification such powers shall cease to be exercisable by the Chairman or by the Corporation as the case may be.

(4) The Corporation may delegate to the Executive Officer all or any of the powers of the Corporation.

(5) The State Government may at any time suspend, remove, dismiss or otherwise punish the Executive Officer appointed under this section.

11. (1) The Executive Officer 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 same right of being present at a meeting of the Corporation or any special or standing committee, and of taking part in the discussion thereat as if he was a Councillor or a member of the Committee, but he shall not be entitled to vote at such meeting.

(2) Subject to the provisions of sub-section (3) and sub-section (4) of section 10, the Executive Officer, shall act in respect of all other matters under "the direction of the Chairman through whom he shall be responsible to the Corporation.

12. [The State Government may,] make rules as to
(i) the appointment, leave, duties, conditions of service, disciplinary proceedings, punishment or dismissal and removal of the officers and servants, of the Corporation;
(ii) the granting of pensions, gratuities, bonuses or other grants and allowances to or for the officers and servants of the Corporation out of the Municipal Funds;
(iii) the creation and management of a provident fund or annuity fund, for compelling contributions to such provident or annuity fund on the part of their officers and servants, and for supplementing such contributions out of the Municipal Fund;
(iv) the nature and amount of security to be furnished by different classes' of officers and servants of the corporation for the proper discharge of their duties;
(v) the payment to be made out of the Municipal-Fund to the Chairman, Vice-Chairman, Councillors and officers and servants of the Corporation for traveling expenses as may be incurred in performing journey for carrying out for purposes of this Act.

16. Subs. by sec. 7 of the G. M. C. (Amd.) Act No.2 of 1978 (w. e. f. 30.3.78).
Conduct of business.

Meetings and persons to preside at meeting.

13. (1) The Chairman or in his absence, the Vice Chairman shall call a meeting of the Corporation at least once in every month.

(2) The Chairman or in his absence the Vice Chairman shall call a special meeting of the Corporation on a requisition signed by not less than one-third of the total number of Councillors; if the Chairman or Vice-Chairman fails to give notice of a special meeting to be held within fifteen days after such requisition has been made, the meetings may be called on seven days' notice by the Councillors signing the requisition.

(3) The Chairman, or in the absence, the Vice Chairman shall preside at every meeting and in his absence of both the Chairman and the Vice Chairman, the Councillors shall choose one of their member to preside.

Decisions of questions and casting Vote and prohibition from Voting.

14.(1) All questions which may come before the Corporation at a meeting shall be decided by a majority of votes and in case of equality of votes, the person presiding shall have a second or casting vote.

(2) No Councillor shall vote on any matter affecting his own pecuniary interest or on any question exclusively relating to his liability to any tax, rate, toll or fee or any assessment of himself or valuation of any property in which he is in any way interested as owner, manager or agent or otherwise.

Quorum and adjournment for want of quorum.

15.(1) No business shall be transacted in any meeting of the Corporation unless a quorum shall be present.

(2) One-third of the total of the Councillors holding office for the time being shall be the quorum: provided that in case where the total number of
Councillors holding office for the time being is not evenly divisible by three, the one-third shall be ascertained by taking the number next above such total number which is evenly divisible by three, as the number to be divided.

(3) If at the appointed time for a meeting, or within half an hour thereafter, a quorum is not present, the meeting, shall be adjourned to some future day to be appointed by the Chairman or, in his absence, by the Vice-Chairman and three days; notice of such adjourned meeting shall be given, and no quorum shall be necessary for such adjourned meeting.

16. (1) A list of the business to be transacted at a meeting and, in the case of meeting called on a requisition, the terms of the requisition, shall be sent to every Councillor at least three days before the date appointed for the meeting and no business of which such notice has not been given shall be brought forward at a meeting.

(2) Minutes of the proceedings of all meetings of the Corporation, in which shall be recorded interalia the names of all the Councillors present, and the person presiding, shall be entered into a book to be kept for the purpose and shall be signed by the person presiding over the meeting and such book shall be open to inspection of the tax-payers.

(3) The minutes shall be laid before the next meeting of the Corporation for confirmation and shall be also signed by the person presiding at such meeting.

17. (1) The Corporation may from time to time appoint standing committees and by specific resolution delegate to, or withdraw from, such committees any of its functions, powers and duties.

Formation of standing Committee.
(2) Each standing committee shall consist of Councillors who shall not be less than two-thirds of the total number of the members of the Committee and such other persons not exceeding one-third in number as the Corporation at a meeting may, from time to time, determine and nominate for this purpose.

(3) All the proceedings of any such committee shall be subject to confirmation or modification by the Corporation unless in special case the Corporation at a meeting otherwise directs.

(4) All questions regarding the removal or resignation of members of a Committee shall be decided by the Corporation.

18. (1) The Corporation may join with any other local authority in constituting out of their respective bodies a joint committee for any purpose in which they may be jointly interested and in delegating to any such joint committee any power which might be exercised by the Corporation or any of the local authorities concerned.

(2) Such joint committee may, from time to time, make rules as to its proceedings and as to the conduct of correspondence relating to the purpose for which it is constituted.

19. If a dispute arises between the Corporation and any other local authority on any matter in which they are jointly interested, such dispute shall be referred to the State Government whose decision shall be final and shall not be questioned in any Court.

20. 17[* * *] State Government may make rules as to

(a) the time of its meetings, the business to be transacted at meetings and the

17. Omitted by sec. 8 of the G. M. C. (Amd.) Act No.2 of 1978 (w. e. f. 30-3-78).
21. (1) No act done or proceedings taken under this Act shall be questioned on the ground merely of
the existence of any vacancy in or any defect in the constitution of the Corporation or any standing, joint or other committees or any disqualification in less than half of the Councillors or members of the Committee present when the act or proceeding was done or taken;

(b) any defect or irregularity not affecting the merits of the case.

(2) Every meeting of the Corporation, or any of the standing, joint or other committees, the minutes of the proceedings of which have been duly signed by the person presiding over the meeting, shall

Validation of acts and proceedings.
be deemed to have been duly convened and when the minutes are confirmed at a subsequent meeting shall be deemed to be free from all defects and irregularities and the accidental omission to serve notice of a meeting on any Councillor shall not affect the validity of the meeting.

18[21A. In addition to the duties and functions already provided for in the Act the State Government may by notification entrust any other duty or function to the Corporation and thereafter it shall be the duty of the Corporation to make reasonable provision therefore within the municipal corporation limits.]

CHAPTER III

Municipal property and finance

22. The Corporation may acquire by gift, purchase or otherwise and hold property whether moveable or immovable within or without the limits of the Corporation and may also sell or otherwise dispose of such property in pursuance of a resolution at a meeting.

23. (1) All property within the limits of the Corporation of the nature hereinafter in this section specified, other than property owned or maintained by the Central or the State Government or any other local authority, shall vest in and belong to the Corporation and shall, with all other property of whatsoever nature or kind which may become vested in the Corporation, be under its direction, management and control, that is to say.

18. Ins. by sec. 9 of the G. M. C (Amd.) Act No.2 of 1978 (w. e. r. 30-3-78)
(a) all public streets and all things connected with or provided for such streets;
(b) all public channel, water courses, springs, tanks, reservoirs, cisterns, walls and other water-works, bridges, buildings and all other materials or things connected therewith;
(c) all public sewers and drains and all works, materials and things pertaining thereto and other conservancy works;
(d) all sewage, rubbish and offensive matters deposited on streets or collected by the Corporation from streets, latrines, urinals, sewers, cess-pools and other places;
(e) all public lamps, lamp-posts and apparatus connected therewith or appertaining thereto; and
(f) all buildings erected by the Corporation and all lands, buildings or other property transferred to the Corporation or acquired by gift, purchase or otherwise.

[2] The State Government may, by notification, exclude any street bridge, sewer or drain from the operation of the Act or any specified provisions of this Act.

24. [1] The Corporation may enter into and perform any contract necessary for the purpose of this Act.

[2] Every contract made on behalf of the Corporation in respect of any sum exceeding five hundred rupees or which shall involve a value exceeding five hundred rupees shall be sanctioned by the Corporation at a meeting and shall be in writing and signed by at least two Councillors, one of whom shall be the Chairman or Vice-Chairman and shall be sealed with the Common seal of the Corporation and unless so executed, such contract shall not be binding on the Corporation.

Execution of contracts.
THE MUNICIPAL FUND

25. (1) There shall be one Municipal Fund held by the Corporation in trust for the purpose of this Act to which all sums realized or realizable under this Act and all sums otherwise received by the Corporation shall be credited.

2) Unless the State Government otherwise directs, all sums received on account of the Municipal Fund shall be paid into a Government Treasury or into any Bank used as a Government Treasury and shall be credited to an account to be called the account of the Gangtok Municipal Corporation.

(3) All sums from time to time credited to the Municipal Fund shall be applied in payment of all sums, charges and costs necessary for carrying out the purposes of this Act or of which payment is duly directed or sanctioned by or under any of the provisions of this Act or payment of which is directed or sanctioned by the Corporation with the approval of the State Government.

26. (1) At least two months before the close of the year, the Corporation shall have prepared a complete account of the actual and expected receipts and expenditure for that year together with a budget estimate of the income and expenditure of the Corporation for the next year.

(2) When the budget has been passed at a meeting, the Corporation shall obtain the approval of the State Government and shall not incur any expenditure except in accordance with the budget approved by the State Government.

(3) A revised or supplementary budget may be passed by the Corporation in the course of the year and, if approved by the State Government, the Corporation may incur expenditure in accor
dance with the revised or supplementary budget.

19["26A. The Corporation may, with the previous sanction of the State Government, borrow money from banks and other financial institutions, on the security of the Municipal Fund or any of its other assets for the purposes of this Act."]

see secs of the G. M. C. (Amd.) Act No. I of 1982 (w. e. f. 12.10. 1975.)

27. The State Government may make rules

(a) to regulate the application of the Municipal Fund to the purposes to which it is applicable;

(b) to regulate the keeping, checking and publication of accounts and periodical audit thereof;

(c) to regulate the preparation of the budget estimate including revised or supplementary budget estimate and the expenditure of money for purposes provided therein;

to provide for the retention of adequate working and closing balances;

(d) to regulate the preparation, submission and publication of returns, statements and reports by the Corporation and to prescribe registers and forms;

(f) to determine the persons by whom orders for payment of money from the Municipal Fund may be signed, how such payments shall be made and by whom receipts may be given;

(g) to provide for the supply of certified copies of municipal records to the public and the levy of fees for such supply.

Borrowing powers.

Power to make rules.
CHAPTER IV
MUNICIPAL TAXATION

Power to Impose Taxes.

28. The Corporation may, from time to time at a meeting convened expressly for the purpose, subject to the provision of the Act, impose within the limits of the Corporation the following rates, taxes and fees or any of them:

(a) 20[ a rate on holdings situated within the limits of the Corporation assessed on their annual value including different rates for different grades of valuation.]
   a conservancy rate on the annual value
(b) of holdings;
   a water-rate on the annual value of the holdings;
(c) a tax on trades, profession and callings;
(d) any other tax, rate or fees which the Corporation is empowered to impose under any law for the time being in force

Annual value of Holdings.

29. (1) The annual value of a holding shall be deemed to be the gross annual rental at which the holding may reasonable be expected to let.

(2) If such gross annual rental cannot be easily estimated or ascertained, the annual value of such holding shall be deemed to be an amount which may be equal to but not exceeding seven and half per centum on the value of the building or buildings on such holding at the time of assessment plus a reasonable ground rent for the land comprised in the holding.

(3) The value of any machinery or furniture which may be on a holding shall not be taken

. 20. Subs. by sec. 10 of the G. M. Co (Amd.) Act No.2. of 1978 (w. e. f. 30-3-78).
30. (1) The rate on holdings shall not exceed fifteen per centum on the 
annual value of holdings.

(2) The rate imposed under clause (a) of section 28 shall be 
levied in respect of all holdings within the limits of the 
corporation except 
(a) holdings belonging to the State and 
Central Government;
(b) holdings used exclusively as a place of public charity or 
a public burial or burning ground or as a mortuary;
(c) any holding the annual value of which is less than an 
amount to be fixed by Government before the close 
of the year next preceding the year to which such 
fixation will be applicable.]

(3) The water rate shall not be levied at more than seven and half 
per centum and shall be imposed only on holdings within an area for the 
supply of water to which the Corporation has made arrangements.

(4) The conservancy rate shall not be levied at more than ten per 
centum on the annual value of the holdings and the Corporation shall 
make arrangements for the cleansing of all latrines, urinals and cess-pools. 
A rebate of seventy-five per centum of the conservancy rate levied on a 
holding shall be allowed if the holding is provided with necessary 
sanitary-type latrines in working order and with no service privy or 
service-urinal.

21. Subs. by sec. 11 of the G. M. C. (Amd.) Act No.2 of 1978 (w. e. f. 30-3-78).
31. (1) When it has been decided to impose any rate to be assessed on the annual value of holdings, the Corporation at a meeting shall appoint an assessor for the purpose who shall determine annual value of all buildings within the Corporation and shall enter such value in a valuation list.

(2) A new valuation list shall unless otherwise ordered by the State Government be prepared in the same manner once in every five years.

32. (1) The Corporation at a meeting to be held before the close of the year next preceding the year to which the rate will apply shall determine the percentage on the valuation of holdings at which any rate on the annual value of holdings shall be levied and the percentage so fixed shall remain in force until the Corporation at a meeting shall determine some other percentage on the valuation of holdings at which the rate will be levied from the beginning of the next year.

(2) As soon as possible after the percentage at which the rate or rates shall be levied for the next year has been determined under sub-section (1), the Corporation shall cause to be prepared by the assessor an assessment list, which shall contain the following particulars and any other which the Corporation may think proper to include:

(a) the name and/or number and other particulars of the street in which the holding is situated;

(b) the number of the holding on the register;

(c) a description of the holding;

(d) the annual value of the holdings;

(e) the name of the owner and occupier;

(f) the amount of rate payable for the year showing each rate separately;
33. The Corporation at a meeting may, for good and sufficient reasons recorded in writing, at any time, direct alteration or amendment of the assessment list by revaluing or re-assessing any building.

(2) The Corporation at a meeting may reduce or remit the amount payable as rate or rates on account of any holding. If it is satisfied that the levy of such rate or rates would be productive of excessive hardship to the person liable to pay the the same.

34. (1) When the assessment list mentioned in section 32 has been prepared or reviewed, the Chairman shall sign the same and shall cause it to be deposited in the office of the Corporation and shall also give notice of assessment to the owners and occupiers in respect of their respective holdings.

(2) Any person who is dissatisfied with the amount of assessment in respect of his holding or disputes his liability to be assessed, may apply to the Corporation to review the amount of assessment or valuation or to exempt him from the assessment of rate and such application shall be disposed of by the Corporation at a meeting or by any committee constituted and authorised by the Corporation by a resolution.

(3) No such application shall be received after the expiration of 60 days from the date of service of the notice under sub-section (1).

(4) An appeal against any decision under sub-section (2) may be filed within 30 days from the date of such decision before the District Officer within whose jurisdiction the Corporation is situated, and the decision on appeal shall be final and shall not be questioned in any Court.
35. (1) The rate or rates assessed shall be payable by the owner in quarterly installments and every such installment shall be due in the first day of the quarter in respect of which it is payable.

(2) As soon as may be after any sum has become due on account of any tax, rate or fee, the Corporation shall cause to be presented to the persons liable a notice of demand in the prescribed form.

36. (1) If any person does not within sixty days of the service of a notice of demand under subsection (2) of section 35 pay the sum due either at the office of the Corporation or to some person authorised by the Corporation in this behalf or show sufficient cause for not paying the same, the amount of the arrear due along with interest at the rate of twelve per centum per annum and with costs, may, at any time be levied by distress and sale of any movable property belonging to the defaulter' except ploughs, plough-cattle, tools or implements of agriculture or trade.

(2) In the event of failure to recover the whole or any part of the sum due by distress and sale under sub-section (1), the Corporation may sue the person liable to pay the same in any Court of competent jurisdiction.

37. When it has been determined that a tax shall be imposed on any profession, trade or callings, every person who exercises within the Corporation either by himself or by an agent or representative any such profession.. trade or calling shall take out a yearly licence .and pay the tax as may be imposed by the Corporation which shall be realized in quarterly instalments.
38. The State Government may by notification direct that the works as may be specified in the notification may be continued to be undertaken by the concerned departments of. The State Government within the limits of the Corporation and that so long such. works will be so continued to be undertaken by the concerned departments of the State Government, a portion of the taxes collected by the Corporation as may be fixed by the State Government shall be paid by the Corporation to the departments concerned.

39. The State Government may make rules

(a) prescribing the qualifications of and the procedure to be followed by, an assessor appointed under this Act;

(b') prescribing the procedure to be followed for reviewing assessments;

(c) prescribing the form of notices of demand under sub-section (2) of section 35. and fixing the fees payable in connection with distress under this Act;

(d) prescribing the conditions and limitations under which a licence may be granted for the purpose of a tax on trades, professions and callings;

(e) regulating any other matter relating to tax, fees or rates in respect of which this Act makes no provision or insufficient provision and for which provision is, in the opinion of the State Government, necessary.
CHAPTER V.

Streets.

40. The Corporation in pursuance of a decision at a meeting may----

(a) lay out new streets, squares and gardens; construct new bridges, causeways, culverts and sub-ways;
(b) turn, divert or temporarily or permanently close any public square, street or garden; widen, open, enlarge or otherwise improve any public street, square or garden;
(c) pass order regulating or prohibiting any description of traffic on any particular or on public streets in general or preventing obstruction, encroachment or excavation on or near such street or streets.

CHAPTER VI

Conservancy and Drainage.

41. The Corporation shall provide for the removal

(a) of sewage, rubbish and offensive matters from all public latrines, urinals and drains and from all public streets and other property vested in the Corporation:
(b) if a conservancy-rate has been imposed under section 28, of sewage and offensive matters from all private latrines, urinals and cesspools.

42. (1) The Corporation at a meeting may from time to time publish an order prescribing the hours within which only an owner or occupier of any house or land may place rubbish or offensive matters on the public street adjacent to his house or lands, in a proper receptacle provided by the
Corporation in order that such rubbish or offensive matters may be removed by the servants of the Corporation.

(2) No person shall place or, cause to be placed rubbish or offensive matters on a public street at other than the times appointed and except in the receptacles provided for by the Corporation under sub-section (1).

Water Supply and Lighting.

43. (1) It shall be lawful for the Corporation
(a) to provide a sufficient supply of water for the domestic use of the inhabitants;
(b) to cause the public streets to be sufficiently lighted.

(2) If a water-rate has been imposed under section 28, the Corporation shall provide a sufficient supply of water for the domestic use of the inhabitants.

If lighting-rate has been imposed under section 28, the Corporation shall cause, the public streets to be sufficiently lighted.

CHAPTER VII

Buildings.

44. No piece of land shall be used as a site for the erection of a building and no building shall be erected otherwise than in accordance with the provision of this Chapter and of any rule or by-law made under this Act, relating to the use of building sites or to the erection of buildings, as the case may be.
Application for sanction.

Permission to execute work when to be given or refused.

45. Every person who intends to erect a building shall first submit an application in the forms prescribed to the Corporation together with such plans, specifications; and, other particulars as may be prescribed in any rule or by-law made under the Act.

46. (1). Within 23[sixty] days after the receipt of any application made under section 45 or of any information or documents; which the Corporation may reasonably require, the applicant to furnish before deciding whether permission shall be granted to execute any work under the aforesaid section, the Corporation shall by written order either

(a) grant permission conditionally or unconditionally to execute the work, or

(b) refuse permission on the ground that the plans, specifications and other particulars are not in conformity with the rules or by-laws made in this behalf or that the proposed building is likely to affect the safety of, the site or its adjoining area or, safety or sanitation of any neighboring building or buildings or of the locality.

(2) When the Corporation grants permission conditionally under clause (a) of sub-section (1), it may in regard thereto impose such conditions consistent with this Act, as it may think fit.

(3) The decision of the Corporation in the matter of granting or not granting the permission as stated above shall be final and shall not be questioned in any Court.

Duration and expiry

47. (1) A permission to erect a building granted of permission to erect a building granted under section 46 shall, unless it is renewed on an application made to C the Corporation for this only

22. Subs. by sec. 12 of the G M. C. (Amd.) Act No. 2 of 1978 (w. e. f. 30-3-78.),

23. Subs. by sec. 6 of the G. M. C. (Amd.) Act No. 1 of 1982 (w. e. f 12-10-75).
For two years after the date on which it is granted, unless the work of erection has been commenced within that period but in any case shall not continue for a period longer than three years from the said date: unless it is so renewed.'

(2) Any person who erects a building or continues the work of erection of a building, when the permission granted therefore has expired, shall be deemed to erect, such building or to continue such work: without sanction.

48. (1) The provisions of this Chapter and any rules or by-laws made under this Act relating to the erection of buildings shall also apply to every material alterations of or additions to, any building, but shall not apply to necessary repairs not involving any of the works which constitute a material alteration, or addition.

(2) An alteration or addition in or to a building shall, for the purpose of this Chapter and of any rule or by-laws made under this Act, be deemed to be material if

(a) it increases or diminishes the height of the area covered by or the cubical Capacity of the building or any part thereof or

(b) it affects or is likely to affect judicially the stability or safety of the building or the condition of the building in respect of drainage, ventilation, sanitation or hygiene; or

(c) it converts into a place for human habitation a building or part of a building originally constructed for other purposes or

Application of Act to alteration or addition to buildings
(d) it is an alteration or addition declared by any rule or by-laws made in this behalf to be a material alteration or Addition.

(3) If any question arises as to whether any addition or alteration is necessary repairs not affecting the position, safety, stability, use, sanitary condition or dimension of a building or room, such question shall be referred to the Corporation at a meeting and the decision of the Corporation shall be final.

24.(1) if the Corporation is satisfied

(a) that the erection of any, building

(i) has been commenced without obtaining any permission required to be obtained by or under this Act, or

(ii) is being carried on or has been completed otherwise than in accordance with the particulars, on which such permission was based, or

(iii) is being carried on or has been completed in breach of any provision of this Act or any rule or bye-law made there under, or any direction or requisition lawfully given or made under this Act or under such rule or

(b) that any alteration of, or addition to, any building or any other work made or done for any purpose in, to or upon any building, has been

24. Subs. by sec. 7 of the G. M. C. (Amd.) Act No.1 of 1982 (w. e. f. 12.10.75)
commenced or is being carried on or has been completed in contravention of, or otherwise than in accordance with any sanction granted under section 46 or section 48, or

(c) that any alteration required by any notice issued under this Act or any rule or bye-law made under this Act, has not been duly made, he may, without prejudice to any action that may be taken under any other provisions of this Act, by a notice in writing require the person responsible, to demolish within ten days of receipt of notice such erection, alteration, as the case may be, or to show cause why such erection, alteration, addition or other work should not be demolished or the alteration should not be made.

(2) The Corporation may issue notice under sub-section (1) notwithstanding the fact that the valuation of such building has been made under this Act and the Corporation has received payment of tax on such valuation.

(3) If the person responsible fails

(a) to demolish such erection, alteration, addition or other work, or to make the alterations, or

(b) to show cause to the satisfaction of the Corporation why such erection, alteration, addition or other work should not be demolished, or the alteration should not be made, the Corporation may, by order and
through its officers, employees or workmen demolish the erection, alteration, addition or other work and recover the expenses of demolition from the person responsible:

Provided that a copy of the order shall be served upon the owner and the occupier thereof and no such action shall be taken until after the expiry of thirty days from the date of the service of the said order.

(4) Notwithstanding anything contained in sub-section (1), sub-section (2) or sub-section (3), no action shall be taken under this section in respect of any erection, alteration, addition or other work executed more than twelve years before or before the commencement of Gangtok Municipal Corporation Act, 1975 whichever is later:

Provided that the onus of proving, that the erection, alteration, addition, or other work was executed more than twelve years before or before the commencement of the Gangtok Municipal Corporation Act, 1975 shall lie on the person responsible:

Provided further that no action shall be taken in respect of any erection, alteration, addition or other work which has been regularized under the provision of this Act.

(5) Whoever contravenes any of the provisions of this Chapter shall be liable to prosecution and upon conviction to a fine which may extend to ten thousand rupees and if the offence is of a continuing nature a further fine of five hundred rupees per day after the first conviction.
Explanation.

In this section, the expression, "person responsible" include the owner, the occupier and any other person who executes the erection, alteration, addition or other work or who is liable to make any alteration required by any notice issued under this Act or any rule or bye-law made there under.

25[49A. (1) When any verandah, platform, building or other structure or any fixture attached to a building so as to form part of the building, whether erected before or after the commencement of this Act causes a projection, encroachment or obstruction over or on any public street or any land vested in the Corporation, the Corporation, in accordance with such rule or bye-law as may be made by it, may, by written notice, require the owner or occupier of the building to remove or alter such structure or fixture within such time, not being less than fourteen days as may be specified in the notice.

(2) If the expenses of removing or altering any such structure or fixture is paid by the occupier of the building, in any case in which the same was not erected by himself, he shall be entitled to deduct any reasonable expense incurred for the purposes of such removal or alteration from the rent payable by him to the owner of the building.

(3) If the owner or occupier of the building proves that any such structure or fixture was erected before the commencement of the Gangtok Municipal Corporation Act, 1975 or that it was erected on or after that day with the consent of any authority duly empowered for the time being.

25. Ins. by sec. 8 of the G. M. C. (Amd.) Act No.1 of 1982 (w. e. f. 12. 10.75).
in this behalf, the requisition made under sub-section (1) shall not be enforced except in pursuance of specific order of the Corporation made in that behalf and the Corporation shall after such structure or fixture has been removed or altered, pay reasonable compensation to every person who suffers damage by the removal or alteration thereof.

(4) Where any owner or occupier fails to comply with the notice served upon him under sub-section (1), the Corporation may remove such structure or fixture and recover the expenses of such removal from the owner or occupier, as the case may be.

(5) Any proceeding under section 49 pending before any Magistrate shall abate:

Provided that the Corporation may in respect of the proceedings as abated, take fresh action in accordance with the provisions of this Act.

49B. (1) Whoever, in any place within the boundaries of the Corporation, shall have built or set up, or shall build or set up, any wall or any fence, rail, posts, stall, verandah, platform, plinth, step or any projection, structure or thing or other encroachment or obstruction, in any public street or shall deposit or caused to be placed or deposited any box, bale, package or merchandise, or any other thing in such street, or in or over or upon, any open drain, sewer in such street, shall be punished with fine which may extend to five hundred rupees and with further fine which may extend to fifty rupees for every day on which such projection, encroachment, obstruction or deposit continues after the date of first conviction.

(2) The Corporation shall have power to
remove any such obstruction or encroachment and shall have the like power to remove any unauthorized obstruction or encroachment of the like nature in any open space not being private property whether such space is vested in the Corporation or not, the permission of the Secretary Local Self, Government and, Housing Department of the State Government shall have first been obtained and, the expenses of such removal shall be paid, by the, person who has caused. The, said obstruction, or encroachment and such expenses shall be recoverable under sub-section. (1) or sub-section(2) of section 49K as the case may be...

(3) The materials or goods removed under sub-section (2)' may be stored at such place or places as the Corporation may think fit and if within seven days of such removal, no person claims the return of such materials or goods or establishes his claim thereto and pays up the expenses incurred by the Corporation for removal and storage, the Corporation shall have the power to sell the same by: public auction and recover the expenses incurred including the expenses of such auction from the proceeds of the sale.

(4) When under sub-section(2), the Corporation causes, any wall to be removed, or removes any other obstruction, projection or encroachment from land which forms part of a public street no compensation shall be payable but the Corporation shall be bound, to provide proper means of access to and from, the street, if none exits already.

(5) whoever not being duly authorised in that behalf, removes earth, sand or other material or makes any encroachment in or upon any open space. Which is not private property shall be punished with fine which may extend to two hundred rupees
and, in the case, of an encroachment, which is continuing in nature, with further 'fine which may extend to fifty rupees for every day on which the encroachment continues after the date of first conviction

(6) Nothing contained in this section shall prevent the Corporation from 'allowing' any temporary occupation of or erection, in any public street on, occasions of festivals and ceremonies, or the piling of fuel in 'bye-lanes and spaces for not more than seven days and in such manner as not to inconvenience the public or any individual or from allowing the occupation of or temporary erection or structures for, any other purposes in accordance with any rule or by-law made under this Act.

(7) Nothing contained in this section shall apply to any structure duly authorised under this Act or any rule or by-law "made there under."

49C. (1) If at any time it appears to the Corporation that any structure, including under this expression any building wall or other structure and anything affixed to or projecting from any building, wall or other structure, is in a ruinous condition or likely to fall or in any way dangerous to any person occupying, resorting to or passing by such structure or any other structures or place in the neighborhood thereof, the Corporation may, by a written notice of not less than seven days require the owner or occupier—

(a) to demolish or to repair such structure in such manner as may be specified in the notice of
(b) to repair, protect or enclose such structure in such manner as may be specified in the notice
(2) Where it appears to the Corporation that immediate action is necessary for the purpose of preventing imminent danger to any person or property, it shall be the duty of the Corporation itself to take such immediate action. And in such case, it shall not be necessary for the Corporation to give notice, if it appears to it that the object of taking immediate action shall be defeated by the delay incurred in giving notice.

(3) Where any owner or occupier fails to comply with the notice served upon him, the Corporation may demolish or remove such structure or fixture under sub-section (1), or sub-section (2) and recover the expenses of such demolition or removal from the owner or occupier, as the case may be.

49D: (1) In any of the following cases, namely

(a) If, within the period prescribed in any notice issued under this Act, requiring the removal or alteration of a verandah platform or other similar structure or a fixture, the same is not duly removed or altered or

(b) If the owner of any building which is erected or added to a street alignment and the building line fails to remove such building or addition when called upon by the Corporation to do so under this Act, or

(c) If the owner of any building which is unfit for human habitation, fails to demolish such
building when required to do so under this Act or

(d) if any privy or urinal be placed in contravention of the
made under this Act ,or

(e) if within the period prescribed in any notice issued under
this Act or any rule or bye law made there under requiring
the owner or the occupier of the building to comply with
any condition on which the erection of any verandah or
other projection was permitted , such condition is not
complied with ,or

(f) if within the period prescribed in any notice issued under
this Act or any rule or bye law made there under requiring
the owner or occupier of a building to remove a verandah
or a projection the same is not duly removed, or

(g) if within the period prescribed in any notice issued
or any rule or bye law made there under requiring the owner
of a building to remove or alter an external roof or wall made
of inflammable material the same is not duly removed or
altered ,or

(h) if any owner or occupier neglects to execute any work
or to take any measure required by any notice issued
under this Act or any rule or bye law made there under
the Corporation may make an order directing that the pro
jection, building, block of buildings verandah, platform, fixture, additions, roof, wall, as the case may be, shall be demolished by the owner’ or occupier thereof who may be the person responsible or altered by such person to the satisfaction of the Corporation within, the time specified in the order.

(2) If the person responsible fails-

(a) to demolish such erection, alteration, addition or other work or to make the alteration, or

(b) to show sufficient cause to the satisfaction of the Corporation or an officer specially appointed by the Corporation with the approval of the State Government in this behalf, as the case may be, why such erection, alteration, addition or other work should not be demolished or the alteration should not be made, the Corporation may by an order in writing and through its officers, employees and workmen demolish the erection, alteration, addition or other work:

Provided that where the person responsible shows cause, the order to demolish the erection, alteration, addition or other work shall not be made without giving the person responsible, an opportunity of being heard:

Provided further that a copy of the order referred to in this clause or in the first proviso shall be served upon the owner and the occupier
thereof, and no action shall be taken until the expiry of thirty days from the date of the service of such order.

Provided also that the Corporation may make any such order notwithstanding the fact that a valuation of such building has been made under this Act and, the Corporation has received payment of tax on such valuation.

(3) Notwithstanding anything contained in Sub-section. (1), and (2) no action shall be taken under this section in respect of any erection, alteration, addition or other work executed more than twelve years before or before the commencement of the Gangtok Municipal Corporation Act, whichever is later.

Provided that the onus of proving that the work was done more than twelve years previously on or before the commencement of the Gangtok Municipal Corporation Act shall lie on the person responsible.

Explanation

In this section the expression, person responsible includes the owner, the occupier, and any other person who executes the erection, alteration, addition or other work or who is liable to make any alteration required by any notice issued under this Act or any rule or bye-law made under this Act.

49E. (1) In any case in which the erection of a new building or any other work referred to in section 49, has been commenced, or is being carried on unlawfully as mentioned in that section, the Corporation may, by written notice, require the person carrying on such erection or unlawful work to stop the same forthwith.

*Power of Corporation to stop progress of building work unlawfully commenced or carried on.*
(2) If any notice issued under subsection(1) is not duly complied with, 'the Corporation may with the' assistance of the police, if necessary, take such steps as it may deem necessary in order to stop the continuance of such unlawful work.

(3) The Corporation, if it considers, necessary may depute any municipal officer to watch the premises in order to prevent the continuance of the unlawful work. (4) Where, any person after receipt of the notice under sub-section (1) fails to comply with the said notice and carries on any work, relating to the, erection of a new building or any other work the Corporation may demolish or remove such unlawful work and recover the expenses of such demolition or removal from the owner in accordance with the provisions of section 49K.

49F (1), The State Government shall constitute A tribunal to be called the Gangtok Municipal Corporation Tribunal for the purpose of hearing Appeals against the orders made or the notices or Requisitions issued by the Corporation under this Act, or any rule or bye-law made there under.

(2) The, Tribunal shall consist of--

(A) The District Judge
(B) an Officer not below the rank of a Joint Secretary to the State Government who has been a member of the Judicial Service of any State for a period of not less than seven years

(C) An Officer who is or has been a member of the Sikkim Judicial Service
(3) The District Judge shall be the President of the Tribunal and during his absence on leave or otherwise, the officer at clause (b) of sub-section (2) shall be the President of the Tribunal.

(4) The Tribunal shall have the power to Regulate its own procedure.

(5) The "quorum of the Tribunal shall have two members.

(6) The State Government may, on a request made by the President of the Tribunal, nominate not more than two other persons to be members of the Tribunal for specific purposes.

(7) Each member of the Tribunal shall be entitled to receive such remuneration, either by way of monthly salary or by way of honorarium or fees as the State Government may determine.

(8) The Tribunal shall, for the purposes of this Act, have the same powers as are vested in a court under the Code of Civil Procedure, 1908 when trying a suit in respect of the following matters, namely:

(a) enforcing the attendance of any person and examining him on oath or affirmation;
(b) compelling the production of accounts and documents;
(c) issuing commissions for the examination of witnesses and every proceeding under this Act before the Tribunal shall be deemed to be a judicial proceeding within the meaning of sections 193 and 228 and for the purposes of Section 196 of the Indian Penal Code.

(9) The Tribunal may in disposing of an appeal, exercise the same power, as its Corporation.
49G. The Tribunal may call for and examine the record of any proceeding in which an appeal lies to it for the purpose of satisfying itself as to the legality or propriety of any order passed and if in any case it shall appear to the Tribunal that any such order should be modified, annulled or reversed, the Tribunal may pass such order thereon as it may deem fit.

49H. (1) The Tribunal may either on its own motion or on the application of any party interested, review its own order in any case, or pass in reference thereto such order as it thinks just:

Provided that no application made by the party interested shall be entertained unless the Tribunal is satisfied that there has been the discovery of new and important matter of evidence, which after the exercise of due diligence was not within the knowledge of the applicant or could not be produced by him at the time when the Tribunal made its order or that there has been some mistake or error on the face of the record:

Provided further that no such order shall be varied or revised unless notice has been given to the parties interested to appear and be heard.

(2) An application for review under sub-section (1) by any party shall be made within ninety days from the date of communication of the order of the Tribunal.

(3) The Tribunal shall not review any order on its own motion after the expiry of a period of ninety days from the date on which such order was made by it.

49I. An order passed in appeal or in revision or in review by the Tribunal under this Act shall be final and conclusive and shall not be called in question in any Civil or Revenue court.
Any person aggrieved by an order made or notice issued by the Corporation, under this Act or any rule or bye-law made thereunder, may, within thirty days from the date on which such order is communicated to him; prefer an appeal to the Tribunal.

Provided that the said Tribunal may entertain the appeal after the expiry of the said period of thirty days if sufficient cause from filing the appeal in time.

The appeal referred to in sub-section (1) shall be in the form of a memorandum giving the grounds of appeal and shall be accompanied by a copy of the order appealed against and a fee of three hundred rupees:

Provided that when an appeal is preferred against any notice issued by the Corporation under this Chapter, the fees payable under this sub-section shall be fifty rupees.

If any person, after receipt of a notice of demand fails to pay, within thirty days, the expenses incurred by the Corporation under section 49, 49A, 49B, 49C, 49D, and 49E for demolition or removal of any structure or any other work, the Corporation may issue distress directing that the expenses incurred by it may be realized by the sale of movable property belonging to the defaulter except ploughs, plough cattle, tools or implements of agriculture, trade or profession.

In the event of failure to recover the whole or any part of, the sum due by distress and sale, under sub-section (1) the Corporation may sue the defaulter in any court of competent jurisdiction for the recovery of such dues.
49L (1) Notwithstanding anything contained in this Chapter, if the Corporation, after considering all the facts and circumstances of the case and after making such inquiry if it may deem fit, is of the opinion that the party concerned has not complied with the notice, if any issued under sub-section (1), of section 49 or sub-section (1) of section 49A or in other cases of contravention of the provisions of this Act or any rule or by law made there under, the Corporation, instead of making an order for

(a) demolition of any building, verandah platform, or other structure; or

(b) making any alteration of any building or other work; or

(c) removal of any verandah, platform or other fixture attached to a building so as to form a part of such building or which causes a projection, encroachment, or obstruction over any public street

may, if satisfied that such demolition alteration or removal of the works of the party concerned referred to in clauses (a), (b) and (c)-;

(i) would result in undue hardship to the party concerned; or

(ii) would not cause unreasonable inconvenience to the public, order regularizations of such works if the party concerned pays to it such fee not exceeding rupees one hundred per square foot of the constructed area or the area covered by any alteration, verandah, other structure, projection or encroachment as may be specified by the State Government by a notification, having regard to the nature and type of the construction.
Provided that where the works referred to in clause (a), (b) and (c) are situated over the land belonging to the Corporation or the State Government or any other authority owned and controlled by the State Government, the Corporation shall not order regularization of such works except, after ascertaining from the State Government the cost of such land and upon payment by the party concerned of such cost in addition to the regularization fee.

(2) If the party concerned fails to pay the fee referred to in sub-section (1) or the cost of the land within such time (not being less than one month from the date of making an order) as may be specified by the Corporation this order, it may pass such order as to demolition of building, alteration or other works as it may deem fit.”

50. The Corporation may make bye-law relating to submission and disposal of applications for and plans specifications and other matter in respect of building and any other matter which it may deem necessary for carrying out the provisions of this Chapter.

CHAPTER VIII
In sanitary and Dangerous Property.

51. (1) When

(a) any ditch, pool, well, pond, pit or marshy or undrained ground; or

(b) any cistern, reservoir or water tank or any other receptacle or place where

26. Subs. by sec. 13 of the G. M. C. (Amd.) Act No. 2 of 1978 (w. e. f. 30-3-78).
water is stored or accumulated or

any waste or stagnant water whether within any private enclosure or not

appears to the corporation to be or likely to become injurious to health or

offensive to the neighborhood, the corporation may by written notice require the owner or

occupier of the land or building to which

ditch, pool, well, cistern, reservoir

receptacle

is situated at the expense of such owner

or occupier-

(i) to cleanse the same; or

(ii) to re-excavate the same; or

(iii) to fill up the same with suitable materials.

(iv) to drain off or to remove water from the same; or

(v) to take such other order therewith as the Corporation may deem necessary.

If, for any reason, any building or portion of a building intended for or used as a dwelling place

appears to the corporation

Procedure in case of buildings deemed unfit for human habitation,

52. (1) If, for any reason, any building or part thereof is deemed unfit for human habitation, the Corporation shall be entitled to get the works done and recover the cost incurred therefore from the owner or occupier as the case may be as if it were arrear of rate payable under this Act.

omitted by sec. 9, of: the G. M. C. (Amd.) Act ‘No I of 1982(w.e.f. 12:10-75)
to be unfit for human habitation, the corporation may by notice require the owner or occupier of such a building to make such alteration as the corporation
think It necessary in the building in order to make it fit for human habitation

(2) If after one month after the service of the notice under sub section (1) it appears to the Corporation that the building has not been rendered fit for human habitation and that the necessary steps are not being taken with all due diligence to render it so fit, the Corporation may apply to a Magistrate to prohibit the further use of such building or portions thereof as the case may be or to execute such work as in the opinion of the Magistrate may be necessary to render the building fit for human habitation

53. 27 (* * *) . CHAPTER IX
Offensive and Dangerous Trades, Occupation or Processes.

54. (1) No person shall use or permit to be used anyplace within such local ‘limits as may be fixed by the Corporation at a meeting, without a license from the Corporation (which shall be renewable annually) for any of the following purposes, namely;
(i) for the slaughter of animals, or for the skinning or disemboweling of, animals for purposes other than human consumption

Provided that this clause shall not apply to slaughter of animals for a bonafide religious purpose, or on a ceremonial occasion; or
(ii) for boiling or storing offal, blood bones or ‘rags or
(iii) for melting tallow

omitted by sec. 9, of the G. M. C: (Amd.) Act ‘No I of 1982(w.e.f. 12:10-75)
(v) for tanning or for the manufacture of leather, or goods
(vi) for oil boiling or
(vii) for soap making, or
(viii) for burning or baking bricks, pottery or lime whether for trade or private purposes
(ix) as a depot for trade in coal or coke or
(x) for storing kerosene, petroleum, naphtha or any inflammable oil or spirit or
(xi) for trading in or storing for other than his own domestic use, hay, straw, wood, thatching grass, jute or other dangerously inflammable materials

55 No dairyman, milkman or stable keeper shall keep cattle, ponies, horses or four footed animals for the purpose of trade or business except in a place licensed by the Corporation.

56 (1) Within such limits as the Corporation at a meeting may direct, no person shall keep pigs or in any place more than twenty sheep or twenty goats without a license from the Corporation which shall be renewable annually.

(2) The Corporation at a meeting may charge an annual fee not exceeding twenty-five rupees for such license and in respect of such license may impose such conditions as to fencing, drainage, paving, cleansing and other matters for the regulation of such places as the Corporation may deem fit.

57 The Corporation may make bye-laws regulating places used for offensive or dangerous trades.

28 Subs by sec 14 of the GMC (Amd) Act no 2 of 1978 (wef 30-3-78)
places used for offensive trades, etc.

CHAPTER X

Fairs and Melas.

58. The Corporation at a meeting may require the owner or lessee of a fair or mela or an owner or a lessee of land intending to hold a fair or mela thereon, to obtain a licence in this behalf, from the Corporation on such terms and conditions and on payment or such fee as may be prescribed.

59. The State Government may make rules regulating the granting of licenses for holding fairs and melas and fixing the fees in respect thereof.

CHAPTER XI

Market and Slaughter Place.

60. The Corporation at a meeting may

(a) construct, purchase, or take on lease or otherwise acquire any land, or building for the purpose of establishing a municipal market or municipal slaughter-house or municipal stock-yards or of extending or improving any existing municipal market, municipal slaughter-house or municipal stock-yard, and

(b) from time to time build and maintain such, municipal markets, municipal slaughter-house and municipal stock-yards and such stalls, shops, sheds, pens and other buildings or conveniences for the use of persons carrying on trade or business in or frequenting such markets, slaughter house or stock-yards and charge rents, tolls and fees for the right to expose goods for sale in such market and for
61. The Corporation at a meeting may, at any time; in the interest of public, temporarily or permanently, close any municipal market, municipal slaughter-house or municipal stock-yard or any portion thereof.

62. No person shall, without the permission of the Corporation, sell or expose for sale any living thing or any article within a municipal market.

63. If the Corporation publishes an order in this behalf, no person shall establish a new private market or continue to run any existing private market, for the purpose of sale or exposing for sale any article of human food except with the sanction of the Corporation and in conformity with the terms of a licence granted by the Corporation.

64. (1) The Corporation may, subject to such terms and conditions as may be prescribed, grant and withdraw licenses for the use of any premises for the slaughter of animals for the sale of their flesh for human consumption.

(2) No person shall slaughter any animal for the sale of its flesh for human consumption within the Corporation at any place other than a municipal Slaughter-house or a slaughter-house licensed under sub-section (1).

65. Every licence granted under this Chapter shall be in force until the end of the year during which it is granted.

CHAPTER XII
Restrain of Infection.

66. The Corporation may make by-laws for the...
effective control, 'restraint and prevention of any
dangerous' disease 'and in particular and without prejudice to the
generality of the foregoing power the Corporation may, and when
required by the State Government, shall make by-laws regulating, the
following matters,

(a) the restraint, segregation and isolation'
of persons suffering from any dangerous or likely to
suffer from any dangerous disease owing to exposure
to infection or contagion;
(b) the' removal, disinfection and destruct
ition of personal effects, goods and other property and
disinfection of houses exposed to infection or contagion;

(c) the removal to hospital and the treatment of persons
suffering from any dangerous disease or likely to suffer from any such disease, owing to exposure to
infection or contagion;
(d) the speedy burial or cremation of the bodies of persons
who have died from any dangerous disease;
(e) house to house visiting and inspection;
(f) the promotion of cleanliness, ventilation
and disinfection

(g) the duties and responsibilities in respect
of the prevention and notification of any dangerous disease

(h) the duties and responsibilities of parents or guardians in
respect to their school going children who are
suffering or have recently suffered from any
dangerous disease or have
been exposed to infection or contagion and the duties and responsibilities of persons in charge of schools in respect of such children

(i.) the prevention of the spread from any animal, or the carcasses or product of any animal, to man, of rabies, glanders, anthrax, plague, tuberculosis, trichinosis or any other disease communicable to man by any animal or the carcass or product of any animal;

(j) the prevention of the spread and the eradication of malaria, the destruction of mosquitoes and the removal or abatement of condition permitting or favoring the multiplication or prevalence of mosquitoes

(k) the prevention of the spread of diseases by flies or other insects and the destruction of such insects, and the removal or abatement of conditions permitting or favoring the prevalence or multiplication of such insects;

(l) the destruction of rodents and other vermin’s and the removal or abatement of conditions permitting or favoring the harborage or multiplication thereof;

(m) the prevention of the spread of any dangerous disease by the carrying on of any business, trade or occupation;

(n) the regulation of rag-flock manufacture and the trade in rags in bones and in second-hand clothing, beddings or any similar article and the requiring of any such article to be disinfected.
before, its importation, removal, sale or
exposure for sale, or use in any manu-
factoring process;

(0) the disposal of any refuse, waste matter
or other matter or thing, which has been
contaminated with or exposed to infection
or contagion; and

(p) compulsory vaccination, inoculation or their measures in
respect of persons residing within the Corporation and such
other preventive measures.

CHAPTER XIII

Nuisance.

67. (1) The powers conferred by the Chapter shall be in addition and not
in derogation of any powers conferred by the other provisions of this
Act.

(2) (a) the condition of--

, (i) any premises or part thereof of
such a construction or in such a, state or so
situated or so dirty as to be a cause of anno-
yance to the inmates thereof, the neighbors or
the public or injurious or dangerous to health
or unsafe, including places infected by, or
providing haunts for mosquitoes or mosquito
larvae, flies or fly maggots,
hookworm larvae or ova, or
'rats or other noxious animals or' insects and
thereby liable to
favor the spread of infectious
disease
(ii) any street tank pool, ditch, gutter water course, sink, cistern, water closet earth-closet, privy urinal, cess pool, drain, dung pit or ash pit so foul or in such a state or so situated as to be a cause of annoyance to the inmates of the premises, the neighbors or the public, or injurious or dangerous to health;

(iii) any premises by reason of abandonment: of disputed owner ship or for any other reason unoccupied and thereby become a resort of idle and disorderly person;

(iv) any school factory, workshop or other trade premises so unclean as to be a cause of annoyance to the inmates, the neighbors or the public, or injurious to health, or not so ventilated as to render harmless, as far as practicable, all gases, vapors, dust or other impurities, generated in the course of the work carried on therein, that are a cause of annoyance to the inmates, the neighbors or the public or injurious to health, or so overcrowded as to be injurious to the health of the persons therein engaged or employed, or not provided with sufficient and suitable privy or urinal accommodation;
(V.) any offensive trade or business so carried on as to be injurious to the health or offensive to the public

(vi) any well tank or any other water supply injurious or dangerous to health

(vii) any stable, cowshed or other buildings or enclosure in which any animal or animals are kept in such a manner as to be a cause of annoyance to the inmates of the premises, the neighbors or the public or injurious or dangerous to health

(viii) any burial or burning ground which in the opinion of the Corporation is injurious or dangerous to the health of persons living in the neighborhood or to the public or offensive to such persons

(ix) any accumulation or deposit of animals or vegetables or animal refuse which is offensive to the neighbors or to the public or any deposit of offensive matter refuse or offal or manure within fifty yards of any public street, wherever situated; and

(b) any act omission, condition or thing which the State Government
shall declare to be a nuisance or which after due inquiry by the Corporation on the complaint of two or more persons residing in the neighborhood is found by the Corporation to be a cause of annoyance to the neighbors or to the inmates of the premises affected or to the public or to be dangerous or injurious to health.

Shall be deemed to be a nuisance liable to be dealt with under the provision of this Chapter

provided that no nuisance shall be deemed to have committed in respect of any accumulation or deposit necessary for the effectual carrying on any business, trade or manufacture, if it be proved to the satisfaction of the Court that the accumulation or deposit has not been kept longer than is necessary for the purpose of the business, trade or manufacture and that the best available means have been taken to prevent injury or danger thereby to the public health.

68 (1) The Corporation shall cause to be made from time to time inspection with a view to ascertain what nuisance exists calling for removal under the powers of this Act, and shall enforce so far as possible the provisions of this Act in order to remove the same, and otherwise put in force the powers vested in the Corporation relating to public health, so as to secure the proper sanitary condition of all premises within the Corporation.
(2) If the Corporation or a Health Officer or a Sanitary Inspector has reasonable grounds for believing that a nuisance exists in any premises, the Corporation may order of such officer may make an inspection of such premises at any hour, when the operations suspected to cause nuisance are believed to be in progress or are usually carried on or when the special conditions suspected to cause the nuisance are believed to exist, and may cause such work to be done as may be necessary for an effectual examination of the said premises including the opening of the ground or surface, where necessary, and the testing of the drains.

(3) When the ground or surface has been opened and no nuisance is found to exist, the Corporation shall restore the premises at their own cost.

69. Information of any nuisance under this Chapter may be given to the Corporation by any person and every officer of the Corporation shall bring the existence of any nuisance to the notice of the Corporation or cause it to be brought to the notice of the Corporation

70. The Corporation, if satisfied of the existence of a nuisance, shall serve a notice on the author of the nuisance or if he cannot be found, then on the owner or occupier of the building or premises on which the nuisance arises or continues, requiring him to remove it within the time specified in the notice and to execute such works and do such things as may be necessary for that purpose and if the Corporation thinks it desirable (but not otherwise) specifying any works to be executed to prevent a recurrence of the said nuisance:
Provided that-

(a) Where the nuisance arises from any want or defect of a structural character, or were the building or premises are unoccupied, the notice shall be served on the owner;

(o) Where the author of the nuisance cannot be found, and it is clear that the nuisance does not arise or continue by the act or default or sufferance of the owner or occupier of the building or premises, the Corporation may remove the same and, may do what is necessary to prevent the recurrence thereof.

71(1) If the person on whom a notice to remove a nuisance bas been served under section 70 fails to comply with any of the requirements, thereof within the time specified, or if the nuisance, although removed, since the service of the notice is in the opinion of the Corporation likely to recur on the same premises shall cause a complaint relating to such nuisance to be made before a Magistrate, and such Magistrate shall thereupon issue a summon requiring the person, on whom the notice was served to appear before him.

(2) If the Magistrate is satisfied that the alleged nuisance exists or that, although removed it is likely to recur on the same premises, he, shall make:

(a) on, the author thereof, or the owner, or, occupier of the premises as the case, may be an order, requiring him to comply with all or any of the requirements of the notice or otherwise to remove. The nuisance within a
Magistrate may order local authority to execute works in certain cases.

time specified in the order and to do any works necessary, for that purpose or an order prohibiting the recurrence of the nuisance and directing the execution of any works necessary to prevent the recurrence or an order both, requiring the removal and prohibiting the recurrence of the nuisance, or

(b) an order, on the Corporation directing them to remove or prevent the recurrence of the nuisance or both, at the expense of the author thereof or the owner or occupier of the premises, as the case may be.

(3) Before making an order the Magistrate may if he thinks fit adjourn the hearing or further hearing of the case until an inspection, investigation or analysis in respect of the nuisance alleged has been made by some competent person.

(4) Any costs incurred by the Corporation in executing an order of the magistrate under clause (b) of sub-section (2) shall be payable on demand, and if not paid on demand recovered by distress and sale of the moveable property of the defaulter.

72. Whenever it appears to the satisfaction of the Magistrate that the author of the nuisance or that the owner or occupier of the premises is not known or cannot be found, the Magistrate may at once order the Corporation to execute the works thereby directed and the cost of executing
the same. shall be payable by, the person liable;
if subsequently found and if not paid on demand
within fifteen day from the date of execution of
The work, may be recovered by distress and, sale,
of the moveable property of the defaulter, if known

Chapter XIV
Places of disposal of the dead and, the registration of
Births and Deaths

73. The Corporation at a meeting may from
time to time cut of the Municipal Fund with the sanction of the State
Government providing fitting places either within or without the. Limits,
of Corporation to be used as, burial grounds or burning grounds and may
impose such fee as may be fixed by the Corporation at a, 'meeting with the
approval of the State. Government in respect of every corpse buried or.
burnt within such burial or burning grounds.
74. The. Corporation, if required, by thy State Government. to do so shall
at a, meeting provide for the registration of births and. deaths within the
limit of the Corporation and for the issue of, certificate of birth and deaths.

29[74AThe State Government may at any time'
call upon the Corporation to furnish it with any
Information, report or extract 'from any proceedings, of the, Corporation
or any, of its 'Committees or from any record under - the control of the
Corporation and with any statistics concerning or connected' with the
administration of the' Act and the Corporation shall furnish the' same
without unreasonable delay.

29. Ins.; by sec. 15...of the G. M. C.( Amd.) Act, no. 2 of 1978 ('w e. f. 30, 3.1978).

Provisions. of place, to
be used as burial
grounds.

Registration of
birth and death.

Power of Government
to call for extracts
from proceedings etc.
74B. (1) In case of emergency the State Government may provide for the execution, through such agency and in such manner as it may specify in its order, of any work or the doing of any act which the Corporation or the Executive Officer is empowered to execute or do and of which the immediate execution or doing is, in its opinion, necessary for the safety or protection of the public and may direct that the expenses of executing the work or doing the act shall be paid by the Corporation.

(2) If the expenses are, not, so paid the State Government may make an order directing the person having the custody of the Corporation, fund to pay the expenses from such fund.

74C. (1) If the State Government is of the opinion that the execution of any resolution or order of the Corporation or any Corporation authority or of any officer or servant of the Corporation or the doing of any act which is about to be done or is being done by or on behalf of the Corporation, is in contravention of or in excess of the powers conferred by the Act or the rules and bye-laws framed under the Act or of any other law for the time being in force or has been passed or made in abuse of any such power or is likely to lead a breach of peace or to cause, obstruction, injury or annoyance to the public or to, any class or body of persons or danger to human life, health or safety, or is prejudicial to public interest the State Government may by order in writing, suspend the execution of such resolution or order or prohibit the doing of any such act.

(2) A copy of such order shall forthwith be sent to the Corporation by the State Government.
(3) The State Government may at any time, on representation by the Corporation or otherwise, review, modify or revoke an order passed under sub-section (I).

74D. (1) If at any time it appears to the State Government that the Corporation is not competent to perform, or is persistently making default in the performance of, duties imposed upon it by or under this Act or any other law for the time being in force or has exceeded or abused its powers more than once, the State Government may, after having given the Corporation an opportunity to show cause why such order should not be made, by an order published with the reasons therefor in the Official Gazette; supersede the Corporation for such period as may be specified.

(2) The period of suppression specified under sub-section (1) may, if the State Government so consider expedient, be extended from time to time by notification.

(3) When the Corporation is superseded under sub-section (1) the following consequences shall ensue

(a) all the Councillors of the Corporation including the Chairman and Vice-Chairman shall vacate their offices as such from the date of the order of super session

(b) all the powers and duties of the Corporation shall, during the period of super session, be exercised and performed by such person or persons as the State Government may appoint in this behalf from time to time and until a new body of Councillors is elected under the provisions of the Act in pursuance of an order of the State Government issued in this behalf.]

Super session.
CHAPTER XV
Penalties and Miscellaneous.

75. Whosoever commits any offence, by contravening or failing to comply with any provision of this Act or rules or by-laws made there under or, any direction lawfully given to him or any requisition lawfully made upon him under any' provision of this Act or rules or by-laws made there under, shall be punished, with fine which may' Extend to 30(ten thousand rupees:).

And if such offence continues in its nature to further fine which. May extend to 3I[ five hundred rupees] for each day during which the offence is continued after the first day,

76..No prosecution for an offence under this Act or any rules or by-laws made in pursuance thereof shall be instituted without the order or consent of the Corporation and no such prosecution shall be instituted except within six months next- after the commission-of the offence, unless the offence is of continuous in its nature, in which case of prosecution may be instituted within six months of the date on which the commission or existence of the offence was first brought to the notice of the Chairman.

77. (1) No Suit or other legal proceedings shall be brought against the Corporation or the Councilors or any - of the agents, officers or servants of the Corporation, or any person acting under is for their direction,, for any act purporting to be done under this Act or any rules or by-laws made there under, until the expiration of one month next after notice in writing is served on the Corporation or the Councilor or such

30. Subs. by sec. 10 (a) of the G. M. C. (Amd.) Act, No.1 of 1982(w. e. f. 12,10,75).
31. Subs. by sec. 10 (b) of the G. M. C. (Amd.) Act, No.1 of 1982 (w. e. f. 1210.75.).
agent, officer or servant, or 'person' acting under
its or their direction as, the case may be, stating, the cause of action and the
name and place abode, of the person who intend to bring the suitor or
proceeding and the relief claimed.’

(2) Every such suit or proceeding shall be
commenced Within six months next after the accrual.

78. The Corporation shall, as soon as possible, take steps for the
construction of public urinals and latrines at such places as the Corporation
will deem fit and shall make necessary arrangements for their proper
cleansing, and disinfection.

79. The Corporation may with the previous sanction of the State
Government direct that
(a) No person shall without or otherwise in conformity with the
terms of licence granted by the Corporation in this behalf,
carry on within the limits of the Corporation the trade or
business of a dairy man or milk man or of a baker, con-
fectioner, ice or aerated water manufacturer or sweet meat
maker or of a keeper of a tea shop, hotel or eating house;

32((b) such person as mentioned in clause (a) shall observe the terms
and conditions which may be prescribed by the Corporation
by laws.)

80. (1) The Chairman shall for the transaction of business of the
Corporation connected with this Act or any other law or for the purpose
of making any order authorised thereby, exercise all the powers vested by
this Act in the Corporation:

Powers of Chairman
and delegation to
Vice-Chairman.

32. Subs. by sec. d170f the G. M. C. (Amd.) Act, No.2 of 1978 (w. e. f. 30.3.78).
Provided the Chairman shall not act in opposition to, or in contravention of any order or action of the Corporation at a meeting or exercise any power which is vested in or directed to be exercised by the Corporation at a meeting.

(2) The Chairman may in accordance with the decision of the Corporation at a meeting, delegate all or any of his powers to the Vice Chairman.

81. Every Councilor, every officer and servant of the Corporation and every person authorised by the Corporation to do any act under this Act or any rule or by-law made there under shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code.

82. The Chairman, Vice-Chairman, Executive Officer or any other person authorised by the Corporation in this behalf, may enter into on any building or land with or without the assistants or workmen in order to make any inquiry, inspection, test, examination, survey, measurement or valuation or for the purpose of lawfully placing or removing pipes, meters or other things, or to execute any other work which is authorised by the provision of this Act or of any rule, by-law or order made there under or which it is necessary for any of the purpose of this Act or in pursuance of the said provision or any resolution passed by the Corporation, to make or execute:

Provided that

(a) except when it is in this Act or in any rule or by-law made there under otherwise expressly provided, no such entry shall be made between sunset and sunrise
(b) except when it is otherwise expressly
provided as aforesaid, no dwelling; house,
And 'no part of' a public building used
as a dwelling place, shall be so entered
without the consent of the occupier
thereof, unless the said occupier has
received at least twelve hours' previous
notice of the intention to make such
entry.
(c) reasonable notice shall be given in
every case even when any premises may otherwise
be entered without notice, to enable the inmates' of
any apartment appropriated to women to remove
some part of' the premises' where their privacy
may be preserved.
(d) due regard shall be paid, so far as may be
compatible with the exigencies of the purpose of the entry,
to the social and religious usages of the occupants of the
premises.

33(82A. (1) 'The' Chairman, Vice-Chairman, every Councilor and 'every
Officer; and servant of the Corporation shall be liable to' surcharge for the
loss, waste; or misapplication of any money or property 'of the
Corporation, if such loss, waste
Or' misapplication is a direct consequence of his neglect or misconduct
while. acting as such Chairman,' Vice-Chairman, Councilor Officer or ser-
vant.

(2) The procedure, of imposing surcharge and the' manner of
recovery of the amount involved in loss, waste' Or, misapplication shall
be such, as
may be prescribed by rules.

33. Ins. by sec. 18 of the G. M. C. (Amd :) Ad, No. 2 of 1978(w.e. f. 30.3.78).
83. When any notice, bill, summons or other document is required by the Act or by any rule or by-law made there under to be served upon or issued to any person, such service or issue shall be effected

(a) by giving or tendering such documents to such persons; or

(b) if such person is not found, by leaving such document at his last known place of abode or business within the Corporation or by giving or tendering the same or by sending it by post to any adult male member of his family or adult male servant in his employment; or

(c) if such person does not reside within the Corporation and his address elsewhere is known to the Corporation, by forwarding such document to him by post in a cover bearing the said address; or

(d) if none of the means referred to in clause (a), (b) or (c) be available, by affixing such notice, bill, summons or other document on some conspicuous part of the land or building (if any) or other thing to which the document relates.

84. (1) Without prejudice to any of the provisions hereinbefore contained, the State Government may make rules for carrying out the purposes and objects of this Act.
(2) Without prejudice to any of the provisions hereby contained the Corporation may make bylaws for the purpose connected with this Act.

34[(3) No bye-laws made by the Corporation under the Act shall have any validity unless they are approved by the State Government and while approving the bye-laws, the State Government may make such modification or modifications therein, as it may deem fit. (4) The rules made by the State Government under sub-section (1) and bye-laws made by the Corporation under sub-section (2) shall take effect from the date of their publication in the Official Gazette.]
being in force, in this 'State, offences, punishable
under-’ this Act shall’ be 'cognizable

85C (1) where an offence under this Act has been committed by a
company, or any person 'who, at the time 'the offense was committed, was
in charge of and, was responsible to, the 'company
as well: as the' company; .shall be deemed to be, guilty’ of the offence,
and: shall be liable to’ be proceeded against and punished accordingly
Provided that nothing
contained, in this. , subsection' shall' render any such person liable of any
punishment if he proves that the offence was committed without his
knowledge or that he, had exercised all due diligence to prevent the
commission of 'such offence. .

(2) Notwithstanding anything contained in sub-section (1),’ where’, any
offence under 'this' Act has' been committed 'by a 'company and it is proved
that the offence, has been committed with the consent. or connivance of, or
is attributable, to any neglect on the part of, any director manager, secretary
or other. officer of the company, such director, manager. secretary, or' other
officer shall also be deemed to be, guilty, of .that. offence, and shall be
liable to; be proceeded against and punished accordingly.

Explanation - ! for 'the' purposes' of this- 'section
(a), "company ‘means any, body corporate; and includes firm
or, other association of individuals; and
(b)”director” in relation to firm, means
partner in the' firm;]
86. Any law in force immediately before the commencement of this Act with respect to any matter for which provision is made in this Act or which is inconsistent with the provisions of this Act shall cease to have effect in the areas within the jurisdiction of the Corporation constituted under this Act.

Overriding effect of this Act.