



The Orissa Municipal Corporation Act, 2003

Act No. 11 of 2003

Amendments appended: 4 of 2022, 7 of 2023

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ORISSA ACT 11 OF 2003

* THE ORISSA MUNICIPAL CORPORATION ACT, 2003

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AN ACT TO PROVIDE FOR THE CONSTITUTION OF MUNICIPAL CORPORATIONS IN THE STATE OF ORISSA AND FOR MATTERS CONNECTED THEREWITH OR INCIDENTAL THERETO.

Be it enacted by the Legislature of the State of Orissa in the Fifty-fourth Year of the Republic of India as follows : —

CHAPTER I

PRELIMINARY

Short title,
extent,
commencement
and application.

1.(1)This Act may be called the Orissa Municipal Corporation Act, 2003.

* For the Bill, see Orissa Gazette, Extraordinary dated the

(2) It extends to the whole of the State of Orissa.

(3) It shall be deemed to have come into force on the 11th day of February, 2003 in the cities of Bhubaneswar and Cuttack and in any other city on the date on which the area thereof is specified by the Governor under clause (2) of Article 243Q of the Constitution to be a larger urban area.

Definitions.

2. In this Act, unless the context otherwise requires, —

(1) "agent" means an election agent ;

(2) "annual value" means the value of any building or land fixed in accordance with the provisions of this Act and the rules made thereunder for the purpose of assessment of property taxes ;

(3) "assessment list" means the assessment list referred to in section 223 ;

(4) "bakery" or "bake-house" means any place in which bread, biscuits or confectionary are packed, cooked or prepared in any manner whatsoever for the purposes of sale or profit ;

(5) "backward class of citizens" means the backward class of citizens as specified by the Government from time to time in the lists as mentioned in the Orissa State Commission for Backward Classes Act, 1993 ;

(6) "budget grant" means a sum entered on the expenditure side of the budget estimate under a Major Head and finally adopted by the Corporation ;

(7) "building" means a house and includes out-house, garage, stable, latrine, godown, shed, hut, wall, fencing platform, verandahs, balcony, cornice or projection or part of the building or anything affixed thereto or any wall (other than the boundary wall less than three metres in height) enclosing or intended to enclose any land, signs or outdoor display structures but does not include a tent, samiana or tarpaulin shelter ;

(8) "building line" means the line which is in rear of the street alignment and up to which the main wall of a building on a land abutting on a street or projected public street may lawfully extend ;

(9) "bustee" means an area containing land not less than seven hundred square metres occupied by or for the purpose of any construction of huts or other structures used or intended to be used for human habitation ;

Explanation— If any question arises as to whether any particular area is or is not a bustee, the Corporation shall decide the question and its decision shall be final .

(10) "business" means any trade and includes, commerce or manufacture or an adventure or any concern in the nature of trade, commerce or manufacture ;

(11) "bye-law" means a bye-law framed under section 657;

(12) "candidate" means a person who has been nominated as a candidate at any election of a Corporator or who claims that he has been so nominated or that his nomination has been improperly refused, and includes a person who, when an election is in contemplation, holds himself out as a prospective candidate at such election if he is subsequently nominated as a candidate at such election ;

(13) "carriage" means any wheeled vehicle, with springs or other appliances acting as springs, which is ordinarily used for the conveyance of human beings or for transporting, hawking or selling of goods or articles and includes any kind of bicycle, tricycle, rickshaw, a jin-rickshaw, cycle-rickshaw but does not include a perambulator conveyance of children up to the age of seven years and a motor vehicle within the meaning of the Motor Vehicles Act, 1988 ; and tricycle used by physically handicapped person;

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1988.

(14) "cart" means any hackney or wheeled vehicle with or without springs which is not a carriage as defined in this section and includes a hand-cart or a cycle van or pull van, but does not include

any wheeled vehicle which is propelled by any mechanical power or its trailer ;

(15) "casual election" means an election held to fill up a casual vacancy ;

(16) "casual vacancy" means a vacancy occurring otherwise than by efflux of time in the office of a Corporat or in any other office ;

(17) "cesspool" means a settlement tank or other tank for the reception or disposal of foul matter from buildings ;

(18) "city" means any area specified by the Governor as a larger urban area under sub-section (1) of section 3 or deemed to be so specified under sub-section (4) of the said section ;

(19) "Commissioner" means the Municipal Commissioner for the city appointed under section 17 ;

(20) "company" means a company as defined in the Companies Act, 1956 or formed in pursuance of any Act of Parliament or of an Act of the Legislature of the State and includes any firm or association carrying on business in State of Orissa whether incorporated or not or its principal place of business is situated therein or not ;

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1956.

(21) "connected privy" means a privy which is directly connected with a sewer ;

(22) "connected urinal" means a urinal which is directly connected with a sewer ;

(23) "Corporation" means a Municipal Corporation constituted under this Act ;

(24) "Corporation building", "Corporation drain", "Corporation market", "Corporation slaughter house" or "Corporation water works" means a building, drain, market, slaughter house or water works respectively vested in or managed by the Corporation under this Act ;

(25) "Corporator" means a person who is duly elected as a Corporator of the Corporation under this Act and includes a nominated Corporator ;

(26) "cubical extents" with reference to the measurement of a building, means the space contained within the external surface of its walls and roof and the upper surface of the floor of its lowest storey, or where the building consists of one storey only, the upper surface of its floor ;

(27) "dairy" means any farm and includes cattleshed, milk store, milk shop or other place from which milk is supplied only on or for sale or in which milk is kept for the purpose of sale or manufactured into butter, ghee, cheese, curd, or dried or condensed milk for sale and in the case of dairy man who does not occupy any place for sale of milk, includes the place where he keeps the containers used by him for the sale of milk, but does not include —

(a) a shop from which milk is not supplied otherwise than in a properly closed and unopened container in which it was delivered to the shop ,
or

(b) a shop or other place in which milk is sold for consumption on the premises only ;

(28) "dairy man" means any occupier of dairy and includes any cowkeeper who trade in milk or any person who sells milk whether wholesale or by retail ;

(29) "drain" means a sewer and includes tunnel, pipe, ditch, gutter, or channel and any cistern, flush tank, septic tank or other device for carrying of or treating sewage, offensive matter polluted water sullage, waste water, rain water or sub-soil water and any culvert, ventilation shaft or pipe or other appliance, or fitting connected therewith and any ejector, compressed air main, sealed sewage main and special machinery or apparatus for raising, collecting, expelling or removing sewage or offensive matter from any place;

(30) "drug" means any substance used as medicine or in the composition or preparation of medicines, whether for internal or external use, but does not include a drug within the meaning of clause (b) of section 3 of the Drugs and Cosmetics Act, 1940 ;

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1940.

(31) "dwelling house" means a masonry or thatched building constructed, used or adapted to be used wholly or principally for human habitation ;

(32) "dangerous disease" refers to, —

(a) cholera, plague, small pox, cerebra spinal, meningitis, diphtheria, tuberculosis, leprosy, influenza, encephalitis, poliomyelitis and syphilis, filaria, and

(b) any other epidemic, endemic or infectious disease which the Government may by notification, declare from time to time to be dangerous disease for the purposes of this Act ;

(33) "eating house" means any premises to which the public or any section of the public are admitted and where food is prepared, supplied or sold for consumption on or outside the premises for the profit or gain of any person owning or having an interest in or managing such premises ;

(34) "election authority" means such authority as may be prescribed, not being the Mayor, Deputy Mayor or a Corporator ;

(35) "election agent" means the person appointed under sub-section (2) of section 75 by a candidate to be his election agent ;

(36) "Election Commission" means the State Election Commission consisting of a State Election Commissioner appointed by the Governor under Article 243K of the Constitution ;

(37) "Entry Tax" means the tax collected by the State Government under the provisions of the Orissa Entry Tax Act, 1999;

Orissa Act
11 of 1999.

(38) "environmentalist" means an officer appointed as the Environment Officer under sub-section(4) of section 117 to look after the overall ecology of the area of the Corporation ;

(39) "essential services" means services in which any Corporation Officer, employee or other person is employed by or on behalf of the Corporation which are specified in the Orissa Essential Services (Maintenance) Act, 1988 ;

Orissa Act
9 of 1982.

(40) "factory" means a factory as defined in the Factories Act, 1948 and includes any premises and also its precincts wherein an industrial, manufacturing or trade process is carried with the aid of steam water, oil, gas, electricity or any other form of power which is mechanically transmitted and is not generated by human or animal agency ;

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1948.

(41) "filth" means —

- (a) night soil or other contents of latrines, cesspools and drains,
- (b) dirt, dung, refuse, useless or offensive material thrown out in consequence of any process of manufacture, industry or trade,
- (c) putrid or putrifying substance ;

(42) "food" means every article (other than drugs) and water used by human being for purposes of eating or drinking, any material or substance used or admixed in the composition, preparation, flavouring or colouring of such article and all confectionary spices and condiments ;

(43) "frame building" means a building, the external walls of which are constructed of timber framing or iron framing and the stability of which depends on such frames ;

(44) "Government" means the State Government of Orissa;

(45) "goods" means articles for sale and includes animals ;

(46) "holding" means land held under one title or agreement and surrounded by one set of boundaries ;

Provided that where two or more adjoining holdings form 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 — Holding separated by a road or other means of communication shall be deemed to be adjoining within the meaning of this provision :

(47) "house-drain" means any drain of, and used for the drainage of, one or more buildings or premises and made merely for the purpose of communication with a Corporation drain :

(48) "house-gully" means a passage or strip of land constructed, set apart or utilised for the purpose of serving as a drain or for affording access to Corporation employees or to persons employed in the cleaning of a privy, urinal, cesspool or other receptacle for filth or polluted matter or in the removal of such matter therefrom :

(49) "hut" means any building which is constructed principally of wood, mud, leaves, grass, cloth, polythene rolls or thatches and includes any temporary structure of whatever size of any material which the Corporation may, for the purpose of this Act, declare to be a hut :

(50) "infectious disease" means any disease which may be transmitted from one person to another and declared as such by the Government, by notification from time to time :

(51) "Judge" means the District Judge and shall include an Additional District Judge and Civil Judge (Senior Division), having jurisdiction over the Corporation area :

(52) "land" includes land which is being built upon or covered with water, benefits arising out of land, things attached to the earth or permanently fastened to anything attached to the earth and rights created by legislative enactment over any street :

(53) "local authority" means Municipal Corporation or Municipal Council or Notified Area Council or Development Authority or Improvement Trust or Panchayats at any level ;

(54) "lodging house" means a building or part of a building where lodging with or without board or other service is provided for a monetary consideration and includes a collection of buildings or a building or a part of a building used for the accommodation of pilgrims and travellers or any person whether on payment or otherwise ;

(55) "market" means any place where persons assemble for the sale of, or for the purpose of exposing for sale of any article including livestock, food for livestock, meat, fish, fruit, vegetables, animals excluding cattle intended for human consumption or any other article of human food whatsoever with or without the consent of the owner of such place, notwithstanding that there may be no common regulation of the concourse of buyers and sellers and whether or not any control is exercised over the business carried on in or on the persons frequenting such place by the owner thereof or any other person ;

(56) "nuisance" means any act, omission, place or thing which causes or is likely to cause injury, danger, annoyance or offence to the sense of sight, smell or hearing or disturbance to rest or sleep or studies or which is or may be dangerous to life or injurious to the health or property of the public or offends against public morality ;

(57) "occupier" means any person in actual possession of any land or building and includes an owner in actual possession or a tenant or licensee, whether such tenant or licensee is liable to pay rent or not ;

(58) "octroi" means a cess imposed on goods at the time of their entry into the limits of a city for the purposes of consumption, use or sale therein before the commencement of the Orissa Entry Tax Act, 1999 ;

(59) "offensive matter" means filth, sewage, dust, house-sweepings, spitting after or without chewing betel or tobacco and includes kitchen or stable refuse, pieces of broken glass or pottery debris, polythene materials and waste paper ;

(60) "owner" means —

(a) when used with reference to any premises, the person who receives the rent of the said premises or who would be entitled to receive the rent thereof if the premises were let and includes —

(i) an agent or trustee who receives such rent on account of the owner ,

(ii) an agent or trustee who receives the rent of or is entrusted with or concerned for, any premises devoted to religious or charitable or educational purposes ,

(iii) a receiver, sequestrator or manager appointed by any court of competent jurisdiction to have the charge of or to exercise the rights of an owner of the said premises ,

(iv) a mortgagee-in-possession , and

(b) when used with reference to any animal, vehicle or boat, the person for the time being in charge of such animal, vehicle or boat ;

(61) "population" means the number of the inhabitants as ascertained at the last preceding census of which the relevant figures have been published ;

(62) "premises" means buildings and lands of any tenure whether open or enclosed, whether built on or not and whether public or private including messuages ;

(63) "prescribed" means prescribed by rules made under this Act ;

(64) "private street" means any street, which is not a "public street" but does not include a pathway made by the owner of the premises on his own land to secure access to, or the convenient use of such premises :

(65) "privy" means a place set apart for defecating or urinating or both together with the structure comprising such place, the receptacle therein for human excreta and the fittings and apparatus if any, connected therewith and includes a closet of the dry type, an aquaprivy, a latrine and an urinal;

(66) "public place" means any place to which the public have or are permitted to have access and includes any park, garden or ground ;

(67) "public securities" means —

(a) securities of the Central Government or any State Government .

(b) stocks, debentures or shares, the interest whereon has been guaranteed by the Central or any State Government .

(c) debentures or other securities for money issued by or on behalf of any local authority .

(d) securities expressly authorized by any order which the Government makes in this behalf ;

(68) "public street" means any street, road, lane, gully, passage or riding path over which the public have a right of way, whether a thoroughfare or not and includes —

(a) a broad way over or a footway attached to any public bridge or causeway :

(b) the drain attached to any such street, public bridge or causeway and the land, whether covered or not by any pavement, verandah or other structure, which lies on either side of the roadway up to the boundaries of the adjacent

property, whether that property is private or property belonging to the Government ;

(69) "public analyst" means any person having the qualification prescribed by rules made under the Prevention of Food Adulteration Act, 1954 and appointed as such by the Corporation with the approval of the Government to perform the duties and to exercise the powers of a public analyst as prescribed by rules made under that Act ;

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1954

(70) "public building" means a masonry building constructed, used or adopted to be used —

(a) as a place of public worship or as a school, college or other place of instruction (not being a dwelling house so used) or as a hospital, work house, public theatre, public cinema, public concert room, public bal-room, public-lecture room, public library or public exhibition room or a public place of assembly, or

(b) for any other public purpose ;

(71) "rubbish" means fragments of ruinous building and includes dust, ashes, broken bricks, mortar, broken glass, polythene and other waste, garden refuse and refuse of any kind ;

(72) "schedule" means the schedule appended to this Act ;

(73) "section" means a section of this Act ;

(74) "sewage" means night soil and other contents of water closets, latrines, privies, urinals, cesspools or drains and polluted water from sinks, bathrooms, stables, cattleshed and other like places and includes trade effluent and discharges from manufactures of all kinds ;

(75) "slum or informal settlements" means all under serviced settlements, be they unauthorized occupation of land, congested inter-city built up areas, fringe areas, unauthorized

developments, villages within Corporation area and in the periphery, irrespective of tenure of ownership of land use;

(76) "sweetmeat shop" means any premises or part of any premises used for the manufacture, treatment or storing for sale, whether wholesale or retail of any sweetmeat including icecream, confectionery of any kind whatsoever, for whomsoever intended and by whatsoever name the same may be known and whether the same be for consumption in or outside the premises ;

(77) "trade effluent" means any liquid either with or without particles of matter in suspension therein which is wholly or in part produced in the course of any trade or industry carried on at trade premises and "trade effluent in relation to any trade premises" means any such liquid as aforesaid which is so produced in the course of any trade or industry carried on at those premises but does not include sewage ;

(78) "vehicle" means a carriage, cart, van, handcart, bicycle, rickshaw and every wheeled conveyance which is used or is capable of being used on a street but does not include a motor vehicle within the meaning of the Motor Vehicles Act, 1988 ;

59 of
1988

(79) "water closet" means a closet which has a separate fixed receptacle connected to a drainage system and separate provision for flushing from a supply of clean water either by the operation of mechanism or by automatic action ;

(80) "water connection" means connection of —

(a) any tank, cistern, hydrant, standpipe, meter or tap situated on any private property with a water-main or pipe belonging to the Corporation, and

(b) the water-pipe connecting such tanks, cistern, hydrant, standpipe, meter or tap with such water main or pipe ;

(81) "water course" means any river, stream or channel ;

(82) "water for domestic purpose" means use of water for the purpose other than the use for cattle or for horses or for washing vehicles when the cattle, horses or vehicles are kept for sale or hire by a common carrier but shall not include water for any trade, manufacture or business or for building purposes or for watering gardens or for fountains or for any ornamental or mechanical purposes ;

(83) "water works" means any apparatus or plant by which water is supplied and includes a lake, stream, spring, well, pump, reservoir, cistern, tank, duct, whether covered or open, sluice, main pipe, culvert, engine, water truck, hydrant, standpipe, conduct and machinery, land, building or thing for supplying or used for supplying water or for protecting services of water supply ;

(84) "year" means the financial year ;

(85) words and expressions used but not defined herein shall have the same meaning as respectively assigned to them in the Orissa Municipal Act, 1950.

Orissa Act
23 of 1950.

CHAPTER II

CONSTITUTION OF CORPORATION

Constitution
of
Corporation.

3.(1)The Governor, having regard to the population of any urban area, the density of population of such area, the revenue generated for the local administration, the percentage of employment in non-agricultural activities, the economic importance or such other activities as may be prescribed, may, by notification, specify such area to be a larger urban area.

Explanation — A population of not less than three lakhs may be considered to be sufficient population for the purpose of declaring a larger urban area.

(2) As soon as may be, after the issue of the notification specifying an area to be a larger urban area, the Government shall,

by notification in the official gazette, constitute for the purpose of this Act a Municipal Corporation for that larger urban area.

(3) Notwithstanding anything contained in this Act or in the Orissa Municipal Act, 1950, whenever any smaller urban area is notified under sub-section (1) to be a larger urban area —

Orissa Act
23 of 1950.

- (a) the Municipal Council for the said area if any, shall be deemed to be the Municipal Corporation for the larger urban area so specified ; and
- (b) the Chairperson, Vice-Chairperson and other Councillor of the existing Municipal Council shall be deemed to be the Mayor, Deputy Mayor and other Corporators respectively of the Corporation and they shall continue for the remainder of the period for which the existing Municipal Council would have continued otherwise.

(4) The areas included in the Cuttack Municipal Corporation and Bhubaneswar Municipal Corporation immediately before commencement of this Act, shall be deemed to be larger urban area specified under sub-section (1) and the provisions of this Act shall *mutatis mutandis* apply to the said Municipal Corporations.

(5) The Government may, after consultation with the Corporation, by notification, alter the limits of the area of a Corporation constituted under sub-section (2), so as to include therein or to exclude therefrom any area as may be specified in the notification.

(6) The power to issue a notification under sub-section (5) shall be subject to previous publication.

(7) When an area is included in the city, the provisions of this Act and all taxes, rules, bye-laws, regulations, notifications, orders, directory powers, levied, made, issued or conferred, as the case may be, under this Act or any other law shall be deemed to

apply to the said area from the date of inclusion of said area within the city.

(8) Save as otherwise provided in this Act or any other law for the time being in force, when an area is excluded from the city —

- (i) the rights and liabilities of the Corporation in such area shall vest in Government ;
- (ii) the Government after consultation with the Corporation determine what portion of the Corporation fund and other property vested in the Corporation shall vest in the Government for the benefits of the inhabitants of such area and how liabilities of the Corporation shall be apportioned between the Corporation and the Government.

CHAPTER III

THE CORPORATION AUTHORITIES

Municipal
Authorities.

4. The following shall be the Municipal Authorities for the purpose of carrying out the provisions of this Act, namely : —

- (a) The Corporation ;
- (b) The Mayor ;
- (c) The Standing Committees of the Corporation ; and
- (d) The Commissioner.

Incorporation
of
Corporation.

5. (1) With effect from such date as the Government may, by notification appoint, there shall be a Corporation charged with the Municipal Government of the concerned city to be named thereafter.

(2) The Corporation shall be a body corporate with perpetual succession and a common seal and may by its name sue and be sued.

(3) Subject to the provisions of this Act, the Corporation shall be entitled to acquire, hold and dispose of property.

6. The Corporation shall consist of the following Corporators,

namely : —

- (a) Such number of elected Corporators as are specified in the table below : —

Population Range	Number of Corporators		
	Minimum	Incremental numbers	Maximum
1	2	3	4
Above 3 lakhs and up to 6 lakhs	39	One additional Corporator for every 15,000 above 3 lakhs	59
Above 6 lakhs and up to 12 lakhs	59	One additional Corporator for every 30,000 above 6 lakhs	79
Above 12 lakhs and up to 24 lakhs	79	One additional Corporator for every 40,000 above 12 lakhs	109
Above 24 lakhs	109	One additional Corporator for every 60,000 above 24 lakhs	150

(b) Not more than five persons nominated by the Government from amongst the residents of the city having special knowledge or experience in municipal administration :

Provided that the persons referred to in this clause shall not have the right to vote at any meeting of the Corporation but shall have the right to attend every meeting thereof except the meetings convened under sections 14 and 20.

(c) Every member of the House of People and the member of the State Legislative Assembly representing constituencies which comprise wholly or partly the area of the city and every member of the Council of State who are registered as electors within the area of the city :

Provided that no such member shall have the right to attend any meeting of the Corporation convened under sections 14 and 20 :

Provided further that where any such member is unable to attend any meeting of the Corporation (except as aforesaid) for any reason, he may authorize a person to attend such meeting as his representative, but, in no case the representative so authorized shall

have the right to vote at such meeting, but shall have the right to receive notices of the meeting and participate in it.

Reservation
of Seats.

7. (1) The Government shall, by notification, from time to time, reserve seats for Corporators belonging to the Scheduled Castes and Scheduled Tribes and the number of seats so reserved shall bear as nearly as may be, the same proportion to the total number of seats to be filled by direct election in the Corporation as the population of the Scheduled Castes in the city or of Scheduled Tribes in the city bears to the total population of the city :

Provided that where the population of the Scheduled Castes or, as the case may be, the Scheduled Tribes in a Corporation area is not sufficient for reservation of any seat, one seat for the Scheduled Castes or, as the case may be, one seat for the Scheduled Tribes shall be reserved in that Corporation area.

(2) As nearly as may be, but not less than one-third of the total number of seats reserved under sub-section (1) shall be reserved for women belonging to the Scheduled Castes or, as the case may be, the Scheduled Tribes :

Provided that where only two seats are reserved for the Scheduled Castes or, as the case may be, the Scheduled Tribes one of the two seats shall be reserved for women belonging to the Scheduled Castes or, as the case may be, the Scheduled Tribes.

(3) As nearly as may be, but not less than twenty-seven per centum of the total number of seats to be filled by direct election in a Corporation shall also be reserved in favour of backward class of citizens as referred to in clause(6) of Article 243T of the Constitution.

(4) As nearly as may be, one-third of the total number of seats reserved under sub-section (3) shall be reserved for women belonging to the backward class of citizens :

Provided that where only two seats are reserved for backward class of citizens one of the two seats shall be reserved for women belonging to the backward class of citizens.

(5) As nearly as may be, but not less than one-third (including the number of seats reserved for women belonging to Scheduled Castes and Scheduled Tribes and the backward class of citizens) of the total number of seats to be filled by direct election in the Corporation shall be reserved for women.

(6) The procedure regarding reservation of seats for the purposes of sub-sections (1), (2), (3) and (4) and allotment of seats by rotation to different wards shall be such as may be prescribed.

(7) Where a particular ward is reserved for Scheduled Castes or Scheduled Tribes or the backward class of citizens or for women, whether or not belonging to Scheduled Castes or Scheduled Tribes or Backward Class and no eligible candidate is available or comes forward to contest the election in relation to that ward, the Government shall nominate a person who is otherwise eligible to contest such election, as the Corporator for the ward.

(8) The reservation of seats under sub-sections (1) and (2) shall cease to have effect on the expiration of the period specified in Article 334 of the Constitution :

Provided that any person elected to any such reserved seat shall continue as a Corporator during the term of office for which he was validly elected, notwithstanding that the reservation of seats has ceased to have effect.

(9) Nothing contained in sub-sections (1) and (2) shall be deemed to prevent the members of the Scheduled Castes or the Scheduled Tribes for whom seats have been reserved in the Corporation for seeking election from a non-reserved seat in the Corporation.

Explanation — "Scheduled Castes" and "Scheduled Tribes" mean such castes and tribes as are specified by the President under Article 341 and Article 342, respectively, of the Constitution.

8.(1) Every Corporation, unless sooner dissolved, shall continue for five years from the date appointed for its first meeting as

referred to in clause (a) of sub-section(2) of section 14 and no longer.

(2) A Corporation constituted upon the dissolution of the Corporation before the expiration of its duration shall continue only for the remainder of the period for which the dissolved Corporation would have continued under sub-section (1), had it not been dissolved.

Standing
Committee.

9.(1) There shall be Standing Committee for dealing respectively with —

- (i) Taxation, Finance and Accounts ;
- (ii) Public Health, Electric Supply, Water Supply, Drainage and Environment ;
- (iii) Public Works ;
- (iv) Planning and Development ;
- (v) Education, Recreation and Culture ;
- (vi) Licenses and appeals ;
- (vii) Contracts;
- (viii) Corporation Establishment ;
- (ix) Grievances and Social Justice ; and
- (x) Settlement of mutual disputes between two adjoining Corporations.

(2) The Corporation may, with previous sanction of the Government, constitute additional Standing Committees for such purposes, as the Corporation thinks fit.

Constitution of
Standing
Committee.

10. (1) The Standing Committee for contracts shall comprise the Mayor, the Chairman of the Standing Committee to which the contract relates, the Commissioner and three other members to be elected from out of the elected Corporators and the Mayor shall be *ex-officio* Chairman of this Standing Committee.

(2) Notwithstanding anything contained in section 9 for purpose of settlement of dispute between adjoining Corporations or Councils in regard to any matter arising under the provisions of this

Act or any other Act, the Government shall constitute a Standing Committee on settlement of inter-disputes in such manner and such Standing Committee shall perform such functions in such manner and to such extent as may be prescribed.

(3) All other Standing Committees shall consist of seven members each elected by the Corporation from among its Corporators :

Provided that no Corporator shall be a member of more than three Standing Committees at the same time.

(4) The Standing Committee shall be constituted by election at the second meeting of the Corporation held after the general election.

(5) A Corporator elected to be a member of a Standing Committee shall hold office as such for the entire period of his term as a Corporator, unless he sooner resigns or ceases to be a Corporator.

(6) When a vacancy occurs in a Standing Committee, the Corporation shall fill up the vacancy as soon as may be, by election of another Corporator.

(7) If the Mayor at the time of his election is the Chairman or an elected member of a Standing Committee, other than the Standing Committee for contracts he shall cease to hold office as Chairman or elected member.

11.(1) The Standing Committee shall at its first meeting after its constitution and at its first meeting in same month in each succeeding year, elect one among its members to be the Chairman :

Provided that the Chairman of the Standing Committee for Grievances and Social Justice shall be elected from amongst the elected Corporators of weaker section belonging to Scheduled Castes, Scheduled Tribes and Women.

(2) The Chairman shall hold office until his successor is elected under sub-section (1) and shall be eligible for re-election.

Election of
Chairman to
Standing
Committee.

(3) Notwithstanding the provisions of sub-sections (1) and (2), the Chairman shall vacate office as soon as he ceases to be a Corporator or a member of the Committee.

(4) If any vacancy occurs in the office of the Chairman of any Standing Committee, the Mayor shall convene a meeting of the Committee concerned, as soon as conveniently may be, after the occurrence of the vacancy, for the election of one amongst its members to fill up the vacancy and every Chairman so elected shall continue in office so long as the person in whose place he is elected would have held it, if such vacancy had not occurred.

12. Any member of a Standing Committee who absents himself for two consecutive months from the general meetings of the Committee except by reason of temporary illness or other cause to be approved by the Committee or absents himself from or is unable to attend meetings of the Committee during four consecutive months, shall cease to be a member of the Standing Committee and his seat shall thereupon be treated as vacant.

13.(1) Wherever in this Act the expression Standing Committee occurs, it shall unless the context otherwise requires, be deemed to refer to the particular Standing Committee to which the power or duty in connection with which the expression is used has been assigned by or under this Act.

(2) Any reference made to the Chairman of the Standing Committee by or under this Act shall be construed as reference to the Chairman of the particular Standing Committee to which the power or duty in connection with the reference is made and assigned by or under this Act.

14.(1) Every Corporation shall have a Mayor and a Deputy Mayor.

(2) The Corporators of the Corporation, specified in clause (a) of section 6 shall —

Member of the Standing Committee absents himself from meetings to vacate seat.

Construction of reference to the Standing Committee and Chairman.

Election of Mayor and Deputy Mayor.

- (a) at the first meeting of the Corporation elect a Mayor from among themselves ;
- (b) at a subsequent meeting, specially convened for the purpose at the instance of the Mayor as soon as may be, but not later than thirty days after the date of election of the Mayor, elect a Deputy Mayor of the Corporation from among themselves :

Provided that where the office of the Mayor of a Corporation is not reserved under sub-section (3) for women or where the Mayor elected under this Act is not a woman, the office of the Deputy Mayor of Corporation shall be reserved for women.

(3) Notwithstanding anything to the contrary in sub-section(1), —

- (a) offices of Mayor in the Corporations shall be reserved for the Scheduled Castes and the Scheduled Tribes and the number of offices so reserved for the Scheduled Castes and the Scheduled Tribes shall bear, as nearly as may be, the same proportion to the total numbers of such offices as the population of the Scheduled Castes and the Scheduled Tribes, respectively in the Corporation areas of the State bears to the population of such Corporation areas ;
- (b) as nearly as may be, one-third of the total number of seats reserved under clause(a) shall be reserved for women belonging to the Scheduled Castes or, as the case may be, the Scheduled Tribes; and
- (c) as nearly as may be one-third (including the number of offices reserved for women belonging to the Scheduled Castes, the Scheduled Tribes and the backward class of citizens) of the total number of

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offices of Mayor in the Corporations shall be reserved for women; and

(d) as nearly as may be, but not less than twenty-seven per centum of the offices of Mayor of Corporations shall also be reserved in favour of backward class of citizens as referred to in clause (6) of article 243T of the Constitution; and

(e) as nearly as may be, one third of the total number of seats reserved under clause (d) shall be reserved for women belonging to the backward class of citizens .

(4) Reservation of offices of Mayor under sub-section(3) shall be made by the Government by rotation among different Corporations in the prescribed manner and shall be published in the Gazette :

Provided that the procedure provided in sub-section (6) of section 7 relating to reservation of seats in the Corporations for the Scheduled Castes, Scheduled Tribes, backward class of citizens and women shall , as far as may be, be applicable for the purpose of reservation of offices of Mayors to be made by the Government under this sub-section.

(5) The reservation of offices of Mayors (other than the reservation for women and backward class of citizens) under sub-section (3) shall cease to have effect on the expiration of the period specified in article 334 of the Constitution.

(6) If at an election under sub-section (2), —

(a) no Mayor is elected, a fresh election shall be held within thirty days from the date of the first election; or

(b) no Deputy Mayor is elected, a fresh election shall be held within thirty days from the date of the first election.

(7) If at the subsequent election held under sub-section (6) no Mayor or Deputy Mayor as the case may be, is elected, the Government shall nominate a person who is otherwise eligible to hold the office, to fill up the office, and the person so nominated shall, subject to other provisions of this Act, hold office till the expiry of five years from the date appointed for the first meeting referred to in clause (a) of sub-section(2) of this section.

(8) The first meeting of the Corporation after the general election shall be held on a date, not later than thirty days after the publication of the results of such election and shall be convened by the Director, Municipal Administration.

(9) If any casual vacancy occurs in the office of the Mayor or Deputy Mayor, the Corporators of the Corporation shall, as soon as conveniently may be after the occurrence of the vacancy at a meeting to be convened by the Director, Municipal Administration, elect one from amongst themselves to fill up the vacancy and every Mayor or Deputy Mayor so elected shall hold office so long as the person in whose place he is elected would have been entitled to hold it, if the vacancy had not occurred.

(10) The meeting convened by the Director, Municipal Administration, under sub-section (8) or sub-section (9) shall be presided over by the Director, Municipal Administration.

(11) The *ex-officio* or nominated Corporators shall not be entitled to participate in the meeting convened for the election of the Mayor or Deputy Mayor.

15. The Mayor may resign from his office by giving notice in writing to the Deputy Mayor and the Deputy Mayor may resign his office by giving notice in writing to the Mayor and, such resignation shall take effect in case of Mayor, from the date on which it is accepted by the Corporation and in case of Deputy Mayor, by the Mayor.

Power of Government to make rules for election of Mayor, Deputy Mayor, etc.

16. Subject to the provisions of this Act, the Government may make rules, with reference to all the matters not expressly provided in this Act which relates to election of the Mayor, the Deputy Mayor, the Chairman and members of the Standing Committees and additional standing committees.

Appointment of Municipal Commissioner.

17.(1) An officer in the service of Government shall be appointed as the Municipal Commissioner by the Government and he shall not be a Corporator of the Corporation.

(2)The Commissioner shall be a whole time officer of the Corporation and shall not undertake any work unconnected with his office, unless the Government in consultation with the Corporation sanctions to undertake such work by him.

(3) The Commissioner shall hold office for a period of three years, unless his services are withdrawn by the Government sooner from the Corporation.

Acting Commissioner.

18. During absence of the Commissioner, the Government may appoint a person to act as the Commissioner and every person so appointed shall exercise the functions and perform the duties conferred and imposed by this Act, or any other law for the time being in force on the Commissioner and shall be subject to all the liabilities, restrictions and the conditions to which the Commissioner is liable and shall receive such monthly salary and allowance not exceeding the salary and allowances for the time being payable to the Commissioner as the Government may determine.

Removal of Mayor or Deputy Mayor.

19.(1) If at any time during the term of office of the Mayor or the Deputy Mayor it comes to the notice of the Government that such Mayor or Deputy Mayor wilfully omits or refuses to carry out, or disobeys the provisions of this Act or any rules, bye-laws, regulations made under this Act or lawful orders issued thereunder, they may cause an enquiry to be made by an officer not below the rank of a Secretary to the State Government.

(2) On receipt of the report from the enquiring officer, the Government shall give an opportunity to the concerned Mayor or Deputy Mayor to submit his explanation within a period of three weeks.

(3) The Government, after considering the report and the explanation together with the comments, if any, of the enquiring officer and on being satisfied that the Mayor or the Deputy Mayor has failed to discharge the duties of his office or has acted illegally or in contravention of any of the provisions of this Act, or any rules, regulation or bye-laws, may by notification issued, as far as practicable, within six weeks from the date of receipt of the explanation, remove the Mayor or as the case may be, the Deputy Mayor from office.

20.(1) Where in a meeting of the Corporation specially convened by the Government in that behalf a resolution is passed, supported by not less than two-third of the total number of elected Corporators recording want of confidence in the Mayor or Deputy Mayor, the resolution along with the records of the proceedings at such meetings shall forthwith be forwarded to the Government who shall publish the same in the official Gazette and with effect from the date of passing of the resolution, the person holding the office of Mayor or Deputy Mayor as the case may be, shall be deemed to have vacated such office and in the event of both Mayor and Deputy Mayor vacating office the Director, Municipal Administration, shall discharge the duties and responsibilities of the Mayor till a new Mayor is elected :

Provided that no such resolution recording want of confidence in the Mayor or Deputy Mayor shall be —

- (i) moved within two years from the date of his election;
- (ii) moved more than once during a calendar year.

(2) In convening a meeting under sub-section (1) and in the conduct of business at such meeting the procedure shall be in accordance with the rules, made under this Act, subject, however, to the following provisions, namely :—

- (a) no such meeting shall be convened except on a requisition signed by at least one-third of the total

Vote of no confidence against Mayor or Deputy Mayor.

- number of elected Corporators along with a copy of the resolution proposed to be moved at the meeting;
- (b) the requisition shall be addressed to the Government ;
 - (c) the Government shall, within 10 days of receipt of such requisition, fix the date, hour and place of such meeting and give, notice of the same to all the Corporators holding office on the date of such notice along with a copy of the proposed resolution, at least three clear days before the date so fixed ;
 - (d) an officer of the Government not below the rank of the Secretary as may be authorized by the Government in this behalf shall preside over, conduct and regulate the proceedings of the meeting ;
 - (e) the voting at all such meeting shall be by secret ballot ;
 - (f) no such meeting shall stand adjourned to a subsequent date and no item of business other than the resolution for recording want of confidence in the Mayor or Deputy Mayor, as the case may be, shall be taken up for consideration at the meeting ;
 - (g) if the number of elected Corporators present at the meeting is less than two-third of the total number of Corporators the resolution shall stand annulled ;
and
 - (h) if the resolution is passed at the meeting supported by the requisite number of Corporators as specified in sub-section (1) the Presiding Officer shall immediately forward the same in original along with the records of the proceedings to the Government

who shall forthwith publish the resolution in accordance with the provisions of sub-section (1).

Constitution,
powers and
responsibility
of Wards
Committee.

21.(1) In every Corporation area there shall be constituted by the Corporation a Wards Committee for each Ward.

(2) The Wards Committee shall be composed of the following members, namely :--

(a) the Corporator representing the Ward who shall be the President thereof ;

(b) an elector of the Ward to be nominated by the Mayor of the Corporation ; and

(c) the Commissioner or any other official of the Corporation as may be authorized by the Commissioner.

(3) It shall be the responsibility of the Wards Committee to take all possible measures, subject to the provisions of this Act and overall control of the Corporation for public health, sanitation, street lighting and conservancy in the Ward, for protection of the environment and promotion of ecological aspects of the Ward and for such other matters as may be entrusted by the Corporation.

(4) The Wards Committee shall have powers to recommend to the Corporation the measures needed for the purposes mentioned in sub-section(1).

CHAPTER IV

POWERS AND DUTIES OF THE CORPORATON AUTHORITIES

Powers
and
duties.

22. The powers and duties of the Corporation authorities shall be such as are specifically provided under this Act, the rules, regulations and bye-laws made thereunder.

General
power.

23. Except as otherwise provided in this Act, the Corporation administration of the city including the obligatory and discretionary duties of the Corporation shall vest in the Corporation.

24. It shall be incumbent on the Corporation to make adequate provision on the following matters, namely : —

- (i) erection of substantial boundary marks of such description and in such positions as may be approved by the Government defining the limits or any alternation in the limits of the city ;
- (ii) the watering, scavenging and cleaning of all public streets and places in the city and removal of all sweepings therefrom ;
- (iii) the collection, removal, treatment and disposal of solid wastes, sewage, offensive matter and rubbish and the preparation of compost manure from such solid wastes, sewage, offensive matter and rubbish;
- (iv) the construction, maintenance and cleansing of drains and drainage works and of public latrines, water closets, urinals and similar public conveniences ;
- (v) the lightening of public buildings vested in the Corporation, public streets and Corporation market ;
- (vi) the maintenance of Corporation Office and of all public monuments and open spaces and other property vested in the Corporation ;
- (vii) the naming or numbering of streets and public places in the city and the numbering of premises;
- (viii) the regulation of offensive and dangerous trades or practices ;
- (ix) the maintenance, charges and regulation of places for the disposal of the dead and the provision of new places for the said purpose and disposing of unclaimed dead bodies ;
- (x) the construction or acquisition and maintenance of public markets and slaughter houses and the regulation of all markets and slaughter houses ;

- (xi) the construction, acquisition and maintenance of cattle pounds ;
- (xii) public vaccination in accordance with the provisions of law in force in the State of Orissa relating to public vaccination ;
- (xiii) the reclamation of unhealthy localities, the removal of noxious vegetation and abatement of all nuisances ;
- (xiv) the registration of births and deaths ;
- (xv) the construction, maintenance, alteration and improvement of streets, bridges, subways, culverts, causeways or the like ;
- (xvi) the removal of obstructions and projections in or upon streets, bridges and other public places ;
- (xvii) the management and maintenance of all Corporation water works and the construction or acquisition of new works necessary for sufficient supply of water for public and private purposes ;
- (xviii) preventing the spread of infectious disease ;
- (xix) the securing or removal of dangerous buildings and places ;
- (xx) the improvement of the city ;
- (xxi) the provision of public parks, gardens, playgrounds, community recreation grounds, cultural centres ;
- (xxii) the preservation and conservation of heritage buildings;
- (xxiii) the fulfilment of any obligation imposed by or under this Act or any other law for the time being in force ;
- (xxiv) subject to adequate provision being made for the matter herein before specified, the provision of relief to destitute persons in the city in times of

famine and the establishment and maintenance of relief work in such times ;

(xxv) the maintenance of a vigilance organization in respect of its various functions; and

(xxvi) the compilation and maintenance of records and statistics relating to the administration and functions of the Corporation under this Act.

Discretionary
functions of
Corporation.

25. Subject to the availability of resources, the Corporation may provide, from time to time, either wholly or partly, for all or any of the following matters, namely : —

- (i) the construction, establishment, maintenance and development of hospitals, dispensaries, old age home, sanatorium, leprosy asylums and rescue house for the care of persons who are infirm, sick or incurable, or institutions for the care and training of blind, deaf, mute or otherwise disable persons or handicapped children within or outside the city;
- (ii) the organization, maintenance and management of maternity and infant welfare homes or centres and orphanages ;
- (iii) the provision of milk to expectant or nursing mothers or infants or school children ;
- (iv) the organization, maintenance and management of chemical or bacteriological laboratories for the examination or analysis of water, foods, or drugs, for the detection of disease or for researches connected with public health ;
- (v) construction and maintenance of swimming pools, public wash houses, bathing places and other institutions designed for improvement of public health ;

- (vi) maintenance of dairies or farms within or outside the city for the supply, distribution and processing of milk or milk products for the benefit of the residents of the city ;
- (vii) the construction and maintenance of public streets or places of drinking fountains for human beings and water tank for animals ;
- (viii) the planting and maintenance of trees on road sides and elsewhere ;
- (ix) the holding of exhibitions, athletics or games or sports ;
- (x) the regulation of lodging houses, camping grounds, rest houses and holiday homes in the city ;
- (xi) the maintenance of an ambulance service ;
- (xii) the construction, establishment and maintenance of theatres, places of entertainment, rest houses and other public buildings and the provision for entertainments in public places or places of public resort ;
- (xiii) the organization or maintenance in times of scarcity of shops or stalls for the sale of necessities of life ;
- (xiv) the building or purchase and maintenance of dwelling for Corporation Officers and employees ;
- (xv) the grant of loans to Corporation employees for the purpose of constructing houses on such terms and subjects to such conditions as may be prescribed ;
- (xvi) the organization, maintenance or management of transport facilities including metro services for the conveyance of the public or goods ;
- (xvii) the furtherance of educational objects including establishment, maintenance and improvement of

- schools and colleges and hostels therefor and the making of grants to educational institutions ;
- (xviii) the establishment and maintenance of libraries or the aiding of libraries, museums and art galleries, botanical or zoological collections and purchase or construction of buildings therefor ;
- (xix) the destruction of vermins, birds or animals causing danger or nuisance, and the confinement or destruction of stray dogs ;
- (xx) contributions towards any public fund raised for the relief of human suffering within or outside the city ;
- (xxi) the granting of rewards for information which may tend to secure the correct registration of vital statistics ;
- (xxii) the acquisition and maintenance of grazing grounds and the establishment and maintenance of stud farms ;
- (xxiii) establishment and maintenance of farms or factory for the disposal of sewage ;
- (xxiv) supplying, constructing and maintaining in accordance with the general system approved by the Corporation, receptacles, fittings, pipes and other appliances whatsoever on or for the use of premises receiving and conducting the sewage thereof into drains under the control of the Corporation ;
- (xxv) granting rewards for information regarding the infringement of any provisions of this Act, or of the rules, bye-laws, regulations or standing orders, made thereunder ;
- (xxvi) laying out in areas, whether previously built upon or not, new streets and acquiring land for that purpose or required for the construction of

buildings or cartilages thereof to abut on such street or streets ;

(xxvii) the building or purchase and maintenance of suitable dwellings for the poor and working classes ;

(xxviii) the provision of shelter to destitute or homeless persons and any form of poor relief ;

(xxix) the building or purchase and maintenance of sanitary stables or byres for cattles used in carts, or for milch-kine ;

(xxx) the surveying of buildings or lands ;

(xxxi) taking measures to meet any calamity affecting the public in the city ;

(xxxii) the making of contribution towards any public ceremony or entertainment in the city ;

(xxxiii) the purchase, maintenance, management and conduct of any undertaking for the supply of electric energy or gas to the public or the subsidizing of any such undertaking ;

(xxxiv) the acquisition of immovable or movable property for any of the purposes hereinbefore mentioned including payment of the cost of investigation, survey or examination in relation thereto or the construction or adoption of buildings necessary for such purposes ;

(xxxv) preparation and presentation of address to persons of distinction ;

(xxxvi) maintaining, aiding and suitably accommodating schools for education, subject always to the grant of building grants by Government or from other sources ;

(xxxvii) establishment and maintenance of Gosala ;

- (xxxviii) maintenance of religious institution like temple, mosque, church, gurudwar, pagoda etc;
- (xxxix) construction, establishment and maintenance of Kalyan Mandap, Town Hall and Community Centres in any public place ;
- (xl) the taking of any measure not herein before specifically named, likely to promote public safety, health, conveyance and orderly urban growth ;
- (xli) the insurance facilities to the diseased and old persons for their treatment as well as to the school students in case of accident and loss of their study materials.

26. Without prejudice to the generality of the powers and functions of the Corporation provided in this Act, every Corporation shall, subject to such conditions and limitations as the Government may, in the public interest, deem fit to impose, have powers with respect to –

- (a) the preparation of plans for economic development and social justice ; and
- (b) the performance of functions and implementation of schemes in relation to, —
 - (i) urban planning including town planning ;
 - (ii) planning for economic and social development ;
 - (iii) urban forestry, protection of environment and promotion of ecological aspects ;
 - (iv) safeguarding the interest of weaker sections of the society including handicapped and mentally retarded;
 - (v) slum improvement and upgradation;
 - (vi) urban poverty alleviation ;

- (vii) promotion of cultural, educational and aesthetic aspects ; and
- (viii) vital statistics including registration of birth and death.

Power of Corporation to call extracts from proceedings etc.

27.(1) The Corporation may at any time call for extracts from the proceedings of any of its committees or for any return, statement, accounts or report connected with any matter with which such committees is empowered to deal and such committee shall furnish such extracts, returns, statement, accounts or report without any delay.

- (2) The Corporation may at any time require the Mayor —
 - (a) to produce any record, correspondence, plan or document which is in his possession or under his control as Mayor or which is recorded or filed in his office or in the office or with the employee of the Corporation ;
 - (b) to furnish any return, plan, estimate, statement, accounts, or statistics concerning or connected with the Corporation :

Provided that the Mayor shall not be bound to comply with any such requisition if he makes a statement that such compliance would, in his opinion, be prejudicial to the public interest or to the interest of the Corporation.

(3) Except as otherwise provided, every requisition shall be complied with by the Mayor without unreasonable delay and it shall be incumbent on every Corporation Officer and employee to obey any order made by the Mayor in pursuance of any such requisition.

Power and function of the Commissioner.

28.(1) The Commissioner shall be the principal Executive Officer of the Corporation and shall, subject to the supervision and control of Mayor — *

- (a) exercise, such powers and functions as are specifically conferred or imposed upon him by or under this Act ; and
- (b) assign the duties and supervise and control the actions and proceedings of all officers and employees of the Corporation.

(2) All officers and employees of the Corporation shall be subordinate to the Commissioner.

Commissioner to exercise powers and perform duties of the Corporation under other laws.

29.(1) Any powers, duties and functions conferred or imposed upon or vested in the Corporation by any other law for the time being in force shall, subject to the provisions of such law and to such restrictions, limitations and conditions as the Corporation may impose, be exercised, performed or discharged by the Commissioner.

(2) The Commissioner may, with the approval of the Standing Committee, by order in writing, empower any Corporation officer to exercise, perform or discharge any such power, duty or function under the control of the Commissioner subject to his supervision and to such conditions and limitations, if any, as he may think fit to impose.

Corporation officers to exercise power of the Commissioner.

30.(1) Subject to the provisions of sub-section (2), any of the powers, duties or functions conferred or imposed upon or vested in the Commissioner by or under any of the provisions of this Act may be exercised, performed or discharged under the control of the Commissioner and subject to his supervision and to such conditions, if any, as may be imposed, or as he shall think fit to impose in a manner not inconsistent with the provisions of this Act or rules made thereunder, by any Corporation officer whom the Commissioner generally or specially empowers by orders in writing in this behalf to the extent to which any Corporation officer is so empowered.

(2) The Commissioner shall not, except with the previous approval of the Standing Committee, made an order under sub-

section (1) affecting his powers, duties or functions under any of the sections, sub-sections and clauses as may be specified in the rules.

General powers of the Mayor.

31.(1) The Mayor shall exercise such powers and discharge such functions as are conferred or imposed on him by or under this Act.

(2) The Mayor shall, for the convenient transaction of the business of the Corporation, allocate among the Corporators such business and in such manner as he thinks fit.

(3) All executive actions of the Mayor shall be expressed to be taken in the name of the Corporation.

Mayor to preside over meeting of the Corporation.

32. (1) The Mayor shall, preside over meetings of the Corporation which shall meet at such place within the limits of the Corporation area and at such time as the Mayor may direct.

(2) The matters for discussion at the meeting of the Corporation shall be prepared under the direction of the Mayor and shall be circulated to the Corporators in such manner as the Mayor may determine.

Exercise of power by the Mayor in anticipation of the approval.

33.(1) In any case in which it is provided in this Act or the rules or the regulations or the bye-laws made thereunder or in any other law for the time being in force that the Mayor shall take action subject to the approval, sanction, consent or concurrence of the Corporation, the Corporation may authorize the Mayor in writing to take action in anticipation of such approval, sanction, consent or concurrence, subject to such conditions, if any, as may be specified by the Corporation.

(2) Whenever the Mayor takes any actions under sub-section (1) he shall inform the Corporation of such actions forthwith.

Power of Mayor in emergency.

34. If the Mayor is satisfied that an emergency has arisen and is of the opinion that immediate execution of any work or doing of any act, which ordinarily requires the approval, sanction, consent or concurrence of the Corporation, or the Standing Committee, is necessary, for the maintenance of services or safety of the public or for the prevention of extensive damage to any property of the

Corporation, he may direct the execution of such work, or doing of such act without such approval, sanction, consent or concurrence and in such cases, he may direct that the expenses of such execution, or doing shall be paid from the Corporation fund :

Provided that the Mayor shall report forthwith to the Corporation or to the Standing Committee as the case may be, the actions, taken in this regard and the reasons thereof.

35.(1) In the event of occurrence of any vacancy in the office of the Mayor by the reason of his death, the Deputy Mayor shall act as the Mayor until the date on which a new Mayor, elected in accordance with the provisions of this Act to fill such vacancy, enters upon his office.

(2) When the Mayor is unable to discharge his functions owing to his absence, illness, or any other cause, the Deputy Mayor shall discharge his functions until the date on which the Mayor resumes his duties.

(3) Subject to other provisions of this Act, the Deputy Mayor shall, while acting as, or discharging functions of the Mayor under this section, have all the powers of the Mayor.

(4) The Mayor may, by an order in writing delegate any of his functions to the Deputy Mayor.

36.(1) Subject to any bye-laws made in this behalf a Corporator may put question and make proposals to the Commissioner who shall answer any question concerning or connected with the administration of this Act or the Corporation administration of the city :

Provided that —

(a) not less than seven clear days notice in writing specifying the questions shall have to be given to the Corporation Secretary, before putting such questions ;

(b) no question shall be asked —

Deputy Mayor to act as Mayor or to discharge his functions during casual vacancy in the office or during absence of Mayor.

Corporators right to ask questions and make proposals.

- (i) which calls for an expression of opinion or for the solution of an abstract legal question or of a hypothetical proposition ; or
- (ii) which concerns or is connected with, either directly or indirectly, any pending suit or proceedings in any court of law or before any Tribunal ; or
- (iii) which relates to the character, conduct of any Corporation officer or employee except in his official or public capacity ; or
- (iv) which is or by implication may be defamatory of or which makes or implies, a charge of a personal character against any person or section of any community ; or
- (v) which contravenes any bye-law made under this Act.

(2) The Mayor shall disallow any question which, in his opinion, is in contravention of the provisions of sub-section (1).

(3) If any doubt arises whether any question is or is not within the restriction imposed by sub-section (1), the Mayor shall decide the point, and his decision shall be final.

(4) The Commissioner shall not be bound to answer a question if, in his opinion, it cannot be answered without detriment to the interests of the Corporation or if it asks for information which has been communicated to him in confidence.

(5) Any Corporator may call the attention of the Commissioner to any neglect in the execution of the Corporation work or to any waste or damage to the Corporation property or to the wants of any locality and may suggest in respect thereof any proposal or improvement which he considers desirable.

Explanation— For the purpose of this section, the expression, "Corporator" shall include an *ex-officio* or nominated Corporator.

Corporator to abstain from taking part in discussion and voting.

37. (1) No Corporator shall cast his vote on, or take part in the discussion of, any question coming up for consideration at a meeting of the Corporation or of any Standing Committee if the question is one in which, apart from its general application to the public, he has any direct or indirect pecuniary interest by himself or his partner.

(2) The Mayor or the Chairman of the Standing Committee may prohibit any Corporator from voting on or taking part in the discussion of any matter in which the Corporator is believed to have such interest or he may require the Corporator to absent himself during the discussion.

(3) Such Corporator may challenge the decision of the Mayor or the Chairman, who shall thereupon put the question to the meeting and the decision taken in the said meeting shall be final.

(4) If any allegation is made against the Mayor or the Chairman by any Corporator present at the meeting, to have any such interest in any matter under discussion, he may, on the motion of such Corporator if carried, be required to absent himself from the meeting during the discussion.

(5) The Corporator concerned shall not be entitled to cast his/her vote on the question referred to in sub-section (3) and the Mayor or Chairman concerned shall not be entitled to cast his/her vote on the motion referred to in sub-section (4).

Explanation— In this section "Mayor" includes a Deputy Mayor and the Corporator presiding for the occasion and "Chairman" includes a member presiding for the occasion at a meeting of a Committee.

Rules and Bye-laws for proceedings of the Corporation and the Standing Committee.

38. Subject to the provisions of this Act and the Rules made thereunder, the Corporation and the Standing Committee may, after observing the due procedure in this behalf, make bye-laws/

supplementary bye-laws for the conduct of their respective proceedings and for the maintenance of order at their meeting.

Explanation— Any supplementary bye-laws made under this section shall, if it is inconsistent with the provisions of any rules made subsequently, become void to the extent of such inconsistency.

Meetings of
Corporation
and Standing
Committees.

39.(1) Every meeting of the Corporation shall be presided over by the Mayor or in his absence, by the Deputy Mayor or in the absence of both the Mayor and the Deputy Mayor, by a Corporator chosen by the meeting to preside for the occasion.

(2) Every meeting of a Standing Committee shall be presided over by its Chairman or, in his absence, by a member thereof chosen by the meeting to preside for the occasion.

(3) The Mayor, the Deputy Mayor or the Chairman, as the case may be, shall preserve order and shall decide all points of order and procedure arising at or in connection with meetings and there shall be no discussion on any point of order and the decision of the Mayor, Deputy Mayor or the Chairman, as the case may be, thereon shall, save as is otherwise expressly provided in this Act, be final.

(4) The Deputy Mayor or the Corporator presiding at a meeting of the Corporation and the member presiding at a meeting of the Standing Committee shall for that meeting and during the period he presides over it, have all the powers and be subject to all the obligations of the Mayor or the Chairman, as the case may be.

Commissioner's
right to attend
and take part in
discussion but
not to move
resolution or
vote.

40.(1) The Commissioner shall have the right to attend the meetings of the Corporation and, of any Standing Committee and to take part in the discussions but shall not have the right to move any resolution or to cast his vote.

(2) He shall attend any meeting of the Corporation or of a Standing Committee if required to do so by the Mayor.

Prerogative of
the Mayor.

41.(1) The Mayor shall have access to all records of the Corporation and may obtain reports from the Commissioner on any matter connected with the administration of the Corporation.

(2) All correspondence between the Corporation and the Government or other authority shall be made by the Commissioner:

Provided that no correspondence shall be sent to the Government by the Commissioner without previous intimation to the Mayor and on such intimation the Mayor may furnish his view, if any, on such letter to the Government.

Submission of
administration
report to
Government.

42.(1) As soon as may be after the first day of April in every year and not later than such date as may be fixed by the Government, the Corporation shall submit to the Government, a detailed report on the administration during the preceding year in such form as the Government may direct.

(2) The Commissioner shall prepare such report and the Corporation shall consider the report and forward the same to the Government with their resolution thereon, if any.

(3) Copies of the administration report shall be kept for sale at the Corporation office.

Government's
power to call
for records.

43. The Government may, at any time, require the Corporation or the Commissioner —

(a) to produce any record, correspondence, plan or other document ;

(b) to furnish any return, plan, estimate, statement, account or statistics relating to the proceedings, duties or works of the Corporation or any of the Corporation authorities ; and

(c) to furnish, or obtain and furnish, any report.

Inspection by
Government.

44. The Government may depute any officer not below the rank of Secretary to inspect or examine the records of Corporation office or any service or work undertaken by the Corporation or any of the Corporation authorities or any property taken by the Corporation or any of the Corporation authorities or any property belonging to the Corporation and to report thereon to the Government and the

Corporation and every Corporation authority and all Corporation Officers and other Corporation employees shall be bound to afford the Officer so deputed access at all reasonable times to the premises and properties of the Corporation and to all records, accounts and other documents the inspection of which he may consider necessary to enable him to discharge his duties.

Government's
power to
direct.

45. If, on receipt of any information or report obtained under section 43 or section 44 or otherwise, the Government are of the opinion —

- (a) that any duty imposed on any Corporation authority by or under this Act has not been performed or has been performed in an imperfect, inefficient or unsuitable manner ; or
- (b) that adequate financial provision has not been made for the performance of any such duty ;

the Government may, by an order, direct the Corporation or the Commissioner to make, within a period to be specified in the order, arrangements to their satisfaction for the proper performance of duty or to make financial provision to their satisfaction for performance of the duty, as the case may be, and the Corporation or the Commissioner shall comply with the order :

Provided that unless in the opinion of the Government the immediate execution of such order is necessary, the Government shall, before making an order under this section, give the Corporation an opportunity of showing cause as to why such order should not be made.

Government's
power to
appoint.

46.(1) If within the period fixed by an order issued under section 45 any action directed under that section has not been duly taken, the Government may, by order —

- (a) appoint some person to take the action so directed,
- (b) fix the remuneration to be paid to him, and
- (c) direct that such remuneration and the cost of taking such action shall be defrayed out of the Corporation fund, and if necessary, that any one or more of the

taxes authorized by Chapter XIII may be imposed or increased but not so as to exceed any maximum prescribed by that Chapter.

(2) For the purpose of taking the action directed as aforesaid the person appointed under sub-section (1) shall have power to make such contracts as are necessary, may exercise any of the powers conferred on any Corporation authority by or under this Act and specified in this behalf in the order issued under sub-section (1) and shall be entitled to protection under this Act as if he were a Corporation authority.

(3) The Government may, in addition to or instead of, directing the imposition or increase of any of the said taxes, direct by notification that any sum of money which may in their opinion be required for giving effect to their orders be borrowed by debenture or on the security of all or any of the said taxes at such rate of interest and upon such terms as to the time of repayment and otherwise as may be specified in the notification.

(4) The provision of Chapter XII shall, as far as may be, apply to any loan raised in pursuance of this section.

47.(1) The Commissioner shall submit to the Government copies of all resolutions and all bye-laws.

(2) The Government may, at any time, by notification —

(i) suspend or cancel, any resolution, in whole or in part of the Corporation, passed, order issued or licence or permission granted ; or

(ii) prohibit the doing of any act which is about to be done or is being done in pursuance of or under the provisions of or under the provisions of this Act if in their opinion —

(a) such resolution, order, licence, permission or act has not been legally passed, issued, granted or authorized, or

Submission of
copies of
proceedings
etc. to
Government
and
Governments
power to
cancel,
resolution etc.

- (b) such resolution, order, licence, permission or act is in excess of the powers conferred by this Act or any other law, or
- (c) the execution of such resolution or order or the continuance in force of such licence or permission of the doing of such act is likely to cause danger to human life, health or safety or is likely to lead to a riot or an affray, or
- (d) such resolution, licence, permission or act is gravely prejudicial to the financial interests of the Corporation :

Provided that nothing in this sub-section shall enable the Government to set aside any election which has been held.

(3) The Government shall, before taking action on any of the grounds referred to in clauses (a) and (b) of sub-section (2) give the authority or person concerned a reasonable opportunity for explanation.

(4) If in the opinion of the District Magistrate immediate action is necessary on any of the grounds referred to in clause (c) of sub-section (2) he may suspend the resolution, order, licence or permission, as the case may be, or prohibit the act from being done and report to Government, who may there upon either rescind the order of the said Magistrate or after giving the authority or person concerned a reasonable opportunity for explanation direct that it continues in force with or without modification permanently or for such period as they think fit.

(5) Where any resolution passed or order issued by the Corporation is cancelled by Government under this section, the position prevailing immediately prior to the passing or issuing of such resolution or order, as the case may be, shall unless otherwise directed by Government, be restored with effect from the date of such cancellation.

(6) The Government may, at any time by notification, repeal, wholly or in part, or modify, any bye-laws :

Provided that before issue of notification repealing or modifying any bye-law, the Government shall give an opportunity to the authority concerned to show cause against the proposed repeal or modification :

Provided further that the repeal or modification of any bye-law shall take effect from the date of publication of the notification if no date is therein specified and shall not affect anything done, omitted or suffered before such date.

48.(1) If in the opinion of the Government the Corporation is incompetent to perform or persistently makes default in performing the duties imposed on it or undertaken by it or under this Act or any other law, or exceeds or abuses its powers or fails to carry out the directions given to it under the provisions of this Act or any other law, they may, by notification, direct that the Corporation be dissolved and reconstituted by such date not being later than six months from the date of dissolution :

Provided that a Municipal Corporation shall be given a reasonable opportunity of being heard before its dissolution :

Provided further that where the remainder of the period for which the dissolved Corporation would have continued is less than six months, it shall not be necessary to reconstitute the Corporation for such period.

(2) Before publishing a notification under sub-section (1) the Government shall communicate to the Corporation the grounds on which they proposed to do so, fix a reasonable period for the Corporation to show cause against the proposal and consider the explanations and objections, if any, of the Corporation.

(3) On and with effect from the date of publication of such notification, all the Corporators including the Mayor and Deputy Mayor shall be deemed to have vacated their offices as such without prejudice to their eligibility for election under sub-section (4).

(4) Fresh elections should be held to reconstitute the Corporation in accordance with the provisions of this Act and the elected Corporators of the reconstituted Corporation shall hold office only for the remainder of the period for which the dissolved Corporation would have continued had it not been so dissolved.

(5) A copy of the notification issued under sub-section (1) shall be laid as soon as may be before the Orissa Legislative Assembly.

(6) During any interval between the dissolution and the reconstitution of the Corporation all or any of the powers and duties conferred and imposed upon the Corporation, its Standing Committees, the Mayor and the Deputy Mayor, by or under this Act or any other law shall be exercised and performed by an Administrator appointed by the Government in that behalf.

(7) The Government may direct that the Administrator shall be a whole time officer and when such a direction is issued, he shall be paid out of the Corporation fund such monthly salary and allowances as the Government may from time to time, by order determine.

(8) In case, an officer of the Government is appointed as Administrator, the Corporation shall make such contribution towards the leave allowances, pension and provident fund of the officer as may be required by the conditions of service under the Government to be paid by him or for him, as the case may be.

(9) In the discharge of his function, the Administrator shall be guided by such direction in matters of policy involving public interest as the Government may by order specify and if any question arises whether a direction relates to a matter of policy involving public interest the decision of the Government shall be final.

(10) All properties of the Corporation shall, until its reconstitution vest in the Government.

Powers to
appoint
Administrator
in certain
cases.

49. (1) Whenever —

- (a) the general elections to the Corporation under this Act or any proceedings consequent thereon have been stayed by an order of a component court or authority ; or
- (b) the election of all the Corporators or more than two-third of the Corporators has been declared by a competent court or authority to be void ; or
- (c) all the Corporators or more than two-third of the Corporators have resigned ;

the Government shall, by notification, appoint an Administrator for such period not exceeding six months, as may be specified in the notification.

(2) Notwithstanding anything contained in this Act, on the appointment of an Administrator under sub-section (1) and during the period of such appointment, the Corporation, the Standing Committees, the Mayor and the Deputy Mayor shall cease to exercise any powers and perform and discharge any duties or functions conferred or imposed on them by or under this Act any other law and all such powers shall be exercised and all such duties and functions shall be performed and discharged by the Administrator.

(3) The provisions of sub-sections (6) and (7) of section 48 shall *mutatis mutandis* be applicable in respect of the Administrator appointed under sub-section (1).

(4) The Government may, if it thinks fit, appoint an Advisory Council to advise and assist the Administrator appointed under sub-section (1) in the exercise of the powers and the performance and discharge of the duties and functions conferred or imposed on him under this Act or any other law.

(5) The members of the Advisory Council shall hold office during the pleasure of the Government.

Savings, and
validity of
proceedings.

50.(1) No act done or proceedings taken under this Act shall be questioned merely on the ground —

(a) of any vacancy or defect in the constitution of the Corporation or of any Standing Committee ; or

(b) of any defect or irregularity in such act or proceeding, not affecting the merit of the case.

(2) Every meeting of the Corporation or of a Standing Committee, the minutes of the proceedings of which have been signed as laid down in the rules, shall be deemed to have been duly covered and to be free from all defects and irregularity.

CHAPTER V

TERM, REMOVAL AND RESIGNATION OF CORPORATORS

Term of
office of
Corporators.

51.(1)The term of office of the Corporators shall be co-terminous with the duration of the Corporation.

(2) A Corporator, elected at a casual or by-election to fill a vacancy shall hold office for the unexpired period of the term of office of the Corporator in whose place he has been elected.

(3) An outgoing Corporator if otherwise qualified shall be eligible for re-election.

(4) Notwithstanding anything contained in this Act, a person who ceases to be a Corporator for any reason, whatsoever shall *ipso facto* vacate the office or offices, if any, held by him by virtue of his being a Corporator.

(5) Whenever the number of Corporators of the Corporation is increased, the additional Corporator or Corporators shall be elected and the term of such additional Corporator or Corporators shall expire simultaneously with the expiry of the term of office of the Corporators, elected at the general election as provided in sub-section (1).

Procedure when no Corporator is elected at an election.

52. (1) If at a general election or at a by-election no Corporator is elected, a fresh election shall be held in accordance with the provisions of this Act.

(2) If at such fresh election, no Corporator is elected, the Government shall nominate an eligible person to fill up the vacancy.

Removal of Corporator by Government.

53.(1) Without prejudice to other provisions of this Act, the Government may remove any Corporator, if they are satisfied that the Corporator —

- (a) has been subject to any of the disqualifications specified in sub-section (1) of section 71; or
- (b) fails to make within three months of his election the oath or affirmation under section 72; or
- (c) violates the oath or affirmation under section 72; or
- (d) is retained or employed in any professional capacity in connection with any case or matter in which the Corporation has interest;

Provided that no order for removal shall be made without giving the Corporator an opportunity for showing cause against the proposed removal.

(2) Any Corporator against whom an order of removal is made under sub-section (1) may, within thirty days of such order, prefer an appeal before the District Judge within whose jurisdiction the Corporation is situated.

Resignation of
Corporator.

54. A Corporator, not being the Mayor or Deputy Mayor, may resign from his office by writing under his hand addressed to the Mayor who shall place the letter of resignation for acceptance before the Corporation at its next meeting of which notice shall be given to the Corporator and on the resignation being accepted by the Corporation, the Corporator shall cease to hold office with effect from the date succeeding the date of such acceptance :

Provided that the Corporator may at any time before acceptance of the resignation, withdraw the same by writing under his hand.

Casual
vacancy.

55.(1) In the event of non-acceptance of office by a person elected as a Corporator or the Corporator incurs any disqualification or of becoming incapable of acting during the term of his office he shall cease to be a Corporator and there shall be deemed to have a casual vacancy in such office.

(2) If a Corporator ceases to be a Corporator by reason of his death, resignation, removal or otherwise, or under sub-section (1), the vacancy so caused shall be filled up by election of another Corporator in accordance with the provisions of the Act.

Power to leave
casual
vacancies
unfilled in
certain cases.

56. Where a vacancy occurs in the office of a Corporator by reason of death, resignation, removal or otherwise and the term of the office of that Corporator would in the ordinary course of events have terminated within six months of the occurrence of the vacancy, the vacancy shall be left until the next general election.

No Corporator
to receive
remuneration.

57. No Corporator shall receive or be paid from the funds placed at the disposal of or under the control of the Corporation any salary or other remuneration for services rendered by him in any capacity whatsoever, but shall be allowed travelling allowance and sitting allowance as may be prescribed :

Provided that the Mayor and the Deputy Mayor may receive such monthly allowance as may be prescribed.

CHAPTER VI

ELECTIONS

Election to
constitute the
Corporation.

58. An election to constitute a Corporation shall be completed —

- (a) before the expiry of its duration specified in sub-section (1) of section 8 ;
- (b) before the expiry of a period of six months from the date of its dissolution :

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

Election
to fill up
casual
vacancy.

59. A by-election to fill up any casual vacancy in the Corporation shall be held within a period of six months from the date of occurrence of such vacancy in the manner prescribed.

Division
of the city
into
wards.

60.(1) For the purposes of the election of the Corporators, the Government may, after consulting the Corporation, by notification, —

- (a) divide the Corporation area into such number of wards as may be specified in the notification and in the like manner may alter the limits of such wards ;
and
- (b) determine, subject to other provisions of this Act the wards in which the seats reserved for the Corporators belonging to the Scheduled Castes, the Scheduled Tribes, Women and other backward class of citizens under section 7 shall be set assigned :

Provided that in dividing the city into wards equitable distribution of population among the various wards and the compactness of the area forming each ward shall be taken into consideration.

(2) One Corporator shall be elected directly from every ward, within the Corporation area.

(3) The Government shall, before making a notification under sub-section (1), publish in the prescribed manner a draft thereof containing a statement showing the number of wards into which the city shall be divided, the extent of each such ward and wards in which the seats reserved under section 7 shall be set assigned, with a notice inviting objection and suggestion from all persons interested within the prescribed period and shall consider the same.

Effect of
revision of
limits of the
Corporation.

61.(1) When any local area is included in the area of a Corporation under sub-section (5) of section 3, the local area shall either be added to such adjoining ward, or to be formed into a new ward or wards, as the Government may direct.

(2) When a new ward is formed, the Government may direct that one of the elected Corporators then in the Corporation, shall represent such ward or may direct that election shall be held to return a Corporator from that ward.

(3) When an existing ward is abolished on exclusion of any area from the area of a Corporation, the Corporator representing the ward shall cease to be a Corporator of the Corporation, notwithstanding anything to the contrary in this Act.

Superintende-
nce, direction
and control of
elections.

62.(1) The superintendence, direction and control of preparation of the electoral rolls for, and the conduct of, all elections to the Corporations shall vest in the Election Commission.

(2) The Election Commission may, by order, delegate any of his powers and functions to any officer under his control or any officer of the Government not below the rank of a Sub-Collector.

(3) Any officers and employees of the Government, made available to the Election Commission pursuant to Clause (3) of article 243K of the Constitution for the discharge of the functions conferred on the Election Commission by Clause (1) of that article,

when appointed by the Election Commission as the Election Officer, Polling Officer or any other Officer, or otherwise designated for the time being, for the conduct of any election under this Act, shall be deemed to be on deputation to the Election Commission for the period commencing on the date of notification calling for such election and ending with the date of declaration of the result of such election and, accordingly, such officers and employees shall, during that period, be subject to the control, superintendence and discipline of the Election Commission.

(4) Notwithstanding anything contained in this Act and the rules made thereunder, the Election Commission may issue such special or general orders or directions, not inconsistent with the provisions of this Act for conduct of free and fair election.

Power of the Election Commission to issue direction to prevent impersonation.

63. The Election Commission may, with view to prevent impersonation of electors at the time of election, issue such direction, as he thinks fit, to the Presiding Officers and such directions may include instructing the electors to produce at the time of polling, the photo identity cards issued to them under the provisions of the Representation of the People Act, 1951.

43 of 1951.

Notification calling upon wards to elect Corporators.

64. For the purpose of holding election under this Act the Government shall by one or more notifications published on such date or dates as may be recommended by the Election Commission, call upon all wards in the city to elect Corporators in accordance with the provisions of this Act and the rules and orders made thereunder, before such date or dates as may be specified in the said notification or notifications.

Electoral roll for the Corporation.

65.(1) Unless the Election Commission, by order published in the Gazette directs otherwise all the persons registered by virtue of the Representation of the People Act, 1950 so much of the electoral roll of any Assembly Constituency, prepared or revised in accordance with the provisions of law for the time being in force, as relates to the area of the Corporation shall be entitled to cast their

43 of 1950.

votes at an election to the Corporation and the said portion of the roll shall be deemed to be the electoral roll of the Corporation for the purposes of this Act.

(2) So much of the electoral roll of the Corporation as relates to the area comprised within a Ward thereof shall be embodied in a register to be maintained for the ward and such register shall be deemed to be the electoral roll for the Ward for the purposes of this Act.

(3) The manner of splitting up of the electoral roll for the purpose of preparation of the aforesaid register, the manner of revision of such register from time to time and the officer or authority by whom such splitting up or revision is to be carried out shall be as may be prescribed.

Disqualification
for registration
in an electoral
roll.

66.(1) A person shall be disqualified for registration in an electoral roll if he —

- (a) is not a citizen of India ; or
- (b) is of unsound mind and stands so declared by the competent court ; or
- (c) is for the time being, disqualified from voting under the provisions of this Act or any law relating to corrupt practices and other offences in connection with elections.

(2) The name of any person who becomes so disqualified after registration in an electoral roll, shall forthwith be struck off the electoral roll in which it is included :

Provided that the name of any person struck off the electoral roll of the Corporation by reason of disqualification under clause (c) of sub-section (1) shall forthwith be reinstated in that roll if such disqualification is, during the period such roll is in force, removed under any law authorizing such removal.

(3) No person shall be entitled to be registered in the electoral roll for more than one Ward.

(4) No person shall be entitled to be registered in the electoral roll of more than one Corporation or in any Municipality in addition to the Corporation.

(5) Subject to the provisions of sub-sections (1) to (4) every person who —

(a) is not less than eighteen years of age on the date specified by the Election Commission ; and

(b) is ordinarily resident in a city ;

shall be entitled to be registered in the electoral roll for any one of the Ward of the Corporation in which such person ordinarily resides.

(6) A person shall be deemed to be ordinarily resident in a city, if he generally, resides in that city for not less than one hundred and eighty-five days in a period of twelve months preceding the date so specified by the Election Commission :

Provided that no person shall be deemed to be ordinarily resident in the city —

(i) on the grounds only that he owns, or is in possession of a dwelling house or a hut therein ;
or

(ii) by reason of the fact that he is a patient in any establishment maintained wholly or mainly for the reception and treatment of persons suffering from diseases or is detained in prison or other legal custody at any place.

Explanation — A person shall be deemed to reside in any dwelling house or hut which or some portion of which he sometimes uses as a sleeping apartment uninterruptedly and shall not be deemed to reside in any dwelling house or hut merely because he is absent from it or has elsewhere another house or hut in which he resides, if there is liberty of, or if there is no abandonment of intention of returning to it at any time.

67.(1) No person shall be qualified for election as a Corporator, unless —

(a) his name is included in the electoral roll of any one of the Wards of the city ; and

(b) he has completed twenty-one years of age.

(2) No person in the employment of the Central or any State Government shall be qualified for election :

Provided that this prohibition shall not apply to the holder of any office which does not involve both the following incidence, namely :—

(a) that the incumbent is a whole time servant of the Government ; and

(b) that he is remunerated by either salary or fees.

(3) If any question arises either before or after an election as to whether any person is disqualified under sub-section (2) the question shall be referred to the Government whose decision shall be final :

Provided that before taking any decision on any such question, the Government shall obtain the opinion of the Election Commission and shall act according to such opinion.

(4) Where the Election Commission, for the purpose of tendering any opinion to the Government under sub-section (3), considers it necessary or proper to make an enquiry and is satisfied that on the basis of the affidavits filed and the documents produced for such enquiry by the parties concerned of their own accord, it cannot come to a decisive opinion in the matter, which is being enquired into, the Election Commission shall, for the purpose of such enquiry, have the powers of the Civil Court while trying a suit under the Code of Civil Procedure, 1908 in respect of the following matters, namely:—

5 of 1908.

(a) summoning and enforcing the attendance of any person and examining him on oath ;

- (b) requiring the discovery and production of any document or other material object producible as evidence ;
- (c) receiving evidence on affidavit ;
- (d) requisitioning any public record or a copy thereof from any office ;
- (e) issuing commission for the examination of witnesses or documents.

(5) The Election Commission shall have the power to require any person, subject to any privilege which may be claimed by the person under any law for the time being in force, furnish opinion on such points or matters as in the opinion of the Election Commission may be useful for or relevant to the subject matter of the enquiry.

(6) The Election Commission shall be deemed to be a Civil Court and when any such offence under sections 175, 178, 179, 180 or 228 of the Indian Penal Code, 1860 is committed in the view of presence of the Election Commission, the Election Commission may, after recording the facts constituting the offence and the statement of the accused as provided under the Code of Criminal Procedure, 1973, forward the case to a Magistrate having jurisdiction to try the same and the Magistrate to whom any such case is forwarded shall proceed to hear the complaint against the accused as if the case had been forwarded to him under section 346 of the Code of Criminal Procedure, 1973.

45 of 1860.

2 of 1974.

2 of 1974.

(7) Any proceeding before the Election Commission shall be deemed to be a judicial proceeding within the meaning of section 193 and section 228 of the Indian Penal Code, 1860.

45 of 1860.

(8) No statement made by a person in the course of giving evidence before the Election Commission shall subject him to, or be used against him in, any Civil or Criminal Proceeding except a prosecution for giving false evidence by such statement :

Provided that the statement —

- (a) is made in reply to a question which he is required by the Election Commission to answer ; or
- (b) is relevant to the subject matter of the enquiry.

Procedure to be followed by the Election Commission.

68. The Election Commission shall have the power to regulate its own procedure including the fixing of places and times of its sitting and deciding whether to sit in public or in private.

Protection of action taken in good faith.

69. No suit, prosecution or other legal proceeding shall lie against the Election Commission, or any person acting under direction of the Election Commission in respect of anything which is in good faith done or intended to be done in pursuance of the foregoing provisions of this Chapter or of any order made thereunder or in respect of the tendering of any opinion by the Election Commission to the Government or in respect of the publication, by or under the authority of the Election Commission of any such opinion, paper or proceedings.

Disqualification of candidates.

70.(1) A person who has been sentenced by Criminal Court to imprisonment for a period exceeding six months for any offence other than an offence of a political character or an offence not involving moral delinquency (such sentence not having been reversed or the offence pardoned) shall be disqualified for election as a Corporator while undergoing the sentence and for five years from the date of the expiration of the sentence.

(2) A person convicted of an offence punishable under the Protection of Civil Rights Act, 1955 shall be disqualified for election as a Corporator for a period of five years from the date of such conviction.

22 of 1955.

(3) A person shall be disqualified for election as a Corporator, if such person at the date of nomination —

- (a) is unable to read and write Hindi or the language of the State ; or

- (b) has been adjudged by a competent court to be of unsound mind or is a leprosy or tuberculosis patient; or
- (c) has voluntarily acquired the citizenship of a foreign State ; or
- (d) is a person against whom an order or surcharge for wilful negligence or misconduct has either been certified for payment or confirmed in case of an appeal in respect of any money or property of a Municipal Corporation, under the provisions of the Orissa Local Fund Audit Act, 1948 or a person against whom a decree has been passed under section 375 of the Orissa Municipal Act, 1950 ; or
- (e) is an undischarged insolvent or, 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
- (f) is directly, or indirectly by himself or by his partner interested in a subsisting contract made with or any work being done for the Corporation :

Orissa Act 5 of 1948.

Orissa Act 23 of 1950.

Provided that, the person shall not be deemed to have any interest in such contract or work by reason only of his having a share or interest in —

- (i) any lease, sale, or purchase of immovable property or any agreement for the same ; or
- (ii) any agreement for the loan of money or any security for the payment of money only ; or
- (iii) any newspaper in which any advertisement relating to the affairs of the Corporation is published ; or
- (iv) any company or association whether incorporated or not which has contract with the

Corporation for lighting, or supplying with water to, any part of the city or insuring against fire any property of the Corporation ; or

(v) any company including Railway Company; or

(vi) any sale to the Corporation of any articles in which he regularly trades, or the purchase from the Corporation of any articles ; or

(g) is employed as a paid legal practitioner on behalf of the Corporation or as a legal practitioner against the Corporation ; or

(h) is disqualified by or under any law for the time being in force for the purposes of elections to the Legislature of the State ; or

(i) is disqualified by or under any law made by the Legislature of the State ; or

(j) is an officer or servant holding office under this Act or a public prosecutor or Government pleader ; or

(k) fails to pay any arrears of any kind due by him otherwise than in a fiduciary capacity, to the Corporation up to and inclusive of the previous years in respect of which a bill, notice or direction has been duly served upon him and the time, if any, specified therein for payment has expired ; or

(l) has more than one spouse living ; or

(m) has more than two children ; or

(n) is a Government servant either whole-time or part time or has been dismissed from Government service for corruption or disloyalty to the State, unless a period of five years has elapsed since his dismissal :

Provided that if any question arises, either before or after an election whether any person is or is not disqualified under this

clause, the question shall be referred to the Government whose decision shall be final; or

(o) has been convicted or found to have been guilty of any offence of corrupt or illegal practice relating to elections, which has been declared, by the Government, under prescribed rules, to be an offence or practice entailing disqualification of membership unless such period has elapsed as may be prescribed in that behalf ; or

(p) has given appointment to any person in contravention of the provisions of this Act and the rules made thereunder or the provisions of the Orissa Municipal Act, 1950 and the rules made thereunder during his tenure in the Corporation or the Municipality immediately preceding the election; or

Orissa
Act 23 of
1950.

(q) has been removed under the provisions of the Orissa Municipal Act, 1950 or under the provisions of this Act during the term of his office as the Chairperson or the Vice-Chairperson of the Municipality or the Mayor or Deputy Mayor of the Corporation, as the case may be, immediately preceding the election.

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1950.

(4) Notwithstanding anything contained in sub-section (1) or sub-section (2) the Election Commission may for reasons to be recorded in writing direct that such conviction or sentence shall not operate as a disqualification.

(5) No person who is disqualified under this section shall be qualified for election as a Corporator so long as the disqualification subsists.

Disqualification
of a Corporator.

71. (1) A Corporator shall cease to hold his office, if he —

- (a) becomes disqualified for being a Corporator for any reason mentioned in section 70 ; or
- (b) ceases to reside in the city ; or
- (c) absents himself from three consecutive meetings of the Corporation without obtaining previous permission from the Mayor or without an excuse sufficient in the opinion of the Corporation :

Provided that no meeting from which a Corporator absents himself shall be counted against him under this clause if due notice of that meeting was not given to him.

Explanation — Emergent or special meeting shall not be deemed to be meeting within the meaning of this clause.

(2) In the case of a person who has ceased to be a Corporator in consequence of failure to attend meetings, the matter shall be reported by the Commissioner at the next ordinary meeting and the Corporation may at that meeting restore such person to office.

Oath or
affirmation.

72.(1) Every elected Corporator and every person nominated under clause (b) of section 6 before taking his seat, shall make and subscribe at the first meeting of the Corporation an oath or affirmation according to the following form, namely : —

"I, A.B., having been elected as a Corporator (or nominated under clause (b) of section 6) as representative in this Corporation, do swear in the name of God / solemnly affirm that I will bear true faith and allegiance to the Constitution of India as by law established, that I will uphold the sovereignty and integrity of India and that I will faithfully discharge the duty upon which I am about to enter."

(2) If a person seats or votes as a Corporator or seats as a representative nominated under clause (b) of section 6 before he has complied with requirement of the said section, he shall be liable in respect of each day on which he seats or votes, as the case may be,

to a penalty of three hundred rupees to be recovered as arrear of tax under this Act.

District Judge to decide question of disqualification of Corporators.

73.(1) Whenever it is alleged that any person who has been elected as a Corporator is or has become disqualified and such person does not admit the allegation or whenever any Corporator himself is in doubt whether or not he is or has become disqualified for office, such Corporator or any other Corporator may, and the Mayor at the request of the Corporation shall, apply to the District Judge within whose jurisdiction the Corporation is situated for decision on the allegation or doubt.

(2) The District Judge after making such inquiry as he deems necessary shall determine whether or not such person is or has become disqualified and his decision shall be final.

(3) Pending such decision, the Corporator shall be entitled to act as if he was not disqualified.

Election on political party basis.

74. Where the election of Corporators is contested on political party basis the candidates contesting such election shall use their respective party symbols.

Explanation — For the purpose of this section, —

(a) "candidates" means the candidates duly sponsored by the respective political parties ;

(b) "party symbol" means the symbol allotted to a particular political party under the Elections Symbols (Reservation and Allotment Order), 1968 ; and

(c) "political party" means a National Party or, as the case may be, a State Party within the meaning of paragraph 7 of the Order referred to in clause (b).

Nomination of Candidates.

75.(1) Subject to the provisions of section 67, any person may file nomination as a candidate for election as a Corporator from any Ward unless he is disqualified under section 70 for being elected as a Corporator.

(2) On or before the date on which a candidate files nomination referred to in sub-section (1) he may by writing under his hand make a declaration, appointing some other person who is not disqualified under section 80 to be his election agent, and the declaration shall be lodged with such officer as may be appointed by the Election Commission in this behalf.

Deposit of
fees and
withdrawal of
candidature.

76.(1) On or before the date appointed for filing of nomination of the candidates, each candidate shall deposit with the Election Commission, a sum of rupees two hundred fifty in cash and no candidate shall be deemed to have filed nomination unless such deposit has been made.

(2) The deposit shall be forfeited to the Corporation if the candidate fails to be elected and secures less than ten percent of the votes cast.

(3) The deposit unless forfeited, shall be returned to the candidate, or if he dies, to his legal representative.

(4) A candidate who has withdrawn his candidature shall neither be allowed to cancel such withdrawal nor be allowed to file nomination again for the same election.

Uncontested
election.

77. If in a Ward there is only one duly nominated candidate who has not withdrawn his candidature, he shall be declared to be duly elected.

Procedure at
election.

78.(1) If in a Ward, the number of duly nominated candidates after withdrawal of candidature if any, is more than one a poll shall be taken.

(2) Votes shall be given by secret ballot and in person.

(3) Votes cast at a polling station shall be counted at the polling station by the Presiding Officer thereof, immediately after the poll is over and the result of the counting shall be declared forthwith.

(4) The Presiding Officer of a polling station shall, as soon as the counting of votes is completed, send the results of the counting to the Returning Officer concerned and the Returning

Officer shall, on receipt of results from all the polling stations in a Ward, compile the results so received and take account of the votes cast by voters on election duty in such manner as may be prescribed and shall forthwith declare the candidate to whom the largest number of valid votes has been given, to be elected.

(5) Any candidate or in his absence, a representative duly authorised by him in writing, shall have right to be present at the time of counting of votes by the Presiding Officer and at the time of compilation of results by the Returning Officer.

(6) Where an equality of votes is found between the candidates and the addition of one vote will entitle any of the candidate to be declared elected, the determination of the person to whom such additional vote shall be deemed to have been given shall be made by a lot to be drawn in the presence of the Returning Officer and the candidates or their representatives who may be present and in such manner as the Returning Officer may determine.

(7) The Returning Officer shall, without delay, report the result of the election to the Election Commission, and the name of the candidate elected in either case shall be published by the Election Commission in the Gazette.

Explanation — In this section —

- (a) "Returning Officer" means a Returning Officer appointed as such by the Election Commission for every Ward and includes an Assistant Returning Officer appointed to assist the Returning Officer ; and
- (b) "Voter on election duty" means any Presiding Officer, Polling Officer, other public servant or polling agent who is a voter and is, by reason of his being on election duty, unable to cast vote at the polling station where he is entitled to cast his vote.

Government
to make rules
regarding
election.

79.(1) Subject to the provisions of this Act, the Government may make rules providing for —

- (a) the form and the manner in which, and the conditions, on which nominations may be made and for the scrutiny of nominations ;
- (b) the appointment of Election Officer / Returning Officer, Presiding Officers and Polling Officers and their duties and functions ;
- (c) the appointment where necessary, of one or more Assistant Returning Officers to assist a Returning Officer and for the functions and duties of such Assistant Returning Officer or Officers ;
- (d) the fixing of polling stations for each Ward and hours of polling ;
- (e) the appointment of date and place for making nominations and scrutiny of nominations, last date for withdrawal of nomination or the dates for withdrawal of nomination or the dates for poll, if such poll is necessary ;
- (f) the allotment of symbols to candidate for election to the office of the Corporator other than the candidates contesting on political party basis ;
- (g) the issue of public notice of election by the Election or Returning Officer ;
- (h) presentation of nomination papers and requirement for a valid nomination ;
- (i) the manner in which votes are to be given specially by the voter on election duty or illiterate voter or voter under physical or other disability ;
- (j) the procedure to be followed in respect of tender of votes by the persons representing themselves to be electors after other persons have voted as electors ;

- (k) scrutiny of votes ;
- (l) publication of list of contesting candidates, appointment and revocation of election agents and their functions ;
- (m) procedure to be followed on death of candidates before poll ;
- (n) procedure to be followed in contested and uncontested elections ;
- (o) adjustment of poll in emergency ;
- (p) fresh poll in the case of destruction of ballot boxes ;
- (q) safe custody of ballot papers and other election papers for the period for which such papers are to be preserved and for the inspection and production of such papers ;
- (r) counting of votes ;
- (s) declaration of result and submission of report and result ;
- (t) printing and issue of ballot paper ; and
- (u) such other matters regarding the conduct of election as the Government may think fit, or matter not provided for.

(2) A member of the Corporation or of a Committee thereof or an officer or employee of the Corporation shall not be appointed as Returning Officer or a Presiding Officer of a polling station.

Disqualification
for being
election agent.

80. No person who is subject to any disqualification under section 70 shall be appointed to be an election agent.

Revocation of
appointment
of election
agent.

81.(1) The appointment of an election agent under sub-section (2) of section 75 may be revoked by a letter signed by the candidate and lodged with the officer appointed under sub-section(2) of that section and such revocation shall operate from the date on which the letter is so lodged.

(2) In the event of such revocation, or in the event of death of an election agent, occurring before, during or the election, the candidate shall appoint forthwith another election agent in accordance with the provisions of sub-section (2) of section 75.

Return of
election
expenses.

82.(1) Within one month after the date of declaration of election, every candidate either personally or through his election agent shall file, with the Election Commission, a return of the election expenses so as to satisfy the Election Commission that the limitation prescribed by him for such expenses has been strictly adhered to containing such particulars as may be prescribed :

Provided that if in the opinion of the Election Commission, there are reasonable grounds so to do he may, —

- (a) extend the period within which such return is to be filed ; or
- (b) on the application of any candidate or his election agent extend the period for filing of such return of election expenses of such candidate ; or
- (c) condone the delay in the filing of such return.

(2) Every such return shall contain a statement of all payments made by the candidate, or his election agent, or any person authorised by the candidate in this behalf on account of, or in respect of, the conduct and management of the election, and a further statement of all unpaid claims in respect of such expenses for which the candidate or his election agent, or the person authorised by the candidate is aware.

(3) The return shall be accompanied by declaration by the candidate, his election agent or the person authorized by the candidate which shall be in such form as may be prescribed.

(4) The Election Commission shall cause to be prepared and maintained a record showing the names of all the candidates at every election of a Corporator and the date on which the return of election expenses of each candidate has been filed with him.

Accounts of
election
agent.

83. Every candidate or his election agent shall keep regular books of accounts in which the particulars of all expenditure of the nature referred to in section 82 shall be entered, whether such expenditure is incurred by the candidate or by his election agent or by any person authorized by the candidate in this behalf.

Casual
vacancy
caused by
failure to
elect a
person.

84. If there is no valid nomination of candidate for election as a Corporator from any Ward or if a nominated candidate dies on or before the date of election, or if the electors of a Ward fail to elect a Corporator, the vacancy in the seat of Corporator from such Ward shall be deemed to be a casual vacancy which shall be filled up by election and the provisions of this Act and the rules made thereunder shall apply, as far as it may be, in relation to the election of a Corporator to fill such vacancy.

Adjournment
of poll in
emergencies.

85.(1) If at an election in any Ward, the proceedings at any polling station are interrupted or obstructed by any riot or open violence, or if it is not possible to take the poll at any polling station on account of any natural calamity, or any other sufficient cause, the Presiding Officer of such polling station shall announce an adjournment of the poll to a date to be notified later on shall forthwith inform the Returning Officer concerned.

(2) Where a poll is adjourned under sub-section(1), the Returning Officer shall immediately report the circumstances to the Election Commission and shall, as soon as may be, with the previous approval of the Election Commission, appoint the day on which the poll shall recommence and fix the polling station at which, and the hours during which, the poll will be taken and shall not count the votes cast at such election until such adjourned poll shall have been completed.

Fresh poll in
case of loss,
etc., of ballot
boxes.

86.(1) If at an election in any Ward, —

- (a) any ballot box used at a polling station is unlawfully taken out of the custody of the Presiding Officer or the Returning Officer or is accidentally or

intentionally destroyed or lost or is damaged or tampered with to such extent that the result of the poll of such polling station cannot be ascertained;
or

- (b) any such error or irregularity in procedure as is likely to vitiate the poll is committed at a polling station,

the Returning Officer shall forthwith report the matter to the Election Commission.

(2) On receipt of a report referred to in sub-section (1), the Election Commission shall, after taking all material circumstances into account either —

- (a) declare the poll at the polling station to be void and appoint a day, and fix the hours for taking a fresh poll at such polling station and notify the day so appointed and the hours so fixed in such a manner as it may deem fit ; or

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

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

87. The following shall be deemed to be corrupt practices for the purpose of this Act —

- (a) bribery and undue influence as defined in sub-sections (1) and (2) respectively, of section 123 of the Representation of the People Act, 1951 ;

- (b) the systematic appeal by a candidate or his agent or by any other person to vote or refrain from voting on grounds of caste, race, community, religion, or the use of or appeal to religious symbols, or use of appeal to National symbols such as National Flag, or the National Emblem, for the furtherance of the prospects of that candidate's election ;
- (c) the publication by a candidate or his agent or by any other person of any statement of fact which is false and which he either believes to be false or does not believe to be true, in relation to the personal character or conduct of any candidate, or in relation to the candidature or withdrawal from contest of any candidate being a statement reasonably calculated to prejudice the prospects of that candidate's election ;
- (d) the hiring or procuring whether on payment or otherwise, of any vehicle or vessel by a candidate or his agent or by any other person with the consent of a candidate or his election agent or the use of any such vehicle or vessel for the conveyance of any elector (other than the candidate himself, the members of his family or his agent) to or from any polling station provided in accordance with the rules made under this Act :

Provided that the hiring of a vehicle or a vessel by an elector or by several electors at their joint cost for the purpose of conveying him or them to or from any such polling station shall not be deemed to be a corrupt practice under this clause if the vehicle or the vessel so hired is a vehicle :

Provided further that the use of any public transport vehicle or vessel or railway carriage by an elector at his own cost for the purpose of going to or coming from any such polling station shall not be deemed to be a corrupt practice under this clause.

Explanation — In this clause, the expression 'vehicle' means any vehicle used or capable of being used for the purpose of road transport, whether propelled by mechanical power or otherwise and whether used for drawing other vehicles or otherwise ;

- (e) the holding of any meeting in which intoxicating liquors are served ;
- (f) the issuing of any circular, pla card or poster having a reference to election which does not bear the name and address of the printer and publisher thereof ; and
- (g) any other practice which the Government may, by rules, specify to be a corrupt practice.

88.(1) No election of a Corporator shall be called in question except by an election petition presented to the District Judge, within whose jurisdiction the Corporation is situated, within fifteen days from the date of publication of the result of the election.

(2) An election petition calling in question any election may be presented on one or more of the grounds specified in section 89 by any candidate at such election, by any elector of the Ward concerned.

(3) The petitioner shall implead all the candidates at the election as opposite parties to his petition.

(4) An election petition —

- (a) shall contain a concise statement of the material facts on which the petitioner relies ;
- (b) shall with sufficient particulars, setforth the ground or grounds on which the election is called in question ; and

(c) shall be signed by the petitioner and verified in the manner laid down in the Code of Civil Procedure, 1908 for the verification of pleadings. 5 of 1908.

Grounds for
declaring
elections to
be void.

89.(1) Subject to the provision of sub-section (2) if the District Judge is of the opinion —

- (a) that on the date of the election, a returned candidate was not qualified or was disqualified to be chosen as a Corporator under the provisions of this Act ; or
- (b) that any corrupt practice has been committed by a return candidate or his agent or by any other person with the consent of a returned candidate or his agent ; or
- (c) that any nomination paper has been improperly rejected ; or
- (d) that the result of the election in so far as it concerns a return candidate has been materially affected —
 - (i) by the improper acceptance of any nomination, or
 - (ii) by any corrupt practice committed in the interests of the returned candidate by a person other than that candidate or his agent, or a person acting with the consent of such candidate or his agent, or
 - (iii) by the improper acceptance, refusal of any vote or rejection of any vote which is void, or
 - (iv) by the non-compliance with the provisions of this Act or any rules or orders made thereunder,

he shall declare the election of the returned candidate void.

(2) If the District Judge is satisfied-

- (a) that no such corrupt practice was committed at the election by the candidate, and every such corrupt practice was committed contrary to the orders and without the consent of the candidate ;
- (b) that the candidate took all measurable means for preventing the commission of corrupt practice at the election ; and
- (c) that in all other respect, the election was free from any corrupt practice on the part of the candidate or any of his agents :

he may decide that the election of the return candidate is not void.

Maintenance
of secrecy of
voting.

90. Every officer, clerk, agent or other person performing any duty in connection with the recording or counting of votes at an election who, except for some purpose authorized by or under any law, communicates to any person any information showing, directly or indirectly for which candidate any voter has voted, and every person who by any improper means procures any such information, shall be punished with imprisonment of either description which may extend to six months or with fine, or with both.

Promoting
enmity
between
classes in
connection
with
election.

91. Any person who in connection with an election under this Act promotes or attempts to promote on grounds of religion, race, caste, community or language, feelings of enmity or hatred between different classes of the citizens of India shall be punished with imprisonment of either description for a term which may extend to three years, or with fine, or both.

Prohibition
of public
meetings
during a
period of
forty-eight
hours
ending with
hour fixed
for
conclusion
of poll.

92.(1) No person shall —

- (a) convene, hold, attend, join or address any public meeting or procession in connection with an election; or
- (b) display to the public any election matter by means of cinematograph television or other similar apparatus; or

(c) propagate any election matter to the public by holding or by arranging the holding up, any musical concert or any theatrical performance or any other entertainment or amusement with a view to attracting the members of the public thereto :

in any polling area of a Ward during the period of forty-eight hours ending with the hour fixed for the conclusion of the poll for any election in that Ward.

(2) Any person who contravenes the provisions of sub-section (1) shall be punished with fine which may extend to two hundred and fifty rupees.

(3) In this section, the expression "election matter" means any matter intended or calculated to influence or affect the result of any election.

Disturbances
at election
meetings.

93.(1) Any person who at a public meeting acts, or incites others to act, in a disorderly manner for the purpose of preventing the transaction of the business for which the meeting was called, shall be punished with fine which may extend to two hundred and fifty rupees.

(2) If any police officer reasonably suspects any person of committing an offence under sub-section (1), he may, if requested so to do by the Chairman of the meeting, require that person to declare immediately his name and address, and if that person refuses or fails so to declare his name or address, or if the police officer reasonably suspects him of giving a false name or address, the police officer may arrest him without warrant.

Explanation— For the purpose of this section "public meeting" means a meeting of a political character held in any Ward between the date of making nomination of candidates for the purpose of election and the date on which such election is held.

Restrictions
on the printing
of pamphlets,
posters, etc.

94.(1) No person shall print or publish, or cause to be printed or published, any election pamphlet or poster which does not bear on

its face the names and address of the printer and the publisher thereof.

(2) No person shall print or cause to be printed any election pamphlet or poster —

(a) unless a declaration as to the identity of the publisher thereof signed by him and attested by two persons to whom he is personally known, is delivered by him to the printer in duplicate; and

(b) unless the printer shall send within a reasonable time after the printing of the document, one copy of the declaration together with one copy of the document to the Commissioner.

(3) For the purpose of this section —

(a) any process for multiplying copies of a document, other than copying it by hand, shall be deemed to be printed and the expression 'printer' shall be construed accordingly; and

(b) election pamphlet or poster means any printed pamphlet, hand bill or other document distributed for the purpose of promoting or prejudicing the election of a candidate or group of candidates or any placard or poster having reference to an election, but does not include any hand bill, placard or poster merely announcing the date, time, place and other particulars of an election meeting or routine instructions to election agents or workers.

(4) Any person who contravenes any of the provisions of sub-section (1) or (2) shall be punished with imprisonment of either description for a term which may extend to six months, or with fine which may extend to rupees two thousand or with both.

95.(1) No person who is a Returning Officer, or an Assistant Returning Officer or a Presiding or Polling Officer, at an election, or

an officer or clerk appointed by the Returning Officer or Presiding Officer to perform any duty in connection with an election shall, in the conduct or the management of the election, do any act (other than the casting of vote) for the furtherance of the prospects of the election of a candidate.

(2) No such person as aforesaid, and no member of a police force shall endeavour —

- (a) to persuade any person to cast his vote at an election ; or
- (b) to dissuade any person from casting his vote at an election ; or
- (c) to influence the voting of any person at an election in any manner.

(3) Any person who contravenes the provisions of sub-section (1) or sub-section (2) shall be punished with imprisonment of either description for a term which may extend to six months, or with fine, or with both.

Prohibition
of
canvassing
in or near
polling
stations.

96.(1) No person shall, on the date or dates on which a poll is taken at any polling station, commit any of the following acts within the polling station or in any public or private place within a distance of one hundred metres of the polling station, namely :—

- (a) canvassing for votes ; or
- (b) soliciting the vote of any elector ; or
- (c) persuading any elector not to vote for any particular candidate ; or
- (d) persuading any elector not to vote at the election ;
or
- (e) exhibiting any notice or sign (other than an official notice) relating to the election.

(2) Any person who contravenes the provisions of sub-section (1) shall be punished with fine which may extend to two hundred and fifty rupees.

Penalty for disorderly conduct in or near polling station.

97.(1) No person shall, on the date or dates on which a poll is taken at any polling station, —

(a) use or operate within or at the entrance of the polling station, or in any public or private places in the neighbourhood thereof, any apparatus for amplifying or reproducing the human voice, such as a megaphone or a loudspeaker; or

(b) shout, or otherwise act in disorderly manner within or at the entrance of the polling station or in any public or private place in the neighbourhood thereof; so as to cause annoyance to any person visiting the polling station for the poll or so as to interfere with the work of the officers and other persons on duty at the polling station.

(2) Any person who contravenes or wilfully aids or abets the contravention of, the provisions of sub-section (1) shall be punished with imprisonment of either description for a term which may extend to three months, or with fine, or with both.

(3) If the Presiding Officer of a polling station has reason to believe that any person is committing or has committed an offence punishable under this section, he may direct any police officer to arrest such person, and thereupon the police officer shall arrest him.

(4) Any police officer may take such steps, and use such force, as may be reasonably necessary for preventing any contravention of the provisions of sub-section (1), and may seize any apparatus used for such contravention.

Penalty for misconduct at the polling station.

98.(1) Any person who during the hours fixed for the poll at any polling station misconducts himself or fails to obey the lawful directions of the Presiding Officer, may be removed from the polling station by the Presiding Officer or by any police officer on duty or any person authorized in this behalf by such Presiding Officer.

(2) The powers conferred by sub-section (1) shall not be exercised so as to prevent any elector who is otherwise entitled to

cast his vote at polling station from having an opportunity of voting at the polling station.

(3) If any person who has been so removed from a polling station re-enters the polling station without the permission of the Presiding Officer, he shall be punished with imprisonment of either description for the term which may extend to three months, or with fine, or with both.

Penalty for illegal hiring or procuring of conveyance.

99. If any person is guilty of the corrupt practice as specified in clause(d) of section 87 shall be punished with fine which may extend to two hundred and fifty rupees.

Breaches of official duty in connection with election.

100.(1) If any person without reasonable cause is found to be guilty of any act or omission of his official duty, he shall be punished with fine which may extend to five hundred rupees.

(2) No suit or other legal proceedings shall lie against any such person for damages in respect of any such act or omission as aforesaid .

Explanation— For the purpose of this section, the expression 'any person' means the Returning Officers, Assistant Returning Officers, Presiding Officers, Polling Officers and any other person appointed to perform any duty in connection with the receipt of nominations or withdrawal of candidates or the recording or counting of votes at an election, and the expression " official duty" in this section, shall be construed accordingly, but shall not include duties imposed otherwise than by or under this Act.

Removal of ballot papers from polling station to be an offence.

101.(1) Any person who at any election fraudulently takes, or attempts to take, a ballot paper out of polling station, or wilfully aids or abets the doing of any such act shall be punished with imprisonment of either description for a term which may extend to one year, or with fine which may extend to five hundred rupees, or with both.

(2) If the Presiding Officer of a polling station has reason to believe that any person is committing or has committed an offence

punishable under sub-section(1), such officer may, before such person leaves the polling station, arrest or direct a police officer to arrest such person or may search such person or cause him to be searched by a police officer :

Provided that when it is necessary to cause a woman to be searched, the search shall be made by another woman with strict regard to decency.

(3) Any ballot paper found after search of the person so arrested either by the Presiding Officer, or by the police officer, shall be kept by the police officer in safe custody.

102.(1) No person at an election shall —

- (a) deface or destroy fraudulently any nomination paper ; or
- (b) deface, destroy or remove fraudulently any list, notice or other document affixed by or under the authority of a Returning Officer ; or
- (c) deface or destroy fraudulently any ballot paper or the official mark on any ballot paper ; or
- (d) without due authority, supply any ballot paper to any person or receive any ballot paper from any person or be in possession of any ballot paper ; or
- (e) fraudulently put into any ballot box anything other than the ballot paper which he is authorized by law to put in ; or
- (f) without due authority, destroy, take, open or otherwise interfere with any ballot paper than in use for the purposes of the election ; or
- (g) fraudulently or without due authority, as the case may be, attempt to do any of the foregoing acts or wilfully aid or abet the doing of any such acts.

(2) Any person who contravenes the provisions of sub-section (1) shall —

(a) if he is a Returning Officer or an Assistant Returning Officer or a Presiding Officer at a polling station or any other officer or clerk employed on official duty in connection with the election, be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both; or

(b) if he is any other person, be punished with imprisonment of either description for a term which may extend to six months, or with fine, or with both.

Prosecution regarding certain election offences.

103. No court shall take cognizance of any offence punishable under section 95 or under section 100 or under clause (a) of sub-section (2) of section 102 except on complaint in writing made by order of, or under authority of, the Election Commission.

Order of disqualification.

104. Every person convicted of an offence punishable under section 94, 95, 96, 97, 98, 99, 100, 101 or 102 or under chapter IX-A of the Indian Penal Code, 1860 shall be disqualified from voting or from being elected in any election to which this Act applies or from holding the office of Corporator, for a period of five years from the date of his conviction.

45 of 1860.

Requisitioning of premises, vehicles etc., for election purposes.

105.(1) If it appears to the Election Commission that in connection with an election under this Act —

(a) any premises other than residential buildings actually occupied are needed or are likely to be needed for the purpose of being used as a polling station or for the storage of ballot boxes after a poll has been taken ; or

(b) any vehicle, vessel or animal is needed or is likely to be needed for the purpose of transport of ballot boxes to or from any polling station, or transport of member of the police force for maintaining law and order during the conduct of such election, or

transport of any officer or other person for performance of any duties in connection with such election :

he may, by order in writing, requisition such premises, or such vehicle, vessel or animal, as the case may be, and may make such further orders as may appear to him to be necessary or expedient in connection with the requisitioning :

Provided that no vehicle, vessel or animal which is being lawfully used by a candidate or his agent for any purpose connected with the election of such candidate shall be requisitioned under this section until the completion of the poll at such election.

(2) The requisition shall be effected by an order in writing addressed to the person deemed by the Election Commission to be the owner or person in possession of the premises, vehicle, vessel or animal and such order shall be served in the prescribed manner on the person to whom it is addressed.

(3) Whenever any premises, vehicle, vessel or animal is requisitioned under sub-section (1) the period of such requisition shall not extend beyond the period for which such premises, vehicle, vessel or animal is required for any of the purposes mentioned in sub-section (1).

Explanation — In this section —

- (a) "a premises" means any land, building or part of a building and includes a hut, shed, or other structure of any part thereof; and
- (b) 'vehicle' means any vehicle used or capable of being used for the purpose of road transport, whether propelled by mechanical power or otherwise.

106.(1) Whenever any premises is requisitioned under section 105 there shall be paid by the Corporation to the persons interested thereof a sum as the compensation amount as may be determined

by the Election Commission by taking into account the following consideration, namely :—

- (i) the rent payable in respect of the premises or if no rent is so payable, the rent payable for similar premises in the locality ; and
- (ii) if in consequence of the requisition of the premises the person interested is compelled to change his residence or place of business the reasonable expenses, if any, incidental to such change :

Provided that where any person interested, being aggrieved by the amount of compensation so determined, makes an application to the Election Commission, within one month from the date of receipt of the order determining the compensation, for referring the matter to an arbitrator, the amount of compensation to be paid shall be such as the arbitrator, appointed in this behalf by the Election Commission, may determine :

Provided further that where there is any dispute as to the title to receive the compensation or as to the apportionment of the amount of compensation, it shall be referred by the Election Commission to an arbitrator appointed by it in this behalf for determination and shall be determined in accordance with the decision of such arbitrator.

Explanation — In this sub-section, the expression "person interested" means the person who was in actual possession of the premises immediately before the requisition under section 105 or where no person was in such actual possession, the owner thereof.

(2) Whenever any vehicle, vessel or animal is requisitioned under section 105 there shall be paid by the Corporation to the owner thereof a sum as may be determined by the Election Commission as the compensation amount, on the basis of the fares or rates prevailing in the locality for the hire of such vehicle, vessel or animal :

Provided that where the owner of such vehicle, vessel or animal being aggrieved by the amount of compensation so determined, makes an application to the Election Commission, within one month from the date of receipt of the order determining the compensation, for referring the matter to an arbitrator, the amount of compensation to be paid shall be such as the arbitrator, appointed in this behalf by the Election Commission, may determine :

Provided further that where immediately before the requisitioning the vehicle or vessel was by virtue of a hire-purchase agreement, in the possession of a person other than the owner, the amount determined under this sub-section as the total compensation payable in respect of the requisitions shall be apportioned between that person and the owner in such manner as they may agree upon and in default of agreement, in such manner as the arbitrator appointed by the Election Commission in this behalf may decide.

Power to
obtain
information.

107. The Election Commission may, with a view to requisitioning property under section 105, determining the compensation payable under section 106, by order, require any person to furnish to such authority as may be specified in the order, such information in his possession relating to such property as may be so specified.

Power of
entry and
inspection.

108.(1) Any person authorized in this behalf by the Election Commission may for the purpose of section 105, enter into any premises and inspect such premises and any vehicle, vessel or animal with a view to securing compliance with any order to be made under that section.

(2) In this section, the expressions 'premises' and 'vehicle' have the same meaning as in section 105.

Eviction from
requisitioned
premises.

109.(1) Any person remaining in possession of any requisitioned premises in contravention of any order made under section 105 may be summarily evicted from the premises by any officer empowered by the Election Commission, in this behalf.

(2) Any officer so empowered may, after giving to any woman not appearing in public reasonable warning and facility to withdraw, remove or open any lock or bolt or break open any door of any building or do any other act necessary for effecting such eviction.

Release of
premises
from
requisition.

110.(1) When any premises requisitioned under section 105 are to be released from requisition, the possession thereof shall be delivered to the person from whom possession was taken at the time when the premises were requisitioned, or if there were no such person, to the person deemed by the Election Commission to be the owner of such premises and such delivery of possession shall be a full discharge of the Election Commission from all liabilities in respect of such delivery but shall not prejudice any rights in respect of the premises which any other person may be entitled by due process of law to enforce against the person to whom possession of the premises is so delivered.

(2) Where the person to whom possession of any premises requisitioned under section 105, is to be given under sub-section (1) cannot be found or is not readily ascertainable or has no agent or any other person empowered to accept delivery on his behalf, the Election Commission shall cause a notice declaring that such premises are released from the requisition to be affixed on some conspicuous part of such premises and publish the notice in the local newspaper.

(3) When a notice referred to in sub-section (2) is published in the local newspaper, the premises specified in such notice shall cease to be subject to requisition on and from the date of such publication and be deemed to have been delivered to the person entitled to possession thereof; and the Election Commission shall not be liable for any compensation or other claim in respect of such premises for any period after the said date.

Delegation of
function of the
Election
Commission
with regard to
requisition.

111. The Election Commission may, by notification, direct that any powers conferred or any duty imposed by any of the provisions of sections 105 to 110 shall under such conditions, if any, as may be specified in the direction, be exercised or discharged by such officer or class of officers as may be specified therein.

Penalty for
contravention
of any order
of
requisitioning.

112. If any person contravenes any order made under section 105 or 107, he shall be punished with imprisonment of either description for a term which may extend to six months or with fine or with both.

CHAPTER VII CONDUCT OF BUSINESS

Meetings of
the
Corporation.

113.(1) The Corporation shall meet for the transaction of business at the Corporation Office or at some other convenient place within the Corporation area at least once in every month and the Mayor, or in his absence the Deputy Mayor, shall fix the day, time and place of the meeting.

(2) Every meeting of the Corporation shall be presided over by the Mayor, or in his absence, the Deputy Mayor, or in the absence of both the Mayor and Deputy Mayor, by a Corporator elected at the meeting for the occasion.

(3) The Mayor, or in his absence the Deputy Mayor shall call a special meeting on requisition signed by not less than one-third of the total number of Corporators :

Provided that if the Mayor, or in his absence, the Deputy Mayor fails to call a special meeting to be held within 10 days from the date of receipt of such requisition, the Corporators who signed the requisition may convene the meeting on giving five days notice after expiry of such period of 10 days.

114.(1)The matters for discussion at the meeting of the Corporation shall be prepared under the direction of the Mayor and shall be circulated among the Corporators.

(2)The person presiding over at the meeting (herein after referred to as the President) shall preserve the order and shall decide all point of order arising at or in connection with meetings and the decision of the President on any point of order shall, save as otherwise expressly provided in this Act, be final.

(3) Any Corporator may, at any time, submit a point of order for the decision of the President but in doing so shall confine himself to stating and explaining the point.

(4)The President, after having called the attention of the Corporators to the conduct of a member, who shall persist in irrelevance or tedious repetition, either of his own arguments or used by other Corporators in debate, shall direct him to discontinue his speech.

(5)The President may direct any Corporator whose conduct in his opinion of grossly disorderly to withdraw immediately from the meeting of the Corporation and any Corporator so ordered, shall do so forthwith and shall absent himself for the remainder of the day's meeting unless the said order is rescinded by the Mayor earlier and in the case of grave disorder arising in the meeting he may suspend its sitting for a time to be fixed by him.

(6)All questions which may come before the Corporation or in any Standing Committee shall be decided by a majority of votes, save as otherwise provided in this Act; and in case of equality of votes, the President of the meeting shall have a second or casting vote.

(7)If at any time during a meeting it is brought to the notice of the President that the number of Corporators present including the President, falls short of one-fifth of the whole number of Corporators, the President shall adjourn the meeting to some other day, fixing

such time and place for the same as he shall think convenient, and the business which remains undisposed of at such meeting shall be disposed of at the adjourned meeting or if the latter meeting is again adjourned, such business may be disposed of in a subsequent adjourned meeting :

Provided that in the subsequent adjourned meeting there shall be no requirement of quorum.

Corporator to
abstain from
taking part in
discussion
and voting.

115.(1) No Corporator of Corporation or member of any Standing Committee shall cast his vote on, or take part in the discussion of, any question coming up for consideration at a meeting of the Corporation or of any Standing Committee if the question is one in which, apart from its general application to the public, he has any direct or indirect pecuniary interest by himself or his partner.

(2) The President or the Chairman of the Standing Committee may prohibit any Corporator from voting on or taking part in the discussion of any matter in which the Corporator is believed to have such interest or he may require the Corporator to absent himself during the discussion.

(3) Such Corporator may challenge the decision of the President or the Chairman, who shall thereupon put the question to the meeting and the decision taken in the said meeting shall be final.

(4) If any allegation is made against the President or the Chairman by any Corporator present at the meeting, to have any such interest in any matter under discussion, he may, on the motion of such Corporator if carried, be required to absent himself from the meeting during the discussion.

(5) The Corporator concerned shall not be entitled to cast his vote on the question referred to in sub-section (3) and the President or Chairman concerned shall not be entitled to cast his vote on the motion referred to in sub-section (4).

Explanation — In this section the expression Corporator shall mean the Corporator of the Corporation as well as Member of the Standing Committee whenever it refers to Standing Committee.

Power to make regulations for the proceedings of the Corporation and Standing Committees.

116 Subject to the provisions of this Act and the rules, the Corporation may, from time to time, make regulations for conduct of their business including Standing Committees with respect to —

- (a) the time and place of its meeting, the business to be transacted at such meetings and the manner in which notice of the meetings shall be given including the meetings referred to in sub-section (3) of section 113 and adjourned meetings ;
- (b) preserving order and the conduct of the proceedings at the meetings, the due record of all dissents and discussions and the powers which the President, or the Chairman of Standing Committee may exercise for the purpose of enforcing his decision on points of order ;
- (c) the custody of the common seal and the purposes for which it shall be used; and
- (d) generally, the mode of transacting and managing the business of the Corporation including the submission, asking and answering of questions under section 36 as they think fit.

CHAPTER VIII

THE CORPORATION ESTABLISHMENT

Officers of the Corporation.

117.(1) Save as otherwise provided in this Act, the Corporation may have the following officers, namely :—

- (a) Deputy Commissioner,
- (b) City Engineer.

- (c) City Health Officer,
- (d) Chief Finance Officer,
- (e) Chief Auditor,
- (f) Law Officer,
- (g) Secretary,
- (h) Deputy Secretary,
- (i) Recovery Officer,
- (j) Environment Officer, and
- (k) Such other officers as may be prescribed.

(2) In addition to the officers specified in sub-section (1) the Corporation may have the officers of various categories who, in the opinion of the Corporation, shall discharge functions in the supervisory capacity as would be assigned to them and such as determined from time to time with the previous sanction of the Government.

(3) Every Corporation may with the previous sanction of the Government and subject to the provisions of this Act and the rules made thereunder determine its establishment.

(4) Officers specified in sub-section (1) shall be appointed on such terms and conditions and for such period as may be determined by the Government, from among persons who are in the service of Government for a renewable period of three years and who shall be removable from the Corporation by the Government at any time on grounds of inefficiency, misconduct or negligence in duties, either *suo motu*, or if so resolved by the Corporation by two-thirds majority of the total members of the Corporation.

(5) Save as otherwise provided in this Act and except the officers mentioned in sub-section(1), all other posts of officers and employees of the Corporation shall be classified into Groups 'A', 'B', 'C' and 'D' on the basis of the scales of pay of such posts.

(6) Appointments to all posts in Group 'C' except the posts of Establishment Officer, shall be made by the Corporation and in

Group 'D' shall be made by the Commissioner subject to the provisions of bye-laws, if any, made by the Corporation.

(7) The post of Establishment Officer shall be filled up by Government from the cadre of Local Fund Service.

Penalties.

118.(1) Where any holder of an elective office or any officer or authority makes any appointment, or causes any appointment to be made, in contravention of the provisions of this Act —

(a) it shall be deemed in the case of the holder of an elective office that he has abused his position or power and accordingly State Government shall initiate proceedings for his removal ; and

(b) in the case of an officer or authority, it shall be deemed that he is guilty of misconduct and the competent authority shall initiate action under the relevant disciplinary rules.

and such holder of elective office or the officer or authority, as the case may be, shall be punishable with imprisonment for a term which shall not be less than six months but which may extend up to two years and also with fine which shall not be less than five thousand rupees and which may extend up to ten thousand rupees.

(2) In addition to taking action under sub-section (1), the pay and allowance paid to the person whose appointment is in contravention of the provisions of this Act shall be deemed to be an illegal payment and a loss to the Corporation and the same shall be recoverable from such holder of elective office, officer or authority who makes such appointment.

(3) No court shall take cognizance of an offence punishable under sub-section (1) except with the previous sanction of the Government.

Corporation
service.

119.(1)The Corporation service shall consist of officers and employees specified in section 117.

(2) All officers, employees and servants of Corporation constituted under this Act, including those borne on the Orissa Local Fund Service constituted under the Orissa Municipal Act, 1950 who were in service of the Municipal Corporation or the Municipality existing immediately before the commencement of this Act, shall, except those who are Government servants on deputation to those Corporations or Municipalities, be deemed to belong to the Corporation services :

Orissa
Act 23 of
1950.

Provided that –

- (a) the terms and conditions applicable to such officers, employees and servants consequent on their absorption in the Corporation service shall not be less favourable than those applicable to such employees immediately before such commencement in the matter of pay and allowances, leave, pension, gratuity provident fund and age of superannuation.
- (b) the services rendered by any such officers, employees or servants under the said existing Municipal Corporation or Municipality, as the case may be, up to such commencement shall be deemed to be the service in the Corporation under this Act and they shall be entitled to count the period of that service for the purpose of seniority, increment, leave, pension, gratuity and provident fund :

Provided further that, any such officers, employees or servants serving under the existing Municipal Corporation or Municipality, as the case may be, immediately before the commencement of this Act, shall be given an option to be exercised within such time and in such manner as may be prescribed either to be absorbed in the Corporation services or to be retrenched from the

services of the said existing Municipal Corporation or Municipality, as the case may be, on such retrenchment benefits, as may be prescribed.

(3) Pay, allowances and pensionary benefits payable to the members of the Corporation services shall be paid out of the Corporation fund :

Provided that such pay, allowances and pensionary benefits shall be at par with those payable to incumbents of the comparable posts under the Government.

(4) The Government may, at the request of the Corporation, place at its disposal the services of a person in Government service to be employed in its establishment on such terms and conditions as may be determined by the Government and the Corporation shall bear the pay and allowances of each such officer which he may be entitled to receive under the rules of the Government governing his services to which he belongs and also make contribution towards the pension and leave salary of such officer which may be required by conditions of his services under the Government to be made by him or on his behalf.

120.(1) Notwithstanding anything contained in this Act, or in any other law for the time being in force, the Government shall have the power to transfer any officer or employee of one Corporation to another.

(2)The Government shall have the power to issue such general or special direction as they may deem necessary for the purpose of giving due effect to any transfer made under sub-section (1).

121.(1) The Deputy Commissioner of the Corporation shall be subordinate to the Commissioner and shall exercise such of the powers and perform such of the duties as the Commissioner may, from time to time, delegate to him and the Commissioner shall inform

Transfer of
officers and
other
employees.

Powers and
functions of
Deputy
Commissioner.

the Corporation of the powers and duties which he, from time to time, delegated to the Deputy Commissioner.

(2) All acts and things performed and done by the Deputy Commissioner during his tenure of the said office shall, for all purposes, be deemed to have been performed and done by the Commissioner.

(3) The Deputy Commissioner shall also be subject to the same liabilities, restrictions and the conditions to which the Commissioner is subject.

122. The Chief Auditor shall —

- (a) perform such duty as provided under this Act or the rules made thereunder and perform such other duties with regard to the audit of the accounts of the Corporation fund as would be required by the Corporation or the Standing Committee;
- (b) specify, subject to such direction of the Standing Committee on Taxation, Finance and Accounts, the duties and powers of the Auditors, Assistant Auditors, Clerks and other employees who are immediately subordinate to him ; and
- (c) subject to the order of the said Standing Committee, supervise and exercise control over the acts and proceedings of such Auditors, Assistant Auditors, Clerks and other employees.

123. The Recovery Officer shall be responsible for recovery of all the Corporation dues on account of taxation, penalty and other dues from persons/institutions liable to pay such dues in accordance with the provisions of this Act and the rules made thereunder.

124. The Environment Officer shall perform such duties as may be assigned to him by the Commissioner in accordance with the resolutions of the Corporation concerning the overall ecology of the area of the Corporation and shall be responsible for complying with

Powers and functions of the Chief Auditor.

Powers and functions of the Recovery Officer.

Powers and functions of the Environment Officer.

the directions of Government to protect the environment from pollution.

Powers and functions of the Corporation Secretary.

125. The Corporation Secretary shall be the Secretary of the Corporation as well as the Standing Committee and he shall —

- (a) perform such duties as may be conferred by or under this Act and perform such other duties with regard to the Corporation and the Standing Committees as directed by the Corporation and Standing Committee ;
- (b) have custody of all papers and documents connected with the proceedings of —
 - (i) the Corporation and the Standing Committees appointed by the Corporation under this Act, and
 - (ii) the Standing Committee and any sub-committee thereof, and
- (c) specify, subject to such direction of the Standing Committee or Corporation, duties of the officers and employees who are immediately subordinate to him and supervise and exercise control over acts and proceedings of such officers and employees.

Powers and functions of other officers.

126. The City Engineer, the City Health Officer, the Chief Finance Officer, the Law Officer, the Deputy Secretary and other officers shall perform such functions and discharge such duties as are provided under this Act, prescribed under the rules and bye-laws or as may be from time to time, required by the Commissioner or the Standing Committee or the Corporation.

Disqualification of officers.

127.(1) No person shall be qualified to be appointed as an officer of the Corporation, if he has directly, or indirectly any interest in any contract made with or in any work being done for the Corporation, except as a shareholder in a registered company or joint stock company or co-operative society under the laws for the time being in force.

(2) Any officer of the Corporation appointed, who acquires directly or indirectly any interest as aforesaid shall cease to be such officer of the Corporation.

Explanation — A person shall not be deemed to have any interest in any contract or work as aforesaid by reason only of his having a share or interest in --

(a) any lease, sale or purchase of immovable property or any agreement for the same ; or

(b) any agreement for the loan of money or any security for the payment of money only.

Establishment
Schedule.

128.(1) The Commissioner shall place before the Standing Committee on Taxation, Finance and Accounts a schedule setting forth the designation and grades of the officers and employees who should, in his opinion, constitute the Corporation establishment and embodying his proposals with regard to the salaries and allowances payable to them :

Provided that nothing contained in the schedule or proposals as aforesaid shall be inconsistent with the rules or bye-laws referred to in sub-section (1) of section 129.

(2) The Standing Committee on Taxation, Finance and Accounts may either approve or amend such schedule as it thinks fit and shall place it before the Corporation with its remarks, if any.

(3) The Corporation shall approve such schedule with or without modification as it thinks fit.

(4) The Commissioner shall forward the schedule as approved by the Corporation to the Government for sanction.

Conditions of
services of
Corporation
establishment.

129.(1) Save as otherwise provided in this Act, the classification, methods of recruitment, conditions of service, pay and allowances and discipline and conduct of the officers and employees of the establishment of the Corporation shall be regulated, —

- (i) in case of Group 'A' and Group 'B' officers, by rules made by the Government from time to time, in this behalf, and
- (ii) in the case of employees included in group 'C' and Group 'D', by bye-laws made by the Corporation :

Provided that the Group 'A' and Group 'B' officers may be removed by Government :

Provided further that —

- (a) the amount of any salary, leave and leave allowances, house rent allowances, carriage hire, travelling allowances or any other allowances, gratuity or pension granted under the said bye-laws shall in no case, without the special sanction of the Government, exceed what would be admissible in the case of Government servants of similar standing and status ; and
- (b) the condition under which such salary and allowances are granted or any leave or pension on superannuation or retirement is sanctioned, shall not, without similar sanction, be more favourable than those for the time being admissible to such Government servants.

(2) The Government may —

- (a) recover from the Corporation the whole or such portion of the salary and allowances paid to any Group 'A' officer and such contribution towards his leave allowances and pension as the Government may, by general or special order, determine ; and
- (b) at any time, withdraw any Group 'A' officer and appoint another officer in his place.

(3) No officer or employee of the Corporation shall be dismissed or removed by an authority subordinate to that by which he was appointed.

(4) No officer or employee as aforesaid shall be dismissed or removed or reduced in rank until he has been given reasonable opportunity of showing cause against the action proposed to be taken against him :

Provided that this sub-section shall not apply —

(a) where a person is dismissed or removed or reduced in rank on the ground of conduct which has led to his conviction on a criminal charge ; or

(b) where an authority empowered to dismiss or remove a person or to reduce him in rank is satisfied that for some reason, to be recorded by that authority in writing, it is not reasonably practicable to give to that person an opportunity of showing cause; or that in the interests of the security of the State, it is not expedient to give to that person such an opportunity.

(5) If any question arises whether it is reasonably practicable to give to any person an opportunity of showing cause or whether, in the interests of the security of the State it is not expedient to give to any person such an opportunity under sub-section(4), the decision thereon of the authority empowered to dismiss or remove such person or to reduce him in rank, as the case may be, shall be final.

(6) Every officer of the Corporation shall be whole time officer of the Corporation, and no such officer shall undertake any work unconnected with his office without the permission of the Commissioner :

Provided that the order of the Commissioner granting such permission shall be placed before the next meeting of the Corporation.

Appointment
and tenure of
Corporation
Ombudsman.

130.(1) The Government may, on the recommendation of a Selection Committee constituted by the Government, appoint one or more persons to be known as Corporation Ombudsman to carry out the functions entrusted to him under this Act.

(2) The Selection Committee referred to in sub-section (1) shall consist of —

(a) the Chief Secretary to the Government,

(b) a member of the State Public Service Commission, nominated by the Chairman of the said Commission, and

(c) a person of repute having not less than twenty years experience in administration.

(3) Notwithstanding anything contained in sub-section (1), the Government may appoint an additional member to assist the Corporation Ombudsman, who shall not be below the rank of Additional District Magistrate having experience in Municipal Administration, Civil Services and Management Sector.

(4) The Corporation Ombudsman shall hold office for a period of three years from the date on which he enters upon his office, but shall be eligible for reappointment subject to the recommendation of the Selection Committee for another term of two years :

Provided that, no Corporation Ombudsman shall hold office as such after he attained the age of sixty-five years.

(5) The Corporation Ombudsman may resign from his office by giving a notice in writing under his hand addressed to the Government.

(6) Where the Government is satisfied that in the public interest or for reason of incapacity of a Corporation Ombudsman, it is

necessary so to do, it may, for reasons to be recorded in writing, and by giving him three months' notice or by paying him three months' consolidated emoluments in lieu of such notice, remove him from his office.

Functions and powers of Corporation Ombudsman.

131.(1) The Corporation Ombudsman shall devote his whole time to the affairs of his office :

Provided that Government may, if in its opinion it is considered necessary so to do, permit the Corporation Ombudsman to undertake such part time honorary work as is not likely to interfere with his duties under this Act.

(2) The Corporation Ombudsman shall have the powers —

(a) to receive complaints from any person relating to the provision of Corporation services;

(b) to consider the complaints as aforesaid and to facilitate their satisfaction or settlement by agreement through conciliation and mediation between a Corporation and the aggrieved person by passing an award in this behalf in the manner prescribed ; and

(c) to resolve, by way of arbitration, such disputes between Corporation or between a Corporation and its citizens as may be agreed upon by the contesting parties in accordance with the provisions of the Arbitration and Conciliation Act, 1996.

26 of 1996.

Local jurisdiction of Corporation Ombudsman.

132. (1) The Government shall specify the local limits to which the Corporation Ombudsman shall exercise the powers conferred under this Act.

(2) The office of the Corporation Ombudsman shall be located at such place as may be specified by the Government :

Provided that the Corporation Ombudsman may, for expeditious disposal of complaints hold sittings at such places, within the local limits of his jurisdiction, as he may consider necessary.

Qualifications,
remuneration,
and office.

133.(1)The Corporation Ombudsman to be appointed shall be a person —

(a) who must not be less than fifty-five years of age; and

(b) must be having experience in public or municipal administration, or in civic services or in management sector.

(2) Where an officer of the Government is appointed as Corporation Ombudsman, he shall not be below the rank of Secretary to Government or, where an officer belonging to judicial service is appointed as Corporation Ombudsman he shall not be below the rank of District Judge.

(3) The salaries and allowances payable to and the other terms and conditions of service of the Corporation Ombudsman and the additional member, if any, shall be such as may be prescribed by the Government :

Provided that neither the salary and allowances nor the other terms and conditions of service of the Corporation Ombudsman or additional member shall be varied to his disadvantage after his appointment.

(4) The Government shall provide the Corporation Ombudsman with necessary employees for efficient functioning.

Appeal.

134.The Government may set up, on such terms and conditions as it may determine in consultation with the High Court an Appellate Authority consisting of a person who is or has been a Judge of the High Court before whom an aggrieved party may file an appeal against the award of the Corporation Ombudsman within thirty days of the passing of the award.

Publicity.

135.The Government and the Corporation shall give adequate publicity to the appointment of a Corporation Ombudsman under this Act for the information of the public.

Power to
make
rules.

136. The Government may make rules, *inter alia*, for the following matters, namely :—

- (a) grounds and procedure for filing of complaints ;
- (b) procedure for redressal of grievances ;
- (c) settlement of complaint by agreement ;
- (d) award by a Corporation Ombudsman ;
- (e) rejection of complaint ;
- (f) proceedings before the Appellate Authority ;
- (g) powers of a Corporation Ombudsman and procedure of functioning as an Arbitrator and notification and enforcement of an award ; and
- (h) any other matter which is, or may be, required or felt necessary by the Government to be provided by rules.

CHAPTER IX

BUDGET

Annual
Budget of the
Corporation.

137.(1) The Commissioner shall, in consultation with the Heads of Departments of Corporation, prepare and submit to the Standing Committee on Taxation, Finance and Accounts on or before the 1st day of January, each year, a budget containing a detailed estimate of income and expenditure for the ensuing year, and if he is of the opinion that it is necessary or expedient to vary the taxation or to raise loans, he shall submit his proposals in regard thereto and such Standing Committees shall, in consultation with other Standing Committees finalise the budget estimate and submit the same with its recommendations, if any, to the Corporation on or before the twenty-eighth day of January each year.

(2) In such budget estimate the Commissioner shall —

- (a) provide for the payments as they fall due of all instalments of the principal and interest for which the Corporation may be liable on account of loans ;

- (b) allow for a cash balance, at the end of the year, of not less than one lakh and fifty thousand rupees under General Account-Revenue ; and
- (c) allow for the allotment from General Account-Revenue of the Corporation such sum not exceeding ten per cent of the total amount at credit on the said account as is considered necessary for such expenditure which is of a capital nature :

Provided that no such allotment from the General Account-Revenue of the Corporation shall be made by the Commissioner in case where the said account of the year immediately preceding the year for which such allotment is proposed discloses a deficit balance:

Provided further that in all cases where allotment of any sum exceeding ten per cent of the total amount at credit in the General Account-Revenue of the Corporation is considered necessary, the Commissioner shall obtain prior approval of the Government for such allotment.

(3) The Commissioner shall cause the budget estimate as finally prepared by the Standing Committee on Taxation, Finance and Accounts to be published not later than the 1st day of February and shall, not later than the said date forward a printed copy thereof to each Corporator.

138. The Corporation shall at its meeting to be convened for the purpose on or before the first day of March, consider and approve on or before the fifteenth day of March the budget estimate placed before it by the Standing Committee on Taxation, Finance and Accounts with or without modifications and addition, and in any case the Corporation shall finally adopt a budget estimated income and expenditure of the Corporation for the next year.

139. The Corporation may either return the budget estimate to the Standing Committee on Taxation, Finance and Accounts for further consideration and re-submission within a specified time well

Consideration
of the budget
estimate by
the
Corporation.

Procedure of
Corporation.

in advance of the due date as specified in section 138 or adopt the budget estimate as it stands or subject to such alternations as it deems expedient :

Provided that the budget estimate finally adopted by the Corporation shall make adequate and suitable provisions for each of the matters referred to in clauses (a) to (c) of sub-section (2) of section 137.

Obligation to pass the budget before the fifteenth day of March of the year.

140. The Corporation shall finally pass the budget estimate before the fifteenth day of March of the year to which it relates and forthwith submit a copy thereof to the Government, and if the budget as submitted to the Government fails to make adequate and suitable provisions for each of the matters referred to in clauses (a) to (c) of sub-section (2) of section 137, the Government may modify any part of the budget so as to ensure that such provisions are made.

Failure of the Corporation to pass the budget before the due date.

141. Notwithstanding anything contained in this Act, if the Corporation fails to adopt finally the budget before the due date referred to in section 140 and if such failure, in the opinion of the Government is not due to any valid reasons, then, the Government may direct the Commissioner to forward the budget estimate forthwith as prepared by him and as finalized by the Standing Committee on Taxation, Finance and Accounts to them for approval, and the Government shall, after scrutinizing the budget estimate, intimate their approval to the Commissioner on or before the first day of April of the year.

Supplementary budget.

142. The Corporation may, on the recommendation of the Standing Committee, from time to time during any year, pass a supplementary budget estimate for the purpose of meeting any special or unforeseen requirement arising during that year, but in no case, cash balance under General Account-Revenue at the close of the year shall be reduced below one lakh and fifty thousand rupees.

Reduction or transfer of budget grants.

143.(1) The Standing Committee, may, if it thinks necessary, at any time during the year —

- (a) reduce the amount of a budget grant ; or
- (b) transfer or add the amount, or a portion of the amount, of one budget grant to the amount of any other budget grant :

Provided that —

- (i) due regard shall be had, while making such reduction or transfer, to all the requirements of the Act ;
- (ii) the aggregate sum of the budget grants contained in the budget estimate adopted by the Corporation shall not be increased except by the Corporation under section 142 ; and
- (iii) every such reduction or transfer shall be brought to the notice of the Corporation at its next meeting.

(2) If any such reduction or transfer is of an amount exceeding fifty thousand rupees the Corporation may pass with regard thereto such order as it thinks fit, and it shall be incumbent on the Standing Committee and the Commissioner to give effect to the said order.

144.(1) If, at any time during the year, it appears to the Corporation upon the representation of the Standing Committee that, notwithstanding any reduction of budget grants that may have been made under section 142, the income of the Corporation Fund during the said year will not suffice to meet the expenditure sanctioned in the budget estimate of the said year and to leave at the close of the year, a cash balance of one lakh and fifty thousand rupees under General Account-Revenue as far as possible, it shall be incumbent on the Corporation either to diminish the sanctioned expenditure of the year, or to have recourse to supplementary taxation, or to adopt both of these expedients in such manner as may be necessary to secure an estimated cash balance of not less than one lakh and fifty

Re-
adjustment of
income and
expenditure to
be made by
the
Corporation.

thousand rupees under General Account-Revenue at the close of the year.

(2) Whenever the Corporation determines to have recourse to supplementary taxation in any year, it shall, subject to the provisions contained in Chapter-XIII, do so by increasing for the unexpired portion of the year, the rate at which any tax or duty is to be levied.

145. The expenditure of a budget estimate shall be classified under major heads, minor heads, subordinate heads and primary units as described hereunder —

(a) 'major head' means the principal head of account corresponding to the different services under which expenditure is classified in the budget estimates and may be divided into two or more minor heads ;

(b) 'minor head' means the head of accounts immediately subordinate to a major head under which each major head is classified and may be further subdivided into two or more subordinate heads ;

(c) 'subordinate head' means the head of accounts immediately subordinate to a minor head under which each minor head is classified and may be further subdivided into two or more primary units ;
and

(d) 'primary unit' means the ultimate group or groups into which individual items of expenditure in the budget estimates are arranged.

146. The Finance Commission constituted under Article 243-I of the Constitution shall review the financial position of the Corporation and make recommendations to the Governor as to —

(a) the principles which should govern —

Classification
of budget
head.

Finance
Commission.

- (i) the distribution between the Government and the Corporations of the net proceeds of the taxes, duties, tolls and fees leviable by the Government which may be divided between them and the allocation between the Corporation of their respective shares of such proceeds ;
 - (ii) the determination of the taxes, duties, tolls and fees which may be assigned to or appropriated by, the Corporations ;
 - (iii) the grants-in-aid to the Corporations from the Consolidated Fund of the State ;
- (b) the measures needed to improve the financial position of the Corporations ; and
- (c) any other matter referred to the Finance Commission by the Governor in the interest of sound finance of the Corporations.

(2) The Governor shall cause every recommendation made by the Commission under this section together with an explanatory memorandum as to the action taken thereon to be laid before the Assembly.

CHAPTER X CORPORATION FUND

Corporation
fund.

147.(1) There shall be a fund called, the Corporation Fund, to be held by the Corporation in trust for the purpose of this Act and all money realised or realisable under this Act and all moneys otherwise received by the Corporation shall be credited thereto.

(2) The Corporation Fund shall be maintained in the following five accounts, namely : —

- (a) the Water Supply, the Sewerage and the Drainage Account,

- (b) the Road Development and Maintenance Account,
- (c) the Bustee Services Account,
- (d) the Commercial Projects Account, and
- (e) the General Account which shall relate to all money received by, or on behalf of the Corporation, other than those specified in clause (a), (b), (c) or (d).

Explanation— For the purpose of this section, the "Commercial Projects" shall include Corporation Markets, Market Development Projects, Property Development Projects and such projects of a Commercial nature as may be specified by the Corporation from time to time.

(3) All moneys realised on different accounts referred to in sub-section (2) shall forthwith be deposited with the State Bank of India or with any other Nationalised Bank or any other Bank within the Corporation area as may be approved by the Government in this behalf for credit to the respective heads of accounts, namely :—

- (a) the Water Supply, the Sewerage and Drainage Account of the Corporation Fund of the respective Corporation ;
- (b) the Road Development and Maintenance Account of the Corporation Fund of the respective Corporation ;
- (c) the Bustee Service Accounts of the Corporation Fund of the respective Corporation ;
- (d) the Commercial Projects Accounts of the respective Corporation Fund of the Corporation ; and
- (e) the General Account of the Corporation Fund of the respective Corporation.

Water Supply,
Sewerage and
Drainage
Account.

148.(1) There shall be placed to the credit of the Corporation Fund in the Water Supply, Sewerage and Drainage Account —

- (a) an amount equal to thirty per cent of the amount realized on account of rate imposed on land and building other than the amount realised from the Busteas ;
- (b) the money realised by the Corporation under provisions of this Act on water supply and drainage and sewerage ;
- (c) such sum as may be transferred in each year by the Corporation from the General Account ; and
- (d) the amount received from the Government under sub-section (2).

(2) The Government shall in each year give the Corporation an amount, equal to the sum transferred by the Corporation to the Water Supply, Sewerage and Drainage Account under clause (c) of sub-section (1) which shall include any money given by the Government to the Corporation as subvention for a specific purpose or given towards the payment of salaries and allowances, if any, of the officers, and employees of the Corporation so far as their works relates to water supply, sewerage and drainage.

(3) The money credited to the Corporation Fund in the Water Supply, Sewerage and Drainage Account shall, subject to the regulations made in this behalf, be applied for the purposes of water supply, sewerage and drainage.

149.(1) There shall be placed to the credit of the Corporation Fund in the Road Development and Maintenance Account —

- (a) such subvention as the Government may give, from time to time, from the proceeds of tax on motor vehicles ;
- (b) fees realised on account of parking of vehicles under this Act ; and
- (c) the amount received from the Government under sub-section (2).

(2) The Government shall in each year give to the Corporation an amount which shall include any money given by the Government to the Corporation as subvention for a specific purpose or given towards the payment of salary and allowances, if any, of the officers and employees of the Corporation in so far as their work relates to road development and maintenance.

(3) The money credited to Corporation Fund in the road development and Maintenance Account shall, subject to the regulations made in this behalf, be applied for the purpose of development and maintenance of roads.

Bustee
Service
Account.

150.(1) There shall be placed to the credit of the Corporation Fund in the Bustee Services Account —

(a) the amount on account of property tax realised from the Bustee ;

(b) such amount in each year as may transferred by the Corporation from the General Account ; and

(c) the amount received from the Government under sub-section (2).

(2) The Government shall in each year give the Corporation a sum equal to the amount transferred by the Corporation from the General Account for credit to the Bustee Services Account under clause (b) of sub-section (1).

(3) The money credited to Corporation Fund in Bustee Services Account shall, subject to the regulations made in this behalf, be applied for the purpose of maintaining and providing civic services of Bustees.

Explanation — 'Civic Services' for the purpose of this sub-section shall mean all services referred to in this Act.

Commercial
Project
Accounts.

151. (1) There shall be placed to the credit of the Corporation Fund in the Commercial Project Accounts —

(a) receipts on accounts of the Commercial Projects of the Corporation ;

(b) such sum as may be transferred in each year by the Corporation from the General Account ; and

(c) the amount, if any, received from the Government under sub-section (2).

(2) The Government may in each year give to the Corporation an amount which shall include any money given by the Government to the Corporations as subvention for specific purpose or given towards the payment of the salaries and allowances, if any, of the officers and employees of the Corporation in so far as their works relate to Commercial Projects.

(3) The moneys credited to the Corporation Fund in the Commercial Projects Account shall, subject to the regulations made in this behalf, be applied for the purpose of –

(a) meeting the development and maintenance cost of Commercial Projects; and

(b) undertaking new Commercial Projects.

Application
of
Corporation
Fund.

152. Subject to the provision of sections 148, 149, 150 and 151 the moneys credited to the Corporation Fund from time to time shall be applied for payment of all sums, charges and costs necessary for carrying out the purposes of this Act and the rules and the regulations made thereunder or for payment of all sums payable out of the Corporation Fund under any other law for the time being in force.

Expenditure
on Physical
assets outside
the city.

153. Expenditure on physical assets outside a city may, for carrying out the purposes of this Act, be made, if a resolution to that effect is carried by not less than one half of the total members of the Corporation.

Operation of
Bank
Accounts.

154. Subject to the provisions of this Act, payment from the Corporation Fund shall be made in such manner as may be determined by regulations and the accounts referred to in sub-section (3) of section 147 shall be operated by such officers of the Corporation as may be authorized by the Corporation by regulations.

Payments not to be made out of the Corporation Fund unless covered by a budget grant.

155. No payment of, any sum out of the Corporation Fund, shall be made unless such expenditure is covered by current budget grant and a sufficient balance of such budget grant is available notwithstanding any reduction or transfer thereof under the provisions of this Act :

Provided that this section shall not apply to payment in the following cases :—

- (a) refund of taxes and other moneys which are authorized by this Act ;
- (b) repayment of money belonging to contractors or other persons and held in deposit and all money collected or credited to the Corporation Fund by mistake ;
- (c) temporary payment for works urgently required by the Government in the public interest ;
- (d) sums payable as compensation under this Act or the rules or the regulations made there under ;
- (e) expenses incurred by the Corporation on special measures on the outbreak of dangerous diseases ;
- (f) sum payable --
 - (i) under orders of Government on failure of the Corporation to take any action required by the Government, or
 - (ii) under any other law for the time being in force, or
 - (iii) under the decree or order of a civil or criminal court against the Corporation , or
 - (iv) under compromise of any claim, suit or other legal proceedings, or
 - (v) on account of the costs incurred in taking immediate action by any of the Corporation authorities to avert a sudden threat or danger to

the properties of the Corporation or to human life, and

(g) such other cases as may be prescribed.

Procedure when money not covered by a Budget grant is paid.

156. Whenever any sum is paid in any of the cases referred to in the proviso to section 155, the Commissioner shall forthwith communicate the circumstances of such payment to the Mayor, and there upon the Mayor may take or recommend to the Corporation to take such action under the provisions of this Act as may appear to it to be feasible and expedient for covering the amount of such payments.

Temporary payments from the Corporation Fund for works urgently required in public interest.

157.(1) On the written requisition of a Secretary to the Government, the Mayor may at any time require the Commissioner to undertake the execution of any work certified by the Secretary to Government to be urgently required in the public interest and, for this purpose, to make payment temporarily for such work from the Corporation Fund in so far as such payment can be made without unduly interfering with the regular work of the Corporation.

(2) On the receipt of any requisition under sub-section (1), the Mayor shall forthwith forward a copy thereof to the Corporation together with a report of the steps taken in pursuance of the same.

(3) The cost of all works so executed and of the establishment engaged in executing the same shall be paid by the Government and credited to the Corporation Fund.

Investment of surplus money.

158.(1) The surplus money standing at the credit of any of the accounts of Corporation Fund which can not, either immediately or at any early date, be applied for the purpose of this Act by the Corporation, may in accordance with such rules as may be made by the Government in this behalf, be transferred by the Corporation either in whole or in part to any other account of the Corporation Fund :

Provided that no such money shall be transferred permanently from any of the accounts to any other account without the previous approval of the Government :

Provided further that, such surplus money standing at the credit of the Commercial Projects Account of the Corporation Fund shall not be transferred to the General Account of the Corporation Fund.

(2) Surplus money which are not transferred under subsection (1) may be invested in Public securities or small savings schemes approved by the Government or deposited at interest with such Scheduled Banks as may be determined by the Mayor, with the approval of Government.

(3) Profit or loss, if any, arising from the investment as aforesaid shall be credited or debited, as the case may be, to the account to which such profit or loss relates.

CHAPTER XI ACCOUNTS AND AUDIT

Keeping of
Accounts.

159. The Accounts of all financial transactions of the Corporation shall be kept in such manner and in such form as the Government may from time to time prescribe.

Preparation of
annual
administration
report and
statement of
account.

160. (1) The Commissioner shall, as soon as may be, after first day of April of each year cause to be prepared a detailed report of the previous year, together with a statement showing the amounts of the receipt and disbursement credited and debited to the Corporation Fund during the said year and the balance at the credit of the Fund at the close of the said year and shall submit the same to the Standing Committee on Taxation, Finance and Account.

(2) The Commissioner, shall incorporate with the said report and statement —

(a) report for the same period from each head of a department subordinate to him ; and

(b) the accounts of balance due on loans then last published.

(3) After examination and review of the report and statement by the Standing Committee on Taxation, Finance and Accounts, a printed copy of such report and statement together with a copy of the said Committee's review shall be forwarded to the Corporator by such date as the said Standing Committee may from time to time specify and copies thereof, shall be placed for sale at the Corporation office at such price as the Commissioner may fix.

Audit of
accounts by
the Chief
Auditor and
scrutiny of
accounts by
Standing
Committee.

161.(1) The Chief Auditor of the Corporation shall conduct a monthly examination and audit of the Corporation Accounts and shall report thereon to the Standing Committee on Taxation, Finance and Accounts which may also from time to time and for such period as it thinks fit conduct independently an examination and cause audit of the Corporation Accounts.

(2) For the purpose of sub-section(1), the Standing Committee on Taxation, Finance and Accounts and the Chief Auditor shall have access to all the Corporation Accounts and records and correspondences relating thereto, and the Commissioner shall forthwith furnish to the said Standing Committee or Chief Auditor any information concerning receipt and disbursement which they may call for.

Report
by Chief
Auditor.

162.(1) The Chief Auditor of the Corporation shall —

(a) report to the Standing Committee on Taxation, Finance and Accounts, any material impropriety or irregularity which he may at any time observe in the expenditure or in the recovery of money due to the Corporation in the Corporation Accounts ; and

(b) furnish to the Standing Committee on Taxation, Finance and Accounts such information as the said Committee may from time to time require concerning the progress of the audit.

(2) The Standing Committee on Taxation, Finance and Accounts, shall cause to be placed before the Corporation, every report including every statement of the observations made by the Chief Auditor and any order, if any, passed thereon by the said Standing Committee and the Corporation may take such action in regard to the matters aforesaid as it may deem necessary.

(3) As soon as may be after the commencement of each year, the Chief Auditor shall deliver, to the Standing Committee on Taxation, Finance and Accounts, a report upon whole of the Corporation Accounts of the previous year.

(4) The Commissioner shall cause the said report to be printed and copy thereof forwarded to each Corporator, along with the printed copy of the Administration report and Statement of Accounts referred to in section 160.

Special Audit.

163. The Government may, if it thinks fit, appoint an Auditor to conduct special audit pertaining to a specified item or series of items of the Corporation Account requiring thorough examination and of reporting thereon to the Government and the cost of any such audit, as determined by the Government, shall be chargeable from the Corporation Fund.

CHAPTER XII

LOAN (BORROWINGS)

Comprehensive debt limitation policy.

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

Power of
Corporation
to raise loan.

165.(1) A Corporation may, from time to time, raise, by a resolution in this behalf passed at a meeting of the Corporation, a loan within the limits set by the comprehensive debt limitation policy framed under section 164, by the issue of debentures or otherwise, on the security of the property tax or of all or any of the other taxes, surcharges, cesses and fees and dues under this Act or of both the property tax and all or any of the other taxes, surcharges, cesses and fees and dues under this Act, or on the guarantee by the Government, of any sum of money which may be required for —

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

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

Provided further that in addition to the loans as aforesaid, the Corporation may also take loan from the Government or any Statutory Body or Public Sector Undertaking.

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

(a) no portion thereof shall, without the previous sanction of the Government, be applied to any purpose other than that for which it has been raised, and

(b) no portion of any loan raised for any of the purposes referred to in that sub-section shall be applied to the payment of salaries or allowances to any officer or other employee of the Corporation, other than those who are exclusively employed for the purpose for which the loan has been raised.

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

Power of Corporation to open Credit Account with the Bank

166. Notwithstanding anything contained in section 165, the Corporation may, where the raising of a loan is sanctioned by the Government under that section, instead of raising such loan or any part thereof, take credit, on such terms as may be approved by the Government, from any scheduled Bank, to be kept in cash account bearing the name of the Corporation to the extent of such loan or any part thereof and, with the sanction of the Government, may grant mortgage of all or any of the properties vested in the Corporation by way of securing the repayment of the amount of such credit or of the sums advanced from time to time on such cash account with interest.

Power of Corporation to raise short term loan.

167. Notwithstanding anything contained in this chapter, the Corporation may within the limits set by the comprehensive debt limitation policy framed under section 164, from time to time, take a short term loan repayable within such period, not exceeding twelve months, from any scheduled Bank, for such purpose, not being a purpose referred to in sub-section(1) of section 165, on such terms,

and on furnishing such security for the repayment of such loan, as may be approved by the State Government.

Establishment
of Sinking
Fund.

168. The Corporation shall establish a Sinking Fund in respect of each loan raised under section 165 for the repayment of moneys borrowed, or debentures issued, and shall, every year, pay into such Sinking Fund such sum as shall be sufficient for the repayment, within the period fixed for the loan, of the moneys borrowed or the debentures issued.

Application
of Sinking
Fund.

169. A Sinking Fund or any part thereof shall be applied to the discharge of the loan or a part of the loan for which such Fund was created and, until such loan or part thereof is wholly discharged, such Fund shall not be applied to any other purpose.

Power to
discontinue
payment
towards
Sinking
Fund.

170. If, at any time, the sum standing at the credit of a Sinking Fund established under section 168 for the repayment of any loan is of such amount that if allowed to accumulate at the rate of interest sanctioned under the first proviso to sub-section (1) of section 165, it will be sufficient to pay off the loan within the period approved by the Government under the said proviso, further payments towards such fund may be discontinued.

Investment
of amount at
the credit of
Sinking
Fund.

171.(1) All moneys paid into a Sinking Fund shall, as soon as possible, be invested by the Standing Committee for Taxation, Finance and Accounts in —

- (a) Government securities ; or
- (b) securities guaranteed by the Central Government or any State Government ; or
- (c) debentures issued by the Corporation ; or
- (d) such other public securities as may be approved by the State Government.

and shall be held by the Corporation for the purpose of repaying, from time to time, the loans raised by it by the issue of debentures or otherwise.

(2) All dividends and other sums received in respect of any investment under sub-section (1) shall, as soon as possible after their receipt, be paid into the Sinking Fund and shall be invested in the manner laid down in that sub-section.

(3) Moneys standing at the credit of two or more Sinking Funds, may, at the discretion of the Standing Committee for Taxation, Finance and Accounts, be invested together as a common fund, and it shall not be necessary for the said Committee to allocate the securities held in such investments to the several Sinking Funds.

(4) Subject to the provisions of sub-section (1), any investment made under this section may, from time to time, be varied or transposed.

172.(1) For the purpose of investment of any portion of the Corporation Fund, including Sinking Fund, in the debentures issued by the Corporation for raising a loan, the Corporation may, within the limits set by the comprehensive debt limitation policy framed under section 164, reserve and set apart any portion of such debentures for issue at par thereto in the name of the Corporation, provided that the intention so to reserve and set apart such debentures shall have been notified as a condition of raising the loan.

(2) The issue of any debentures by the Corporation under sub-section (1) shall not operate to extinguish or cancel such debentures, but every such debenture shall be valid in all respects as if it were issued to, and in the name of any other person.

(3) The purchase by, or the transfer, assignment or endorsement to, the Corporation of any debenture issued by it shall not operate to extinguish or cancel such debenture and every such debenture shall be valid and negotiable in the same manner and to the same extent as if it were held by, or transferred, assigned or endorsed to, any other person.

173. Every loan raised by the Corporation under section 165 shall be repaid within the time approved under that section and such

Power of Corporation to reserve a portion of debentures issued for raising loans for investment.

Manner of repayment of loan.

repayment shall be made either from a Sinking Fund established under section 168 in respect of such loan or partly from such Sinking Fund and, to the extent to which such Sinking Fund falls short of the sum required for the repayment of such loan, partly from the loan raised for the purpose under section 165, as may be approved by the State Government.

Form and
effect of
debentures.

174. All debentures issued under this chapter shall be in such Form, and shall be transferable in such manner, as the Corporation may, by regulations, determine, and the right to sue in respect of the moneys secured by any of such debentures shall vest in the holders thereof for the time being without any preference by reason of some such debentures being prior in date to others.

Issue of
duplicate
debentures.

175.(1) When a debenture issued under this Act relating to the Corporation is alleged to have been lost, stolen or destroyed either wholly or in part and a person claims to be the person to whom but for the loss, theft or destruction it would be payable, he may, on application to the Commissioner, and on producing proof to his satisfaction of the loss, theft or destruction and of the justification of the claim, obtain from him an order —

(a) if the debenture alleged to have been lost, stolen or destroyed is payable more than six years after the date of publication of the notification referred to in sub-section (2) —

(i) for the payment of interest in respect of the debenture pending the issue of duplicate debenture, and

(ii) for the issue of a duplicate debenture payable to the applicant, or

(b) if the debenture alleged to have been lost, stolen or destroyed is payable not more than six years, after the date of publication of the notification referred to in sub-section (2), —

(i) for the payment of interest in respect of the debenture without the issue of a duplicate debenture, and

(ii) for the payment to the applicant of the principal sum due in respect of the debenture on or after the date on which the payment becomes due.

(2) An order shall not be passed under sub-section (1) until issue of such notification of the loss, theft or destruction of the debenture and after the expiration of such period, as may be determined by the Corporation, or until the applicant has given such indemnity as may be required by the Corporation against the claims of all persons deriving title under the debenture lost, stolen or destroyed.

(3) A list of the debentures in respects of which an order is passed under sub-section (1) shall be published in the Gazette.

(4) If at any time before the Corporation becomes discharged under the provisions of section 179 from liability in respect of any debenture the whole of which is alleged to have been lost, stolen or destroyed, such debenture is found, any order passed in respect thereof under this section shall be cancelled.

Renewal of
debenture.

176. Subject to the provisions of section 177, a person claiming to be entitled to a debenture issued under this Act may on applying to Commissioner and on satisfying him of the justification of his claim, and delivering the debenture receipt in such manner and paying such fee as may be determined by the Commissioner obtain a renewed debenture payable to the person applying.

Renewal of
debentures
in case of
dispute as to
title.

177. (1) Where there is a dispute as to the title to a debenture issued under this Act in respect of which an application for renewal has been made, the Commissioner may —

(a) where any party to the dispute has obtained a final decision from a court of competent jurisdiction

- declaring him to be entitled to such debenture, issue a debenture in favour of such party ; or
- (b) refuse to renew the debenture until such a decision has been obtained ; or
- (c) after such inquiry, as is hereinafter provided and on consideration of the result thereof, declare by order in writing which of the parties is in his opinion entitled to such debenture and may, after the expiration of three months from the date of such declaration issue a renewed debenture in favour of such party in accordance with the provisions of section 176 unless within that period he has received notice that proceedings have been instituted by any person in a court of competent jurisdiction for the purpose of establishing a title to such debenture.

Explanation— For the purposes of this sub-section the expression 'final decision' means a decision which is not appealable or a decision which is appealable but against which no appeal has been filed within the period of limitation allowed by law.

(2) For the purposes of the inquiry referred to in clause (c) of sub-section (1), the Commissioner may himself record or may request the District Magistrate, as the case may, to record or cause to be recorded, the whole or any part of such evidence as the parties may produce and where the District Magistrate to whom such request has been made, may either himself record the evidence or may direct any Magistrate subordinate to him to record the evidence and shall forward the record of such evidence to the Commissioner.

(3) The Commissioner or any Magistrate acting under this section may, if he thinks, record the evidence on oath.

178. (1) When a renewed debenture has been issued under section 176 in favour of any person, the debenture so issued shall be

deemed to constitute a new contract between the Corporation and such person and all persons deriving the title there from through him.

(2) No such renewal shall affect the rights as against the Corporation of any other person to the debenture so renewed.

Discharge
in certain
cases.

179. When a duplicate debenture has been issued under section 175, or when a renewed debenture has been issued under section 176, or Section 177, or when the principal sum due on a debenture in respect of which an order has been made under section 175, for the payment of the principal sum without the issue of a duplicate debenture has been paid on or after the date on which such payment became due, the Corporation shall be discharged from all liability in respect of the debenture in place of which a duplicate or renewed debenture has been so issued, or in respect of which such payment has been made, as the case may be, —

- (a) in the case of a duplicate debenture, after the lapse of six years from the date of the publication of the notification referred to in sub-section(3) of section 175, or from the date of the payment of interest on the original debenture, whichever date is later ;
- (b) in the case of a renewed debenture after the lapse of six years from the date of the issue thereof ; and
- (c) in the case of payment of the principal sum without the issue of a duplicate debenture, after the lapse of six years from the date of the publication of the notification referred to in sub-section (3) of Section 175.

Indemnity.

180. Notwithstanding anything contained in section 175 or section 177, the Commissioner may, in any case arising under any of those sections —

- (i) issue a duplicate debenture upon receiving such indemnity in favour of the Corporation and Commissioner as he may think fit ; or

- (ii) issue a renewed debenture upon receiving such indemnity in favour of the Corporation and the Commissioner as he may think fit against the claims of all persons claiming under the original debenture; or
- (iii) refuse to issue a duplicate or renewed debenture unless such indemnity is given.

Issue of stock certificates.

181.(1) The Standing Committee on Taxation, Finance and Accounts at its discretion may, at the time of issue or at any time during the currency of any debenture or security issued under this Act, upon the application of the subscriber for or holder of any such debenture or security, issue to him in lieu of the debenture or security deliverable to, or held by, him a certificate in the nature of a stock certificate in respect of the loan to which such debenture or security relates, which shall be in such form as the Corporation with the previous consent of the Government shall, from time to time, determine, and all the provisions as to interest or dividend on such debentures or securities shall, so far as may be, apply to the interest on the Stock Certificate.

(2) The repayment of the principal sum mentioned in a stock certificate issued under sub-section (1) in lieu of debenture or any other security, not being a debenture issued under this Act in renewal of such a debenture, and the interest payable thereon shall be deemed to be secured by a mortgage of a proportion of all the taxes which may be levied under this Act in the same manner and to the same extent as if a debenture for the same sum has been issued in the form as may be prescribed.

(3) The said Standing Committee shall, upon the application of the holder of a Stock Certificate, convert the same into debentures or securities of the loan to which it relates.

(4) The Corporation may from time to time, make, alter or rescind bye-laws regulating —

- (a) the amounts for which stock certificate may be issued;
- (b) the fees to be imposed in respect of the issue of stock certificates ;
- (c) the form of keeping a register of the holders of stock ;
- (d) the mode in which payment of interest to holders of stock is to be made, recorded and acknowledged ;
- (e) the form of transfer to be used, the formalities to be observed and the fees to be imposed on a transfer of stock ;
- (f) the circumstances and manner in which duplicate stock certificate may be issued and the fees to be imposed or the indemnity to be required on any such issue ; and
- (g) generally the measure to be adopted for carrying out the object of this section.

Annual
statement.

182.(1) The Commissioner shall, at the end of every year, prepare, and submit to the Corporation, an annual statement showing —

- (a) the amount which has been paid into the Sinking Fund or Sinking Funds during the year under section 168,
- (b) the date of the last investment made during the year,
- (c) the aggregate amount of the securities in the hand of the Corporation at the end of the year, and
- (d) the aggregate amount which has been applied for the purpose of repayment of the loan under section 169.

(2) A copy of every such annual statement shall be submitted to the Government by the Commissioner.

Annual
examination
of Sinking
Fund.

183.(1) All Sinking Funds established under this Act shall be subject to annual examination by the Chief Auditor who shall ascertain whether the cash and the value of securities belonging to such Sinking Funds are equal to the amount which should be at the credit of such Sinking Funds, had the investment under section 171 been regularly made and had the interest accruing from such investments been regularly obtained.

(2) The amount which should be at the credit of a Sinking Fund shall be calculated on the basis of the sums paid into such Sinking Fund under section 168.

(3) The value of securities belonging to a Sinking Fund shall be the current value of such securities, unless such securities become due for redemption at par with, or above, their face value before maturity in which case their current value shall be taken as their redemption value, except in the case of the debentures issued by the Corporation which shall always be valued at par with their face value, provided that the Corporation shall make good immediately any loss owing to the sale of such debentures for repayment of the loan raised under sub-section(1) of section 165.

(4) The Corporation shall forthwith pay into a Sinking Fund such amount as the Chief Auditor may certify to be deficit in respect of such Sinking Fund, unless the State Government specially sanctions a gradual readjustment of such deficit.

(5) If the cash and the value of the securities at the credit of a Sinking Fund are in excess of the amount which should be at the credit of such Sinking Fund, the Chief Auditor shall certify the amount of such excess sum, and the Corporation shall, thereupon, transfer the excess sum to the Corporation Fund in the General Account.

(6) If any dispute arises as to the accuracy of any deficit or excess referred to in the certificate under sub-section (4) or sub-section (5), the Corporation may, after payment of such deficit or

after transfer of such excess, as the case may be, refer the matter to the Government whose decision thereon shall be final.

Power of Corporation to borrow money from Government and attachment of Corporation Fund for recovery of such money.

184.(1) The Corporation may borrow money from the Government for carrying out the purposes of this Act on such terms and conditions as the Government may determine.

(2) If any money borrowed by the Corporation from the Government before the commencement of this Act or under subsection(1) is not repaid, or any interest due in respect thereof is not paid, according to the terms and conditions of such borrowing, the Government may attach the Corporation Fund or any portion thereof.

(3) After such attachment, an officer as may be appointed in this behalf by the Government shall deal with the Corporation Fund or any portion thereof, so attached, in such manner as he thinks fit and may do all acts in respects thereof which any Corporation Authority or an officer or other employee of the Corporation might have done under this Act, if such attachment had not taken place, and may apply such Corporation Fund or the portion thereof, as the case may be, for payment of the arrear of the principal amount and the interest due in respect of such borrowing and of all expenses incurred on account of the attachment and subsequent proceedings :

Provided that no such attachment shall defeat or prejudice any debt for the recovery of which the Corporation Fund was previously charged under any law for the time being in force, and all such prior debt shall be paid out of the Corporation Fund before any part thereof is applied for repayment of the money borrowed from the Government.

Issue of Corporation Bonds for development of Urban Infrastructure.

185.(1) Subject to such guidelines and procedure as the Central Government may lay down from time to time and with the previous approval of the Government, the Corporation may issue tax-free Corporation Bonds for financing of projects for development of urban infrastructure,

(2) Subject to such guidelines and procedure as the Central Government may lay down from time to time and with the previous approval of the Government, the Corporation may involve private sector in development of various infrastructure in order to ensure quality service.

Credit rating of Corporation Bonds.

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

(2) The Corporation shall provide to the Credit Rating Agency such information as it may require.

Pledging of Corporation assets as security for Corporation Bond.

187. The Corporation may pledge its movable and immovable assets including lands, buildings and revenues from tax in special escrow accounts as security for the Corporation Bonds issued for development of urban infrastructure.

Debt Service Reserve Fund.

188. The Corporation may set up a Debt Service Reserve Fund by providing special grants from its surplus revenue or through capitalization of proceeds from Corporation Bonds to service bondholders in case of default in payment of principal and interest for a period not exceeding two years.

Limit to encumbrances through future debt.

189. If and when required, the Corporation may, for the purpose of issuing Corporation Bonds, limit its future debt encumbrances by adoption of suitable debt service coverage ratio as a minimum ratio in relation to its future cash flow projections.

Use of proceeds from Corporation Bonds.

190. The fund to be raised from the Corporation Bonds shall be used for capital investment for development of urban infrastructure in the spheres of water supply, sewerage, drainage, solid waste management, markets, roads, bridges and urban transport, and for reforming and improving the efficiency of existing systems of Corporation administration and for repayment of loans for

the aforesaid purposes raised through earlier issues of Corporation Bonds or otherwise.

CHAPTER XIII

REVENUE OF THE CORPORATION

Internal
revenues of
Corporation.

191. The internal revenues of the Corporation shall consist of its receipts from the following sources, namely :—

- (a) taxes levied by the Corporation ;
- (b) user charges levied for provision of civic services ;
and
- (c) fees and fines levied for performance of regulatory
and other statutory functions.

Power to
levy
taxes.

192.(1) The Corporation shall have, for the purposes of this Act, the power to levy the following taxes, namely :—

- (a) property tax on lands and buildings ;
- (b) tax on deficit in parking spaces in any non-
residential building ;
- (c) water tax ;
- (d) fire tax ;
- (e) tax on advertisements, other than advertisements
published in news papers ;
- (f) surcharge on entertainment tax ;
- (g) surcharge on electricity consumption within the
Corporation area ;
- (h) tax on congregations ;
- (i) toll —
 - (i) on roads, bridges and ferries, and
 - (ii) on heavy trucks which shall be heavy goods
vehicles, and buses, which shall be heavy
passenger motor vehicles, within the meaning of

the Motor Vehicles Act, 1988 plying on a public street.

(2) Subject to the prior approval of the Government, the Corporation may, for raising revenue for discharging its duties, and performing its functions, under this Act, levy any other tax which the State Legislature has the power to levy under the Constitution of India.

(3) The levy, assessment and collection of taxes mentioned in sub-section (1) shall be in accordance with the provisions of this Act and the rules and the regulations made thereunder.

Power to levy user charges.

193. The Corporation shall levy user charges for —

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

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

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

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

Power to levy fees and fines.

194. The Corporation shall have the power to levy fees and fines in exercise of the regulatory powers vested in it by or under this Act or the rules or the regulations made there under for —

- (a) issue of Corporation licenses for various non-residential uses of lands and buildings.
- (b) licensing of —
 - (i) various categories of professionals such as plumbers and surveyors ;
 - (ii) various activities such as sinking of tube wells, sale of meat, fish or poultry, or hawking of articles ;
 - (iii) sites used for advertisement or premises used for private markets, slaughter-houses, hospitals, nursing homes, clinics, factories, warehouses, godowns, goods transport depots, eating-houses, lodging-houses, hotels, theatres, cinema-houses and places of public amusement and for other non residential use ;
 - (iv) animals ;
 - (v) carts or carriages ;
 - (vi) such other activities which require a licence or permission under the provisions of this Act; and
- (c) issue of birth and death certificates.

Levy of surcharge on tax or fees.

195. The Corporation may levy a surcharge on a tax, or user charge, or fee on a premises used for non-residential purposes at such rate, being not less than twenty-five percent and not more than seventy-five percent, of such tax, user charge or, fee, as the case may be, as may be determined by regulations.

Power to levy development charges.

196. The Corporation may levy such development charge as may be determined by regulations, from time to time, on any residential building with a being of more than fourteen metres, or any non-residential building, having regard to its location along a particular category of street, its use characteristics, and sanctioned builtup area.

Realization
of tax, fees,
cess, etc.
under any
other Law.

197.(1) The Corporation may, if so authorized by any other law for the time being in force, realize any tax, development charge, cess or fee, imposed under that law, or any dues payable under that law, in accordance with the provisions thereof.

(2) The Corporation shall have such percentage of the Entry Tax share in lieu of Octroi, as admissible under the provisions of the Orissa Entry Tax Act, 1999 and rules made thereunder.

Orissa Act 11
of 1999.

Property Tax
on lands and
buildings

198.(1) For the purposes of this Act, a property tax determined under this chapter on the annual value of any land or building in the Corporation area, including any land or building belonging to the State Government, or the Corporation, or any Undertaking or Public Sector Corporation under the control of the State Government or the Corporation, but excluding any land or building specifically exempted under this Act, shall be levied by the Corporation.

(2) The rate of such property tax shall be —

- (a) where the annual value does not exceed one lakh rupees, up to fifteen per cent of the annual value,
- (b) where the annual value exceeds one lakh rupees, up to ten per cent of the annual value, as may be prescribed.

(3) The amount of property tax determined under this chapter shall be linked to the consumer price index of urban non-manual workers for a year in which a general valuation of all lands and buildings within the Corporation area has been made, and it shall be lawful to realize the amount of such tax so determined on a yearly basis according to the changes in the aforesaid index till the next general valuation of such lands and buildings.

(4) In calculating the amount of property tax and the amount payable per quarter after allowing rebate for timely payment, the fraction of a rupee shall be rounded off to the nearest rupee, fifty paise being treated as one rupee.

Property Tax
on Central
Government
properties

199. Notwithstanding anything contained in this Act, any land or building which is the property of the Central Government shall, save in so far as Parliament by law otherwise provides, be exempt from the property tax :

Provided that nothing in this section shall, until Parliament by law otherwise provides, prevent the Corporation from levying any tax on any property of the Central Government to which such property was immediately before the commencement of the Constitution of India liable or treated as liable, so long as the property tax continues to be levied by the Corporation.

Explanation—A property of the Central Government shall not include any property vested in, or belonging to, any statutory body or Public Sector Corporation under the control of the Central Government.

Rate of
property tax
on any land,
hut or building
in a slum.

200. The rate of property tax shall not exceed, in respect of any land, hut or building in a slum, one-third of the rate of tax on land, hut or building not located in a slum as provided in this chapter, but no such tax shall be payable by a slum dweller not having any title over the land.

Surcharge.

201.(1) The Corporation may, where any land or building or hut or portion thereof is used for any non-residential purpose, levy a surcharge on the property tax on such land or building or hut or portion thereof at such rate, not exceeding seventy-five per cent of the rate of property tax, as the Corporation may, from time to time, determine :

Provided that where any portion of any land or building or hut is used for any non-residential purpose, the amount of the property tax payable in respect of such portion of land or building or hut shall, while fixing the property tax for the entire land or building or hut, be separately calculated :

Provided further that the Corporation may, subject to such rules as may be made in this behalf for the grant of exemption from surcharge in respect of any class or classes of lands or buildings or huts used for educational, public health, medical, cultural or sports purposes, exempt any such land or building or hut from payment of the surcharge :

Provided also that such exemption shall in no case exceed fifty per cent of the surcharge.

(2) For the avoidance of doubt, it is hereby declared that for the purposes of sub-section(1), "educational, public health, medical, cultural or sports purposes" shall mean —

(a) the purpose of education intended to be imparted by a Government school or Government aided school or Corporation school or any other educational institution affiliated to any University or the All India Council for Technical Education, and

(b) the purposes of public health, medical treatment, cultural functions or sports, ensured or organized by a Government institution or Government aided institution or the Corporation or an institution aided by the Corporation or any other public institution, registered under Societies Registration Act, 1860.

21 of 1860.

Surcharge on rented land, building or hut.

202. The Corporation may levy a surcharge at a rate, not exceeding twenty-five per cent of the rate of property tax, on such land or building or hut or portion thereof which is rented out :

Provided that in the case of any building which is partly occupied and partly rented out, the surcharge shall be levied only on the property tax of the rented portion.

Exemption of lands and buildings from property tax.

203.(1) Notwithstanding anything contained in the foregoing provisions of this chapter —

- (i) any land or building or portion thereof exclusively used for the purpose of public worship ; or
- (ii) any land or building exclusively used for the purpose of public burial or as cremation ground; or any other place used for the disposal of the dead duly registered under this Act ; or
- (iii) any open space including a parade ground which is the property of the Central Government or the State Government ;

may be exempted by the Corporation from the property tax.

Explanation—(1) For the purposes of clause (i), any land or building used for public worship shall not be deemed to be exclusively used for such worship, if, on such land or in such building, any trade or business is carried on, or any rent or income is derived in respect of such land or building.

(2) The Commissioner shall cause to be maintained a register showing separately the lands and buildings exempted from the property tax under sub-section (1) in such Form as may be determined by regulations, and such register shall be open to the public for inspection.

204. The Government may, by order, exempt from the payment of any rate, tax or fee payable under the provisions of this Act, any diplomatic or consular mission of a foreign State and the diplomatic or consular officers of such mission.

205.(1) The Corporation shall, on the recommendation of the Corporation Valuation Committee constituted under section 215 and having regard to —

- (a) the location of lands and buildings in the Corporation area ; and
- (b) the structural characteristics of buildings ;

Exemption of diplomatic or consular mission of a foreign state for payment of any rate, tax or fee.

Classification of land and buildings and fixation of annual values.

declare its intention to classify lands and buildings in each ward of the Corporation into such groups as the Corporation may specify by a public notice, and shall also specify in such public notice the annual value it proposes to fix per unit area of vacant land and per unit area of covered space of buildings within each such group.

(2) If any owner or occupier of any land or building in any ward in respect of which a public notice has been issued under sub-section (1) has any objection to the manner of classification of any group or groups or the value per unit area of vacant land or the value per unit area of covered space of building in any group, he may submit to an officer of the Corporation, duly authorized by the Corporation in this behalf, his objection in such Form, and containing such particulars, as may be prescribed, within sixty days from the date of publication of such public notice, and such objection shall be considered by the Corporation Valuation Committee.

(3) On the expiry of the period specified in sub-section (2), and after considering the objections, if any, in accordance with the provisions of section 206, the Corporation shall, by a public notice, specify group wise the value per unit area of vacant land and the value per unit area of covered space of building.

Procedure
for hearing
objection to
classification
of lands and
buildings.

206.(1) Any objection under sub-section (2) of section 205 shall be entered in a register to be maintained for the purpose in such Form and manner, and containing such particulars, as may be prescribed.

(2) Every such objection shall be determined by the Corporation Valuation Committee after giving the person submitting the objection an opportunity of being heard.

(3) The procedure for hearing and disposal of objections shall be such as may be specified by regulations.

(4) When an objection has been determined under sub-section (2), any order in this behalf shall be recorded in the register maintained under sub-section (1) with date, and a copy of the order

shall be supplied to the person submitting the objection within ten days from the date of the order.

(5) Any person aggrieved by an order under sub-section (4) may prefer an appeal before the Corporation Assessment Tribunal constituted under section 218, and the decision of the Corporation Assessment Tribunal on such appeal shall be final.

Validity of unit area values and periodic revision thereof.

207. The unit area value of vacant land and the unit area value of covered space of building, determined under Section 205, in respect of a group in any ward shall not be revised before expiration of a period of five years from the date of such determination :

Provided that till the revision of such unit area values is completed, the existing unit area values shall continue to be in force.

Location characteristics.

208.(1) The location of any land or building in the Corporation area, referred to in clause (a) of sub-section (1) of section 205, shall be determined with reference to —

(a) the ward in which the land or the building is situated, and

(b) the category of public street on which such land or building is situated.

(2) In the case of any private street or pedestrian pathway, the Commissioner shall, having regard to the nature and width of the private street or pedestrian pathway on which any land or building is situated, and with the previous sanction of the Standing Committee for Planning and Development determine the category of such private street or pedestrian pathway.

Structural characteristics.

209.(1) For the purposes of this Act, any building in any ward of the Corporation shall, according to the type of structure of such building, be classified as —

(a) Pucca building ; or

(b) Semi-pucca building ; or

(c) Kutcha building.

(2) The Corporation shall, having regard to the materials of construction used and the construction practices employed, specify, by regulations, the types of buildings which may be classified as pucca building, or semi-pucca building, or kutcha building.

Annual
value of land
and building.

210.(1) The annual value of any vacant land and building in any ward of the Corporation shall be the sum of the amount arrived at by multiplying the value per unit area of such vacant land by the total area of such vacant land and the amount arrived at by multiplying the value per unit area of the covered space of such building by the total area of such covered space, if any, and shall be determined accordingly by an order by the Commissioner, and a copy of the order shall be supplied within ten days thereof to the owner or the occupier of the land or the building, as the case may be, in such Form, and in such manner, as may be prescribed.

(2) The value of any machinery contained in, or situated upon, any land or building shall not be taken into consideration while determining the annual value.

Explanation I — In the case of a building with appurtenant land, the area of the land under the plinth area of the building shall be excluded from the total area of land, the balance being treated as vacant land which shall be assessed as such.

Explanation II — The covered space of any building shall mean the total floor area of the building in all the stories.

Explanation III — For the purposes of this section, "machinery" shall include lifts, air-conditioning equipment, and equipment for providing earthquake proofing and other movable properties.

Deduction
from annual
value for
repair etc. of
building.

211. (1) In the case of a building, there shall be deducted from the annual value determined under section 210 a sum equal to fifteen per cent of such annual value, and such deduction shall be on account of cost of repair or insurance or on any other account.

(2) The annual value of any land or building, as determined under this section, shall be a multiple of ten rupees, any fraction below five being ignored and any fraction of five or above being rounded off to the next ten rupees.

Determination of annual value of building where land is exempted from property tax.

212. Where any land is exempted from property tax under any law for the time being in force, the annual value of any building erected on such land, which is in existence for more than one year and is not entitled to any exemption from such tax under this Act or any other law for the time being in force, shall be determined separately for the purpose of levy of tax in accordance with the provisions of this chapter.

Self assessment.

213. Any owner of any land or building or any other person liable to pay the property tax or any occupier in the absence of such owner or person shall compute the tax due on the basis of the annual value of such land or building as determined under section 210 and section 211, and the rate of tax as determined under section 198.

Unit of assessment.

214.(1) Every building together with the land appurtenant thereto shall be assessed as a single unit :

Provided that where portions of any building together with the land appurtenant thereto are separately owned so as to be entirely independent and capable of separate enjoyment notwithstanding the facts that access to such separate portions is made through a common passage or a common stair case, such separately owned portions shall be assessed separately.

(2) All lands or buildings, to the extent they are contiguous or are on the same foundation and are owned by the same owner or co-owners as an undivided property, shall be treated as one unit for the purpose of assessment under this Act :

Provided that if such land or building is sub-divided into separate shares which are not entirely independent and capable of separate enjoyment, the Commissioner may, on application from the owners or co-owners, apportion the valuation and assessment of

such land or building among the co-owners according to the value of their respective shares, treating the entire land or building as a single unit.

(3) Each residential unit with its percentage of the undivided interest in the common areas and facilities constructed or purchased and owned by or under the control of any Housing Co-operative Society registered under any law regulating co-operative housing for the time being in force, shall be assessed separately.

(4) Each apartment and its percentage of the undivided interest in the common areas and facilities in a building within the meaning of any law regulating apartment ownership for the time being in force, shall be assessed separately.

(5) Notwithstanding any assessment made before the commencement of this Act, the Commissioner may, on his own or otherwise, amalgamate or separate, as the case may be, lands or buildings or portions thereof so as to ensure conformity with the provisions of this section.

(6) If the ownership of any land or building or a portion thereof is sub-divided into separate shares, or if more than one land or building or portion thereof comes under one ownership by amalgamation, the Commissioner may, on an application from the owner or the co-owners, as the case may be, separate, or amalgamate, such lands or buildings or portions thereof so as to ensure conformity with the provisions of this section.

(7) The Commissioner shall, upon an application made in this behalf by an owner, lessee, sub-lessee or occupier of any land or building and upon payment of such fee as may be determined by the Corporation by regulations, furnish to such owner, lessee, sub-lessee or occupier, as the case may be, information regarding the apportionment of the property tax on such land or building among the several occupiers of such land or building for the current assessment period or for any preceding assessment period :

Provided that nothing in this sub-section shall prevent the Corporation from recovering any arrear dues on account of property tax from any such person.

Constitution of
Corporation
Valuation
Committee

215.(1) A Corporation may, by notification, constitute a Corporation Valuation Committee.

(2) The Corporation Valuation Committee shall consists of —

(a) a Chairperson, and

(b) other members being not less than three and not more than six.

(3) The Chairperson shall be appointed by the Government.

(4) The other members shall be appointed by the Corporation on the recommendation of the Standing Committee on Taxation, Finance and Accounts, who will be *ex-officio* members out of whom —

(a) at least one shall be a person who is or has been a qualified Chartered Accountant or a qualified valuer, and

(b) at least one shall be a person who is or has been a qualified engineer, not below the rank of a City Engineer.

(5) The Chairperson shall be a person who is or has been a member of the State Superior Judicial Service for a period of not less than three years.

(6) If the Chairperson considers it necessary, he may constitute Corporation Valuation Sub-Committees, each consisting of not less than two members, which may independently discharge the functions of the Corporation Valuation Committee.

Terms and
conditions of
service of
Chairperson
and other
members.

216.(1) The Chairperson and the other members of the Corporation Valuation Committee shall hold office for a period of five

years or till they attain the age of fifty-eight years, whichever is earlier.

(2) The other terms and conditions of service of the Chairperson and the other members of the Corporation Valuation Committee, including salaries and allowances, shall be such as may be determined by the Corporation with the approval of the Government.

(3) The salaries and allowances of the Chairperson and the other members of the Corporation Valuation Committee shall be paid from the Corporation Fund.

Function of
Corporation
Valuation
Committee.

217. The functions of the Corporation Valuation Committee shall be —

(a) to make recommendations to the Corporation on matters relating to classification of lands and buildings into different groups and fixation of values per unit area of such lands and buildings under section 205 ;

(b) to determine objections under sub-section (2) of section 205 ;

(c) to advise the Standing Committee on Taxation, Finance and Accounts on all matters relating to determination of annual values of lands and buildings ; and

(d) to perform such other functions as the Corporation may, by regulations, determine.

Constitution of
Corporation
Assessment
Tribunal.

218.(1)The Government may constitute a Corporation Assessment Tribunal consisting of a Chairperson and such other members, not exceeding five, as the Government may determine.

(2) The Chairperson shall be appointed by the Government for a period of five years or till they attain the age of fifty-eight years, whichever is earlier.

(3) The other terms and conditions of service of the Chairperson and the other members of the Corporation Assessment Tribunal, including salaries and allowances, shall be such as may be determined by the Government.

(4) The salaries and allowances of the Chairperson and other members of the Corporation Assessment Tribunal shall be paid from the Corporation Fund.

(5) The Chairperson and not less than two of the other members shall be persons who are or have been members of the State Superior Judicial Service for a period of not less than five years, and the remaining members, if any, shall have such qualifications and experience as the Government may determine.

Submission
of returns.

219.(1) The Commissioner shall, with a view to determining the annual value of lands and buildings in any ward and the persons primarily liable for the payment of the property tax, by notice, require the owners and the occupiers of such lands or buildings or any portion thereof, including such owner or person computing the tax due under the provisions of section 213, to furnish returns in such Form as may be prescribed and within such time, not being less than thirty days from the date of publication of such notice, as may be specified therein, containing the following particulars, namely : —

- (a) The name of the owner and the occupier ;
- (b) The number of the ward, the number of the premises, and the name and number, if any, of the public street, or the description of the private street or the pedestrian pathway, on which such land or building is situated ;
- (c) Whether the building is pucca, or semi-pucca, or kutcha ;
- (d) Whether the land or the building is connected with the Corporation water supply main or the Corporation drain ;

- (e) The uses to which such land or building is put or intended to be put in terms of occupancy or use group as defined in this Act ;
- (f) The area of the land and the covered area of the building with break up of the area under various uses ;
- (g) In the case of non-residential uses, whether wholly owner occupied or wholly rented out, or partly owner occupied and partly rented out and the areas thereof ; and
- (h) Such other particulars as may be prescribed.

(2) Every owner or occupier shall be bound to comply with such notice and to furnish a return with a declaration that the statement made therein is correct to the best of his knowledge and belief.

(3) The Commissioner, or any person subordinate to him and duly authorized by him, in writing, in this behalf, may, with or without giving any previous notice to the owner or the occupier of any land or building, enter upon, and make any inspection or survey or take measurement of, such land or building with a view to verifying the statement made in the return for such land or building or for collecting the particulars referred to in sub-section (1) in respect of such land or building :

Provided that no such entry shall be made except between the hours of sunrise and sunset.

Periodic
assessment

220. The Commissioner shall, having regard to the recommendations under section 205 of the Corporation Valuation Committee relating to classification of lands and buildings into different groups and fixation of values per unit area of such lands and buildings, cause a general valuation of all lands and buildings in the Corporation area in accordance with the provisions of this chapter as soon as possible after the constitution of a new

Corporation area and at periodic intervals in the case of all other Corporation areas so as to ensure that there is a revision of such valuation of all lands and buildings at the expiration of successive period of five years :

Provided that it shall be lawful to divide the Corporation area into groups of wards so that periodic assessment at the interval of five years may take place in each such group instead of in the entire Corporation area at a time :

Provided further that the annual value of any land or building situated in the Corporation area, which has been determined earlier and is in force on the date of commencement of this Act, shall remain in force, and shall be deemed to be the annual value for the purpose of assessment of property tax on such land or building under this chapter, until a fresh annual value is determined under the provisions of this Act :

Provided also that where, on the date of commencement of this Act, the determination of the annual value of any such land or building is under process under any law for the time being in force, such determination shall be completed under that law and shall be deemed to be the annual value in force under this Act, until a fresh annual value is determined under the provisions of this Act.

221.(1) The annual value of any land or building determined under this chapter —

(a) shall have effect from the date of commencement of the quarter of a year ending on 30th June or 30th September or 31st December or 31st March, as the case may be, following that in which a public notice under sub-section(2) of section 223 has been given, and

(b) shall, subject to the other provisions of this chapter, remain in force in respect of each ward of the Corporation for a period of five years.

Period of
validity of
assessment.

(2) Where the annual value of any land or building in any ward has not, for reasons which are on record in writing, been revised on the expiration of five years, the previous annual value of such land or building shall continue to remain in force until it is revised.

Revision
of
assessment.

222.(1) The Commissioner may cause any revision to be made in the annual value of any land or building or any portion thereof in the following cases, namely :—

- (i) where any tenancy or any rent changes; or
- (ii) where the nature of use changes; or
- (iii) where a new building is erected or an existing building is redeveloped or substantially altered or improved during the period the annual value remains in force; or
- (iv) where, on an application made in writing by the owner or the person liable to pay the property tax, it is established that during the period the annual value remains in force, its value has been reduced by reason of any substantial demolition or has suffered depreciation from any accident or any calamity proved to the satisfaction of the Commissioner to have been beyond the control of such owner or such person; or
- (v) where any land or building or portion thereof is acquired by purchase or otherwise by the Central Government or the State Government or the Corporation; or
- (vi) where any land or building, or portion thereof, is sold or otherwise transferred to the Central Government or the State Government or the Corporation; or

(vii) where, upon the acquisition or transfer of any land or building in part, a residual portion remains; or

(viii) where it becomes necessary so to do for any other reason to be recorded in writing.

(2) Any revision in the annual value of any land or building or portion thereof under this section shall come into force from the date of commencement of the quarter of a year ending on 30th June or 30th September or 31st December or 31st March, as the case may be, following that in which such revision comes into force and shall remain in force for the unexpired portion of the period during which but for such revision, such annual valuation would have remained in force.

(3) Notwithstanding anything contained in sub-section (1) or sub-section (2), where the annual value of any land or building —

(i) has not, for any reason, been determined under this Act, the annual value of such land or building may be determined by the Commissioner at any time during the currency of the period of assessment in respect of such land or building under section 220 or section 221; or

(ii) has been cancelled on the ground of irregularity, the annual value of such land or building may be determined by the Commissioner at any time after such cancellation, and such annual value shall remain in force until a fresh valuation or revision is made and shall take effect from the beginning of the quarter from which the previous valuation which has been cancelled would have taken effect :

Provided that the valuation made under clause (i) or clause (ii) shall remain in force for the unexpired portion of the period specified in this chapter.

(4) Any revision of annual value of any land or building or any portion thereof under this section shall be made with reference to the group into which such land or building or part thereof is classified under section 205, and the annual value fixed per unit area of such land or building for that group shall be applicable.

(5) Notwithstanding anything contained in the foregoing provisions of this section, no revision of the annual value of any land or building under this section shall be made without giving the owner or the occupier of such land or building a reasonable opportunity of being heard.

(6) Where any revision of annual value of any land or building is made under this section, the order of such revision shall be communicated to the owner or the occupier of such land or building within ten days from the date of the order.

(7) An appeal shall lie against an order under sub-section (6) to the Corporation Assessment Tribunal, if preferred by the owner or the occupier of such land or building within forty-five days from the date of receipt of the order.

Public notice
and inspection
of assessment
list.

223. (1) Where the determination of the annual value of any land or building in any ward of the Corporation or part thereof has been completed, the Commissioner shall cause the annual value to be entered in an assessment list in such Form, and containing such particulars with respect to each such land or building, as may be prescribed.

(2) Where the assessment list has been prepared, the Commissioner shall give public notice thereof and of the place where the assessment list or a copy thereof may be inspected, and every person claiming to be the owner or the occupier of any land or building included in the assessment list and any authorized agent of

such person shall be at liberty to inspect the assessment list and to take extracts there from free of charge.

(3) The Commissioner shall give notice fixing the place, time and date, being not less than thirty days of the preparation of the assessment list as aforesaid, when the annual value of any land or building entered in the assessment list shall be considered, and, in all cases in which any land or building is, for the first time, assessed, he shall also give a notice thereof in writing to the owner or the occupier of such land or building, as the case may be, and shall also specify in the notice the place, time and date, being not less than thirty days of such notice, when such annual value shall be considered.

(4) Where a revision of the annual value of any land or building has been made under section 222, the Commissioner shall cause such annual value to be entered in the assessment list and shall give a notice thereof, in writing, to the owner or the occupier of such land or building, and shall also fix in the notice the place, time and date, being not less than thirty days of such notice, when such annual value shall be considered.

Objection.

224. Any objection to the annual value of any land or building as entered in the assessment list may be made by the owner or the occupier of such land or building in writing to the Commissioner before the date fixed in the notice under section 223, stating the reason for such objection.

Appointment
of Officer to
hear
objection.

225.(1) The Valuation Committee hear and determine objections to the annual value of any land or building entered in the assessment list.

(2) The Valuation Committee may make such queries and observations in relation to any entry in the assessment list and call for such records, returns and explanations, as it thinks fit.

(3) Every such query and observation shall be promptly taken into consideration by the officer of the Corporation to whom it

may be addressed and shall be returned by him to the Valuation Committee with necessary records, returns and explanations.

Hearing of objections

226.(1) Any objection made under section 224 shall be entered in a register maintained for the purpose in such Form, and in such manner, and containing such particulars, as may be prescribed.

(2) On the date, time and place fixed under sub-section (3), or sub-section (4) of section 223, and, after giving the person making the objection a reasonable opportunity of being heard, either in person or through an authorized agent, the officer appointed under section 225 shall determine the objection.

(3) Where an objection has been determined under sub-section (2), the order in this behalf shall be recorded in the register maintained under sub-section (1) with date, and a copy of the order shall be supplied within ten days thereof to the owner or the occupier of the land or the building, as the case may be, in such Form, and in such manner, as may be prescribed.

(4) The procedure for hearing and disposal of objections shall be such as may be prescribed.

(5) The annual value after determination of objection under this section shall take effect from the quarter in which such annual value would have taken effect, and shall continue to remain in force during the period such annual value would have remained in force, had no objection been made.

Appeal

227.(1) Any owner or occupier of any land or building aggrieved by an order of the Commissioner under section 210 or by the determination of annual value under section 226 may prefer an appeal in such Form as may be prescribed before the Corporation Assessment Tribunal :

Provided that such appeal shall be preferred to the Corporation Assessment Tribunal within forty-five days from the date of supply of the order under section 210 or section 226, as the case may be, and shall be accompanied by a copy of the said order.

(2) No appeal under this section shall be entertained unless the property tax in respect of any land or building due on the date of presentation of the appeal has been deposited, and the appeal shall abate, unless such property tax is continued to be deposited till the appeal is finally disposed of.

(3) The annual value of any land or building determined after the disposal of the appeal shall take effect from the quarter from which such annual value would have taken effect and shall continue to remain in force during the period such annual value would have remained in force, had no appeal been filed.

(4) The provisions of Part II and Part III of the Limitation Act, 1963, relating to appeals shall apply to every appeal preferred under this section.

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(5) The procedure for hearing and disposal of appeals shall be such as may be prescribed.

Final
valuation.

228. Every valuation in the assessment list under section 210 or section 222 shall, subject to the provisions of section 226 or section 227, as the case may be, be final.

Corporation
Assessment
Book.

229.(1) The Corporation shall maintain a Corporation Assessment Book in such Form, and in such manner, as may be prescribed.

(2) The annual value of any land or building under section 210 or section 227 or section 228, as the case may be, shall be entered in the Corporation Assessment Book.

(3) The Commissioner may, at any time, make such corrections in the Corporation Assessment Book as may be necessary to incorporate changes required to be made in accordance with the provisions of this Act or for removal of patent errors or defects on the face of the records.

(4) The Corporation Assessment Book, duly authenticated in the manner prescribed, shall be kept in the office of the Corporation and shall be open for inspection, free of charge, during

office hours and extracts therefrom shall be made available on payment of such fee as may be determined by the Standing Committee on Taxation, Finance and Accounts.

(5) The Corporation Assessment Book shall be printed and published for every ward of the Corporation, and shall be made available for sale to the public, in such Form, and in such manner, as may be prescribed :

Provided that the publication of the Corporation Assessment Book shall not be kept pending on the ground that an objection or appeal has been made in respect of any case under section 224 or section 227, as the case may be.

(6) Wherever it is possible for the Corporation to do so, the Corporation Assessment Book shall also be put on a website for public information.

Amendment of
Corporation
Assessment
Book.

230. The Commissioner may, at any time, amend the Corporation Assessment Book —

- (a) by inserting therein the name of any person whose name ought to have be inserted therein; or
- (b) by striking out the name of any person not liable for payment of property tax; or
- (c) by inserting therein any land or building together with the annual value thereof previously omitted; or
- (d) by making, or cancelling, any entry exempting any land or building from liability to property tax ;or
- (e) by altering the assessment of any land or building which has been erroneously valued or assessed through fraud, mistake or accident, in which case such alteration shall take effect from the date from which such erroneous valuation took effect; or
- (f) by inserting or altering an entry in respect of any building erected, re-erected, altered or added to, after the preparation of the Corporation Assessment

Book, in which case such insertion or alteration shall take effect from the date of such erection, re-erection, alteration or addition, as the case may be :

Provided that no such amendment shall be made without giving the person affected a reasonable opportunity of being heard.

Property tax and surcharge thereon to be first charge on land and buildings and movables.

231. The property tax on any land or building and the surcharge thereon, due from any person, shall, subject to the prior payment of land revenue, if any, due to the State Government on account of such land or building, be a first charge upon such land or building belonging to such person and upon the movable property, if any, on or within such land or building and belonging to the person liable to such property tax and surcharge thereon.

Incidence of property tax.

232.(1) The property tax on any land or building shall be primarily leviable upon the owner thereof.

(2) The liability of the several owners of any land or building constituting a single unit of assessment, which is, or purports to be, severally owned in parts or flats or rooms, for payment of property tax or any installment thereof, payable during the period of such ownership, shall be joint and several :

Provided that the Commissioner may apportion the amount of property tax on such land or building among several co-owners :

Provided further that in any case where the Commissioner is, for reasons to be recorded in writing, satisfied that the owner is no traceable, the occupier of such land or building for the time being shall be liable for payment of the property tax and the surcharge thereon and shall also be entitled to the rebate, if admissible.

(3) The property tax on any land or building, which is the property of the Corporation and the possession of which has been delivered under any agreement or licensing arrangement, shall be leviable upon the transferee or the licensee, as the case may be.

Incidence of surcharge.

233. Where a surcharge has been imposed under this Act such surcharge shall be payable by the owner or the occupier, as the

case may be, who uses such land or building for any purpose other than residential purpose.

Apportionment
of surcharge.

234. The person primarily liable to pay the property tax in respect of any land or building may recover the entire amount of the surcharge on the property tax on such land or building from the occupier who uses it for any purpose other than residential purpose :

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

Payment of
property tax
on land and
building.

235. (1) Save as otherwise provided in this Act, the property tax on any land or building under this chapter shall be paid by the person liable for the payment thereof in quarterly installments and, for the purposes of this section, each quarter shall be deemed to commence on the first day of April, first day of July, first day of October, and first day of January, of a year.

(2) The Commissioner shall cause to be presented to the person liable for payment of property tax a comprehensive bill in respect of such tax to be paid in quarterly installments, showing separately the amount of the property tax due against each quarter and the date on which the property tax for each such quarter is due.

(3) Such bills shall be sent by registered post with Acknowledgement Due or by Courier Agency to the person liable for payment of the property tax, not later than the 31st day of May of the year to which such property tax relates.

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

Self-
Assessment
and
submission
of return.

236. (1) Any owner of any land or building or any other person liable to pay the property tax or any occupier in the absence of such

owner or person, who computes such property tax under section 213, shall, on such computation, pay the property tax on lands and buildings, together with interest, if any, payable under the provisions of this Act on —

- (a) any new building or existing building which has not been assessed; or
- (b) any existing building which has been redeveloped or substantially altered or improved after the last assessment, but has not been subjected to revision of assessment consequent upon such redevelopment or alteration or improvement, as the case may be; or
- (c) any new building or existing buildings referred to in clause (a) or any existing building referred to in clause (b), the bills in respect of which have not been issued.

Explanation— For the purposes of this sub-section, "last assessment" shall mean the assessment where the annual value has been determined by the Valuation Committee appointed under section 215 and communicated to the assessee; and

(2) Such owner or person, as the case may be, shall furnish to the Commissioner a return of self assessment in such Form, and in such manner, as may be prescribed and every such return shall be accompanied by proof of payment of property tax and interest, if any.

(3) The payment of property tax and interest, if any, shall be made, and the return shall be furnished, within sixty days of the coming into force of this Act.

(4) In the case of any new building for which an occupancy certificate has been granted or which has been taken possession of after the coming into force of this Act, such payment shall be made, and such return shall be furnished, within thirty days of the expiry of

the quarter in which such occupancy certificate is granted or such possession is taken, whichever is earlier.

Explanation— For the removal of doubt, it is hereby declared that occupancy certificate may be provisional or final and may be for the whole or any part of the building and possession may be of the whole or any part of the building.

(5) Such payment shall continue to be made for each subsequent quarter and the last date of such payment shall be thirty days after the expiry of each such quarter.

(6) After the determination of annual value of land or building under section 210, or revision thereof under section 222, has been made, any amount paid on self-assessment under this section shall be deemed to have been paid on account of such determination under section 210 or such revision under section 222, as the case may be.

(7) If any owner or other person, liable to pay the property tax under this Act, fails to pay the same together with interest, if any, in accordance with the provisions of this section, he shall, without prejudice to any other action to which he may be subject, be deemed to be a defaulter in respect of the property tax or interest or both, remaining unpaid, and all the provisions of this Act applicable to such defaulter shall apply to him accordingly.

(8) If, after the assessment of annual value of any land or building is finally made under this Act, the payment on self assessment under this section is found to be less than that of the amount payable by the assessee, the assessee shall pay the difference within two months from the date of final assessment, failing which recovery shall be made in accordance with the provisions of this Act, but, after the final assessment, if it is found that the assessee has paid excess amount, such excess amount shall be adjusted against the tax payable by the assessee.

Tax on
deficits of
parking
spaces in
non-
residential
buildings.

237.(1) Subject to the provisions of the Orissa Development Authority Act, 1982 the Corporation may, by regulations, levy a tax on the deficits in the provision for parking spaces required for different types of vehicles in any non-residential building.

(2) The amount of tax shall be determined by multiplying the quantum of such deficit in the area of parking spaces by the unit area value of land in the case of open parking spaces or by the unit area value of covered space of a building in the case of covered parking spaces, as the case may be, as specified in section 205.

Water tax.

238. The Corporation may levy a water tax on any land or non-residential building at such percentum of property tax as may be specified by regulations.

Fire Tax.

239. The Corporation may levy a fire tax on any building at such percentum of property tax as may be specified by regulations :

Provided that a surcharge may be levied on such fire tax at such percentum as may be specified by regulations for any non-residential building.

240.(1) No person shall erect, exhibit, fix or retain upon or over any land, building, wall, hoarding, frame, post, kiosk, structure, vehicle, neon-sign or sky-sign any advertisement, or display any advertisement to public view in any manner whatsoever (including any advertisement exhibited by means of cinematograph), visible from a public street or public place, in any place within the Corporation area without the permission, in writing, of the Commissioner.

(2) The Commissioner shall not grant such permission, if —

- (a) a licence for the use of the particular site for the purpose of advertisement has not been taken ; or
- (b) the advertisement contravenes any provisions of this Act or the rules or the regulations made thereunder, or

Prohibition of
advertisements
without written
permission of
Commissioner.

(c) the tax, if any, due in respect of the advertisement has not been paid.

(3) No person shall broadcast any advertisement, except on radio or television, without the permission, in writing, of the Commissioner.

Licence for
use of site for
purpose of
advertisement.

241. (1) Except under, and in conformity with, such terms and conditions of a licence as the Corporation may, by regulations, provide, no person being the owner, lessee, sub-lessee, occupier or advertising agent shall use, or allow to be used, any site in any land, building or wall, or erect, or allow to be erected, on any site, any hoarding, frame, post, kiosk, structure, vehicle, neon-sign or sky-sign for the purpose of display of any advertisement.

(2) For the purpose of advertisement, every person--

(a) using any site before the commencement of this Act, within ninety days from the date of such commencement; or

(b) intending to use any site; or

(c) whose licence for use of any site is about to expire, shall apply for a licence or renewal of licence, as the case may be, to the Commissioner in such Form as may be specified by the Corporation.

(3) The Commissioner shall, after making such inspection as may be necessary and within thirty days of the receipt of the application, grant or renew a licence, as the case may be, on payment of such fee as may be determined by regulations, or refuse or cancel a licence, as the case may be.

(4) The Commissioner may, if, in his opinion, the proposed site for any advertisement is unsuitable from the considerations of public safety, traffic hazards or aesthetic design, refuse to grant a licence, or to renew any existing licence, within thirty days of the receipt of the application.

(5) Every licence shall be for a period of one year except in the case of sites used for any temporary congregation of whatever nature including fairs, festivals, circus, yatra, exhibitions, sports events, or cultural or social programmes.

(6) The Commissioner shall cause to be maintained a register wherein the licences issued under this section shall be separately recorded in respect of advertisement sites —

(a) on telephone, telegraph, tram, electric or other posts or poles erected on or along public or private streets or public places ;

(b) in lands or buildings ; and

(c) in cinema-halls, theatres or other places of public resort.

Tax on
advertisement.

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

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

(2) Notwithstanding anything contained in sub-section (1), no tax shall be levied under this section on any advertisement which —

(a) relates to a public meeting or to an election to Parliament or the State Legislature or the

Corporation or any other local authority or to candidature in respect of such election; or

- (b) is exhibited within the window of any building, if the advertisement relates to any trade, profession or business carried on in the building; or
- (c) relates to any trade, profession or business carried on within the land or the building upon or over which such advertisement is exhibited or to any sale or letting of such land or building or any effects therein or to any sale, entertainment or meeting to be held on, upon or in such land or building; or
- (d) relates to the name of the land or the building upon or over which the advertisement is exhibited or the name of the owner or the occupier of such land or building; or
- (e) relates to the business of any airport or port or railway administration, and is exhibited within such airport or port or railway station or upon any wall or other property of an airport, port or railway station; or
- (f) relates to any activity of the Central Government or the State Government or any local authority.

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

Provided that the Corporation may, under such terms and conditions of a licence as may be determined by regulations under section 241, require the licensee to collect, and to pay to the Corporation, subject to a deduction of five per cent of the tax, to be kept by him as collection charges, the amount of tax in respect of such advertisements as are displayed on any site for which the licence has been granted.

Permission of
Commissioner
to be void in
certain cases.

243. Any permission under section 240 shall be void, —

- (a) if the advertisement contravenes the provisions of any regulations made under this Act ; or
- (b) if any material change is made in the advertisement or any part thereof without the previous permission of the Commissioner, or
- (c) if the advertisement or any part thereof falls otherwise than by accident; or
- (d) if, due to any work by the Central Government, the State Government, or the Corporation, or by any statutory authority, the advertisement is required to be displaced.

Licence for
use of site for
purpose of
advertisement
to be void in
certain cases.

244. Any licence granted under section 241 shall be void, —

- (a) if the licensee contravenes any of the terms and conditions of licence; or
- (b) if any addition or alteration is made to, or in, the land, building, wall, hoarding, frame, post, kiosk, structure, vehicle, neon-sign or sky-sign, upon or over which the advertisement is erected, exhibited, fixed or retained; or
- (c) if the land, building, wall, hoarding, frame, post, kiosk, structure, vehicle, neon-sign or sky-sign over which the advertisement is erected, exhibited, fixed or retained is demolished or destroyed.

Presumption
in case of
contravention.

245. Where any advertisement has been erected, exhibited, fixed or retained upon or over any land, building, wall, hoarding, frame, post, kiosk, structure, vehicle, neon-sign or sky-sign or displayed to public view from a public street or public place in contravention of the provisions of this Act or the regulations made thereunder, it shall be presumed, unless the contrary is proved, that the contravention has been made by the person or persons on

whose behalf the advertisement purports to be or the agents of such person or persons.

Power of the
Commissioner
in case of
contravention.

246. If any advertisement is erected, exhibited, fixed or retained in contravention of the provisions of this Act or the regulations made thereunder, the Commissioner may require the owner or the occupier of the land, building, wall, hoarding, frame, post, kiosk, structure, vehicle, neon-sign or sky-sign, upon or over which such advertisement is erected, exhibited, fixed or retained to take down or remove such advertisement or may enter any land, building or other property and cause the advertisement to be dismantled, taken down, removed, spoiled, defaced or screened.

Explanation I —The word "structure" in this chapter shall include any movable board on wheels used as an advertisement or advertisement medium.

Explanation II —The word "advertisement", in relation to a tax on advertisement under this Act, shall mean any word, letter, model, sign, neon-sign, sky-sign, placard, notice, device or representation, whether illuminated or not, in the nature of, and employed wholly or in part for the purposes of advertisement, announcement or direction.

Removal
of poster,
hoarding
etc

247. Notwithstanding any other action that may be taken against the owner or the occupier of any land or building, upon or over which there is any hoarding, frame, post, kiosk, structure, vehicle, neon-sign or sky-sign for erecting any advertisement in contravention of the provisions of this Act or the regulations made thereunder, or the person who owns such hoarding, frame, post, kiosk, structure, vehicle, neon-sign or sky-sign, the Commissioner may, for removal and storage of such hoarding, frame, post, kiosk, structure, vehicle, neon-sign or sky-sign, realize from such person such charges as may be fixed by the Standing Committee on Taxation, Finance and Accounts from time to time.

Surcharge on
Tax on
Entertainment.

248. (1) Subject to the approval of the Government, the Corporation may levy a surcharge on any tax levied by the Government on any entertainment or amusement within the Corporation area.

(2) The rate of the surcharge and the manner of —

- (a) collection of the surcharge ;
- (b) payment of the surcharge to the Corporation ; and
- (c) deduction of the expenses, if any, incurred by the Government in course of collection of the surcharge.

shall be such as may be prescribed.

Surcharge on
electricity
consumption.

249. Subject to the approval of the Government, the Corporation may levy a surcharge on consumption of electricity within the Corporation area at such rates as may be prescribed.

Tax on
congregations.

250. (1) The Corporation may levy a tax per head or per vehicle for providing Corporation services to persons or vehicles visiting the Corporation area in connection with any congregation of whatever nature, including fair, festival, circus or yatra, within a Corporation area for persons or vehicles assembling within the Corporation area for the purpose :

Provided that such tax shall not be levied for persons or vehicles visiting the Corporation area for the purpose of tourism or pilgrimage or passing through the Corporation area.

(2) The tax for the purposes of sub-section (1) shall be such as may be determined by the Corporation from time to time and shall not exceed rupees three per person and rupees twenty per vehicle besides the levy on passengers therein.

(3) The Corporation may make regulations specifying the occasions on which such levy may be imposed and the rate of levy, the mode of collection, and the other matters incidental thereto.

Toll on
roads.

251. The Corporation may, with the sanction of the Government, establish a toll-bar on any public street in the

Corporation area and levy a toll at such toll-bar on vehicles at such rate as may be determined by the Corporation by regulation from time to time.

Toll on
bridges.

252.(1) The Corporation may, with the sanction of the Government, establish a toll-bar, and levy tolls, on any bridge at which tolls may be levied on vehicles, carriages and carts passing over such bridge :

Provided that no such toll-bar shall be established, or tolls levied, otherwise than for the purpose of recovering the expenses incurred in construction of such bridge together with interest on such expenses and in maintaining such bridge in good repair.

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

Declaration
of ferries as
Corporation
ferries.

253.(1) Where a ferry plies between two points on a water course and either one or both the points are situated within a Corporation area, the Government may, after considering the views of the concerned Corporation, declare such ferry to be a Corporation ferry, and thereupon, the profits derivable from the plying of such ferry shall be credited to the Corporation Fund.

(2) Due compensation shall be given by the concerned Corporation to any person for the loss which he may have sustained as a result of a ferry being declared to be a Corporation ferry.

Administration
of Corporation
ferries.

254. Subject to the provisions of any Central or State law regulating the administration of public ferries, the Corporation shall specify by regulations —

- (a) the terms and conditions for grant of lease of Corporation ferries in favour of private parties ;
- (b) the rates of tolls to be levied and publication of the same ;
- (c) the grounds for cancellation of ferry leases ;
- (d) the administration of a Corporation ferry involving another Corporation or local authority ;
- (e) provision for safety and convenience of passengers and goods ; and
- (f) provisions for exemptions from payment of toll for Corporation ferries in the case of authorized representatives and properties of the Central Government or the State Government or the Corporation.

Corporation
to collect
tolls in
navigable
channel.

255.(1) If, the Government, at any time, declares that the provisions of any law relating to canals or any other law for the time being in force are applicable to any navigable channel which passes through the limits of a Corporation area, that Government may, with the consent of the concerned Corporation, appoint such Corporation to collect tolls in accordance with the provisions of such law until the Government otherwise directs, and the profits derivable therefrom, or such part thereof as may be agreed upon between the Government and the Corporation, shall be credited to the Corporation Fund.

(2) In every such case, the Corporation shall exercise all the powers vested in the Collector under the law as aforesaid.

Manner of
recovery
of taxes
under the
Act.

256. Save as otherwise provided in this Act, any tax levied under this Act may be recovered in accordance with the following procedure and in such manner as may be determined by regulations : —

- (a) by presenting a bill ; or
- (b) by serving a notice of demand ; or

- (c) by distraint and sale of a defaulter's movable property ; or
- (d) by attachment and sale of a defaulter's immovable property ; or
- (e) in the case of property tax on any land or building, by attachment of rent due in respect of such land or building ; or
- (f) by a certificate under the Orissa Public Demands Recovery Act, 1962 regulating the recovery of any dues as public demand.

Orissa Act
1 of 1963.

Time and
manner of
payment
of taxes.

257.(1) Save as otherwise provided in this Act, any tax levied under this Act shall be payable on such date, in such number of installments and in such manner, as may be determined by regulations.

(2) If any amount due is paid on or before the date referred to in sub-section (1), a rebate of five per cent of such amount shall be allowed.

Presentation
of Bill.

258.(1) When any tax has become due, the Commissioner shall cause to be presented to the person liable for the payment thereof a bill for the amount due :

Provided that no such bill shall be necessary in the case of —

- (a) a tax on advertisements ;
- (b) a tax on congregations ; and
- (c) a toll :

Provided further that for the purpose of recovery of any tax by the preparation and presentation of a bill or notice of demand and the collection of tax in pursuance thereof, the Standing Committee on Taxation, Finance and Accounts may, with the approval of the Corporation, entrust the work to any agency under any law for the time being in force, or to any other agency, on such terms and conditions as may be specified by regulations.

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

Explanation II — "courier agency" shall have the same meaning as in the Explanation to sub-section (3) of section 235.

Explanation III — "electronic mail" shall include email or facsimile transmission.

(2) Every such bill shall specify the particulars of the tax and the period to which the bill relates.

Regulation regarding payment and recovery of tax.

259. To ensure payment and recovery of its tax dues, the Corporation shall, by regulations, provide for —

- (a) issue of notice of demand, charging of notice fee, levy of interest for delayed payment at a rate as may be specified, and the amount of penalty therefore ;
- (b) issue of warrant for attachment, distress and sale of movable property for recovery of tax dues ;
- (c) attachment and sale of immovable property for recovery of tax dues ; and
- (d) recovery of dues from a person about to leave the Corporation area.

Recovery of property tax on lands and buildings or any other tax or charge when owner of land or building is unknown or ownership is disputed.

260.(1) If any money is due under this Act from the owner of any land or building on account of tax on such land or building or any other tax, expense or charge recoverable under this Act, and if the owner of such land or building is unknown or the ownership thereof is disputed, the Commissioner may publish twice, at an interval of not less than two months, a notification of such dues and of sale of such land or building for realization thereof, and may, after expiry of

not less than one month from the date of last publication of such notification, unless the amount recoverable is paid, sell such land or building by public auction to the highest bidder, who shall deposit, at the time of sale, twenty-five per cent of the purchase money, and the balance thereof within thirty days of the date of sale and such notification shall be published in the Gazette and in local newspapers and by displaying on the land or the building concerned.

(2) After deducting the amount due to the Corporation as aforesaid, the surplus sale proceeds, if any, shall be credited to the Corporation Fund and may be paid, on demand, to any person who establishes his right thereto to the satisfaction of the Commissioner or a court of competent jurisdiction.

(3) Any person may pay the amount due at any time before the completion of the sale, whereupon the sale shall be abandoned and such person may recover such amount by a suit in a court of competent jurisdiction from any person beneficially interested in such land or building.

Power of
Commissioner
to prosecute
or serve notice
of demand.

261.(1) When any sum is due from any person on account of —

(a) tax on advertisements other than the advertisements published in newspapers ; or

(b) any other tax, fee or charge leviable under this Act,

the Commissioner may either prosecute such person, or cause to be served on such person a notice of demand in such Form as may be specified by regulations or in such other Form as the Commissioner may deem fit.

(2) The provisions of section 259 shall apply *mutatis mutandis*, to every such recovery of sum due.

Cancellation of
irrecoverable
dues.

262. The Corporation may, by order, strike off the books of the Corporation any sum due on account of the property tax or any other tax or on any other account, which may appear to it to be irrecoverable.

Apportionment
of property
tax on lands
and buildings
by persons
primarily liable
to pay.

263. (1) Save as otherwise provided in this Act, the person primarily liable to pay the property tax in respect of any land or building may recover —

(a) if there be but one occupier of the land or the building, from such occupier half of the tax so paid, and, if there be more than one occupier, from each occupier half of such sum as bears to the entire amount of tax so paid by the owner the same proportion as the value of the portion of the land or the building in the occupation of such occupier bears to the entire value of such land or building :

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

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

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

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

property tax may recover the difference in the amount due to such increase from the occupier or occupiers.

Mode of
Recovery.

264. If any person primarily liable to pay any property tax on any land or building or surcharge thereon is entitled to recover part of such property tax or surcharge thereon from an occupier of such land or building, he shall have for recovery thereof the same rights and remedies as if such part of the property tax or the surcharge thereon were rent payable to him by such occupier.

Commercial
projects and
receipts
there from.

265. The Corporation may, either on its own or through public or private sector agencies, undertake the planning, construction, operation, maintenance or management of commercial infrastructure projects, including district centers, community and neighbourhood shopping centers, industrial estates, bus or truck terminals and tourist lodges with commercial complexes and any other type of commercial projects on commercial basis.

CHAPTER XIV CORPORATION PROPERTY

Property of
Corporation.

266. All property within the city of the nature hereinafter in this section specified, other than private property or property maintained by the Central or any State Government or any other local authority, shall vest in and belong to the Corporation and shall, with all other property of whatever nature or kind which may become vested in the Corporation, be under its direction, management and control, that is to say —

- (a) all public roads including the soil, the pavement stones and other materials, thereof and all drains, bridges, culverts, trees, erections, materials, implements and other works or things provided for such roads ;

(b) all public channels, water courses, springs, tanks, ghats, reservoirs, cisterns, wells, aqueducts, conduits, tunnels, pipes, pumps and other water works whether made, laid or erected at the cost of the Corporation or otherwise, and all bridges, buildings, engines, works, materials and things connected therewith or appertaining thereto and also any adjacent land appertaining to any such tanks ;

(c) all public sewers, drains and all works, materials and things appertaining thereto and other conservancy works ;

(d) all filth, rubbish and offensive matter collected by the Corporation under this Act ; or

(e) all public lamps, lamp posts and apparatus connected therewith or appertaining thereto ; and

(f) all buildings or other works constructed by Corporation from the Corporation Fund and all lands, buildings or other properties transferred to the Corporation by Government or acquired by gift, purchase or otherwise for local public purpose.

Power to exclude road, bridge, drains or water work etc. from operation of the Act.

267. The Government may, from time to time by notification, exclude from the operation of this Act or, any specified section of this Act, any such public road, bridge, sewer, drain, drainage works, water works, tunnels, culvert, rest-sheds and bungalows and may also modify and cancel such notification :

Provided that where the cost of the construction of the works has been paid from the Corporation Fund, such work shall not be excluded from the operation of this Act or of any specified section of this Act with the consent of the Corporation.

Government may place other property under the Corporation.

268. It shall be lawful for the Government from time to time, to direct that any road, bridge, channel, building or other property

including water works, sewerage, etc. movable or immovable, which is vested in the Government for the propose of the State and which is situated within a city shall, with the consent of the Corporation and subject to such exceptions and conditions as the Government may make and impose, be placed under the control and administration of the Corporation for the purpose of this Act and thereupon such road, bridge, channel, building or other property shall be under the control and administration of the Corporation, subject to all exceptions and conditions so made and impose and to all charges liabilities affecting the same.

Transfer of
certain
public
institutions
to the
Corporation.

269.(1) Any hospital, dispensary, school, rest house, ghat or market within a city, not being private property or the property of a religious institution or society and all medicines, furniture and other articles appurtenants thereto, not being such property, may by order of the Government duly published on the spot and in the Gazette, be vested in the Corporation and thereupon all endowments or funds belonging thereto shall be transferred to and vest in such Corporation as trustee for the purpose to which such endowments and funds were lawfully applicable at the time of such transfer and the Corporation shall not utilize the property so vested for any purpose other than that for which it was originally meant without previous sanction of the Government:

Provided that no such order shall be published until one month after notice of the intention to transfer such property is published in the Gazette and within the city in the Oriya language.

(2) If the Corporation, within one month after publication of the notice under sub-section (1), objects to the transfer to itself of any hospital, dispensary, school, rest house, ghat or market on the ground that its funds cannot bear the charge, then such transfer shall not be made, save under such conditions, as the Corporation may agree to accept.

Immovable property required by the Corporation may be acquired under the Land Acquisition Act, 1894.

270. When any immovable property is required for the purpose of this Act the Government may, at the request of the Corporation, proceed to acquire it under the provisions of the Land Acquisition Act, 1894 and on payment of the compensation awarded under that Act and of any other charges incurred in acquiring it, the said property shall vest in the Corporation.

1 of
1894.

Corporation may with the consent of the owner take over and repair works.

271. A Corporation may agree with the person in whom the property in any road, bridge, tank, ghat, well, channel or drain is vested to take over the property therein and after such agreement, may declare by notice in writing put up therein or near thereto, that such road, bridge, tank, ghat, well, channel or drain has been transferred to the Corporation and thereupon the property therein shall be vested in the Corporation and such road, bridge, tank, ghat, well, channel or drain shall thereafter be repaired and maintained out of the Corporation fund.

Power of Corporation as to acquisition of Property.

272.(1) Subject to the provisions of section 270 the Corporation shall for the purpose of this Act have power to acquire and hold movable and immovable property or any interest therein whether within or outside the limits of the city.

(2) The acquisition of property referred to in subsection (1) shall be made by the Commissioner on behalf of the Corporation subject to terms, rates or maximum price for a particular case or for any class of cases as fixed by the Standing Committee on contract, by any resolution :

Provided that —

(a) the sanction of the said Standing Committee shall be required, for the acquisition or exchange of any immovable property, for the acquisition of any movable property the value of which exceeds twenty thousand rupees but do not exceeds fifty thousand rupees in each case, for the taking of any property on lease for a term exceeding one year but

not exceeding three years; or for the acceptance of any gift, or bequest of property burdened by an obligation; if the value of such property do not exceed twenty thousand rupees ; and

(b) the sanction of the Corporation shall be required, for the acquisition of any movable property the value of which exceeds fifty thousand rupees, for the acquisition or exchange of any immovable property the value of which exceeds fifty thousand rupees, for taking of any property on lease for a term exceeding three years or for the acceptance of any gift or bequest of property burdened by an obligation if the value of such property exceeds twenty thousand rupees.

Disposal of property and interest therein.

273.(1) Subject to the provisions of section 277, the Commissioner may dispose by sale or exchange of any Corporation movable property the value of which does not exceed twenty thousand rupees in each instance, or grant for any term not exceeding twelve months, a lease of any Corporation immovable property or lease or concession of any right of fishing or grazing or gathering and taking fruits and the like :

Provided that every such disposal, lease or concession made or granted by the Commissioner shall be reported to the Standing Committee on Contracts within fifteen days.

(2) With the sanction of the said Standing Committee, the Commissioner may, dispose by sale or as the case may be exchange of any Corporation movable property the value of which does not exceeds fifty thousand rupees or grant for any term not exceeding three years a lease or concession of any such rights as aforesaid.

(3) With the sanction of the Corporation the Commissioner may, dispose of by sale or as the case may be exchange of any

Corporation movable property the value of which exceed fifty thousand rupees or grant for any term exceeding three years a lease of any Corporation immovable property or lease or concession of any such right as aforesaid.

(4) The sanction of the said Standing Committee under sub-section (2) or that of the Corporation under sub-section (3) may be given either generally or for any class of cases or specially for any particular case.

(5) The commissioner may lend or let out on hire any Corporation movable property on such conditions and for such periods as may be specified in regulation made by the Corporation in that behalf.

(6) Notwithstanding anything contained in this Act, no movable property exceeding five thousand rupees in value shall be sold otherwise than by public auction.

Limitation of power to accept property in trust.

274. A Corporation may accept trust relating exclusively to the furtherance of any purpose to which its funds may be applied.

Governments power to add to functions of Corporation.

275. The Government may, with the consent of a Corporation, make over to the Corporation, subject to such conditions as may be agreed upon, the management of any institution or the execution or maintenance of any work or the exercise of any power or the performance of any duty, not provided for in this Act.

Power of Corporation to determine whether work shall be executed by contract.

276. The Corporation may determine either generally for any class of cases or specially for any particular case whether the Commissioner shall execute works by contract or otherwise.

General provisions regarding contracts.

277.(1) The Corporation may enter into and perform all such contracts as it may consider necessary or expedient for giving effect to the provisions of this Act.

(2) With respect to the making of contracts under or for any purpose of this Act. The following provisions shall have effect, namely : —

- (a) every contract shall be made on behalf of the Corporation by the Commissioner ;
- (b) no contract for any purpose for which, in accordance with any provision of this Act, the Commissioner may not carry out without the sanction of one of the other Corporation's authorities or of the Government shall be made by him unless such sanction has been given ;
- (c) no contract involving an expenditure exceeding fifty thousand rupees but not exceeding rupees ten lakhs shall be made by the Commissioner unless it has been sanctioned by the Standing Committee ;
- (d) no contract involving an expenditure exceeding rupees ten lakhs but not exceeding rupees fifty lakhs shall be made by the Commissioner unless the Corporation has sanctioned it ;
- (e) no contract involving an expenditure exceeding rupees fifty lakhs shall be made by the Commissioner unless it has been sanctioned by the Government ; and
- (f) every contract made by the Commissioner involving an expenditure exceeding five thousand rupees but not exceeding fifty thousand rupees shall be reported to the Standing Committee in its next meeting.

(3) The provision of sub-section (2) shall apply to any variation of a contract involving an increase of more than ten per cent on the expenditure involving in the original contract.

278.(1) Every contract, entered into by the Commissioner on behalf of the Corporation, shall be in such manner and such form as would bind him if it were made on his own behalf and may in like manner and form be varied or discharged :

Mode of
making
contracts.

Provided that —

- (a) the common seal of the Corporation shall be affixed to every such contract which, if made between private persons, would require to be under seal; and
- (b) every contract for the execution of any work or the supply of any materials or goods which will involve an expenditure exceeding five thousand rupees shall be in writing and under a common seal of the Corporation and shall specify —
 - (i) the work to be done or the materials or good to be supplied as the case may be ;
 - (ii) the price to be paid for such work materials or goods ; and
 - (iii) in the case of a contract for work, the time within which the work or specified portions thereof shall be completed.

(2) The Common seal of the Corporation shall remain in the custody of the Commissioner and shall not be affixed to any contract or other instrument except in the presence of the Commissioner.

(3) No contract executed otherwise than as provided in this section shall be binding on the Corporation.

Invitation
of tenders.

279.(1) At least seven days before entering into any contract or the execution of any work or the supply of any materials or goods which will involve an expenditure of twenty thousand rupees, the Commissioner shall give notice by advertisements inviting tenders for such contract :

Provided that the Standing Committee on Contracts may, at the instance of the Commissioner and for reasons, which shall be recorded in its proceedings, authorize the Commissioner to enter into a contract without inviting tenders.

(2) On receipt of the tender made pursuance of the notice given under sub-section (1), the Commissioner may, subject to the provisions of section 278, accept any tender which appears to him upon a view of all the circumstances to be the most advantageous, but he shall not reject all the tenders without the sanction of the Standing Committee on Contracts.

Saving of certain irregularities.

280. When work is given on contract at unit rates and the number of units is not precisely determinable, the contract shall not be deemed to contravene the provisions of sections 277 to 279 (both inclusive) merely by reason of the fact that the pecuniary limits provided therein are eventually higher.

Security for performance of contracts.

281. The Commissioner shall take sufficient security for the due performance of every contract into which he enters after a tender has been accepted.

Power of several authorities to sanction estimates.

282. (1) The Commissioner may sanction any estimate the amount of which does not exceed rupees fifty lakhs independently.

(2) When the amount of the estimate exceeds rupees fifty lakhs but does not exceed rupees seventy-five lakhs, the sanction of the Standing Committee on Contracts shall be required.

(3) Any estimate, the amount of which exceeds rupees seventy-five lakhs but does not exceed rupees one crore and where the Corporation either generally or in any specified case so directs, any estimate the amount of which is less than rupees seventy lakhs shall require the sanction of the Corporation.

Works costing more than rupees one crore.

283.(1) Where a projects is framed for the execution of any work or services of works the entire estimate cost of which exceeds rupees one crore —

(a) the Commissioner shall cause a detailed report to the Standing Committee to be prepared including such estimate and drawings as may be required and the Standing Committee shall place the same before the Corporation ; and

(b) the Corporation shall consider the report and may reject the project or may approve it either in its entirety or subject to modification.

(2) Where the Corporation approves the project and the entire estimated cost exceeds rupees one crore, the report, subject to any modifications as aforesaid, shall be submitted to the Government.

(3) The Government may reject the project or may sanction it either in its entirety or subject to modification.

(4) The work shall not be commenced until the project has been sanctioned by the Government with or without modification.

(5) No materials change in the project sanctioned as aforesaid shall be carried into effect without the sanction of the Government.

Framing of
rules for
tender.

284. The Government shall have power to make rules as to the manner of submission and opening of tenders and their acceptance and such rules shall be binding on the Corporation and its officers and employees.

CHAPTER XV

DRAINS AND DRAINAGE WORKS

Corporation drains
to be under control
of the
Commissioner.

285. All drains vesting in or belonging to the Corporation shall be under the control of the Commissioner.

Vesting of water
course.

286. Any natural water course heretofore belonging to Government by which rain water or drainage of any kind is carried, may, on application to the Government by the Commissioner with the previous approval of the Standing Committee, be vested in the Corporation :

Provided that —

- (a) it shall be in the discretion of the Government in each case to determine whether a particular water course so applied for shall be so vested; and
- (b) the Government declaring that a water course so applied for to be made over to the Corporation shall, from the date to be specified in this behalf, vest such water course in the Corporation.

Explanation— For the purpose of this Chapter, "Standing Committee" shall mean the Standing Committee on Public Health, Electric Supply, Water Supply, Drainage and Environment.

Drains to be constructed and kept in repair by the Commissioner.

287.(1) The Commissioner shall maintain and keep in repair all Corporation drains and, when authorized by the Corporation in this behalf, shall construct such new drains as may from time to time, be necessary for effectually draining out the filthy water from the city.

(2) The Commissioner shall also, in the case of any street where there is a Municipal drain, construct at the cost of the Corporation fund such portion of the drain of any premises to be connected with such drain as it shall be necessary to lay under any part of such street and the portion of any connecting drain so laid be vested in the Corporation and be maintained and kept in repair by the Commissioner as a Corporation drain.

Power of making drain.

288.(1) The Commissioner may carry any Corporation drain, through, across or under any street, or any place laid out as, or intended for a street, or under any callar or vault which may be under any street, and, after giving reasonable notice in writing to the owner or occupier, into, through or under any land whatsoever within the city or, for the purpose of outfall or distribution of sewage, outside the city.

(2) The Commissioner may enter upon and construct any new drain in the place of an existing drain in any land wherein any Corporation drain has been already lawfully constructed, or repair any Corporation drain so constructed.

(3) Compensation shall be paid by the Commissioner to any person who sustain damage while taking action under this section.

Alteration and
discontinuance
of drains.

289.(1)The Commissioner may enlarge, arch over or otherwise improve any Municipal drain, and may discontinue, close up or destroy any such drain which has, in his opinion, become useless or unnecessary.

(2)The discontinuance, closing up or destruction of any drain shall be so done as to create the least practicable nuisance or inconvenience to any person and if by reason of anything done under this section any person is deprived of the lawful use of any drain, the Commissioner shall, as soon as may be, provide for his use some other drain which would be as effectual as the one discontinued, closed up or destroyed.

Cleaning of
drains.

290.(1)The Corporation drains shall be so constructed, maintained and kept as to create the least practicable nuisance and shall be from time to time properly flushed, cleansed and emptied.

(2) For the purpose of flushing, cleaning and emptying the said drains, the Commissioner may, with the sanction of the Corporation, construct or set up such reservoirs, sluices, engine and other works, as he may, from time to time, deem necessary.

Powers to
connect drains
of private
street's with
Corporation
drains.

291.The owner of a private street shall be entitled to connect the drain of such street with a Corporation drain, subject to the conditions, that —

- (a) before commencing to construct such drain, the owner of the street shall submit to the Commissioner a plan of the street bearing the signature of a licensed surveyor in token of its having been made by him or under his supervision, and drawn to such a convenient scale as the Commissioner shall require, and there may be shown on such plan, position, course, and

dimension of the proposed drain, with a section or sections thereof, and such other particulars in relation thereto as the Commissioner may deem necessary and require, and no such drain shall, without the approval in writing or contrary to direction of the Commissioner, be proceeded with ;

(b) the drain of such private street shall, at the expense of the owner of the street, be constructed of such size, material and description, and be branched into the Corporation drain in such manner and form of communication, in all respects, as the Commissioner, with the approval of the Standing Committee, may direct ;

(c) the Commissioner may, if he thinks fit, construct such part of such drain and such part of the work necessary for branching the same into the Corporation drain as may be in or under any public street or place vesting in the Corporation and, in such case, the expenses incurred by the Commissioner shall be paid by the owner of the private street.

Powers of owners and occupiers of premises to connect their drains to Corporation drains.

292. Subject to the provisions of section 291 the owner or occupier of any premises shall be entitled to cause his drain to empty into a Corporation drain or other place legally set apart for the discharge of drainage, provided that he first obtains written permissions of the Commissioner and that he complies with such conditions as the Commissioner may impose as to the mode in which and the superintendence under which connections with Corporation drains or other places aforesaid are to be made.

Power of Commissioner to close, demolish, alter or remake any private drain.

293. Where any person, without complying with the provisions of section 291 or 292, as the case may be, make or cause to be made any connection of a drain belonging to himself or to some

other person with any Corporation drain or other place legally set apart for the discharge of drainage, the Commissioner may, with the approval of the Standing Committee, close, demolish, alter or remake any such connection made in contravention of this section, and the expenses incurred by the Commissioner in so doing shall be paid by the owner of the street or the owner or occupier of the premises, for benefit of the connection was made, or by the person offending.

Building, etc. not to be constructed without permission over any drains.

294.(1) Without the written permission of the Commissioner no building, wall or other structure shall be erected or re-erected and no street or railway shall be constructed over any drain.

(2) If any building, wall or other structure so erected or re-erected, or any street so constructed, the Commissioner, after giving the offending person ten days notice of his intention with the approval of the Standing Committee may remove or otherwise deal with the same as he thinks fit, and expenses thereby incurred shall be recovered from the said person.

Right of owners and occupiers of premises to carry drain through land belonging to other persons.

295.(1) If it appears to the Commissioner that the only means or the most convenient means, by which the owner or occupier of any premises can cause his drain to empty into a Corporation drain or other place legally set apart for the discharge of drainage, is by carrying the same into, through or under any land belonging to some person other than the said owner or occupier, the Commissioner, after giving to the owner of such land, a reasonable opportunity of stating objections, if any, may, with the approval of the Standing Committee, if no objection is raised, or if any objection which is raised appears to him invalid or insufficient, by an order in writing, authorize the said owner or occupier to carry his drain into, through or under the said land in such manner as he may think fit to allow.

(2) Every such order of the Commissioner shall be a complete authority to the person in whose favour it is made or to any agent or person employed by him for this purpose, to enter, after

giving to the owner of the land reasonable written notice of his intention so to do, upon the said land with assistants and workmen at anytime between sunrise and sunset, and to execute the necessary work.

(3) Subject to all other provisions of this Act, the owner or occupier of any premises or any agent or person employed by him for this purpose, may after giving to the owner of any land, wherein a drain has been already lawfully constructed for the drainage of his said premises, reasonable written notice of his intention so to do, enter upon the said land with assistants and workmen, at any time between sunrise and sunset, and construct a new drain in the place of the existing drain or repair or alter any drain so constructed.

(4) In executing any work under this section, as little damage as can be, shall be done, and the owner or occupier of premises for whose benefit the work is done shall —

- (a) cause the work to be executed with the least practicable delay ;
- (b) fill in, reinstate and make good, at his own cost and with the least practicable delay, the ground or portion of any building or other construction opened, broken up or removed for the purpose of executing the said work ; and
- (c) pay compensation to the person who sustains damage by the execution of the said work.

(5) If the owner of any vacant land, into, through or under which a drain has been carried under this section shall, at any time afterwards, desire to erect a building on such land, the Commissioner shall, with the approval of the Standing Committee, by written notice, require the owner or occupier of the premises for whose benefit such drains was constructed to close, remove or divert the same in such manner as may be approved by the said

Committee and to fill in, reinstate and make good the land as if the drain had not been carried into, through or under the same :

Provided that no such requisition shall be made, unless, in the opinion of the Standing Committee, it is necessary or expedient in order to admit the construction of the proposed building or the safe enjoyment thereof, that the drain be closed, removed or diverted.

296. Every owner of the land shall be bound to allow any person in whose favour an order has been made under section 295 to carry a drain into, through or under land of such owner on such terms as may be specified in such order.

297. Where any premises are, in the opinion of the Commissioner, without sufficient means of effectual drainage, and a Corporation drain or some place legally set apart for the discharge of drainage is situated at a distance not exceeding one hundred feet from some part of the said premises, the Commissioner may, by written notice, require the owner or occupier of the said premises, —

- (a) to make a drain of such material, size and description laid at such level and according to such alignment and with such fall and outlet, as may appear to the Commissioner necessary emptying into such Corporation drain or place aforesaid :

Provided that where any premises have already been drained in accordance with the bye-laws or have to be so drained, no such requisition shall be made without the previous sanction of the Standing Committee :

- (b) to provide and set up all such appliances and fittings as may appear to the Commissioner necessary for the purposes of gathering and receiving the drainage from and conveying the same off, the said premises and of effectually

Owner of land to allow others to carry drains through the lands.

Commissioner may enforce drainage of undrained premises situated within hundred feet of Corporation drain.

flushing such drain and every fixture connected therewith; and

- (c) to remove any existing drain or other appliance or thing used or intended to be used for drainage, which is injurious to health.

Commissioner may enforce drainage of undrained premises not situated within hundred feet of a Corporation drain.

298.(1) Where any premises are in the opinion of the Commissioner, without sufficient means of effectual drainage and a Corporation drain or such place as aforesaid is situated at a distance exceeding one hundred feet from some part of the said premises, the Commissioner, may by written notice require the owner or occupier of the said premises —

- (a) to construct a drain up to a point to be specified in such notice, but not at a distance more than one hundred feet from some part of the said premises; or
- (b) to construct a closed cesspool of such material, size and description, in such position, at such level, with such alignment and with such fall and outlet as the Commissioner thinks necessary for the drain emptying into such cess-pool.

(2) Any requisition for the construction of any drain under sub-section (1) may comprise any detail specified in clause (a), (b) or (c) of section 297.

Power of Commissioner to construct drain for premises in combination.

299.(1) Where the Commissioner is of opinion that any group or block of premises, any part of which is situated within one hundred feet of a Corporation drain or other place legally set apart for the discharge of drainage already existing or about to be constructed, may be drained more effectually or economically in combination than separately, the Commissioner may, with the approval of the Standing Committee, construct or cause to be constructed drain for such group or block of premises by such method as appears to him to be the best suited therefor, and the expenses incurred by him for such

construction shall be paid by the owners of such premises in such proportions as the Standing Committee may think fit.

(2) Not less than fifteen days before any work under this section is commenced, the Commissioner shall give written notice to the owner of all the premises relating to —

- (a) the nature of the intended work ;
- (b) the estimated expenses thereof ; and
- (c) the proportion of such expenses payable by each owner.

(3) The owners, for the time being, of the several premises constituting a group or block shall be the joint owners of every drain so constructed, erected or fixed or continued for the special use and benefit only of such premises, and shall, in the proportions in which it is determined that the owners of such premises are to contribute to the expenses incurred by the Commissioner under sub-section (1) and be responsible for the expense of maintaining every such drain in good and efficient condition but every such drain shall from time to time be flushed, cleaned and emptied by the Commissioner at the charge of the Corporation fund.

Commissioner may close or limit the use of existing private drains.

300.(1) Where a drain connecting any premises with a Corporation drain or other place legally set apart for the discharge of drainage is sufficient for the effectual drainage of the said premises and is otherwise unobjectionable, but, is not, in the opinion of the Commissioner, adapted to the general drainage system of the city or of that part of the city in which such drain is situated, the Commissioner, with the approval of the Standing Committee, may, —

- (a) subject to the provision of sub-section (2) close, discontinue or destroy the said drain and cause any work necessary for that purpose to be done ;
- (b) direct that such drain shall, from such date as he may specify in this behalf, be used for sullage and

sewage only, or for rain water only, or for unpolluted sub-soil water only, or for both rain water and unpolluted sub-soil water only, and by written notice require the owner or occupier of the premises to make an entirely distinct drain for sullage or sewage or for rain water or unpolluted sub-soil water, or for both rainfall and unpolluted sub-soil water.

(2) No drain may be closed, discontinued or destroyed by the Commissioner under clause (a) of sub-section (1) except on condition of his providing another drain as effectual for the drainage of the premises and communicating with any Corporation drain or other place as aforesaid which the Commissioner thinks fit and the expenses of the construction of any drain so provided by the Commissioner and of any work done under the said clause (a) shall be paid by the Commissioner at the charge of the Corporation Fund.

(3) Any requisition made by the Commissioner under clause (b) of sub-section (1) may embrace any detail specified in clause (a) or clause (b) of section 297.

301.(1) It shall not be lawful to newly erect or re-erect any building, or to occupy any building newly erected or re-erected, unless and until —

(a) a drain be constructed, of such size, materials and description, at such level with such fall and outlet as may appear to the Commissioner to be necessary for the effectual drainage of such building ;

(b) there have been provided for the set up in such building and in the premises appurtenant thereto, all such appliance and fittings as may appear to the Commissioner to be necessary for the purpose of gathering and receiving the drainage from, and conveying the same off, the said building and the said premises, and of effectually flushing the drain

New
buildings
not to be
erected
without
drains.

of the said building and every fixture connected therewith.

(2) The drain to be constructed as aforesaid shall empty in to a Corporation drain or into some place legally set apart for the discharge of drainage situated at a distance not exceeding one hundred feet from the premises in which such building is situated, but if no such drain or place is within that distance, then such drain shall empty into such cess-pool as the Commissioner directs.

Provision of troughs and pipes to receive water from roofs of buildings.

302. The Commissioner may, by notice in writing, require the owner of any building in any street to put up, and maintain in good condition, proper and sufficient, trough and pipes for receiving and carrying the water from the roof and other parts of the building and for discharging the water so that it shall not fall upon any street or damage any street or other property vested in the Corporation.

Excrementitious matter not to be passed into cess-pool.

303. No person shall, except with the permission of the Commissioner, pass or cause or permit to be passed any excrementitious matters into any cess-pool made or used under section 298 or section 301 or into any drain communicating with any such cess-pool.

Obligation of owner of drains to allow use thereof or of joint ownership therein to others.

304. Every owner of a drain connected with a Corporation drain or other place legally set apart for the discharge of drainage shall be bound to allow the use of it to others, or to admit other persons as joint owners thereof, on such terms as may be specified by the Commissioner.

Right of use of drain ownership of which rests with others.

305. Any person desiring to drain his premises into a Corporation drain, through a drain of which he is not an owner, may make a private arrangement with the owner for permitting his use of the drain or may apply to the Commissioner for authority to use such drain or to be declared joint owner.

Commissioner may authorize persons other than the owner of a drain to use the same or declare him to be a joint owner thereof.

306.(1) Where the Commissioner is of opinion, whether on receipt of an application or otherwise, that the only or the most convenient means by which the owner or occupier of any premises

can cause the drain of such premises to empty in to a Corporation drain or other place legally set apart for the discharge of drainage is through a drain communicating with such Corporation drain or place aforesaid but belonging to some person other than the said owner or occupier, the Commissioner, after giving the owner of the drain a reasonable opportunity of stating any objection thereto may, with the approval of the Standing Committee, if no objection is raised or if any objection which is raised appears to him invalid or insufficient, by an order in writing, either authorize the said owner or occupier to use the drain or declare him to be joint owner thereof, on such conditions as to the payment of rent or compensation and as to connecting the drain of the said premises with the communicating drain and as to the respective responsibilities of the parties for maintaining, repairing, flushing, cleaning and emptying the joint drain or otherwise, as may appear to him equitable.

(2) Every such order of the Commissioner shall be a complete authority to the person in whose favour it is made or to any agent or persons employed by him for this purpose to enter, after giving or tendering to the owner of the drain the compensation or rent specified in the said order and otherwise fulfilling, as far as possible, the conditions of the said order and after giving to the owner of the drain reasonable written notice of his intention so to do, upon the land in which the said drain is situated with assistants and workmen, at any time between sunrise and sunset, and subject to all provisions of this Act, to do all such things as may be necessary for—

- (a) connecting the two drains ; or
- (b) renewing, repairing or altering the connection ; or
- (c) discharging any responsibility attaching to the person in whose favour the Commissioner's order is made for maintaining, repairing, flushing, cleaning or emptying the joint drain or any part thereof.

(3) In respect of the execution of any work under sub-section (2), the person in whose favour the Commissioner's order is made shall be subject to the same restrictions and liabilities which are specified in sub-section (4) of section 295.

Sewage and rain water drains to be distinct.

307. Wherever it is provided in this Chapter that steps shall or may be taken for the effectual drainage of any premises it shall be competent for the Commissioner to require that there shall be one drain for sullage, excrementitious matter and polluted water and another distinct drain for rain water and unpolluted sub-soil water or for both rain water and unpolluted sub-soil water each emptying into separate Corporation drains or other places legally set apart for the discharge of drainage.

Drain not to pass beneath buildings.

308. Except with the written permission of the Commissioner, and in conformity with such conditions as may be specified by the Standing Committee either generally or specially in this behalf, no drain shall be constructed so as to pass beneath any part of a building.

Position of cess-pools.

309. No person shall construct a cess-pool —

- (a) beneath any part of any building or within twenty feet of any lake, tank, reservoir, stream, spring or well ; or
- (b) upon any site or in any position which has not been approved in writing by the Commissioner.

Rights of Corporation to drains to drains, etc. constructed at charge of Corporation fund on premises not belonging to the Corporation.

310. All drains, ventilation-shafts and pipes and all appliances and fittings connected with drainage works constructed, erected or set up at the charge of the Corporation fund upon any premises not belonging to the Corporation, whether before or after the commencement of this Act, and otherwise than for the sole use and benefit of the said premises, shall, unless the Corporation otherwise determines or may at any time determine, vest and be deemed to have always vested, in the Corporation.

All drains and cess-pools to be properly covered and ventilated.

311.(1) Every drain and cess-pool, whether belonging to the Corporation or to any other person, shall be provided with proper traps and coverings and with proper means of ventilation.

(2) The Commissioner may, by written notice require the owner of any drain or cess-pool not belonging to the Corporation to provide and apply to the said drain or cess-pool such trap and covering and such means of ventilation as would be provided and applied if such drain or cess-pool belonged to the Corporation.

Affixing of pipes for ventilation of drains.

312.(1) For the purpose of ventilating any drain or cess-pool, whether belonging to the Corporation or to any other person, the Commissioner may erect upon premises or affix to the outside of any building any shaft or pipe, as may appear to the Commissioner necessary and cut through any projection from any building including the eaves of any roof thereof in order to carry such shaft or pipe through any such projection, and lay in through or under any land, such appliances as may in the opinion of the Commissioner be necessary for connecting such ventilating shaft or pipe with the drain or cess-pool intended to be ventilated :

Provided that any shaft or pipe so erected or affixed shall —

- (a) be carried at least fifteen feet higher than any skylight or window situated within a distance of forty feet therefrom ;
- (b) if the same is affixed to a wall supporting the eave of a roof be carried at least five feet higher than such eave ;
- (c) be erected or affixed so as to create the least practicable nuisance or inconvenience to the inhabitants of the neighbour ; and
- (d) be removed by the Commissioner to some other place, if at any time the owner of the premises of building upon or to which the same has been erected or affixed is desirous of effecting any

change in his property which cannot be carried out, or can not without unreasonable inconvenience be carried out, unless the shaft or pipe is removed.

(2) If the Commissioner declines to remove a shaft or pipe under clause (d) of the provision to sub-section (1), the owner of the premises or building upon or to which the same has been erected or affixed, may apply to the District Judge and the District Judge may, after such enquiry as he thinks fit to make, direct the Commissioner to remove the shaft or pipe and it shall be incumbent on the Commissioner to obey such order.

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

Special provisions relating to trade effluent.

313.(1) Subject to the provisions hereinafter appearing, the occupier of any trade premises may, with the consent of the Commissioner, discharge into the Corporation drains any trade effluent proceeding from the premises.

(2) No trade effluent shall be discharged from any trade premises in to Corporation drain otherwise than in accordance with a written notice, hereinafter referred to as "trade effluent notice" served on the Commissioner by the owner or occupier of the premises, stating —

- (a) the nature or composition of the trade effluent ;
- (b) the maximum quantity of the trade effluent which it process to discharge in any one day ; and
- (c) the highest rate at which it is proposed to discharge trade effluent, and no trade effluent shall be discharged in accordance with such notice until the expiration of two months, or such less time as may

be agreed to by the Commissioner, from the day on which the notice is served on the Commissioner hereinafter referred to as "the initial period".

(3) Where a trade effluent notice in respect of any premises is served on the Commissioner, he may, at any time within the initial period, give to the owner or occupier, as the case may be, of those premises a direction that no trade effluent shall be discharged in pursuance of the notice until a specified date after the end of the initial period and, in so far as the discharge of any trade effluent in accordance with the trade effluent notice requires the consent of the Commissioner in order to be lawful, the Commissioner may give that consent either unconditionally or subject to such conditions as he thinks fit to impose in respect of —

- (a) the drain or drains in to which any trade effluent may be discharged in pursuance of the trade effluent notice ;
- (b) the nature or composition of the trade effluent which may be so discharged ;
- (c) the maximum quantity of any trade effluent which may be so discharged on any one day, either generally or into a particular drain ;
- (d) the highest rate at which any trade effluent may be discharged in pursuance of the trade effluent notice, either generally or in to a particular drain ; and
- (e) any other matter with respect to which bye-laws may be made under this Act :

Provided that any such conditions as imposed by the Commissioner shall be of no effect if, and so far as, it is inconsistent with any bye-laws so made which were for the time being in force.

314. The Commissioner may cause any Corporation drain to empty into a tank or other place whether within or outside the city and disposal of the sewage at any place whether within or outside

the city and disposal of the sewage at any place, whether within or outside the city, and in any manner, which he may deem suitable for such purpose :

Provided that —

- (a) the Commissioner shall not cause any Corporation drain, to empty into any place into which a Corporation drain has not heretofore been emptied, or to dispose of sewage at any place or in any manner at or in which sewage has not heretofore been disposed of without the sanction of the Corporation ;
- (b) any power conferred by this section shall be exercised in such manner as to create the least practicable nuisance ; and
- (c) no Corporation drain shall be made to empty into any place and no sewage shall be disposed of at any place or in any manner which the Government may think fit to disallow.

315. For the purpose of receiving, storing, disinfecting, distributing or otherwise disposing of sewage, the Commissioner may, when authorized by the Corporation in this behalf, —

- (a) construct any work within or outside the city ;
- (b) purchase or take on lease any land, building, engine, material or apparatus either within or outside the city ; and
- (c) enter into arrangement with any person for any period not exceeding twenty years, for the removal or disposal of sewage within or outside the city :

Provided that any power conferred by this section shall be exercised in such manner as to cause the least practicable nuisance.

Provision of means for disposal of sewage.

Construction
of water
closets and
privies.

316.(1) It shall not be lawful to construct a water-closet or privy for any premises except with the written permission of the Commissioner and in accordance with such terms, not being inconsistent with any bye-laws for the time being in force, as he may specify.

(2) In specifying any such terms, the Commissioner may determine in each case —

(a) whether the premises shall be served by the water-closet or by the privy system, or partly by one and partly by the other ; and

(b) regarding the site or position of each water-closet or privy.

(3) If any water-closet or privy is constructed on any premises in contravention of sub-section (1), the Commissioner may, after giving not less than ten days notice to the owner or occupier of such premises, close such water-closet or privy and, with the previous approval of the Standing Committee, alter or demolish the same and the expenses incurred by the Commissioner in doing so shall be paid by such owner or occupier or by the person offending.

Water-closets
and other
accommodation
in buildings
newly erected
or re-erected.

317.(1) It shall not be lawful newly to erect or to re-erect a building for or intended for human habitation, or at or in which labourers or workmen are to be employed, without such water-closet or privy and such unial accommodation, and accommodation for bathing or for the washing of clothes and domestic utensils , as the Commissioner may determine.

(2) In determining any such accommodation, the Commissioner may specify in each case —

(a) whether such building shall be served by the water-closet or by the privy system or partly by one and partly by the other ;

(b) regarding the site or position of each water-closet, privy, urinal or bathing or washing place, and their number.

Accommodation insufficient or objectionable.

318.(1) Where any premises are without a water-closet, privy, urinal, or bathing or washing place, or if the Commissioner is of opinion that the existing water-closet, privy, urinal or bathing or washing place available for the persons occupying or employed in any premises is insufficient or, on any sanitary grounds objectionable, the Commissioner may, with previous approval of the Standing Committee, by written notice require the owner of such premises —

- (a) to provide such additional water-closet, privy, urinal, or bathing or washing place as he determines ;
- (b) to make such structural or other alterations in the existing water-closet or privy, urinal or bathing or washing place as he determines ; or
- (c) to substitute water-closet accommodation for any privy accommodation :

Provided that where the water-closet privy, urinal or bathing or washing place accommodation of any premises —

- (i) has been, and is being, used in common by the persons occupying or employed in such premises and any one or more premises ; or
- (ii) is in the opinion of the Commissioner likely to be so used,

he may direct in writing that a separate water-closet, privy, urinal or bathing or washing place be provided on or for each of such other premises ;

(2) Any requisition under sub-section (1) may comprise any detail specified in sub-section (2) of section 320.

Power to require privy accommodation to be provided for factories.

319. Where it appears to the Commissioner that any premises are, or are intended to be, used as market, railway station

or other place of public resorts, or as a place in which persons exceeding twenty in number are employed in any manufacturer, trade or business or as workmen or labourers, the Commissioner may, by written notice, require the owner or occupier of the said premises to construct sufficient number of water-closets or latrines or privies and urinals for the separate use of each sex.

Power of
Commissioner
as to
unhealthy
privies.

320. Where the Commissioner is of opinion that any privy is likely, by reason of its not being sufficiently detached for any building to cause injury to the health of any person occupying such building, he may with the previous approval of the Standing Committee, by written notice ; require the owner or occupier of the premises in or on which such privy is situated either —

(a) to close up such privy so as to prevent any person using the same, and to provide in lieu thereof such water-closet or privy or such urinal as the Commissioner may determine ; or

(b) to provide between the said privy and any portion of the said building such air-space, not exceeding three feet in width, open to the sky, and situated entirely within such limits of the said premises as the Commissioner may determine.

Provisions
as to
privies.

321. The owner or occupier of any premises on which there is a privy shall —

(a) have between such privy and any building or place used or intended to be used for human habitation, or in which any person may be or may be intended to be employed in any manufacture, trade or business, an air space of at least three feet in width and open to the sky ;

(b) have such privy shut off by sufficient roof and wall or fence from the view of persons dwelling in the neighbour or passing by ;

- (c) unless and except for the period as he may be permitted by the Commissioner under the power hereinafter conferred, to continue any existing door or trap-door or close up and not keep any door or trap-door in such privy opening onto a street :

Provided that the Commissioner may permit the continuance for such period as he may think fit of any existing door or trap-door in a privy opening on to a street, if a nuisance is not thereby created :

Provided further that clause (a) shall not be deemed to apply to privy in existence when this Act comes into force, unless —

- (i) there is space available on the premises for the erection of a new privy in conformity with, to the said clause ; and
- (ii) the existing privy can be removed and a new one erected as aforesaid without destroying any portion of a permanent building other than the existing privy.

Provisions
as to
water-closets.

322. The owner or occupier of any premises on which there is a water-closet shall —

- (a) have such water-closet divided off from any part of building or place used or intended to be used for human habitation or in which any person may be, or may be intended to be, employed in any manufacture, trade or business by such means as the Commissioner shall deem sufficient ;
- (b) have such water-closet in such position that one of its sides at least shall be an external wall ;
- (c) have the seat of such water-closet placed against an external wall ;
- (d) cause such water-closet to be provided with such means of constant ventilation as the Commissioner shall deem adequate by a window or other aperture

in one of the walls of such water-closet or by an opening directly in to the external air, or by an airshaft or by some other suitable method or appliance ; and

- (e) have such water-closet supplied by cistern and flushing apparatus and fitted with a soil pan or receiver and such other appliance of such materials, size and description as the Commissioner shall deem necessary :

Provided that a cistern from which a water-closet is supplied shall not be used, or be connected with another cistern which is used, for supplying water for any other purpose.

Position of
privies and
water-closets.

323. No person shall build a privy or water-closet in such a position or manner as —

- (a) to be directly over or directly under any room or part of a building other than another privy or water-closet or a bathing place, bathroom or terrace ; or
- (b) to be within a distance of twenty feet from any well or from any spring, tank or stream the water whereof is, or is likely to be used, whether in natural or manufactured stage for human consumption, domestic purposes or otherwise to render the water of any well, spring, tank or stream liable to pollution.

Use of
place for
bathing or
washing
clothes or
domestic
utencils.

324. No person shall use or permit to be used as a bathing place, or as a place for washing clothes or domestic utensils any part of any premises which has not been provided with all such appliances and fittings as shall in the opinion of the Commissioner, be necessary for collecting the drainage thereof and conveying the same therefrom.

Public
necessaries.

325. The Commissioner shall provide and maintain in proper and convenient situations and on sites vesting in the Corporation,

water-closets, latrines, privies and urinals and other similar conveniences for the public.

Water-closets etc. not to be injured or improperly fouled.

326.(1) No person shall injure or foul any water-closet, privy, urinal or bathing or washing place or any fittings or appliances in connection therewith which have been provided for the use in common of the inhabitants of one or more buildings.

(2) If any such water-closet, privy, urinal or bathing or washing place or any fitting or appliance in connection therewith or the approaches thereto or the walls, floors or seats or anything used in connection therewith are in such a state as to be a nuisance or source of annoyance to any inhabitant of the said building or buildings or to any inhabitant of the locality or passer-by for want of proper cleaning thereof, such of the persons having the use thereof as may be in default or, in the absence of evidence as to which of the persons having the use thereof in common, is in default, every such person shall be deemed to have contravened the provisions of this section.

(3) The provisions of this section shall not exempt the owner of the building or buildings from any penalty to which he may otherwise have rendered himself liable.

Inspection and examination of drains etc. not belonging to the Corporation.

327. All drains, ventilation-shafts and pipes, cess-pools, house gullies, water-closets, privies, latrines, urinals, bathing and washing places which do not belong to the Corporation, or which have been constructed, erected, or set up at the charge of the Corporation fund on premises not belonging to the Corporation, for the use or benefit of the owner or occupier of the said premises, shall be open to inspection and examination by the Commissioner.

Power to open ground etc. for the purpose of inspection and examination.

328. For the purpose of inspections and examinations, the Commissioner may cause the ground or any portion of any drain or other work exterior to a building or, with the approval of the Standing Committee, any portion of a building which he thinks fit to be opened, broken up or removed :

Provided that in the prosecution of any such inspection and examination as little damage as can be, shall be done.

Expenses of inspection to be paid by Commissioner.

329.(1) If upon any such inspection and examination as aforesaid it is found that the drain, ventilation-shaft or pipe, cesspool, house gully, water-closet, privy, latrine or urinal or bathing or washing place is in proper order and condition, and that none of the provisions of this Chapter has been contravened in respect of the construction or maintenance thereof, and that no encroachment has been made thereupon, the ground or portion of any building, drain or other work, if any, opened, broken up or removed for the purpose of such inspection and examination shall be filled in, reinstated and made good by the Commissioner.

(2) If it is however found that any drain, ventilation-shaft or pipe, cesspool, house gully, water-closet, privy, latrine, urinal or bathing or washing place inspected and examined is not in good order or condition, or has been repaired, changed, altered or encroached upon, or except when the same has been constructed by or under the order of the Commissioner, if it has been constructed in contravention of any of the provision of this Chapter or of any enactment at the time in force, the expenses of the inspection and examination shall be paid by the owner of the premises, and the said owner shall fill in, reinstate and make good the ground or portion of any building drain or other work opened, broken up or removed for the purpose of such inspection and examination at his own cost.

Commissioner may require repair, etc to be made.

330. (1) When the result of such inspection and examination as aforesaid is as described in sub-section (2) of section 329, the Commissioner may —

- (a) by written notice, require the owner of the premises or the several owners of the respective premises in which the drain, ventilation-shaft or pipe, cess-pool, house gully, water closet, privy, latrine, urinal or bathing or washing place is situated or for the benefit of which the same has been constructed, erected or set up —

(i) to close or remove the same or any encroachment thereupon or, subject to the proviso to clause (c) of section 332, to remove any projection over the same; or

(ii) to renew, repair, cover, recover, trap, ventilate, pave and pitch or take such other step with the same as he may think fit to direct and to fill in, reinstate and make good the ground, building or thing opened, broken up or removed for the purpose of such inspection and examination ;
and

(b) without notice, fill up or demolish any drain by which sullage or sewage is carried through, from into or upon any premises in contravention of any of the provisions of this chapter, and the expenses incurred by the Commissioner in so doing shall be paid by such owner or owners.

(2) Any requisition under clause (a) of sub-section (1) in respect of any drain which has been constructed, erected or set up or which is continued for the sole use and benefit of a property or for the exclusive use and benefit of two or more properties may include any extension thereof beyond such property or properties, if and so far as such extension has been constructed, erected or set up, or is continued, for the sole use and benefit of such property or properties.

331. In the case of any drain which has been constructed, erected or set up, or which is continued, for the exclusive use and benefit of two or more premises and which is not —

(a) a drain constructed under sub-section (1) of section 299 ; or

(b) a drain in respect of which condition as to the respective responsibilities of the parties have been declared under sub-section (1) of section 306,

Cost of
inspection
and execution
of works in
certain cases.

the expenses of any inspection and examination made by the Commissioner under section 329 and the execution of any work required under section 330, whether executed under section 335 or not shall be paid by the owners of such premises in such proportions as may be determined —

- (i) by the Standing Committee if the aggregate amount of such expenses does not exceed rupees two thousand and five hundred ; and
- (ii) by the Corporation if the aggregate amount of such expenses exceeds rupees two thousand and five hundred.

Prohibition of acts contravening the provisions of this Chapter or done without sanction.

332. No person shall, —

- (a) in contravention of any of the provisions of this chapter or of any notice issued or direction given under this chapter or without the written permission of the Commissioner, in any way alter the fixing, disposition or position of, or construct, erect, set up, renew, rebuild, remove, obstruct, stop up, destroy or change, any drain, ventilation shaft or pipe, cess-pool, water closet, privy, latrine, urinal or bathing or washing place or any trap, covering or other fitting or appliance connected therewith ;
- (b) without the written permission of the Commissioner, renew, rebuild or unstop any drain, ventilation shaft or pipe, cess-pool, water closet, privy, latrine or urinal or bathing or washing place, or any fitting or appliance which has been, or has been ordered to be discontinued, demolished or stopped up under any of the provisions of this chapter ;
- (c) without the written permission of the Commissioner, make any projection over or encroachment upon or in any way injure, or cause or permit to be injured, any drain, cess-pool, house gully, water closet, privy, latrine or urinal or bathing or washing place :

Provided that nothing in this clause shall apply to any weather-shade in width not exceeding two feet over any window which does not front a wall or window of an adjoining house :

- (d) droop, pass or place, or cause or permit to be drooped, passed or placed into or in any drain, any brick, stone, earth, ashes, or any substance or matter by which, or by reason of the amount of which such drain is likely to be obstructed ;
- (e) pass, or cause or permit to be passed, into any drain provided for a particular purpose, any matter or liquid for the conveyance of which such drain has not been provided ; or
- (f) cause or suffer to be discharged into any drain from any factory, bake house, distillery, workshop or work place or from any building or place in which steam water or mechanical power is employed, any hot water, steam, fumes or any liquid which would prejudicially effect the drain or the disposal by sale or otherwise of the sewage conveyed along the drain or which would from its temperature or otherwise be likely to create a nuisance.

333. On the written request of any person who is required under any of the provisions of this chapter to supply any materials or fittings or to do any work, the Commissioner may, on such person's behalf, supply the necessary materials or fittings, or cause the necessary work to be done, unless a deposit is first of all made by the said person of a sum which will, in the opinion of the Commissioner, suffice to cover the cost of the said materials, fittings and work.

334.(1) No person shall permit any work described in this chapter to be executed except by a licensed plumber :

Provided that if, in the opinion of the Commissioner, the work is of a trivial nature, he may grant permission in writing for the execution of such work by a person other than licensed plumber.

Materials and works may be supplied and done under this chapter for any person by the Commissioner.

Works to be done by licensed plumber and permission to use as drain.

(2) Every person who employs a licensed plumber to execute any such work shall, when so required, furnish to the Commissioner the name of such plumber.

(3) Every such person shall within one month after completion of any such work and before permitting the same or any portion thereof to be filled in or covered over, deliver, or send or cause to be delivered or sent, to the Commissioner at his office, notice in writing of the completion of such work, accompanied by a certificate in the form specified in a Form signed by the licensed plumber by whom the same has been executed, who is thereby required immediately upon completion of the work and upon demand by the person employing him to sign and give such certificate to such person and shall give to the Commissioner all necessary facilities for the inspection of such works:

Provided that—

(a) such inspection shall be made within seven days from the date of receipt of the notice of completion; and

(b) the Commissioner may, within seven days after such inspection, by written intimation addressed to the person from whom the notice of completion was received and delivered at his address as stated in such notice, or in the absence of such address, affixed to a conspicuous part of the premises in which such work has been executed—

(i) give permission for the filling in or covering over of such works, or

(ii) require that before such work is filled in or covered over it shall be amended to the satisfaction of the Commissioner in any particular manner in respect of the portion which was not in accordance with the requisition previously made by the

Commissioner or contravenes some provisions of this Act or of the regulations made thereunder.

(4) No person shall permit any such work to be used as a drain or part of a drain until —

(a) the permission referred to in clause (b) of the proviso to sub-section(3) has been received; or

(b) the Commissioner has failed for fourteen days after receipt of the notice of the completion to intimate as aforesaid his refusal of permission for filling in or covering over of such work.

Commissioner may execute certain works under this chapter without allowing option to persons concerned of executing the same.

335.(1)The Commissioner may, if he thinks fit, cause any work described in this Chapter to be executed by the Corporation or other agency under his own order.

(2) The expenses of any work so done shall be paid by the person aforesaid, unless the Corporation shall by a general or special order or resolution, sanction as they are hereby empowered to sanction, the execution of such work at the charge of the Corporation fund.

CHAPTER XVI

SOLID WASTES

Duty of corporation in respect of solid wastes management and handling.

336. The Corporations shall, within the Corporation area, be responsible for implementation of the rules made by the Central Government in exercise of the powers conferred by the Environment (Protection) Act, 1986, to regulate the management and handling of solid wastes and for development of any infrastructure for collection, storage, transportations, processing and disposal of such solid wastes.

29 of 1986.

Entrustment of management and handling of solid waste billing and collection of charge.

337. Notwithstanding anything contained elsewhere in this Act, for the purposes of management and handling of solid wastes and for handling of solid wastes development of infrastructure, if any, for collection, storage, transportation, processing and disposal

of such solid wastes, a charge shall be levied and payment thereof shall be made, at such rate as the Corporation may fix from time to time :

Provided that the charge as aforesaid shall, as far as practicable, be such as shall cover the costs on account of management and handling of solid wastes and development of infrastructure, if any, and also for the costs of debt-servicing, depreciation of plant and machinery, and other charges, if any :

Provided further that the Commissioner may, with the prior approval of the Standing Committee, entrust development of infrastructure for collection, storage, transportation, processing and disposal of solid wastes and the work of management and handling of solid wastes and of building and collection of the charges as aforesaid to any agency under any law for the time being in force or to any other agency.

Function of
Corporation.

338. The Corporation shall, either on its own or through any other agency authorized by it in this behalf, —

- (a) organize collection of Corporation solid wastes through any of the methods, like community bin collection (central bin, house to house collection, and collection on regular preformed times and schedules) ;
- (b) devise collection of wastes from slums and squatter areas or other localities including hotels, restaurants, office complexes and commercial areas ;
- (c) remove at regular intervals all solid wastes so collected under clause (a) and clause (b) for disposal on daily basis ; and
- (d) arrange for making use of bio-degradable wastes from slaughter houses, meat and fish markets, and fruits and vegetable markets in an environmentally acceptable manner.

Solid wastes
to be property
of
Corporation.

339. All solid wastes deposited in public receptacles, depots and places provided or appointed under section 340 and all solid wastes collected by the Corporation employees or contractors or any other agency authorized in this behalf shall be the property of the Corporation.

Appointment
of places for
disposal and
final disposal
of solid
wastes.

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

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

(i) in conformity with the provisions of law relating to development planning and land use control or any other law relating thereto for the time being in force, or

(ii) in the absence of any such law, with the approval of the Government :

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

Duty of owners
and occupiers of
premises to
store solid
wastes at
source of
generation.

341. It shall be the duty of the owners and the occupiers of all lands and buildings in the Corporation area —

(a) to have the premises swept and cleaned on a regular basis ;

(b) to provide for separate receptacles or disposal bags for the storage of —

(i) organic and bio-degradable wastes,

(ii) recyclable or non-biogradable wastes, and

(iii) domestic hazardous wastes,

so as to ensure that these different types of wastes do not get mixed ;

(c) to keep such receptacles in good condition and order ; and

(d) to cause all such wastes, including rubbish, offensive matter, filth, trade refuse, carcasses, excrementitious matters, bio-medical wastes and other polluted and obnoxious matters to be collected from their respective premises and to be deposited in community bins or receptacles at such times and in such places as the Commissioner may, by notice , specify.

Duty of Co-operative Housing Society, Apartment Owners' Association etc.

342. It shall be the duty of the managements of Co-operative Housing Societies, Apartment Owners' Associations, residential and non-residential building complexes, educational buildings, institutional buildings, assembly buildings, business buildings, mercantile buildings, industrial buildings, storage buildings, and hazardous buildings to provide at their premises community bins or disposal bags of appropriate size as may be specified by the Corporation for temporary storage of wastes (other than recyclable wastes), hazardous wastes and bio-chemical wastes, for their subsequent collection and removal by the Corporation :

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

Prohibitions

343. No person and no owner or occupier of any land or building shall—

- (a) litter or deposit at any public place, any solid waste;
- (b) deposit building rubbish in or along any public street, public place or open land ;
- (c) allow any filthy matter to flow on public places ; or
- (d) deposit or otherwise dispose of the carcass or any part of any dead animal at a place not provided or appointed for such purpose.

Punishment for littering on streets and depositing or throwing any solid waste.

344. Whoever litters any street or public place or deposits or throws or causes or permits to be deposited or thrown any solid waste or building rubbish at any place in contravention of the provisions of this Act or permits the flow of any filthy matter from his premises, shall be punished on the spot with a fine, being not less than one hundred rupees, and the amount of such fine and the manner of collection of the same shall be such as may be determined by regulations from time to time.

Bio-medical wastes or hazardous wastes.

345. It shall be the duty of the Corporation either on its own or through any other agency authorized by it in this behalf, to implement the provisions of the rules made by the Central Government in exercise of the powers conferred by the Environment (Protection) Act, 1986 to regulate the management and handling of bio-medical wastes or hazardous wastes to the extent such rules apply to the Corporation.

29 of 1986.

CHAPTER XVII

WATER SUPPLY

Definitions.

346. In this chapter unless there is anything repugnant to the subject or context, —

- (a) "communication pipe" means a pipe extending from a Corporation water-main up to and including the Corporation stop-cock ;
- (b) 'consumer' means any person who uses or is supplied with water from a Corporation water work or on whose application such water is supplied and includes any person liable to the Corporation under the provisions of this Act for the payment of water tax or any sum for the water supplied from a Corporation water works ;
- (c) "consumer's pipe" means a pipe used in connection with the supply of water from any Corporation water work which is not the property of the Corporation ;

- (d) "distributing pipe" means any pipe not subject to water pressure from a Corporation water-main ;
- (e) "fitting" includes a pipe, coupling, flange, branch bend, stop, ferrule, stop tap, bibtap, spring tap, pillar tap, glob tap, ball cock, boiler, pump, meter, hydrant and any other apparatus or article used for the purpose of conveying or storing water supplied by the Corporation ;
- (f) "Corporation stop-cock" means the stop-cock which controls the supply of water from a Corporation water-main ; and
- (g) "supply pipe" means the pipe extending from a Corporation stop-cock up to the ball-cock of the storage tank, if any, and any pipe subject to pressure from a Corporation water-main.

General powers for supplying the City with water.

347. For the purpose of providing the City with a supply of water, proper and sufficient for public and private purposes, the Commissioner, when authorized by the Corporation in this behalf, may —

- (a) construct and maintain water works, either within the City and do any other necessary acts ;
- (b) purchase or take on lease any water work or any water right to store on to take and convey water, either within or outside the City ; and
- (c) enter into an arrangement with any person for a supply of water.

Corporation water works to be managed and kept in repair by Commissioner.

348. The Commissioner shall manage all Corporation water works and maintain the same in good repair and efficient condition and shall cause all such alterations and extensions to be made, from time to time, in the said water works as may be necessary or expedient for improving the said works.

Inspection of Corporation water works by persons appointed by Government.

349. Any person appointed by the Government in this behalf shall, at all reasonable time, have liberty to enter upon and inspect any Corporation water works.

Power of access to Corporation water works.

350.(1)The Commissioner and any person appointed by the Government under section 349 in this behalf may, for the purpose of inspection, repairing or executing any work in, upon or in connection with any Corporation water works, at all reasonable times, —

- (a) enter upon and pass through any land within or outside the city adjacent to or in the vicinity of such water works, to whomsoever such land may vest; and
- (b) cause to be conveyed into and through, any such land all necessary men, materials, tools and implements.

(2) Compensation for any damage as little damage as can be done in pursuance of this section shall be paid by the Commissioner or, if any person appointed under section 349 by the Government.

Power of carrying water main, etc.

351.(1) For the purpose of carrying, renewing and repairing water-mains, pipes and ducts within or outside the city, the Commissioner shall have the same powers and be subject to the same restrictions as he has and is subject to under the provisions hereinbefore contained.

(2)This section shall also apply in respect of carrying renewing and repairing of private water-mains, pipes and ducts.

Fire hydrants to be provided.

352.The Commissioner shall cause fire-hydrants and all necessary works, machinery and assistance for supplying water, in case of fire, to be provided and maintained and shall have painted or marked on the buildings and wells or in some other conspicuous manner, within the street, wards or marks near to such hydrants to denote the situation thereof, and shall cause a hydrant key to be deposited with the officer-in-charge of fire station at each place

within the city and do such other things for the purpose aforesaid, as he shall deem expedient.

Prohibition
of certain
acts
affecting the
Corporation
water works.

353.(1) Except with the permission of the Corporation no person shall —

- (a) erect, re-erect any building for any purpose whatsoever on any part of such area as shall be demarcated by the Commissioner surrounding any lake, tank, well or reservoir from which a supply of water is derived for a Corporation water works ;
- (b) remove, alter, injure, damage or in any way interfere with the demarcation works of the area aforesaid ; or
- (c) extend, alter or apply to any purpose different from that to which the same has been heretofore applied any building already existing within the area aforesaid ; or
- (d) carry on, within the area aforesaid, any operation or manufacture trade or agriculture in any manner, or do any act whatsoever, whereby injury may arise to any such lake, tank, well or reservoir or to any portion thereof or whereby the water of any such lake, tank, well or reservoir may be fouled or rendered less wholesome.

(2) Except as hereinafter provided, no person shall —

- (a) cause any act or suffer to percolate or drain into or thereupon anything, whereby the water therein may be in any way fouled or polluted or its quality altered ; or
- (b) alter the surface of any Corporation land adjacent to or forming part of any such work by digging there into or depositing thereupon any substance; or

- (c) cause or suffer to enter into such work any animals ; or
- (d) throw or put anything into or upon such water works ; or
- (e) bathe in or near such work ; or
- (f) wash or cause to be washed in or near such work any animal or thing.

Buildings etc. not to be erected over Corporation water-main without permission.

354.(1) Without the written permission of the Commissioner, no building, wall or structure of any kind shall be newly erected and no street or minor railway shall be constructed over any Corporation water-main.

(2) If any building, wall or other structure be so erected or re-erected or any street or minor railway be so constructed the Commissioner may, with the approval of the Standing Committee, cause the same to be removed or otherwise dealt with in such manner as may appear to him, fit, and the expenses thereby incurred shall be paid by the person offending.

Vesting of public drinking fountains, etc in the Corporation.

355.(1) Subject to other provisions of this Act, all existing public drinking fountains, tanks, reservoirs, cisterns, pumps, wells, ducts, and works for the supply of water for the gratuitous use of the inhabitants of the city shall vest in the Corporation and be under the control of the Commissioner.

(2) The Commissioner shall maintain the said works and provide inhabitants with water, and when authorized by the Corporation in this behalf may construct any other such works for applying water for the gratuitous use of the inhabitants of the city :

Provided that water carried away by any of the inhabitants from any such work shall be taken only for personal or domestic purposes and not for the purpose of business or sale and shall not, except with the written permission of the Commissioner, be carried away in any vehicle.

(3) The Commissioner may temporarily, and with the approval of the Corporation permanently, close any of the said works either entirely or partially.

(4) If any such work is permanently closed either entirely or partially by the Commissioner, the site thereof, or the portion thereof which is so closed, and the materials of the same may be disposed of as the property of the Corporation :

Provided that if any such work which is permanently closed, either entirely or partially, was a gift to the public by some private person, the said site and the materials or the proceeds of the sale thereof shall, unless by reason of their value being insignificant or for other sufficient reason the Corporation thinks fit to direct otherwise, be applied to or towards some local work of public utility bearing the name of such person, or to or towards any such local work which may be approved by the Corporation and by the heirs or other representative, if any, of the said person.

(5) The Corporation may, with the previous sanction of the Government or Government may, in consultation with the Corporation, transfer the execution of, repair and maintenance of and supply of drinking water from, the Water works of the Corporation to the State Public Health Engineer Organization with such terms and conditions as may be approved by the Government.

Public drinking fountains, etc, may be set apart for particular purpose.

356.(1) The Commissioner may assign and set apart each of the said works and the water therein for use by the public for such purpose only as he may think fit, and shall cause to be indicated, by a notice affixed on a conspicuous spot on or near each such work, the purpose for which the same has been so assigned and set apart.

(2) No person shall make use of any such work or of any water therein for any purpose other than the purpose for which the same has been so assigned or set apart.

Conditions on which water supply may be provided.

357.(1) Subject to the provisions appearing hereinafter no supply pipes for, conveying water to any premises shall be connected with such water works except on the written application or with a written assent of the owner of the premises or of the person primarily liable for the payment of property taxes on the said premises.

(2) If it appears to the Commissioner that any premises situated within any portion of the city is without a supply of pure water obtainable on the premises and in adequate to the requirements of the persons, usually occupying or employed upon the said premises, the Commissioner shall by written notice require the owner of the said premises or the person primarily liable for the payment of property taxes thereon, to obtain adequate supply as aforesaid from a Corporation water works and to provide supply and distributing pipes, cisterns and fittings and do all such works as may in the opinion of the Commissioner be necessary for that purpose.

(3) If the written assent of the owner of any premises or the person primarily liable for the payment of property taxes referred to in sub-section(1) is withheld, a tenant may appeal to the Commissioner who shall, if he is satisfied that the assent has been unreasonably withheld and if the provisions of sub-section (2) are satisfied, give connection to the water works from conveying water to such premises.

(4) The Commissioner may refuse to grant such connection of water works in respect of any premises, if he is satisfied that the arrangements for draining waste water from such premises are inadequate or that the supply of water through communication pipes is likely to cause such premises to be in an insanitary condition or to create a nuisance, unless such measures as he may direct are carried out for disposal of waste water or for preventing the creation of insanitary conditions or nuisance.

358.(1) No connection with any Corporation water works shall be made or renewed —

(a) except by a Corporation officer or employee empowered in that behalf by the Commissioner ;
and

(b) until the certificate specified in sub-section (4) has been given.

(2) In every case where a new connection with Corporation water works is made or an existing connection requires

renewal, all necessary communication pipes and fittings thereon shall be supplied by the Commissioner, and the work of laying and applying such communication pipes and fittings shall be executed by the Corporation agency under the Commissioner's orders, and cost of all such materials and work shall be charged to the Corporation Fund.

(3) Every such communication pipe and fittings thereon shall vest in the Corporation and be maintained at the charge of the Corporation fund as a Corporation water works.

(4) All supply and distributing pipes and cisterns and fittings not being the property of the Corporation shall be laid and applied under the supervision and to the satisfaction of a Corporation officer appointed by the Commissioner in that behalf, who shall give and sign a certificate, free of charge, when such supply and distributing pipes, cisterns and all necessary fittings have been laid, applied and executed in a satisfactory manner and when proper and sufficient arrangements have been made for draining waste water.

(5) Where any supply or distributing pipe, cistern or such fittings is laid, applied, added to or altered, or any connection is made in contravention of this section the Commissioner may, with the previous approval of the Standing Committee, remove such supply or distributing pipe, cistern, fitting or connection or additions or alternation thereto, and make good such pipe, cistern, fittings or connection and the owner and occupier of such premises shall be jointly and severally liable to pay the expenses incurred by the Commissioner in so doing.

Commissioner
may take
charge of
private
connection.

359.(1) The Commissioner may, by agreement with a consumer, take charge on behalf of the Corporation of all or any of the consumer's pipes and fittings :

Provided that if any such pipes or fittings are communication pipes or fittings not vesting in the Corporation, the Commissioner may, if he thinks fit, take charge of the same without such agreement.

(2) Any consumer's pipes and fittings, of which the Commissioner takes charge under this section shall thereafter vest in and be maintained at the expenses of the Corporation as a Corporation water works.

(3) The Commissioner may, if at any time, deems it expedient to alter the position of any existing connection with any Corporation water works, or of any consumer's pipe or fitting thereof, and after giving to the owner of such connection, pipe or fitting not less than four days previous notice of his intention so to do, cause the said connection, pipe or fitting to be moved to such other position as he thinks fit and re-laid and applied or other to be laid and applied in lieu thereof, in such position as he may direct, and in every such case all such work shall be carried out at the expenses of the Corporation fund and such new connection, pipe and fitting shall thereafter vest in the Corporation and be maintained at the charge of the Corporation fund as a Corporation water works.

(4) The Commissioner may, whenever it appears to him to be necessary, by written notice require the owner of any premises furnished with a private water supply from any Corporation water works to provide such premises within a reasonable period which shall be specified in the said notice, with cistern and fittings of such size, material, quality and description and place in such position and with safe and easy means of access, as he thinks fit.

(5) The Commissioner may also in like manner require the owner of any premises to provide such safe and easy means of access as he thinks fit to any existing cistern which on an examination under section 367 is found to be not easily accessible.

(6) The Commissioner shall also, from time to time, determine the size, material, quality, description and position of the pipes and fittings to be used for the purpose of any connection with, or of any communication from, any Corporation water works, and no such connection or communication shall be made by any person otherwise than as so determined.

(7) The Commissioner shall likewise determine the size, material, quality and description of the pipes, cisterns and fittings to be used for the purpose of replacing any pipes, cisterns and fittings found on an examination under section 364 to be so defective that they cannot be effectively repaired.

Provision
for
keeping
cistern
locked.

360.(1) The Commissioner may, by written notice require the owner of any premises furnished with a cistern or in respect of which the Commissioner has required a cistern to be furnished, to provide such cistern with a lock and key of such pattern, material and quality as the Commissioner shall in such notice determine and may in like manner require any lock or key found to be defective on an inspection under section 367 to be replaced.

(2) Every cistern so provided with a lock shall be kept permanently locked and the key shall be delivered to the Commissioner.

Communication
pipes etc. to be
kept in efficient
repair by owner
or occupier of
premises.

361.(1) It shall be incumbent on the owner or occupier of any premises to which a private water supply is furnished from any Corporation water works, to keep in a thoroughly clean condition and to maintain and keep in efficient repair every supply and distributing pipe conveying water from the said water works to such premises and every meter and every cistern and fitting in or connected with any such pipe, so as to effectually prevent the water from running to waste.

(2) When an occupier of any premises is served with a notice under sub-section (2) of section 364 he may, after giving to the person to whom he is responsible for the payment of his rent, three days notice in writing, himself have the repair executed and in such event he shall be entitled to deduct from any rent due or to become due by him to such person the actual expenses incurred by him in complying with the notice served under sub-section (2) of section 367.

Provision of
meters when
water is
supplied by
measurement.

362.(1) Where water is supplied by measurement, the Commissioner may either provide a meter and charge the consumer for the same such rent as may, from time to time, be fixed in this

behalf by the Standing Committee or may permit the consumer to provide a meter of his own of such size, material and description as the Commissioner may approve for this purpose.

(2) The Commissioner shall at all times keep all meters and other instruments for measuring water, let by him for hire to any person, in proper order for correctly registering the supply of water, and in default of his so doing such person shall not be liable to pay rent for the same during such time as such default continues.

Register of meter to be evidence.

363. Where water is supplied by measurement, the register of the meter or any other instrument for measuring water shall be *prima facie* evidence of the quantity consumed.

Commissioner may inspect premises in order to examine meter, communication pipes etc.

364.(1) The Commissioner may make an inspection of any premises to which a private water supply is provided by the Corporation in order to —

- (a) remove, test, examine and replace any meter for measuring water ; or
- (b) examine any supply or distributing pipe, cistern, lock or fitting ; or
- (c) see if there is any waste or misuse of water.

(2) The Commissioner may, by written notice, require the owner or occupier of the premises to remove any defect which shall be found to exist in or to clean any such meter, not being a Corporation meter let to him on hire, or any such supply or distributing pipe, cistern, lock or fittings.

Power to cut off private water supply to turn off water.

365. The Commissioner may cut off the connection between any Corporation water works and any premises to which a private water supply is provided by the Corporation or turn off the water from such premises in any of the following cases, namely : —

- (a) in default of payment of any water tax or of any sum due for water or hire of meter or expenses of any work done under or by virtue of any of the provisions of this Chapter within fifteen days after a notice of demand for such tax or sum has been duly served ;

- (b) if the owner or occupier of the premises neglects, within the period specified in this behalf in any notice given under sub-section (4) of section 359 or under sub-section (2) of section 364 to comply with any requisition made to him by the Commissioner regarding the provision of any cistern, fitting, lock or key or any means of access to such cistern ;
- (c) if the owner or occupier of the premises fails, within the period specified in this behalf in any notice given under sub-section (2) of section 364 to comply with the terms of such notice or fails to use articles determined under sub-section (6) of section 359 ;
- (d) if after receipt of a written notice from the Commissioner requiring him to refrain from so doing, the owner or occupier of the premises continues —
 - (i) to use the water, or to permit the same to be used, in contravention of any rule or bye-law made under this Act ; or
 - (ii) in case where payment for the water is made not by measurement, to permit any person not residing on premises in respect of which tax is paid to carry away from such owners or occupier's premises water derived from the Corporation water works ;
- (e) if the owner or occupier of the premises willfully or negligently injures or damages any meter, pipe, cistern or fittings or lock thereof in such premises ;
- (f) if the owner or occupier of the premises fails to comply with any requisition made on him, by the Commissioner under sub-section (2) of section 376, to furnish the name of the licensed plumber ;

Provided that —

- (i) in any case under clause (a) the Commissioner shall not take action unless not less than fifteen days previously a copy of the notice of demand in respect of the tax or sum has been affixed to a conspicuous part of the premises ;
- (ii) in cases under clauses (b) and (f) the Commissioner shall not take action without the sanction of the Standing Committee ;
- (iii) in cases under clauses (c) and (e) the Commissioner shall not take action unless written notice of not less than twenty-four hours has been given to the owner or occupier of the premises ;
and
- (iv) in case falling under clause (b) the Commissioner shall not take action unless not less than fifteen days previously a copy of the notice under sub-section (3) of section 359 or under section 360, as the case may be, has been affixed to a conspicuous part of the premises.

Condition as to use of water not to be contravened.

366. No person to whom water is supplied by measurement or on payment of a fixed periodical sum shall contravene any rule or bye-law made under this Act for the use of such water, or permit any such rule or bye-law to be contravened.

Powers of Commissioner to carry private mains through land belonging to other persons.

367. The Commissioner shall have the same powers and be subject to the same restrictions for carrying, renewing and repairing private watermain, pipes and ducts as he has and is subject to under the provisions hereinbefore contained for carrying, renewing and repairing private drains.

Water pipes etc. not to be placed where water will be diluted.

368. No water pipes shall be laid in a drain or on the surface of an open channel or house-gully or within twenty feet of a cesspool or in any position where the pipe is likely to be injured or the water therein polluted and no well or tank and except with the consent of

the Commissioner, no cistern shall be constructed within twenty feet of a privy, water closet or cesspool.

Provision of fraudulent and unauthorized use of water.

369.(1) No person shall fraudulently dispose of any water supplied to him by the Corporation.

(2) No person to whom a private supply of water is provided by the Corporation shall, except when the water supplied is charged for by measurement, permit any person who does not reside on premises in respect of which water tax is paid to carry away water from the premises to which it is supplied.

(3) No person, who does not reside on premises in respect of which water tax is paid, shall carry away water from any premises to which a private supply is provided by the Corporation, unless in any case in which such supply is charged for by measurement, he does so with permission of the person to whom such supply is furnished.

Prohibition of fraud in respect of meters.

370.(1) No person shall fraudulently —

- (a) alter the index to any meter or prevent any meter from duly registering the quantity of water supplied; or
- (b) abstract or use water before it has been registered by a meter set up for the purpose of measuring the same.

(2) The existence of artificial means under the control of the consumer for causing any such alteration, prevention, obstruction or use shall be evident that the consumer has fraudulently effected the same.

Willful negligent acts relating to water works.

371. No person shall, wilfully or negligently, —

- (a) injure or suffer to be injured any meter belonging to Corporation or any of the fittings of any such meter;
- (b) break, injure or open any lock, cock, valve, pipe, work engine, cistern or fitting appertaining to any Corporation water works ;
- (c) flush or draw off the water from any such water works, thereby causing such water to be wasted ;

(d) do any act or suffer any act to be done whereby the water in or derived from any Corporation water works shall be wasted ;

(e) obstruct, divert or in any way injure or alter any water-main or duct ; and

(f) except with the permission of the Commissioner, open, break, injure or tamper with any lock furnished under section 380.

Compensation
by offenders
against section
369 or 371.

372. Compensation shall be paid by the offender for any damage, which the Corporation may sustain by reason of any contravention of section 369 or section 371.

Liability for
offences
under
certain
provisions of
this chapter.

373. If it shall be shown that an offence against some provision of this chapter or against some bye-laws, made under this Act at the time in force relating to water supply is committed on any premises to which private water supply is provided by the Corporation, the owner, or the person primarily liable for the payment of water tax and the occupier of the said premises shall be jointly and severally liable for the same.

Materials and
works may be
supplied and
done under this
chapter for any
persons by the
Commissioner.

374. On the written request of any person who is required under any of the provisions of this chapter to supply any materials, fittings, cistern or lock and key or to do any work, the Commissioner may, on behalf of such person supply the necessary materials, fittings, cistern or lock and key, as the case may be, or cause the necessary work to be done, if he makes a deposit at the first instance, a sum which will, in the opinion of the Commissioner, suffice to cover the cost of the said material, fitting, cistern, lock and key or work.

Commissioner
may execute
works under
this chapter
with allowing
option to
persons
concerned of
executing the
same.

375.(1) The Commissioner may, if he thinks fit, cause any work described in this chapter to be executed or any cistern to be supplied with a lock and key by the Corporation or other agency under his own order without giving the person by whom or to whom the same would otherwise have to be executed or supplied, as the case may be, the option of doing or supplying the same.

(2) The expenses of any such work done or of supplying such lock and key shall be paid by the person as aforesaid unless the Corporation shall, by a general or special order or resolution, sanction, as they are hereby empowered to sanction, the execution of such work or the supply of such lock and key at the charge of the Corporation Fund.

Work to be done by licensed plumber.

376.(1) No person other than a licensed plumber shall execute any work described in this chapter other than the provision of a lock and key and no person shall permit any such work to be executed except by a licensed plumber.

(2) Every person who employs a licensed plumber to execute any such work shall, when so required, furnish to the Commissioner the name of such plumber.

(3) Where any person causes or permits any pipe, cistern or fitting or other work necessary for conveying a private supply of water from a Corporation water works into any premises, to be laid, applied, or executed in contravention of sub-section(1), he shall, in addition to being liable to the penalty provided for such contravention, not be entitled to an independent or branch connection until the defects, if any, in such pipe, cistern, fitting or work are removed to the satisfaction of the Commissioner.

Power to supply water outside the city.

377. The Commissioner may supply water from a Corporation water works to a local authority or to person outside the city on such terms as to payment and as to the period and conditions of supply as may be, either generally or specially, approved by the Corporation.

Recovery of expenses for laying water pipes.

378. The expenses for carrying, renewing and repairing private water mains, pipes and duct referred to in section 367 shall be recovered from the owner or the occupier in accordance with the provisions of this Act.

CHAPTER XVIII

REGULATION OF STREETS

Vesting of
public
streets in
the
Corporation.

379. All streets within the city being or which at any time become public streets and the pavements, stones and other materials thereof, shall vest in the Corporation and be under the control of the Commissioner.

Power of
Commissioner
in respect of
public streets.

380.(1) The Commissioner shall from time to time cause all public streets vested in the Corporation to be leveled, metalloid or paved, channeled, altered and repaired, as occasion may require, and he may also, from time to time, widen, extend or otherwise improve any such street or cause the soil thereof to be raised, lowered or altered and may place and keep in repair fences and posts for the safety of pedestrians :

Provided that no widening, extension or other improvement of a public street, the aggregate cost of which will exceed rupees ten thousand or such higher amount as the Corporation may from time to time fix, shall be undertaken by the Commissioner, unless or until such undertaking has been authorized by the Corporation.

(2) With the sanction of the Corporation the Commissioner may permanently close the whole or any part of a public street vested in the Corporation:

Provided that such sanction of the Corporation shall not be given —

- (a) unless, one month at least before the meeting at which the matter is decided, a notice signed by the Commissioner has been put in the street or a part of a street which is proposed to be closed, informing the residents of the said proposal; and
- (b) until the objections to the said proposal, if any, made in writing at any time before the day of the said meeting, have been received and considered by the Corporation.

Disposal of
land forming
site of
closed
street.

381. Whenever any public street or part of a public street is permanently closed under section 380, the site of such street or a portion thereof which has been closed, may be disposed of as land vesting in the Corporation.

Power to
make new
public
street.

382. The Commissioner when authorized by the Corporation in this behalf may, at any time, —

- (a) lay out and make a new public street ;
- (b) agree with any person for the making of a street for public use through the land of such person, either entirely at the expense of such person or partly at the expense of such person and partly at the expense of the Corporation, and that such street shall become, on completion, a public street, which shall vest in the Corporation ; or
- (c) declare any street made under any scheme of a Planning or Development Authority to be a public street.

Minimum
width of
new public
street.

383.(1) The Corporation may, from time to time, specify the minimum width for different classes of public streets according to the nature of the traffic likely to be carried thereon, the localities in which they are situated, the heights up to which buildings abutting thereon may be erected and other similar consideration.

(2) The width of a new public street made under section 382 shall not be less than that specified under sub-section (1) for the class to which it belongs, and no steps or other projections shall extend to any such street except with the written permission of the Commissioner under section 401.

Power to
adopt,
construct or
alter any
sub-way
bridge, etc.

384. The Commissioner, when authorized by the Corporation in this behalf, may agree with any person —

- (a) to adopt and maintain any existing or projected sub-way, bridge, viaduct or arch, and the approaches thereto, and may accordingly adopt and maintain such sub-way, bridge, viaduct or arch

and approaches as parts of public streets or as property vesting in the Corporation; or

- (b) for the construction of any such sub-way, bridge, viaduct or arch or for the purchase or acquisition of any adjoining land required for the foundations and support thereof or for the approaches thereto, either entirely at the expense of such person or partly at the expense of such person and partly at the expense of the Corporation.

385.(1) It shall be lawful for the Commissioner with the sanction of the Corporation to —

- (a) prohibit vehicular traffic in any particular public street vesting in the Corporation so as to prevent danger, obstruction or inconvenience to the public by fixing up posts at both ends of such street or portion of such street; and
- (b) prohibit in respect of all public streets, or particular public streets, the transit of any vehicle of such form, construction or laden weight of which is such heavy or unwidely as may likely to cause injury to the roadways or any construction thereon, or risk or obstruction to other vehicles or to pedestrians along or over such street or streets except under such conditions as to time, mode of traction or locomotion, use of appliances and for protection of the roadway, number of lights and assistants and other general precautions and the payment of special charges, as may be specified by the Commissioner generally or specially in each case.

(2) Notices of such prohibitions as are imposed under subsection(1) shall be fixed up in conspicuous places at or near both ends of the public streets or portions thereof to which they relate, unless such prohibitions apply generally to all public streets.

Prohibit
vehicular
traffic on
any public
street.

Power to acquire premises for improvement of public streets.

386.(1)The Commissioner may, subject to the provisions of this Act —

(a) acquire any land required for the purpose of opening, widening, extending, diverting or otherwise improving any public street, bridge or sub-way or of making any public street, bridge or sub-way and the buildings, if any, standing upon such land ;

(b) acquire by way of negotiation with the owner of land, in addition to the said land and the buildings, if any, standing thereon as specified under clause (a) and all such land with the buildings, if any, standing thereon as it shall deem expedient for the Corporation ;

(c) lease, sell or otherwise dispose of any land or building, if it is acquired by purchase under clause (b).

(2)The acquisition of land for providing, extending or improving a place for the parking of vehicles shall be deemed to be an acquisition of land for the purpose of providing, extending or improving a public street.

(3) Any transfer of land or of a building under clause(c) of sub-section(1) may comprise such condition as the Commissioner thinks fit as to the removal of the existing building, the description of new building to be erected, the period within which such new building shall be completed and other such matters.

Power to determine the regular line of street.

387.(1)The Commissioner may—

(a) determine a line on one or both sides of public street :

Provided that every regular line of a public street operative under any law for the time being in force in any part of the city on the day immediately preceding the day appointed by the Corporation shall be deemed to be a street line for the purposes of this Act until a street line is determined by the Commissioner under this clause ;

(b) from time to time, but subject to each case with the previous approval of the Standing Committee, determine a fresh line in substitution for any line so determined or for any part thereof :

Provided that such approval shall not be accorded unless at least one month before the meeting of the Standing Committee at which the matter is decided, public notice of the proposal has been given by the Commissioner by advertisement in the local news papers and special notice thereof, signed by the Commissioner, has also been fixed up in the street or part of the street for which such fresh line is proposed to be determined and until the Standing Committee has considered all objections to the said proposal made in writing and delivered at the office of the Corporation Secretary not less than three clear days before the day of such meeting.

(2) The line for the time being determined shall be called the regular line of the street.

(3) A register with plans attached shall be maintained and kept by the Commissioner showing all public streets in respect of which a regular line of the street has been determined and such register shall contain such particulars as may appear to the Commissioner to be necessary and shall be opened to inspection.

(4) Subject to the provisions of sub-section (5) no person shall construct or reconstruct any boundary wall or a portion of a boundary wall or any portion of any building on land within the regular line of the street except with the written permission of the Commissioner and in accordance with the conditions imposed therein, and the Commissioner shall in every case in which he gives such permission, at the same time, report his reasons in writing to the Standing Committee:

Provided that if, within sixty days from or after the receipt of an application from any person for permission to construct or reconstruct a boundary wall or a portion thereof, the Commissioner fails to acquire the land within the regular line of the street the said person may, subject to any other provisions of this Act or of the bye-

laws made thereunder, proceed with the work of construction or reconstruction of such boundary wall or a portion thereof, as the case may be.

(5) When the Commissioner grants permission under subsection(4) for the construction or reconstruction of any building or land within the regular line of the street he may require the owner of the building to execute an agreement, binding himself and his successors in title not to claim compensation, in the event of, the Commissioner at any time thereafter, calling upon him or any of his successors by written notice, to remove any work carried out in pursuance of such permission or any portion thereof and to pay the expenses of such removal if, in default, such removal is carried out by the Commissioner.

(6)The Commissioner may, before granting such permission, require the owner to deposit in the Corporation Office an amount sufficient in his opinion to cover the cost of removal.

Setting
back
buildings to
the regular
line of the
street.

388.(1) If any building or any part of a building abutting on a public street is within the regular line of the street, the Commissioner may, whenever it is proposed —

(a) to rebuild such building or to take down such building to an extent exceeding one half thereof above the ground level, such half to be measured in cubic meter; or

(b) to remove, reconstruct or make any addition to or structural alteration in any portion of such building which is within the regular line of the street in any order which he issues concerning the rebuilding, alteration or repair of such building,

require such building to be set back to the regular line of the street.

(2)When any building or any part thereof within the regular line of the street falls down or is burnt down or is taken down, whether under the provisions of this Act or otherwise, the Commissioner may at once take possession on behalf of the Corporation the portion of land within the regular line of the street

thereto for occupied by the said building and, if necessary, clear the same.

(3) The possession of land which is taken under this section shall be deemed to be a part of the public street and shall vest as such in the Corporation.

Additional
power of
Commissioner
to order
setting back of
building to
regular line of
the street.

389.(1) If any building or any part thereof is within the regular line of a public street and if, in the opinion of the Commissioner, it is necessary to set back the building to the regular line of the street, he may, to which the provisions of section 388 do not apply, by written notice —

(a) require the owner of such building to show cause, within such period as is specified in such notice, by a statement in writing subscribed by him or by an agent duly authorized by him in that behalf and address to the Commissioner, why such building or any part thereof which is within the regular line of the street shall not be pulled down and the land within the said line acquired by the Commissioner, or

(b) require the said owner on such day and at such time and place as may be specified in such notice to attend personally or by an agent duly authorized by him in that behalf and show cause why such building or any part thereof which is within the regular line of the street shall not be pulled down and the land within the said line acquired by the Commissioner.

(2) If such owner fails to show sufficient cause to the satisfaction of the Commissioner why such building or any part thereof, which is within the regular line of the street, shall not be pulled down and the land within the said line as aforesaid the Commissioner may with the approval of the Standing Committee, require the owner by written notice, to pull down the building or the

part thereof which is within a regular line of the street within such period as may be specified in the notice.

(3) If within such period the owner of such building fails to pull down such building or any part thereof coming within the said line, the Commissioner may pull down the same and all expenses incurred in so doing shall be paid by the owner.

(4) The Commissioner shall at once take possession on behalf of the Corporation of the portion of the land within the said line occupied by the said building, and such land shall be deemed to be a part of the public street and shall vest as such in the Corporation.

(5) Nothing in this section shall be deemed to apply to buildings vesting in the State.

Acquisition
of open
land.

390. If any land not vested in the Corporation, whether open or closed, lies within the regular line of a public street and is not occupied by a building or if a platform, verandah, step, compound wall, hedge or fence or some other structure external to a building abutting on a public street or a portion of a platform, verandah, step, compound wall, hedge or fence or other such structure is within the said line of such street, the Commissioner may after giving to the owner of the land not less than seven days written notice of his intention to take possession on behalf of the Corporation of the said land within its enclosing wall, hedge or fence, if any, or of the said platform, verandah, step or other structure or of the portion thereof and, if necessary, clear the same and possession of the land, so taken, shall be deemed to be a part of the public street :

Provided that when the land or building is vested in the State, possession shall not be taken as aforesaid, without the previous sanction of the Government.

Acquisition of
the remaining
part of building
and land.

391. (1) If a building or land is partly within the regular line of a public street and if the Commissioner is satisfied that the land remaining after the acquisition of the portion within the said line will not be suitable or fit for any beneficial use, he may, at the request of the owner, acquire such land in addition to the land within the said

line and such surplus land shall be deemed to be a part of the public street vesting in the Corporation.

(2) Such surplus land may thereafter be utilized for the purpose of setting forward a building under section 392.

Setting forward of buildings to regular line of the street.

392.(1) If any building which abuts on a public street is in rear of the regular line of such street and it is proposed —

(a) to rebuild such building ; or

(b) to alter or repair such buildings in any manner that will involve the removal or re-erection of such building, or of the portion thereof which abuts on the said street to an extent exceeding one half of such building or portion thereof above the ground level, such half to be measured in cubic meter, in any order which issues concerning the rebuilding, alteration or repair of such building,

the Commissioner may permit, or with the approval of the Standing Committee, require such building, to be set forward to the regular line of the street.

(2) For the purpose of this section, a wall separating any premises from a public street shall be deemed to be a building and it shall be deemed to be a sufficient compliance with a permission or requisition to set forward a building to the regular line of a street if a wall of such materials and dimensions as are approved by the Commissioner, is erected along the said line.

Compensation to be paid and charges to be imposed.

393.(1) Compensation shall be paid by the Commissioner to the owner of any building or land required for public street under sections 386,387,388,389,390 and 391 for any loss which such owner may sustain in consequence of his building or land being so acquired and for any expense incurred by such owner in consequence of the order made by the Commissioner :

Provided that —

(i) any increase or decrease in the value of the remainder of the property of which the building or land so acquired formed part likely to accrue from

the set back to the regular line of the street shall be taken into consideration and allowed for the purpose of determining the amount of such compensation; and

- (ii) if any such increase in value exceeds the amount or loss sustained or expenses incurred by the said owner, the Commissioner may recover from such owner half the amount of such excess as a betterment.

(2) If, in consequence of any order to set forward a building made by the Commissioner, under section 392 the owner of such building sustains any loss or damage, compensation shall be paid to him by the Commissioner for such loss or damage after taking into account any increase in value likely to accrue from the set forward.

(3) If the additional land which will be included in the premises of any person required or permitted under section 392 to set forward a building belonging to the Corporation the order or permission of the Commissioner to set forward the building shall be sufficient conveyance to the said owner of the said land and the price to be paid to the Corporation by the said owner for such additional land and the other terms and conditions of the conveyance shall be set forth in the said order or permission.

(4) When Commissioner requires a building to be set forward and if, the owner of the building is dissatisfied with the price fixed to be paid to the Corporation or any of the other terms and conditions of the conveyance, the Commissioner shall, upon the application of the said owners at any time within fifteen days after the said terms and conditions are communicated to him, refer the case for determination to the District Judge.

394. If the owner of any land utilizes, sells, leases or otherwise disposes of such land or any portion or portions of the same as sites for the construction of the buildings he shall, save in such cases as the site or sites may abut on an existing public or private street, lay down and make a street or streets or road or roads giving

Owners
obligation
to make
a street
when
disposing
of land as
building
sites.

access to the site or sites and connecting with an existing public or private street.

Making of
new
private
street.

395. (1) Any person intending to lay out or make a new private street shall send to the Commissioner a written application with plans showing the following particulars, relating to —

- (a) the intended level, direction and width of the street;
- (b) the street alignment and the building line; and
- (c) the arrangements to be made for leveling, paving, metalling, flagging, channeling, sewerage, draining, conserving and lighting the street,

and the Commissioner shall forthwith forward the application to the Standing Committee for its consideration and approval.

(2) The provisions of this Act and of any rules or bye-laws made thereunder as to the level of land width of public streets and height of buildings abutting thereon shall apply also in the case of streets referred to in sub-section(1) and all the particulars referred to in that sub-section shall be subject to approval by the Standing Committee.

(3) Within sixty days after the receipt of any application under sub-section(1) the Standing Committee shall pass order either approving the making of street subject to such conditions as it may think fit or refusing it or asking further information with respect to it.

(4) An application filed under sub-section(1), —

- (i) if the proposed street would conflict with any arrangements which have been made or which are in the opinion of the Standing Committee likely to be made, for carrying out any general scheme of street improvement ; or
- (ii) if the proposed street does not conform to the provisions of sub-section (2) ; or

- (ii) if the proposed street is not designed so as to connect at one end with a street which is already open.

may be refused by the Standing Committee, which shall be communicated by the Commissioner to the applicant.

(5) No person shall lay out or make any new private street, without or otherwise than in conformity with, the orders of the Standing Committee and if further information from such person is asked for, no steps shall be taken by such person to lay out or make the street until orders have been passed upon receipt of such information :

Provided that the passing of such orders shall not in any case be delayed for more than sixty days after the Standing Committee has received all the information which it considers necessary enabling it to deal finally with the said application.

(6) If the Standing Committee does not pass any order either approving the making of the street or refusing the same within sixty days from the receipt of the application under sub-section (1) by the Commissioner, it shall be deemed that the order of approval has been passed and the applicant may proceed to make the street, but not so as to contravene any of the provisions of this Act or the rules or bye-laws made under this Act.

Provided that in computing the period of sixty days, the period in between the date of requisitioning any further information from the applicant and the date of receipt of such information from the applicant shall be excluded.

396. If any person lays out or makes any street referred to in section 395 without or otherwise than in conformity with the orders of the Standing Committee, the Commissioner may, whether or not such person be prosecuted under this Act, by notice, —

- (a) require such person to show sufficient cause, by a written statement signed by him and sent to the Commissioner on or before such day as may be specified in the notice why such street should not

be altered to the satisfaction of the Commissioner, or if such alteration be impracticable, why such street should not be demolished ; or

(b) require such person to appear before the Commissioner either personally or by a duly authorized agent on such day and at such time and place as may be specified in the notice, and show cause as aforesaid.

(2) If any person on whom such notice is served fails to show sufficient cause to the satisfaction of the Commissioner why such street should not be so altered or demolished, the Commissioner may pass an order directing the alteration or demolition of such street, as the case may be.

Power of Commissioner to order work to be carried out or to carry it out himself in default.

397.(1) If any private street or part thereof is not levelled, paved, metalled, flagged, channeled, sewered, drained, conserved or lighted to the satisfaction of the Commissioner, he may, by notice, require the owners of such street or part thereof and the owners of buildings and lands fronting or abutting on such street or part thereof including in cases where the owners of the land and of the building thereon are different, the owners both of the land and of the building to carry out any work which in his opinion may be necessary within such time as may be specified in such notice.

(2) If such work is not carried out within the time specified in the notice, the Commissioner may, if he thinks fit, execute it and expenses incurred shall be paid by the owners referred to in sub-section(1) in such proportions as may be settled by the Commissioner.

Right of owners to require streets to be declared public.

398. If any street has been levelled, paved, metalled, flagged, channeled, sewered, drained, conserved and lighted under the provisions of section 397 such streets shall, on the requisition of a majority of the owners referred to in sub-section(1) thereof, be declared a public street.

Prohibition
of
projection
upon street.

399.(1) Except as provided in section 400, no person shall erect, set up, add to or place against or in front of any premises any structure or fixture which will —

(a) overhang, jut or project into, or encroach upon, or obstruct in any way so as to effect the safe or convenient passage of the public along any street; or

(b) jut or project into or encroach upon any drain or open channel in any street, so as in any way to interfere with the use of proper working of such drain or channel or to impede the inspection or cleaning thereof.

(2) The Commissioner may, by written notice, require the owner or occupier of any premises to remove any structure or fixture which has been erected, set up, added to or placed against, or in front of, the said premises in contravention of this section or any law in force for the time being, in the city or to alter the same in such manner as the Commissioner thinks to direct.

(3) If the occupier of the said premises removes or alters any structure or fixture in accordance with such notice, he shall be entitled, unless the structure or fixture was erected, set up or placed by himself, to credit to the account of the owner of the premises all reasonable expenses, incurred by him in complying with the said notice.

Power to
require
removal or
alterations
of projections
etc. made
before
commencement
of this Act.

400. If any such structure or fixture as is described in subsection (1) of section 399 has been erected, set up, added to, or placed against or in front of any premises at any time before commencement of this Act, the Commissioner may give notice as aforesaid to the owner or occupier of the said premises :

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

Projections
over streets
may be
permitted in
certain cases.

401.(1) The Commissioner may give a written permission on terms as he may in each case think fit to the owner or occupier of any building abutting on any street—

- (a) to erect an arcade over such street or any portion thereof; or
- (b) to put up a verandah, balcony, arch, connecting passage, sunshade, weather-frame, canopy, awning or other such structure or thing projecting from any storey over or across any street or portion thereof:

Provided that no permission shall be given by the Commissioner for the erection of an arcade in any public street in which the construction of arcade has not been generally sanctioned by the Corporation.

(2) The provisions of sections 399 and 400 shall not be deemed to apply to any arcade, verandah, balcony, arch, connecting passage, sunshade, weather-frame, canopy, awning or other structure or thing erected or put up under and in accordance with the terms of a permission granted under this section.

(3) The Commissioner may, at any time, by written notice, require the owner or occupier of any building to remove a verandah, balcony, sunshade, weather-frame, or the like put up in accordance with the provisions of sub-section (1) and such owner or occupier shall be bound to take action accordingly but shall be entitled to compensation for the loss caused to him by such removal and the cost incurred thereon.

Ground
floor doors
etc, not to
open
outwards on
street.

402. The Commissioner may, at any time, by written notice, require the owner of any premises on the ground floor, of which any door, gate, bar or window opens outwards upon a street, or upon any land required for the improvement of a street in such manner as in the opinion of the Commissioner to obstruct the safe or convenient passage of the public along such street, to alter the same, not to open outwards.

Prohibition of structures or fixture which cause obstruction in street.

403.(1) No person shall, except with the permission of the Commissioner under section 401 or 410 erect, or set up any wall, fence, rail, post, step, booth or other structure, whether fixed or movable and whether of a permanent or of temporary nature, or any fixture in or upon any street or over any open channel, drain, well or tank in any street so as to form an obstruction to or an encroachment upon or a projection over any portion of such street channel, drain, well or tank.

(2) Nothing in this section shall be deemed to apply to any erection or thing to which clause (c) of sub-section (1) of section 415 applies

Prohibition of depositing etc. of thing in street.

404.(1) No person shall, except with the written permission of the Commissioner, —

(a) place or deposit on any street, or over any open channel, drain or well in any street or in any public place any stall, chair, bench, box, ladder bale, or other thing whatsoever so as to form an obstruction thereto or encroachment thereon; or

(b) project, at a height of less than twelve feet from the surface of the street, any thing beyond the line of the plinth of any building over any street; or

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

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

Licence for sale in public places.

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

Licences for use of skill in handicraft etc. in public place or street.

406. Except under and in conformity with, the terms and provisions of a licence granted by the Commissioner in this behalf no person shall use his skill in any handicraft in a public place or public street.

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

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

- (a) any wall, fence, rail, post, step, booth or other structure whether fixed or movable and whether of a permanent or a temporary nature, or any fixture which shall be erected or set up in or upon or over any street, any open channel, drain, well or tank in contravention of this Act;
- (b) any stall, chair, bench, box, ladder, board or shelf, or any other thing whatever placed, deposited, projected, or suspended, in, upon, from or to any place in contravention of this Act; and
- (c) any article whatsoever hawked or exposed for sale in a public place or in any public street in contravention of the provisions of this Act and any vehicle, package, box or any other thing in or on which such article is placed.

Power to require removal of a structure or fixture erected or set up.

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

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

Prohibition of tethering of animals in public street.

409. (1) No person shall tether any animal in any public street.

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

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

410. The Commissioner may grant a written permission for the temporary erection of a booth and any such structure on any street on occasions of ceremonies and festivals.

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

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

Commissioner may close street in which work is in progress.

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

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

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

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

Precautions to be taken for public safety where Corporation works are in progress in any street.

414.(1) When any work of the Corporation is in progress in any street, the Commissioner shall, —

- (a) take proper precaution against accidents by shoring up and protecting the adjoining buildings;

(b) cause to be fenced and guarded the place where the soil or pavement has been opened or broken up; and

(c) have a light sufficient for the warning of public and keep every night against any such place and against any bars, chains or posts set up under section 412,

for so long as such place is continued to be open or broken up, or such bars, chains or posts remain so set up.

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

415.(1) No person other than the Commissioner or a Corporation Officer or employees shall, without the written permission of the Commissioner or without other lawful authority,—

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

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

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

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

(3) Except in cases in which permission has been applied for under clause (b) of sub-section (1) and no reply has been sent to

Street not to be opened or broken up and building materials not be deposited there on without permission.

the applicant within seven days from the date of application, the application will be deemed to have been rejected and the Commissioner, may without notice cause to be removed any building materials or any scaffold, or any temporary erection, or any posts, bars, rails, boards or other things by way of enclosure, which have been set up in any street without the permission or authority specified in sub-section (1) or which, having been deposited or set up without such permission or authority, have not been removed within the period specified in the notice issued under sub-section (2).

Precaution for public safety to be taken by persons to whom permission is granted.

416. Every person to whom permission is granted under section 415 shall at his own expense cause the place where the soil or pavement has been opened or broken up or where he has deposited building materials, or set up any scaffold, erection or other things, to be properly fenced, and guarded, and in all cases in which the same is necessary to prevent accidents, shall cause such places to be well-lighted during the night.

Person to whom permission is granted under section 415 must reinstate streets etc.

417. (1) Every person to whom permission is granted under section 415 to open or break up the soil or pavement or any street or who, under any other lawful authority, opens or breaks up the soil or pavement or any street, shall with all convenient speed complete the work for which the same has been opened or broken up, and fill in the ground and reinstate and make good the street or pavement so opened or broken up without delay, to the satisfaction of the Commissioner.

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

Provisions to be made by persons to whom permission is given under section 415 for traffic etc.

418. The Commissioner may, by written notice, require any person to whom permission is granted under section 415 to open or break up the soil or pavement of any street or who, under any other lawful authority, opens or breaks up the soil or pavement of any street for the purpose of executing any work to make provision to his satisfaction for the passage diversion of traffic for securing access to

any premises from such street and for any drainage, water supply or means of lighting which may be interrupted by reason of the execution of the said work.

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

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

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

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

Naming of streets and numbering of houses.

420.(1) The Commissioner may, from time to time with the sanction of the Corporation, —

- (a) determine the name by which any street shall be known and shall cause to be put or painted on a conspicuous part of any house wall or place or near each end, corner or entrance to every street, the name so determined; and
- (b) assign the number by which any premises shall be known and also direct, by written notice, requiring the owner of such premises either to put or paint a number so assigned on such premises either to put

or paint a number so assigned on such premises in such position and in such as may be specified in such notice.

(2) No person shall, without the written permission of the Corporation or without other lawful authority, destroy, remove, deface or in any way injure such name or number or put up or paint any name or number, different from that put up or painted by order of the Commissioner.

(3) Whether a number is put up or painted on any premises under the orders of the Commissioner in accordance with clause (b) of sub-section (1) the expenses of such work shall be payable by the owner of the premises:

Provided that maximum rate of charge for such work shall be fixed by the Commissioner with the previous sanction of the Corporation.

421. (1) The Corporation shall, when so required by the Government, assign a unique premises number to every premises or part thereof in the Corporation area and shall cause to be maintained a register wherein such unique premises number shall be recorded in respect of each such premises.

Explanation — In this section, the expression, "unique premises number" shall mean a number assigned to the premises or part thereof by the Corporation in the following manner, namely :—

- (a) the first three digit indicating the ward number,
- (b) the next three digits indicating the street number,
- (c) the next four digits indicating the premises number,
- (d) the next three digits indicating the sub-premises number,
- (e) the next one digit indicating the code of the building use, such as residential, commercial, industrial or other use; and
- (f) the last one digit indicating the code of type of construction.

Unique
premises
number.

(2) When the unique premises numbers in respect of premises in any ward of the Corporation have been determined, the Commissioner shall notify such unique premises numbers in such manner as may be prescribed.

(3) When, after the unique premises numbers in respect of premises in any ward have been notified under sub-section (2) any person is required under this Act or any other state law to make any application to the Corporation for any permission or license or for payment of any tax, or for payment of any dues for any service, or for such other purposes as may be prescribed, the person making the application shall mention in the application the unique premises number assigned under sub-section (1).

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

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

423.(1) No person shall, without the written permission of the Commissioner, erect, fix or retain in sky-sign, whether existing or not, and no such written permission shall be granted or renewed, for any period exceeding two years from the date of each such permission or renewal :

Provided that in any case a written permission or renewal by the Commissioner under this section shall become void —

Building at
corners of
streets.

Regulation
as to sky-
signs.

- (a) if any addition to the sky-sign be made except for the purpose of making it secure under the direction of the Corporation engineer; or
- (b) if any change be made in the sky-sign or any part thereof; or
- (c) if the sky-sign or any part thereof falls either through accident or decay or by any other cause; or
- (d) if any addition or alteration made to, or in the building or structure upon or over which the sky-sign is erected, fixed or retained, if such addition or alteration involves the disturbance of the sky-sign or any part thereof; or
- (e) if the building or structure upon or over which the sky-sign is erected, fixed or retained become unoccupied or demolished or destroyed.

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

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

Explanation —The expression 'sky-sign' shall, in this section, mean any word, letter, model, sign, device or representation in the nature of an advertisement, announcement or direction supported on

or attached to any post, standard, framework or other support wholly or in part upon or over any land, building or structure which or any part of which sky-sign shall be visible against the sky from some point in any street and includes all and a part of any such post, pole, standard frame work or other support, and shall include balloon, parachute or other similar device employed wholly or in part for the purpose of any advertisement, announcement or direction upon or over any land, building or structure or upon or over any street or public place but shall not include —

- (a) any flagstaff, pole, vane or weathercock, unless adapted or used wholly or in part for the purpose of any advertisement, announcement or direction; or
- (b) any sign, or any board, frame or other contrivance securely fixed to or on the top of the wall or parapet of any building, or on the cornice or blocking course of any wall, or to the ridge of a roof:

Provided that such board, frame or other contrivance be of one continuous face and not open work and does not extend in height more than three feet above any part of the wall, or parapet or ridge to, against or on which it is fixed or supported; or

- (c) any word, letter, model, sign device or representation as aforesaid, relating exclusively to the railway administration and placed wholly upon or over any railway, railway station yard, platform or station approach belonging thereto and so placed that it can not fall into any street or public place; or
- (d) any notice of land or buildings to be sold or let, placed upon such land or buildings.

Regulation
and control of
advertisement.

424.(1) No person shall, without the permission of the Commissioner, erect, exhibit, fix or retain any advertisement whether existing or not, upon any land, building, wall, hoarding or structure:

Provided that such permission shall not be necessary in respect of any advertisement which is not an illuminated advertisement, or a sky-sign and which —

- (a) is exhibited within the window of any building; or
- (b) relates to the trade or business carried on within the land or building upon which such advertisement is exhibited or to any sale or letting of such land or building or any effects therein, or to any sale, entertainment or meeting to be held upon or in the same or to the trade or business carried on by the owner of any vehicle upon which such advertisement is exhibited; or
- (c) relates to the business of any railway administration; or
- (d) is exhibited within any railway station or upon any wall or other property of a railway administration except any portion of the surface of such wall or property fronting any street.

(2) Where any advertisement is erected, exhibited, fixed or retained after three months from the commencement of this Act upon any land, building, wall, hoarding or structure, save and except as permitted or exempted from permission as hereinbefore provided, the owner or person in occupation of such land, building, wall, hoarding or structure shall be deemed to be the person who has erected, exhibited, fixed, or retained such advertisement in contravention of the provisions of this section, unless he proves that such contravention was committed by a person not in his employment or under his control or was committed without his connivance.

(3) If any advertisement is erected, exhibited, fixed or retained contrary to the provisions of this section after the written permission for the erection, exhibition, fixing or retention thereof for any period has expired or become void, the Commissioner may, by notice in writing, require the owner or occupier of the land, building, wall, hoarding or structure upon which the same is erected, exhibited, fixed or retained, to take down or remove such advertisement.

Explanation — For the purpose of this section —

- (a) the word, "structure" shall include a tramcar, omnibus and any other vehicle and any movable board used primarily as an advertisement or an advertisement medium; and
- (b) the expression "illuminated advertisement" shall not include an illuminated display of goods, if such display—
 - (i) is of goods merely bearing labels showing the name of the article or of its manufacturer or of both and
 - (ii) is made by lighting which is not, in the opinion of the Commissioner, more than as is necessary to make the goods and labels visible at night.

Commissioner to take proceedings for repairing or enclosing dangerous place.

425.(1) If any place is, in the opinion of the Commissioner for want of sufficient repair, protection or enclosure or owing to some work being carried on thereon, dangerous to public along a street, to the neighbour and if any such work, in the opinion of the Commissioner, affects the safety or convenience of such persons, he may, by notice in writing, require the owner or occupier thereof to repair, protect or enclose the said place or take such other step as may appear to the Commissioner necessary, within a period of thirty days of receipt of such notice in order to prevent danger therefrom or to ensure the safety or convenience of such persons.

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

Protective measure during demolition work.

426.(1) No person, who proposes to pull down a building or a part thereof, shall commence doing so without providing, in addition

to such, hoard or fence which he may be required to provide under section 419, screens extending to the full height of such building on all sides thereof so as to prevent pollution of the surrounding air with dust or injury or damage caused by the falling of any debris, bricks, wood or other material.

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

Public streets
to be lighted.

427.(1) The Commissioner shall —

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

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

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

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

Provided that such wires, posts, poles, standards, staves, struts, brackets and other appurtenances shall be so place as to occasion the least practicable inconvenience or nuisances to any person.

Prohibition
of removal,
etc of lamps.

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

(a) any lamp, lamp-post or lamps iron set up in any public street or Corporation garden or in any open

space, markets or building vested in the Corporation ;

- (b) any electric wire for lighting any such lamp ;
- (c) any post, pole, standard, stave, strut, bracket or other appurtenances for carrying, suspending or supporting any such electric wire or lamp; or
- (d) any property of the Corporation in any street, and no person shall willfully extinguish the light or damage the appurtenance of any such lamp.

Persons accidentally breaking lamp to repair the damage.

429. If any person, through negligence or accident, breaks any lamps set up in any public street or Corporation, market, garden or public building vested in the Corporation on any street, he shall pay the expenses of repairing the damage so done by him.

Measures for watering street.

430. The Commissioner may —

- (a) take measures for having the public streets watered at such time and seasons and in such manner as he may think fit; and
- (b) procure and maintain such vehicles, animals, apparatus as he shall think fit for the said purpose.

CHAPTER- XIX

BUILDING REGULATIONS

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

431. (1) Every person who intends to erect a building shall give to the Commissioner notice of his said intention in a form, obtained for this purpose under section 438, specifying the position of the building intended to be erected, the description of the building, the purpose for which it is intended, its dimensions and the name of the person whom he intends to employ to supervise its erection.

(2) In this Chapter and in any other Chapter of this Act "to erect or re-erect a building" means —

- (i) any material alteration or enlargement of any building;

- (ii) the conversion by structural alteration into a place for human habitation of any building not originally constructed for human habitation;
- (iii) the conversion of one or more places of human habitation into a greater number of such places;
- (iv) the conversion of two or more places of human habitation into a lesser number of such places;
- (v) such alteration of building as would effect a change in its drainage or sanitary arrangements or materially affects its security;
- (vi) the addition of any rooms buildings, out-houses or other structures to any buildings;
- (vii) conversion by any structural alteration into a place of religious worship or into a sacred building of any place or building not originally meant or constructed for such purpose;
- (viii) to construct roof or cover an open space between walls or buildings ; and
- (ix) to convert into a stall, shop, ware-house or godown and building not originally constructed for use as such or vice versa.

Commissioner may require plans and other documents to be furnished.

432.(1) At any time within thirty days after receipt of any notice under section 431, the Commissioner may, by order require the person who has given the notice to furnish the Commissioner all or any of the following documents, namely :—

- (a) correct plans and section of every floor of the building intended to be erected or re-erected which shall be drawn to a scale of not less than one inch to every eight feet and shall show the position, form, dimensions, and means of ventilation and of access to the several parts of such building and its appurtenances and the particular part or parts thereof which are, and those which are not, intended to be used for human habitation and in the

case of a building intended to be used as a dwelling house for two or more families or for carrying on any trade or business in which number of people exceeding twenty may be employed or as a place of public resort, the means of ingress and egress and such plans and section shall also show the depth and nature of the foundation and the proposed dimensions of all the walls, posts, columns, beams, joints and all girders and scantlings to be used in the walls, stair cases, floors and roofs of such building;

- (b) a specification of each description of work proposed to be executed and of the materials to be used and such specification may include a description of the proposed method of drainage of the buildings intended to be erected or re-erected and of the sanitary fittings to be used and also of the means of water supply and shall if required by the Commissioner be supplemented by detail calculations showing the sufficiency of the strength of any part of such building;
- (c) a block plan of such building which shall be drawn to the scale to the largest revenue survey map at the time being in existence for the locality in which the building is, or is to be situated and shall show the position and appurtenance of the properties, if any, immediately adjoining, the width and level of the street, if any, in front of the street, if any, at the rear of such building, the levels of the foundations and of the lowest floor of such building and of any yard or ; ground belonging thereto and the means of access to such building; and
- (d) a plan showing the intended line of drainage of such building, and the intended size, depth and

inclination of each drain, and the details of arrangement proposed for the ventilation of the drains.

(2) At any time within the said period the Commissioner may also by written notice require the said person to open for inspection any portion or portions of the foundations or walls of the existing building.

Plans to be prepared by a licensed planner.

433. The Commissioner, may decline to accept any plan, section or description as sufficient for the purpose of section 432, which does not bear the signature of a licensed planner or Architect.

Additional information.

434. If the notice given under section 431 and the documents, if any, furnished under section 432, do not supply all the information which the Commissioner deems necessary to enable him to deal satisfactorily with the case, the Commissioner may, at any time within thirty days after receipt of the said documents, by order require the production of such further particulars and details as he deems necessary.

Effect of non-compliance.

435. If any order made under section 432 or section 433 is not complied with, the notice given under section 431 shall be deemed not to have been given.

Notice to be given to the Commissioner of the intention to make additions, etc.

436. Every person who intends —

- (a) to make any addition to a building ; or
- (b) to make any alteration or repairs to a building not being a frame-building, involving the removal or re-erection of any external or partition wall thereof or of any wall which supports the roof thereof, to an extent exceeding one-half of such wall above the plinth level, such half to be measured in superficial feet; or
- (c) to make any alteration or repairs to a frame-building, involving the removal or re-erection of more than one-half of the posts in any such wall thereof as aforesaid or involving the removal or re-erection of any such wall thereof as aforesaid to an

extent exceeding one-half of such wall above the plinth level, such half to be measured in the superficial feet; or

(d) to make any alternation in a building involving –

(i) the sub-division of any room in such building so as to convert the same into two or more separate rooms; or

(ii) the conversion of any passage or space in such building into a room or rooms; or

(e) to remove or reconstruct any portion of a building abutting on a street which stands within the regular line of such street,

shall give to the commissioner in a form obtained for the purpose under section 438 a notice of his intention, specifying the portion of the building in which such work is to be executed, the nature and extent of the intended work, the particular part or parts, if any, of such work which is or are intended to be used for human habitation and the name of the person whom he intends to employ to supervise its execution.

437. (1) If any notice given under section 436 does not contain all the information which the Commissioner deems necessary to enable him to deal satisfactorily with the case, he may, at any time within thirty days after receipt of the said notice, by order require the person who gave the notice to furnish plans and sections of the building and of the intended new work or any specified portion thereof and the provisions of sections 432 to 435 (both inclusive) shall apply to the intended new work so far as the Commissioner may consider them to be applicable.

(2) The Commissioner may also at any time, within the said period by order require the said person to open for inspection any portion or portions of the foundations or walls of the existing building.

438. The Commissioner shall cause printed forms of notices for the purpose of section 431 or 436 to be delivered to any person

Plans and additional information may be called for.

Printed forms of notices to be supplied to the Public.

requiring the same, on payment of such fee not exceeding five rupees for each form as shall from time to time be determined in this behalf by the Commissioner, with the approval of the Standing Committee.

Supervision
of buildings
and works.

439. Every person who intends to newly erect a building or execute any such work referred to in section 436 shall erect the building or execute the work in such manner, under such supervision, through such qualified agency, and subject to such conditions and restrictions, as may be prescribed in the bye-law.

When
building or
work may be
proceeded
with.

440. If within thirty days after receipt of any notice under section 431 or 436 or of the plan, section description or further information, if any, called for under sections 432, 434 or 437, as the case may be, the Commissioner fails to intimate in writing, to the person who have given the said notice, his disapproval of the building which the said person proposes to erect or of the work which he proposes to execute or if within the said period the Commissioner signifies in writing to the said person his approval of the said building or work, the said person may, at any time within one year from the date of the delivery of the notice to the Commissioner, proceed with the said building or work in accordance with his intention as described in the notice or in any of the documents aforesaid, but not so as to contravene any of the provision of this Act or any bye-law made thereunder.

Building or
work which is
disapproved
by the
Commissioner
may be
proceeded
with subject to
terms.

441 (1) If the Commissioner disapproves any plan of a building or work of which notice has been given as aforesaid or of any portion or detail thereof, by reason that the same will contravene some provisions of this Act or some bye-law made thereunder or will be unsafe, he may, at any time within thirty days of the receipt of the notice or of the plan, section description or further information, if any called for under sections 432, 434 or 437, as the case may be, by an order intimate to the person who gave the notice under section 431 or 436, as the case may be, his disapproval and the reasons for the same and specify the terms subject to which the building or work may be deemed to have been approved by him.

(2) The person who gave the notice concerning any such building or work may proceed with the same, subject to the terms specified as aforesaid but not otherwise, at any time within one year from the date of receipt by him under sub-section (1) of the written notice in this behalf but not so as to contravene any of the provisions of this Act or any bye-law made thereunder.

Power of the
Commissioner
to withhold
disposal of
plans.

442.(1) Notwithstanding anything contained in sections 440 and 441, if in any case it appears to the Commissioner that the acquisition of the site of any building or work or any part of such site is necessary for public improvement and is also desirable and expedient, he may, by order in writing, direct that no further action shall be taken in pursuance of a notice given under section 431 or 436 for a period not exceeding three months from date of such notice.

(2) The Commissioner may issue a like order if in any case it appears to him that any site as aforesaid is likely to be affected by any one of the following, namely:—

- (a) determining a regular line of a public street;
- (b) determining a fresh line in substitution for the existing regular line of a public street;
- (c) extending or altering a public street; or
- (d) any scheme for widening or modifying a private street.

(3) If within the said period of three months the public improvements referred to in sub-section (1) or any of the matters referred to in sub-section (2) have been given final effect so as to have the result referred to in sub-section (1) or in sub-section (2) the notice given under section 431 or 436 shall be deemed to have lapsed.

(4) If any case is not covered by sub-section (3) the notice so given shall be deemed to have been renewed as on the date on which the period of three months mentioned in sub-section (1) expires.

When work
may
commence.

443.(1) No person shall erect or re-erect any building or execute any such work referred to in section 431 —

- (a) until he has given notice of his intention as here-in-before required to erect or re-erect such building or execute such work and the Commissioner has either intimated his approval of such building or work or failed to intimate his disapproval thereof within the period specified in this behalf in section 440 or 441.
- (b) until he has given notice to the Corporation Engineer of the proposed date of commencement but where the commencement does not take place within seven clear days of the date so proposed, the notice shall be deemed to have not given, and
- (c) after the expiry of the period of one year specified in Sections 440, and 441 respectively for proceeding with the same.

(2) If a person, who is entitled under sections 440 and 441 to proceed with any building or work, fails to do so within the period of one year specified in the said sections, respectively for proceeding with the same, he may at any subsequent time give a fresh notice of his intention to erect or re-erect such building or execute such work and thereupon the provisions hereinbefore contained shall apply as if a fresh notice has been issued.

Building not to
be converted to
other purposes
without the
permission of
the
Commissioner.

444. No person shall without the written permission of the Commissioner —

- (a) use or permit to be used for human habitation any part of a building not originally constructed or authorized to be used for that purpose; or
- (b) convert into, or use, or permit to be used, as a chawl or building intended to form a range or separate rooms for lodgers, a building not originally designed or authorized to be so used.

Building for human habitation not to be used as godown.

445. No person shall without written permission of the Commissioner or otherwise than in conformity with the terms of such permission, use or permit to be used any building or any part of a building originally constructed or authorized to be used for human habitation as godown, warehouse, workplace, factory, stable or a motor garage.

No alteration to be made in building for human habitation without written permission of the Commissioner.

446. No person shall without the written permission of the Commissioner or otherwise than in conformity with the terms of such permission, make any alternation or cause any alternation to be made in an existing building originally constructed or authorized to be used for human habitation for the purpose of using it or causing it to be used as a godown, warehouse, workshop, workplace, factory, stable or motor garage.

Provisions as to buildings which are to be newly erected.

447.(1) The erection of any new building on either side of a new street may be disapproved by the Commissioner, unless and until such new street has been levelled, metalled or paved, sewered and drained to the satisfaction of the Commissioner.

(2) The erection of any such building in any part of the city in which the position and direction of the streets likely to be required in future, but not yet been laid down or determined shall, with the approval of the Standing Committee, be disapproved by the Commissioner, unless the site proposed for such building is, in the opinion of the Commissioner such as with reference to the position occupied by the buildings if any, already existing in the neighbourhood, will admit the construction in the future of one or more new streets convenient for the occupiers of all the buildings in the neighbourhood and for the purpose of drainage, water supply and ventilation:

Provided that any person whose buildings is so disapproved may, by written notice to the Commissioner, require that the position and direction of the future streets in the vicinity of his intended building be forthwith laid down and determined and if such requisition be not complied with within six months from the date

thereof may, subject to all other provisions of this Act applicable thereto, proceed with the erection of his building.

(3) The foundation of any such building shall not be constructed on any site which has been filled up with, or has been used as a place for depositing excrementitious matter or the carcasses or other filthy or offensive matter, until such matters are properly removed to the satisfaction of the Commissioner.

(4) Every such building intended to be used as dwelling shall be built with a plinth of at least two feet above the center of the nearest street and not below such standard level as may be fixed by the Commissioner in this behalf.

(5) In addition to any means of ventilation required by any bye-law made under this Act, every such building intended to be used as a dwelling shall be so constructed that the whole or at least one side of every room thereof shall either be an external wall or abut on an interior open space and —

(a) in case of external wall, except where it faces a street of not less than fifteen feet in width, it shall have between it and the boundary line of the owner's premises an open space, extending throughout the entire length of such wall, at least two feet wide or, in the case of a chawl or building intended to form a range of separate rooms for lodgers at least five feet wide ; and

(b) in case of interior open space, it shall have an area equal to not less than one-tenth of the aggregate floor-area of all the rooms abutting thereon and shall not be in any direction less than six feet across:

Provided that every open space, whether exterior or interior required by this sub-section, shall be and be kept free from any structure thereon and open to the sky, and shall be kept open to access from each end thereof.

(6) Every room intended to be inhabited in any such building, except a room on the roof thereof, shall be in every part at least ten feet in height from the floor to the ceiling.

(7) Every such room on the roof of any such building shall have an average height or atleast eight feet from the floor to the ceiling.

(8) Every room shall have a clear superficial area of not less than one hundred square feet.

(9) In addition to any means of ventilation required by any bye-law made under this Act every room shall be ventilated by means of doors or windows which open directly into the external air and have an aggregate opening equal to not less than one-fourth of the superficial area or the side of the room which faces an open space.

(10) Huts or sheds or ranges or blocks of huts or sheds, whether the same are to be used as dwelling or stables or for any other purpose, shall be built, if the Commissioner thinks fit so to require —

(i) that they may stand in regular lines with a free passage or way in front of and between every two lines of such width as the Commissioner thinks proper for ventilation;

(ii) that there may be such number of privies, latrines or urinals and such means of drainage as the Commissioner deems necessary; and

(iii) at such a level as will suffice for the means of drainage as required by the Commissioner.

Roofs and external walls of buildings not to be of inflammable material.

448.(1) No external wall and no covering of a roof built or renewed after the coming into force of this Act shall, except with the written permission of the Commissioner, consist of wood, cloth, canvas, grass, leaves, mats or any other inflammable material.

(2) If any external wall or covering of a roof is or has been, after the coming into force of this Act, constructed of any such material, the Commissioner may, by written notice, require the owner or occupier of the building to which such wall or roof appertains to remove such wall or covering.

Maximum
height of
buildings.

449.(1) Except with the written permission of the Commissioner, no building shall be erected or raised to a greater height than seventy feet as measured from the level of the center of the street in front —

- (i) in the case of a pitched roof, up to the tie-beam of the roof; and
- (ii) in the case of a flat roof, up to the surface of the roof.

(2) In the case of a pitched roof, the roof above that height shall rise at an angle of not more than forty-five degrees.

(3) In the case of a flat roof, a parapet of not more than three feet in height may be constructed above the maximum height specified in sub-section(1).

Height of
buildings
with
reference
to width of
streets.

450. Subject to the maximum fixed by section 449, the height to which a building may be erected or raised shall be regulated by the width of the street on which it abuts, in accordance with the following provisions, namely: —

- (i) if the width of the street does not exceed twenty-six feet, the building shall not be erected or raised to a height greater than one and one-half times the width of the street;
- (ii) if the width of the street exceeds twenty-six feet but does not exceed forty feet, the building shall not be erected or raised to a height greater than forty feet;

- (iii) if the width of the street exceeds forty feet, the building shall not be erected or raised to a height greater than the width of such street; and
- (iv) where the building abuts upon more than one street, its height shall be regulated by the width of such street so far as it abuts upon such wider street :

Provided that if the face of the building is set back from the street, at any height not exceeding the height specified in clause (i), clause (ii), or clause (iii), as the case may be, such building may be erected or raised to a height greater than that so specified but not so that any portion of the building shall intersect any of the series of imaginary straight lines drawn from the line of set-back, in the direction of the portion set-back, at an angle of forty-five degrees with the horizontal.

Frame buildings.

451. After the commencement of this Act no building, the external walls of which are of timber-framed construction shall be erected or re-erected so as to consist of more than one floor:

Provided that the Commissioner may, by special order, grant permission for the erection or re-erection of such a building of more than two floors or for the construction of one or more additional floor if satisfied that such building will be or is of thoroughly sound material and can safely support the same.

Provision of sufficient means of egress.

452. Where the Commissioner is of opinion that the means of egress from any building are insufficient to allow a safe exit in the event of fire, he may, with the approval of the Standing Committee, by order in writing, require the owner or occupier of the building to alter or reconstruct any existing staircase in such manner or to provide such additional or emergency staircases, as he may determine.

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

453. If at any time, permission has been given to proceed with any building or work the Commissioner is satisfied that such

permission was granted in consequence of any misrepresentation or fraudulent statement contained in the notice or information furnished or further information given, if any, he may cancel such permission and any work done thereunder shall be deemed to have been done without his permission.

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

454. The Commissioner may at any time during the erection or re-erection of a building or the execution of any such work make an inspection thereof without giving previous notice of his intention to do so.

Proceedings to be taken in respect of building or work commenced contrary to Act or bye-laws.

455.(1) If the erection of any building or the execution of any such work is carried out contrary to the provisions of this Act or bye-laws made thereunder, the Commissioner, unless he deems it necessary to take proceedings in respect of such building or work, shall, —

(a) by written notice, require the person who is erecting or re-erecting such building or executing such work or has erected or re-erected such building or executed such work on or before such day as may be specified in such notice, by a statement in writing subscribed by him or by an agent duly authorized by him in that behalf and address to the Commissioner, to show sufficient cause why such building or work shall not be removed, altered or pulled down; or

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

(2) If such person fails to show sufficient cause as required under clause (a) or (b) of sub-section (1), to the satisfaction of the

Commissioner, why such building or work shall not be removed, altered or pulled down, the Commissioner may remove, alter or pull down the building or work and the expenses thereof shall be recovered from said person.

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

456.(1) If there is reasonable ground for suspecting that in the erection of any such building or in the execution of any such work as referred to in the preceding section anything has been done, contrary to any provision of this Act or of any rule or bye-law made thereunder or that anything required by any such provision, rule, bye-law to be done has been omitted to be done, and if, on inspecting such building or work, it is found that the same has been completed or is too far advanced to permit of any such fact, being ascertained, the Commissioner may, with the approval of the Standing Committee, by a written notice require the person who has erected or re-erected such building or executed such work to cause so much of the building as prevents any such fact being ascertained to be cut into, laid open or pulled down to a sufficient extent to permit of the same being ascertained.

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

Enforcement of provisions concerning buildings and works.

457. The Commissioner may, at any time during the erection of a building or the execution of any such work as aforesaid, or at any time within three months after the completion thereof, by written notice, specify any matter in respect of which the erection or re-erection of such building or the execution of such work is in contravention of any provision of this Act or of any rule or bye-law

made thereunder, require the person erecting or re-erecting or executing or if the person who has erected or re-erected or executed such building or work is not at the time of the notice the owner thereof, then the owner of such building or work, to cause anything done contrary to any such provision, or do anything which by any such provision, or bye-law may be required to be done but which has been omitted to be done.

Completion
certificates.

458. Every person shall, within one month after the completion of the erection or re-erection of building or the execution of any such work, intimate by a notice in writing of such completion with a certificate in the form specified in the bye-law signed and subscribed in the manner so specified to the Commissioner and shall give all necessary facilities for the inspection of such building or of such work to the Commissioner.

Removal
of unsafe
structures
etc.

459. (1) If at anytime it appears to the Commissioner that any building or any structure of a building such as wall, parapet, pavement, floor, steps, railings, door or window frames or shutters or roof, or other structure and anything affixed to or projecting from or resting on, any building, wall, parapet or other structure is in dilapidated condition or is likely to fall, or is in anyway pose danger to any person in occupation of such building or passers-by, the Commissioner may, by written notice, require the owner or occupier of such building or structure, either to pull down, or repair such structure or any part of that building as he may think fit in order to prevent all cause of danger therefrom.

(2) The Commissioner may also, if he thinks fit, require the said owner or occupier by the said notice, either forthwith or before proceeding to pull down, or repair the structure or the building or part thereof and to set up a proper and sufficient hoard or fence for the protection of passers-by and other persons, with a convenient platform and hand-rail as far as practicable, to serve as footway for passers-by outside of such hoard or fence.

(3) If it appears to the Commissioner that the condition of the structure, the building or part thereof the danger from a structure which is unsafe and requires immediate action, he may, before giving notice as aforesaid or before the period of notice expires, fence off, pull down, or repair the said structure or take such steps or cause such work to be executed as may be required to prevent the danger.

(4) Any expenses incurred by the Commissioner under sub-section (3) shall be paid by the owner or occupier of the building.

(5) Where the Commissioner is of opinion whether on receipt of an application or otherwise that the only or the most convenient means by which the owner or occupier of the building referred to in sub-section (1) can pull down or repair such structure, by entering into any of the adjoining premises belonging to some other person, the Commissioner, after giving such person a reasonable opportunity of hearing, by an order in writing, authorize such owner or occupier to enter such adjoining premises and such owner or occupier or any agent or person employed by him may enter into such adjoining premises at any time between sunrise and sunset to execute necessary work.

(6) In execution of such work under this section as little damage as possible shall be done to the adjoining owner's property, and the owner or occupier of premises, for the benefit of which the work is done, shall —

- (i) cause the work to be executed with the least practicable delay;
- (ii) pay compensation to the said adjoining owner who sustains damage by the execution of the said work.

Precautions
in case of
dangerous
trees.

460.(1) If, at any time, it appears to the Commissioner that any tree or any branches of a tree or fruit of any tree is likely to fall and thereby cause injury to any person or any structure, the

Commissioner may, by notice, require the owner of the said tree to secure, lop or cut down the said tree so as to prevent any danger therefrom.

(2) If immediate action is necessary, the Commissioner may before giving such notice or before the period of notice expires, secure, lop or cut down the said tree or remove the fruit thereof or fence off a part of any street or take such temporary measures, as he thinks fit, to prevent danger, and the expenses incurred by so doing shall be recoverable from the owner of the tree.

Precautions in case of dangerous tanks, wells, holes, etc.

461.(1) If any tank, pond, well, hole, stream, dam, bank or other place be deemed by the Commissioner to be, for want of sufficient repair, protection or enclosure is dangerous to the passers-by or to persons living in the area adjacent thereto, the Commissioner may, by notice, require the owner to fill in, remove, repair, protect or enclose the same so as to prevent any danger therefrom.

(2) If immediate action is necessary, the Commissioner may before giving such notice or before the period of notice expires take such temporary measures as he thinks fit to prevent danger and the expenses incurred by so doing shall be recoverable from the owner.

Periodic inspection of buildings.

462.(1) The Commissioner may by written notice require the owner of any building to get the building inspected by any person authorized by the Commissioner at such intervals and in such manner as may be specified in the bye-law.

(2) The owner shall, within two months of an inspection under sub-section (1), undertake such repairs as pointed out in the inspection report, for the purpose of securing the stability of the structure after complying with all the provisions of this Act, the rules, and bye-laws made thereunder in regard to such repairs and shall upon completion of such repairs, submit to the Commissioner a

certificate in such form and in such manner as may be prescribed in the bye-law.

(3) A report of every inspection made under sub-section (1) shall forthwith be submitted to the Commissioner by the person who carried out such inspection, and the Commissioner may take such action in respect of such building as he deems fit under this section or under any other provision of this Act if the owner fails to comply with the requirements of sub-section(2).

(4) The expenses incurred by the Commissioner under sub-section(3) shall be recovered from the owner.

Powers of
Commissioner
to stop
unlawful work.

463.(1) If the Commissioner is satisfied that the erection or re-erection of any building or the execution of any such work has been unlawfully commenced or is being unlawfully carried on upon any premises, he may, by written notice, require the person erecting such building or executing such work to stop the same forthwith.

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

(3) The expenses incurred under sub-section (2) shall be recovered from the said person.

Power of
Commissioner to
cause any
building to be
vacated in
certain
circumstances.

464.(1) Notwithstanding anything contained in any contract the Commissioner may, by written notice, require any owner or occupier of any building or any portion thereof to vacate forthwith or within the time specified in such notice —

(a) if such building or portion thereof is in dilapidated condition or likely to fall or is in anyway pose danger; or

(b) if a notice has been issued in respect of such building or part thereof requiring the alteration or

reconstruction of any existing staircase, lobby, passage or landing and the works specified in such notice have not yet been commenced or completed.

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

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

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

(5) If any person in occupation of such building or portion thereof does not vacate the same, the Commissioner may direct that such person shall be removed from such building or part thereof by any police officer and such police officer shall comply the same.

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

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

- (i) that, in any street or portion of street specified in such notice, the elevation and construction of the frontage of all buildings or any class of buildings hereafter to be erected or re-erected

Power to regulate future construction of certain classes of buildings.

- shall, in respect of their architectural features, be such as the Corporation may consider suitable to the locality; or
- (ii) that, in any localities specified in the notice, there shall be allowed the construction of only detached or semi-detached buildings or both and that the land appurtenant to each such building shall be of an area not less than the area as specified in such notice; or
 - (iii) that, the minimum size of building plots, in particular localities, shall be of a specified area; or
 - (iv) that, the construction shall not be more than a specified number of houses on each acre of land in any locality specified in such notice; or
 - (v) that, in any street, portions of street or localities specified in such notice, the construction of slopes, warehouses, factories, huts or buildings, designed for particular uses shall not be allowed except with the special permission of the Commissioner granted in accordance with general regulations framed by the Standing Committee in this behalf and subject to the terms of such permission only.

(2) The Commissioner after receiving the objection within the specified period shall send the same to the Standing Committee and the Standing Committee shall consider all objections so received and shall submit a report with a statement of objections received and of its opinion thereon to the Corporation.

(3) Within a period of two months after the receipt of the report referred to in sub-section (2), the Corporation shall submit all

the documents referred to therein with a statement of its opinion on such report to the Government.

(4) The Government may pass such order with respect to such notice containing declaration as it may think fit.

(5) The declaration as confirmed or modified by Government in their order under sub-section (4) shall be published in the Gazette and shall take effect from the date of such publication.

(6) No person shall erect or re-erect any building after publication of notice under sub-section (1) until it is published under sub-section(5).

CHAPTER XX

PRESERVATION AND CONSERVATION OF HERITAGE BUILDING

Owner to
maintain,
preserve
and
conserve
heritage
building.

466. Every owner or occupier of any heritage building declared as such by the Corporation shall maintain, preserve and conserve it and shall not change its use in contravention of the provisions of this Act or the rules or the regulations made thereunder for its maintenance, preservation or conservation.

Explanation I — The word "maintain", with its grammatical variations and cognate expressions, shall include fencing, covering, repairing, restoring or cleansing, or doing of any act which may be necessary for the purpose or preserving or conserving, of, or securing convenient access to, a heritage building.

Explanation II — "Owner" shall, notwithstanding anything contained elsewhere in this Act, include, for the purposes of this chapter, —

- (a) a joint owner of a heritage building vested with the power of management thereof on behalf of himself and any other joint owner, or successor-in-title of any such joint owner, or

- (b) a manager, or trustee, vested with the power of management of a heritage building, or successor-in-office of such manager or trustee.

Power of Corporation to declare a building as a heritage building.

467. Where the Corporation, on the recommendation of the Heritage Conservation Committee is of the opinion that any building in the Corporation Area should be preserved and conserved for historical, architectural, environmental or ecological purpose, it may declare such building as a heritage building :

Provided that during the period when any proposal for declaring building as a heritage building is under consideration of the Heritage Conservation Committee, no owner of such building, or no lessee or sub-lessee to whom such building has been leased out, shall transfer such building by way of sale, lease or mortgage without the prior approval of the Commissioner.

Gradation of heritage building.

468. The gradation of a heritage building according to its historical, architectural, environmental or ecological purpose shall be such as may be prescribed.

Heritage Conservation Committee.

469.(1) The Corporation shall constitute a Committee to be called the Heritage Conservation Committee with the Commissioner as its Chairman and an officer of the Corporation as its Convenor.

(2) The Committee shall have, in addition to the Chairman and the Convenor, seven other members of whom —

- (a) one shall be nominee of the Local Development Authority;
- (b) one shall be the Director of Culture, Government of Orissa, or his nominee;
- (c) one shall be an eminent architect;
- (d) one shall be an artist;
- (e) one shall be an environmentalist;
- (f) one shall be a historian; and
- (g) one shall be the Chief Valuer and Surveyor of the Corporation.

(3) The Committee may co-opt one person to be nominated by the concerned Department of the Government while dealing with any land or building under the management of the said Department.

(4) The Committee shall, in accordance with the provisions of this Act and the rules and the regulations made thereunder, scrutinize every application or proposal for declaration of a building as a heritage building, and recommend to, and also advise, the Corporation in respect of the preservation and conservation of such building as a heritage building.

(5) The Committee shall meet at such periodical interval as may be determined by the Corporation.

(6) The Commissioner shall, in the case of emergency, take such measures as may be necessary for the preservation and conservation of a heritage building, provided that such measures shall be required to be approved by the Heritage Conservation Committee at its meeting.

Powers and
functions of
Heritage
Conservation
Committee.

470. The Heritage Conservation Committee shall have the power to function for purpose of preservation, conservation and maintenance of heritage buildings in so far as such power does not offend any other provisions of this Act or the rules made thereunder relating to construction or use of building:

Provided that for erection or re-erection in a heritage building or part thereof, or for restoration of any heritage building to its old shape, design or beauty in the case of unlawful demolition, or for making any change or internal or external wall, structural pattern, floor, roof, interior or exterior architectural floor, façade or skyline, or for any other change of a heritage building, the provisions of Chapter XIX of this Act and the rules made thereunder shall apply *mutatis mutandis*.

Power of
Corporation
to acquire,
purchase or
take on
lease
heritage
building.

471. Subject to the other provisions of this Act, the Corporation may acquire, purchase or take on lease any heritage building for the purpose of preservation and conservation thereof:

Provided that in the case of a heritage building declared as such for the purpose of preservation and conservation as required under the Orissa Development Authority Act, 1982 the approval of the concerned department of the Government shall be taken.

Orissa
Act 14
of 1982.

Transfer of
right of
development
for the
purpose of
acquisition
by
agreement.

472. When the owner of any heritage building is not willing to preserve or conserve any heritage building, the Commissioner may, for the purpose of acquisition of such heritage building by agreement and on the recommendation of the Heritage Conservation Committee and with the approval of the Corporation allow the transfer of right of development of such heritage building which shall be heritable and transferable to the owner of such heritage building in such manner, and subject to such conditions, as may be prescribed.

Explanation I.—“Development” shall have the same meaning as in clause (x) of section 2 of the Orissa Development Authority Act, 1982.

Orissa
Act 14
of 1982.

Explanation II.—“Right of development of a heritage building” shall mean the right of development, in the prescribed manner, of such potentials as may be available in respect of such heritage building on a plot of land different from the land and building comprising the heritage building but in the same ward of the Corporation.

Right of access to
heritage building
acquired by
Corporation.

473. Subject to such rules or regulations as may be made under this Act, every person shall have the right of access to any heritage building acquired by the Corporation.

Sub-lease of
heritage
building.

474. The Corporation shall have the right to allow the transfer of right of development to the lessee of a heritage building where the unexpired period of the term of lease is for 90 years, and to take the heritage building on sub-lease by agreement, if there is provision for such sub-lease in the deed executed between the owner and the lessee, provided that the question of payment of premium or rent in such case to the owner shall not, notwithstanding any agreement in this behalf, arise, and if the owner as confirming party to the

agreement waives the right to receive any further payment of such premium or rent.

Permission of concerned Department of State Government before acquisition of heritage building.

475. If the Corporation considers that it is necessary to acquire any building declared as a heritage building for the purpose of preservation and conservation as required under the Orissa Development Authority Act, 1982 or under the permission of the concerned Department of the Government shall be taken before such acquisition.

Orissa
Act 14
of 1982

Power to exempt rates and taxes, etc. on heritage building.

476. If the owner of a heritage building enters into an agreement with the Corporation to maintain, preserve and conserve such heritage building properly at his own expenses, the Corporation may, in such case, exempt wholly or partly the owner of such heritage building from payment of rates of taxes or fees for supply of water or any other charge in respect of such heritage building.

Agreement with owner of heritage building pending acquisition.

477.(1) The Commissioner may, pending acquisition of a heritage building by the Corporation under this Act and with the approval of the Corporation proposes to the owner of such heritage building to enter into an agreement with the Corporation for a specified period for the maintenance, of such heritage building.

(2) The agreement as aforesaid may provide for all or any of the following matters, namely :—

- (a) maintenance of the heritage building by the owner or by any other person willing to maintain the said heritage building ;
- (b) custody of the heritage building and the duties of the person who may be employed to watch it ;
- (c) the restrictions of the owner's right —
 - (i) to use the heritage building for any other purpose detrimental to its conservation,
 - (ii) to charge any fee for entry into, or inspection of, the heritage building, and

(iii) to build on or near the site of the heritage building.

Voluntary contribution and agreement with any voluntary organisation, person or company.

478.(1) The Commissioner may receive voluntary contributions towards the cost of maintaining any heritage building and may give order as to the management and application of such contributions for the purpose of preservation and conservation of such heritage building.

(2) Subject to the approval of the Corporation, the Commissioner may enter into any agreement with any person or voluntary organisation or company, whether incorporated or not, willing to preserve and conserve any heritage building on such terms and conditions as the Commissioner may determine.

Taking over management and control of heritage building.

479. (1) If the Commissioner, on receipt of any information, is satisfied that the owner of a heritage building fails to preserve or conserve the heritage building, the Commissioner may, when the heritage building is vacant and after hearing the owner, by order in writing, take over the management and control of such heritage building for the purpose of preservation and conservation thereof, suspending the right of the owner to transfer such heritage building for a maximum period of five years, subject to acquisition either by agreement or under the provisions of the Land Acquisition Act, 1894.

1 of 1894

(2) The Commissioner shall thereafter notify the heritage building for letting it out by agreement to any person as tenant for the purpose as aforesaid, and the owner shall be entitled to an amount equal to the reasonable letting value of the heritage building as rent less the cost on account of preservation and conservation of the heritage building.

When heritage building ceases to be heritage building.

480. If the Corporation decides that any heritage building has ceased to be of public interest or has lost its importance for any reason whatsoever, it may, with the approval of the State Government, declare that such heritage building has ceased to be a heritage building for the purposes of this Act.

Penalty.

481. (1) Any person who destroys, removes, alters, defaces or misuses any heritage building or does any act, or abets in the Commission thereof, in contravention of any provision of this chapter or the rules or the regulations made thereunder, shall be punishable with rigorous imprisonment for a term which may extend to three years and also with fine which may extend to fifty thousand rupees and, in default, with further rigorous imprisonment for six months.

(2) Any Court convicting any person under this section shall, by order, direct such person to restore the heritage building to its former shape and beauty at his cost, and any failure to comply with such order shall be deemed to be a continuing offence and such person shall be punishable with an additional fine of rupees two hundred and fifty for every day during which such contravention or failure continues after conviction for the first such contravention.

(3) Where an offence under this section has been committed by a company, the provisions of section 653 shall apply to such company.

Explanation.— For the purposes of this section, —

(a) "person" shall include an owner, occupier, lessee, mortgagee, consultant, promoter or financier who supervises or causes erection, destruction, removal, defacement or misuse of any heritage building, and

(b) "company" shall have the same meaning as in the Explanation to section 653.

CHAPTER XXI

SLUM OR INFORMAL SETTLEMENT

Comprehensive listing of slums or informal settlements.

482. For the purpose of providing basic urban services the Corporation may identify and demarcate in such manner as may be prescribed, all under-serviced settlements characterized by poor physical and socio-economic conditions, irrespective of land tenure

status and ownership and shall prepare a list of the persons residing in such settlement.

Registration
of slum
dwellers.

483. The list so prepared shall be maintained and updated to include such other eligible persons in a register from time to time with the recommendation of the committees constituted under subsection (2) of section 9 of the Act.

Identity
Card.

484. The Corporation shall, for the proper identification of the slum dwellers, issue Identity Cards to all such persons, whose name has been registered in the register and such Identity Card shall contain details of the household name, address and family members in such form as may be prescribed.

Eligibility to
basic
services.

485. The person whose name has been registered in accordance with the provisions of this Chapter shall be eligible to receive basic minimum services and amenities from the Corporation pending implementation of permanent measures to upgrade, rehabilitate or resettle the community.

Other
entitlements.

486. Every slum dweller residing within the Corporation area, regardless of his land tenure status, shall be entitled to any other special assistance or welfare schemes which are operative within the Corporation area and which are not geographically or spatially determined but targeted to specific poverty groups which may include schemes for economic support, credit, pensions, insurance and such other services as the Corporation may determine.

Names to be
struck off the
register.

487. The Corporation shall struck off the register names who has been provided with a sustainable level of basic services and for whom socio-economic indicators have reached definite acceptable norms as fixed by the Corporation.

Classification
of land status
or
tenability.

488.(1) The land status of all listed slum or informal settlements shall be classified by the Corporation with prior approval of the Government as either tenable or untenable in order to determine whether or not regular planned service provision will be undertaken on in-situ or resettlement basis and all listed slums or

informal settlements are to be considered as tenable unless the site falls strictly within the criteria as specified under sub-section (2).

(2) A site shall not be declared as untenable unless existence of human habitation on such site entails undue risk to the safety or health or life of the residents and unless habitation on such sites is considered contrary to public interest.

(3) The issue of whether a settlement's existence is against public interest shall be decided by the Government in consultation with the Corporation and technical experts, after giving full opportunity to the slum dwellers to express their views, in a public hearing and the process of consultation and public hearing shall be completed within a period of three calendar months from the date of its initiation.

(4) All listed settlements which do not fall strictly within the category identified under sub-section(2) shall be considered as tenable and accordingly shall be eligible for in-situ upgrading subject to the settlement of ownership disputes on the land.

Tenure on
Government
owned land.

489.(1) The tenure on Government land shall be granted by the Corporation to all residents on tenable sites and full property rights shall also be granted on resettlement or rehabilitation sites with previous sanction of Government.

(2) All tenure shall be allotted in the joint names of the head of household and spouse:

Provided that single woman or single man headed households shall not be precluded from having full tenure rights.

(3)The Corporation may, with the previous sanction of Government, consider other forms of tenure such as group tenure, collective tenure and co-operative tenure.

Tenure
on private
land.

490.(1) All tenable settlements on private land shall be made by way of acquisition of land unless the Corporation decides to pass a resolution otherwise and such land acquisition process shall be

completed within a maximum period of twelve calendar months from the date of initiating the process.

(2) The acquisition of land from private parties can also be undertaken on a negotiated basis on payment of compensation which will be paid from Corporation fund.

Explanation.—For the purpose of this section "compensation" may include monetary contributions, sharing of land, lease of land and allocation of an alternate site etc.

Conflict
resolution.

491. Where land belonging to the Central Government or State Government or other Government bodies, is occupied by a slum dweller the Corporation shall act as nodal agency for initiating the process of resolution of disputes.

Residents
Association.

492. At the time of granting tenure, it shall be necessary for the residents to form an Association or Society which must be recognized by the Corporation and this Association or Society should normally consist of all resident families in that area where each family is represented preferably by one woman.

Land use
classification.

493. Land use for in-situ upgradation projects shall be designated as high density mixed use :

Provided that any commercial or industrial or trading ventures permitted on such lands shall only be those which are non-polluting, environment friendly and which provide employment to local slum dwellers.

Layout
planning.

494. In the in-situ upgrading projects, proper layout planning including plot re-alignment and also preferably equalization of land or shared land areas shall precede the granting of full property or tenurial rights and shall be undertaken on a participatory basis with local residents.

Sale of
tenure or
property
rights.

495. The Corporation shall collect fee from residents for the sale or transfer of ownership rights based on following criteria, namely : —

- (i) a plot area up to a maximum of twenty five square metres may be granted at a concessional rate;
- (ii) any area in excess of this may be granted at such rates as may be decided by the Corporation; and
- (iii) plot sizes may be fixed below twenty five square metres if mutually agreed by the community and the Corporation.

Sale of
house
plots.

496. (1) Any poor household may sale his house plot:

Provided that it is recommended by the residents association and approved by the Corporation.

(2) The Corporation may levy the tax or charge on all such sales to ensure that a proportion of any increase in land value is realized.

Resettlement
and
rehabilitation.

497. (1) The inhabitants of listed settlements classified as 'untenable' under section 489 are entitled to receive basic minimum services until proper relocation and resettlement under sub-section (2).

(2) The Corporation may draw up comprehensive resettlement and relocation guidelines for urban dwellers and all relocation or resettlement of dwellers residing in untenable sites shall be implemented strictly in accordance with such guidelines which shall ensure that—

- (a) alternatives to resettlement should be fully explored before any decision is taken to move people ;
- (b) relocation distances should be minimized to reduce the impact on livelihoods ;
- (c) resident dwellers must be provided with some choice of alternative sites and where feasible, an alternative rehabilitation package ;

- (d) all resettlement sites should be adequately serviced and provision should be made for public transportation prior to settlement ;
- (e) the livelihoods of affected people must be sufficiently compensated within a fixed period ;
- (f) participation of primary stakeholders, particularly women, in planning and decision making is a pre-requisite for any resettlement process ;
- (g) women's particular needs and constraints must be specifically addressed ;
- (h) any urban development project that leads to the involuntary resettlement of communities must take provision to cover the costs of resettlement and rehabilitation; and
- (i) all stages of the resettlement process including the transition and follow-up periods should be closely monitored and supervised by the Corporation with community representatives.

Planning for
integration.

498. All existing planning instruments such as Master Plans, Land Use Plans etc. shall be modified to ensure that slums or informal settlements can be properly integrated into the urban area and in order to achieve this objective the Corporation shall ensure that,—

- (i) all Master Plans and Land Use Plans are allowed for high density, mixed use land occupation in all slums or informal settlements and provide more appropriate living and working space for the poor within the Corporation area ;
- (ii) sufficient provisions for land shall be made in the Master Plans and Land Use Plans in respect of all new land development schemes to provide

house to low income workers as required by such schemes; and

- (iii) all plans and other regulatory instruments shall provide sufficient flexibility to modify layouts and building regulations in line with more realistic density or mixed requirements:

Provided that the powers to implement such changes outlined in clauses (i) to (iii) above by the Corporation shall be within the parameters laid down by the Government.

Integrated
Corporation
Development
Plan (ICDP).

499.(1) The Corporation shall formulate Integrated Corporation Development Plan(ICDP) to ensure adequate and sustainable level of infrastructure and services for all its residents and such infrastructure and services are planned and delivered in an equitable manner.

(2) The Plan shall prioritize ways and means of narrowing the gap between the better serviced and less well serviced (slums) areas of the Corporation.

(3) The ICDP shall incorporate all existing plans and reflect schemes and budget allocations as follows:—

- (i) Master Plans or Land Use Plans and other statutory instruments;
- (ii) Urban Development Plans and Schemes;
- (iii) Urban Poverty Alleviation Plans and Schemes;
- and
- (iv) Departmental Plans and schemes in the Corporation area.

Dynamic
multi-year
planning.

500.(1) Integrated Corporation Development Plan(ICDP) as outlined under section 499 shall be updated and reviewed in every three years and the overall plan shall have to be implemented through Annual Action Plans and budget allocations shall accordingly be made.

(2) The Annual Plans shall reflect plan priorities based on the level of service deprivation or service gaps pertaining in the wards and neighbourhoods and such planning shall begin at the micro-level with each urban poor area, drawing up a list of existing services and identifying gaps and deficiencies which shall be undertaken by the community using participatory planning techniques and each plan shall include a clear prioritization of needs and an indication of different stakeholder contributions towards costs.

Access
to social
services.

501.(1) The Corporation shall build health management capacities to improve service delivery to the poor through participatory health delivery mechanism with emphasis on health education for STD or HIV prevention, as well as measures to combat alcoholism and violence and shall establish a network of community health workers or volunteers to facilitate this process through health promotion activity and shall also establish formal partnerships with private medical practitioners to undertake the delivery of curative services in slums.

(2) The Corporation shall encourage communities to participate in health insurance schemes in conjunction with the saving and credit society component of the Swarna Jayanti Sahari Rozgar Yojana (SJSRY) scheme and any other schemes for widening access to curative health care.

Education
for slum
children.

502.(1) The Corporation shall focus on increasing the school enrollment at Primary level, reducing school drop-out rates particularly for girls and supplementing formal school education with coaching assistance to assist slum children to join the formal schooling system.

(2) The Corporation shall establish innovative incentive schemes for those communities that show good performance improving school attendance particularly in relation to the female child in both the formal and non-formal systems and shall make

provision for establishing day crèche facilities in all slums to enable women to participate fully in the labour market.

Protection of child rights and prohibition of child labour.

503. The Corporation shall be an active partner in the implementation of the International Convention on Child Rights and shall ensure that every child accesses to a sufficient range of educational and vocational training and shall discourage child labour through the implementation of penalties and fines as provided in different Labour Laws and take steps for the withdrawal of licences from employers using child labour without making proper provision for education and training of such child.

Financial services for the poor.

504.(1) The Corporation shall identify Organisations with expertise in group based savings and credit to promote financial service initiatives in slums and shall create an apex body of saving and credit groups at city level.

(2) The Corporation shall support interventions designed to address livelihood needs of the urban poor which will include —

- (i) the provision of vocational training facilities ;
- (ii) implementation of savings and credit schemes or self-employment ;
- (iii) addressing constraints in the labour market ;
- (iv) providing improved access to raw materials and marketing support ; and
- (v) legal rights and redressal systems.

Resource mobilization.

505. The Corporation shall take initiatives to mobilize resources from private sector through specific development works at slum level or through direct contribution to the Corporation Fund.

Institutional finance.

506. The Corporation may use various means of attracting capital for investment in city and slum infrastructure such as raising bonds and institutional loan finance.

Extending tax base.

507. The Corporation shall de-notify slum areas, which are provided with services and shall levy a consolidated service Tax on properties located in such slums both (tenable and untenable).

Shelter up
gradation.

508. The Corporation shall empower and enable the urban poor to fulfil their own housing needs by facilitating access to serviced land, home loan financing and other technical and institutional support.

Creation of
a revolving
shelter
fund.

509. A fund shall be created by the Corporation from the minimum allocation of National Slum Development Programme (NSDP) funds earmarked for housing and may place such funds with a savings and credit Organisation capable of supporting group based approaches in an effective manner.

Leveraging
additional
funds.

510. The Apex body of savings and credit group at city level, if any, may provide funds to lending institutions at neighbourhood or area level, which are capable of promoting sustainable housing finance on the basis of innovative loan repayment mechanisms with low default rates and such lending institution shall leverage additional finance for housing from banking institutions.

Monitoring
and
evaluation.

511. The Corporation shall put in place effective monitoring and evaluation system relating to various projects of strategic interventions with clear responsibilities and budgets.

CHAPTER XXII

URBAN ENVIRONMENTAL MANAGEMENT, COMMUNITY HEALTH AND PUBLIC SAFETY

Duties of
Corporation.

512.(1) The Corporation shall, having regard to the linkages between urban economy, infrastructure, productivity, poverty and environmental health in the Corporation area, take adequate measures for, —

- (a) management of urban environment ;
- (b) measuring quality of living and working environment ;
- (c) monitoring of pollution levels; and
- (d) undertaking health risk assessment.

(2) For carrying out the purposes of sub-section (1), the Corporation shall involve such professional agencies and community based organizations belonging either to the public sector or to the private sector, as may be necessary, to —

- (a) carry out studies on vulnerability and risk assessment ;
- (b) enhance the capability of concerned Corporation or other agencies through research and training activities for better management of environment ;
- (c) prepare environmental management strategy and action plan and establish adequate institutional framework for its implementation ; and
- (d) provide and manage environmental infrastructure services.

Function in
relation to
Urban
Environmental
Management.

513.(1) Without prejudice to the generality of the provisions of section 512 the Corporation shall, either by itself or through any other agency, undertake functions relating to the following matters, namely :—

- (a) supply of pure water,
- (b) low cost sanitation,
- (c) environmentally sound solid waste management,
- (d) toxic waste collection and disposal,
- (e) waste recycling and recovery,
- (f) preservation of wetlands,
- (g) control of air pollution,
- (h) control of sound pollution,
- (i) control of cattle and other animals in the Corporation area,
- (j) area improvement and resettlement,
- (k) promotion of urban agriculture and urban forestry,
- (l) development of parks, gardens and open spaces.

- (m) promotion of community awareness on environmental education, and
- (n) such other matters as the Corporation may consider necessary.

(2) The Commissioner shall prepare and submit a report to whom on the environmental status of Corporation area at the time of submission of the budget estimates.

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

514. For the purpose of securing the efficient cleaning of all streets and premises, the Commissioner shall make adequate arrangement for, —

- (i) regular sweeping and cleansing of all streets in the city and removal of the sweeping therefrom; and
- (ii) the removal of the contents of all receptacles and depots of the accumulations kept at all places under section 516 for the temporary deposit of any of the matters specified in that section,

Refuse to be property of the Corporation.

515. All matters collected by Corporation agency in pursuance of section 516 and of section 518 shall be the property of Corporation.

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

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

- (i) dust, ashes, refuse and rubbish;
- (ii) trade refuse;
- (iii) carcasses and excrementitious and polluted matter ;

Provided that, —

- (a) the said matters shall not be finally disposed of in any place or in a manner in which the same have

not heretofore been so disposed of, without the sanction of the Corporation ; and

- (b) any power conferred by this section shall be exercised in such manner as to create the least practicable nuisance.

Duty of owners and occupiers to collect and deposit dust etc.

517.(1) It shall be incumbent on the owners and occupiers of all premises to cause all dust, ashes, refuse, rubbish and trade refuse to be collected from their respective premises and to be deposited at such times as the Commissioner, by public notice, from time to time specify, in the public receptacle, depot or place provided or appointed under section 516 for the temporary deposit or final disposal thereof.

(2)The Commissioner may, if he thinks fit, by written notice require the occupier and owner or either of them of any premises, to cause all dust, ashes, refuse and rubbish, other than trade refuse, to be collected daily or otherwise periodically from the said premises and deposited temporarily upon any place forming the part of the said premises which the Commissioner appoints in this behalf, and it shall be incumbent on the said occupier and owner or either of them to cause the said matters to be deposited and collected accordingly.

(3) It shall be incumbent on the owners of all premises to provide receptacles of a size to be specified by the Commissioner for the collection therein of all dust, ashes, refuse, rubbish and trade refuse to be collected from such premises and such receptacles shall at all times be kept in good condition and shall be provided in such number, places and retained in such number, places and positions as the Commissioner may, from time to time, by written notice, direct.

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

518. When the Commissioner gives public notice, in the manner as may be prescribed, of his intention to provide, in a certain portion of the city, for the collection, removal and disposal, by Corporation agency, of all excrementitious and polluted matter from

privy, urinals and cesspools, it shall be lawful for the Commissioner to take measures for the daily collection, removal and disposal of such matter from all premises situated in the said portion of the city.

Collection and removal of excrementitious and polluted matter.

519. It shall be incumbent on the occupier of any premises, situated in any portion of the city for which the Commissioner has not given a public notice as referred to in section 518 and in which there is no water-closet or privy connected with a Corporation drain, to cause all excrementitious and polluted matter accumulating upon his premises to be conveyed to the nearest receptacle or depot provided for this purpose under clause (e) of section 521 at such times, in such vehicle or vessel, by such route and with such precautions, as the Commissioner by public notice, from time to time, specify.

Prohibition for discharging the duties of a scavenger.

520. In any portion of the city in which the Commissioner has given a public notice as referred to in section 518 and in any premises, wherever situate, in which there is a water-closet or privy connected with a Corporation drain, it shall not be lawful, for any person to discharge any of the duties of scavengers.

Prohibition of failure to remove refuse, etc. when bound to do so.

521. No person —

(a) who is bound under section 527 or section 519 to cause the removal of dust, ashes, refuse, rubbish and trade refuse or of excrementitious or polluted matter, shall allow the same to accumulate on his premises for more than twenty-four hours or neglect to cause the same to be removed to the depot, receptacle or place provided or appointed for the purpose;

(b) shall remove any dust, ashes, refuse, rubbish or trade refuse or any excrementitious or polluted matter, otherwise than in conformity with requirements of any public or written notice at the time being in force under section 517 or use, for the removal of any excrementitious or polluted matter,

any vehicle or vessel not having proper covering for preventing the escape of any portion of the contents thereof or of the stench therefrom ;

- (c) shall, while engaged in the removal of any dust, ashes, refuse, rubbish or trade refuse, or of any excrementitious or polluted matter, fail to sweep forthwith and cleanse thoroughly the spot in any street upon which, during such removal, any portion thereof may fall, and entirely to remove the sweepings ;
- (d) shall place or set down in any street any vehicle or vessel for the removal of excrementitious or polluted matter, or suffer the same to remain in any street for any greater length of time than is reasonably necessary ;
- (e) shall throw or place any dust, ashes, refuse, rubbish or trade refuse or any excrementitious or polluted matter on any street or in place not provided or appointed for this purpose under section 516 ; and
- (f) who is the owner or occupier of any building or land, shall allow any filthy matter to flow, soak or be thrown there from, or keep or suffer to be kept therein or thereupon anything so as to be a nuisance to any person, or negligently suffer any privy, receptacle or other receptacle or place for the deposit of filthy matter or rubbish on his premises to be in such a state as to be offensive or injurious to health.

Presumption
as to
offender
under
section 521.

522. If it shall in any case be shown that dust, ashes, refuse, rubbish and trade effluent or any excrementitious or polluted matter has or have been thrown or placed, on any street or place, in contravention of clause (e) of section 521 from some premises, it

shall be presumed, until the contrary is proved, that the said offence has been committed by the occupier of the said premises.

Removal of rubbish and filth accumulating in large quantities on premises.

523.(1) If any person who is bound under section 517 to cause the collection and deposit of dust, ashes, refuse, rubbish and trade effluent or under section 519 allows the same to accumulate on his premises for more than twenty hours or shall keep the same otherwise than in a proper receptacle, or shall neglect to cause the same to be removed to the receptacle, depot or place provided or appointed for the purpose, the Commissioner may, in addition to the institution of any proceedings provided for in this Act by written notice require such person to collect forthwith all such dust, ashes, refuse, rubbish, trade effluent or excrementitious or polluted matter accumulated thereon and remove the same forthwith in the manner and to place provided by or under this Act.

(2) If such person fails to comply with the notice given under sub-section (1) the Commissioner may cause the dust, ashes, refuse, rubbish and trade effluent or any excrementitious or polluted matter accumulated in such premises to be removed on such charge as the Commissioner may, with the sanction of the Standing Committee, fix the cost of removal which shall be paid by such person.

Contracts with owner or occupier for removal of rubbish or filth.

524. The Commissioner may contract with the owner or occupier of any premises to remove rubbish or filth from such premises on such terms, as to time and period of removal and other matters as may seem suitable to the Commissioner, and on payment of fees of such rate as the Corporation may determine.

Special sanitary arrangements at certain places.

525.(1) The Commissioner shall make such special arrangements, whether permanent or temporary as he consider adequate, for maintaining sanitation in the vicinity of any temple, moth, mosque, tomb or any other place of religious worship or institution to which large number of persons assembled on particular

occasions or in any place in which is used for holding fairs or festivals.

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

Power to inspect premises for sanitary purposes.

526. The Commissioner may inspect any building or other premises for the purpose of ascertaining the sanitary condition thereof.

Repair, cleansing and lime washing of any building may be required.

527. If it appears to the Commissioner necessary for sanitary reasons so to do, he may, by written notice, require the owner or occupier of any building inspected under section 526 to cause the same or some portion thereof to be repaired or lime washed or otherwise cleansed, either externally or internally or both.

Removal of building material from any Premises.

528. If it appears to the Commissioner that any tiles, stones, rafters, building materials or debris of building materials are stored or collected in or upon any premises without his written permission in such quantity or bulk as to constitute a harbourage or breeding place for rats or other vermin or otherwise, a source of danger or nuisance to the occupiers of the said premises or to persons residing in the neighbourhood thereof, he may, by written notice, require the owner of such premises or the owner of the materials or debris so stored or collected therein to remove or dispose of the same or to take such order with the same as may be necessary to expedient to abate the nuisance and prevent a recurrence thereof.

Abandoned or unoccupied premises.

529. If in the opinion of the Commissioner, any premises, by reason of being abandoned or unoccupied, become a resort of disorderly person or a nuisance, he may, after making such inquiry as deem necessary, give written notice to the owner of such premises, if he be known and resident within the city or to any person who is known or believed to be the owner of such premises and residing within the city and shall also affix a copy of the said

notice on conspicuous part of the said premises, requiring all such persons having any right or interest therein to take such step with the said premises as may be necessary to prevent the same from being resorted to as aforesaid or from continuing to be a nuisance.

Neglected premises.

530.(1) If it appears to the Commissioner that any premises is overgrown with noisome vegetation or is otherwise in an unwholesome or filthy condition or, resorted to by the public by reason of their not being properly enclosed or in otherwise causing a nuisance to the neighbouring inhabitants, he may, by written notice, require the owner or occupier of such premises to cleanse, clear or enclose the same or with the approval of the Standing Committee may require such owner or occupier to take such other order as deem necessary.

(2) If it appears so to the Commissioner that any private street is overgrown with noisome vegetation or is otherwise in unwholesome or filthy condition, he may, by written notice require the owners of the several premises fronting or adjoining the said street or abutting thereon to cleanse the same, or with the approval of the Standing Committee require them to take such other order with the same as deems necessary:

Provided that nothing herein contained shall effect the provision of section 514 :

Provided further that when the unwholesome or filthy condition of such premises or such street or such nuisance as mentioned above is caused by any defect in the Corporation drains or appliances connected therewith, it shall be incumbent on the Commissioner to cleanse such premises or such street.

Nuisance arising from defective roof.

531.(1) If it appears to the Commissioner that a building or any part of a building is in such a state as to constitute a nuisance or to be likely to give rise to one, by reason of rainwater, leaking from its roof or any part of its roof, the Commissioner may give a notice in writing to the owner of such building requiring him to abate the

nuisance or to prevent its recurrence within the time and by taking the measures and doing the acts as may be specified in the said notice.

(2) If at any time thereafter the Commissioner is of opinion that such a nuisance may recur, he may, notwithstanding that the original nuisance may have been abated by the owner of the building under sub-section(1), give a further notice in writing to the said owner requiring him to abate the probably recurrence of the nuisance within the time and in the manner specified in the notice.

(3) If the owner of the building by whose act, default or sufferance such nuisance has arisen or continues is unknown or cannot be found, the Commissioner may take such measures or cause such work to be executed or such things to be done as may in his opinion be necessary to abate such nuisance and to prevent its recurrence.

Power with
reference to
insanitary
buildings,
hut or shed.

532.(1) Whenever the Commissioner considers, —

(a) that any building or portion thereof or any hut or shed used either as a dwelling house or as stable or for any other purposes is, by reason of its having no plinth or having a plinth of insufficient height, or by reason of the want of proper drainage or ventilation or by reason of the impracticability of cleansing, attended with danger of disease to the occupiers thereof or to the neighbouring inhabitants or is for any reason likely to endanger the public health or safety; or

(b) that a block or group of buildings or hut or shed is for any of the said reasons, or by reason of the manner in which the buildings are crowded together, attended with such risk as aforesaid,

he may by notice, require the owners or occupiers of such buildings or portion thereof to execute or to remove, alter such hut or shed or to take such order for the improvement thereof such works or to take such measures, as he may deem necessary for prevention of such danger.

(2) No person shall be entitled to compensation for damages sustained by reason of any action taken under or in pursuance of this section, saved when buildings is demolished in pursuance of an order made hereunder, or so far demolished as to require reconstruction, the Corporation shall make reasonable compensation to the owner thereof.

(3) When any building is entirely demolished under this section and the demolition thereof adds to the value of other buildings in the immediate vicinity, the owners of such other buildings shall be bound to contribute towards the compensation payable to the owner of the first named building in such proportion to the increased value acquired by their respective buildings as may be determined by the Commissioner with the approval of the Standing Committee.

(4) When any building is demolished under this section and requires reconstruction, allowance shall be made in determining the compensation for the benefit accruing to the premises from the improvement thereof.

Buildings
unfit for
human
habitation.

533.(1) If any building or portion thereof, intended for or used as dwelling place, appears to the Commissioner to be unfit for human habitation, he may apply to the Standing Committee for making orders to prohibit the further use of such buildings, for such purpose, and the Standing Committee may after giving the owner or occupiers thereof a reasonable opportunity of showing cause why such orders shall not be made.

(2) When any prohibitory order is made under subsection (1), the Commissioner shall communicate the purport thereof to the owner or occupier of the building by a notice, not being less than thirty days and on expiry of such period no owner or occupier shall use or allow it to be used for human habitation until the Commissioner certifies in writing that the causes rendering it unfit for human habitation have been removed to his satisfaction, or the Standing Committee withdraws the prohibition.

(3) When such prohibitory order has remained in operation for a period of three months, the Commissioner shall report the cause to the Standing Committee, which shall thereupon consider whether the building should be demolished.

(4) If upon such consideration the Standing Committee is of opinion that the building has not been rendered fit for human habitation and that steps are not being taken with due diligence to render it so fit and that the continuance thereof is a nuisance or dangerous or injurious to the health of the public or to the inhabitants of the neighbour, it shall record a decision to that effect, with the grounds of the decision, and the Commissioner shall in pursuance of the said decision by notice require the owner to demolish the building.

(5) If the owner undertake to execute necessary works forthwith to render the building fit for human habitation and the Commissioner considers that it can be so made fit, the Commissioner may postpone the execution of the decision of the Standing Committee, for such time not exceeding six months, as he thinks sufficient for the purpose of giving the owner an opportunity of executing the necessary works.

Power of
Commissioner to
call for
statement of
accommodation.

534. (1) The owner of a building shall, within a period of fifteen days after receipt of written notice from the Commissioner, sign and give a certificate with respect to such building or any part thereof which shall contain the following particulars, namely: —

- (a) the total number of rooms in the buildings;
- (b) the length, breadth and height of each room; and
- (c) the name of the person to whom he has let the building or each part of the building occupied as a separate tenement.

(2) The occupier of a building or of any part of a building occupied as a separate tenement shall, on like notice, and within the like period, sign and give a certificate with respect to such tenement which shall contain the following particulars, namely:—

- (a) the total number of person dwelling in the building or any part of it;
- (b) the number of persons using each room by day and night; and
- (c) the number, sex and age of the occupants of each room used for sleeping.

Overcrowded
dwelling.

535.(1) Where it appears to the Commissioner, whether from any certificate furnished under section 534 or otherwise, that any building or any room or rooms therein used for human habitation is overcrowded he may apply to a Magistrate to prevent such overcrowding and the Magistrate after making such inquiry as he thinks fit, may fix the maximum number of persons to be accommodated in each room and may, by written order, require the owner of the building, within a reasonable time not exceeding ten days to be fixed in the said order, to abate the overcrowding thereof by reducing the number of lodger, tenants or other inmates of the said building or room or rooms, in accordance with the maximum so fixed or may pass such other order as he may deem just and proper.

(2) Where the occupier of the said building has sublet the same, the lodgers, tenants or other actual inmates of the same shall, for the purpose of this section, be deemed to be the owner of the said building.

(3) Every tenant, lodger, or other inmate of the said building shall vacate on being required by the owner in pursuance of any order under sub-section (1).

(4) A room used exclusively as a dwelling shall be deemed to be overcrowded within the meaning of this section when the number of adult inmates is such that the total floor space available for each adult inmate is less than twenty-five superficial feet and for each person under the age of ten years less than twelve and one-half superficial feet; but when the air space for each adult inmate is less than two hundred and fifty cubic feet, two children under ten years of age shall count as one adult.

536. Where it appears to the Commissioner that any building or part thereof is used for the storage of goods which is used in such manner so as to afford harbourage to rats, mice or other animals susceptible to plague or other vermin, he may require such owner or occupier, by written notice, to take such steps for the destruction of rats, mice or other animals or other vermin as are specified in the notice or to carry out such works as will render the wall and floors of such building or part of a building or roof against such infestation.

537. (1) For the purpose of this section, if, —

- (a) any pool, ditch, tank, well, pond, quarryhole, drain, watercourse or any collection of water; or
- (b) any cistern or other receptacle of water or any article or thing capable of collecting rain-water during the monsoon season whether within or outside a building;
- (c) any land on which water accumulates or is likely to accumulate; or
- (d) any premises or any part of premises occupied or unoccupied, or under construction, reconstruction or demolition.

Measures against rats, etc. may be required in respect of premises used for storage of goods.

Fillings in of pools etc. which are nuisance.

which in the opinion of the Commissioner is, or is likely to become a breeding place of mosquitoes or other vermin shall be deemed to be a nuisance and shall include a nuisance as defined in clause (56) of section 2.

(2) The Commissioner, may by notice in writing, require the person by whose act or default a nuisance arises, exists or continues, or is likely to arise and the owner, lessee and occupier of the land, building or premises on which the nuisance arises, or is likely to arise, or any one or more of such persons, to take such measures and execute such work, in such manner and within such period as the Commissioner may specify in such notice.

(3) The Commissioner may also by notice under sub-section (2) or by another notice served on such person, owner, lessee and occupier, or any one or more of them, to take all steps necessary to prevent a recurrence of the nuisance and may, if he thinks, it is desirable, specify the work to be executed or measures to be carried out for that purpose, and may serve any such further notice notwithstanding that the nuisance may have been abated or removed, if he considers that it is likely to recur :

Provided that if at anytime within four months from the date of the service of any such notice, the nuisance recurs through the failure of the person or person upon whom such notice has been served to comply with the requirements contained in such notice, such person or persons shall be liable to the penalties provided in this Act for offences committed under this section, without any further notice :

Provided further that where the nuisance arises or exists or is likely to arise or recur in connection with the construction, reconstruction or demolition of any premises, or any part of any premises, the Commissioner may, in addition to serving any notice on any one or more of the persons mentioned in sub-section (2), serve any such notice on any architect, contractor or other person

employed to carry out such work of construction, reconstruction or demolition and also on any sub-contractor employed by such contractor or other person, or any one or more of such contractors, persons and sub-contractors.

(4) If any person, who by a requisition is required to fill up, cover over a drain or a well, delivers to the Commissioner, within the time prescribed for compliance therewith, written objections to such requisition, the Commissioner shall report such objections to the Standing Committee and shall make further inquiry into the case, and if he deems the execution of the work called for by such requisition to be of urgent importance, pending the Standing Committee's disposal of the objection whether the said well shall be permanently filled up, covered over or otherwise dealt with, may cause such well to be securely covered over, so as to prevent the ingress of mosquitoes or other vermin and in every such case the Commissioner shall determine, with the approval of the Standing Committee, whether the expenses made in relation to such work, shall be paid by such person, or by the Commissioner out of the Corporation Fund or shall be shared, and, if so, in what proportions.

538. (1) No well, tank, pond, cistern or fountain shall be dug or constructed without the previous permission in writing of the Commissioner.

(2) If any such work is begun or completed without such permission, the Commissioner may either, -

(a) by written notice require the owner or other person who has done such work to fill up, demolish such work in such manner as he may determine; or

(b) grant written permission to retain such work, but such permission shall not exempt such owner from proceeding for such contravention.

Permission
for new well
etc

Power to order for cleansing of insanitary private water source, spring, tank, well etc., used for drinking.

539. (1) The Commissioner may, by written notice, require the owner of, or person having control over, any private water source, spring, tank, well or other place the water of which is used for drinking, bathing or washing clothes to keep the same in good repair, to cleanse it in such manner as he may direct; and to protect it from pollution caused by surface drainage or other matter in such manner as may be provided in such notice.

(2) If the water of any private tank, well or other place which is used for drinking, bathing or washing clothes, as the case may be, is proved, to the satisfaction of the Commissioner to be unfit for that purpose, he may by notice, require the owner or person having control thereof to, —

(a) refrain from using or permitting the use of such water; or

(b) close or fill up such place or enclose it with a substantial wall or fence.

Duty of Commissioner in respect of public well or receptacle or stagnant water.

540. If it appears to the Commissioner that any public well or receptacle or stagnant water is likely to be injurious to health or offensive to the neighbour he shall cause the same to be cleansed, drained or filled up.

Dangerous quarrying may be stopped.

541. If, in the opinion of the Commissioner, the working of any quarry, or the removal of stone, earth or other material from any place, is dangerous to persons, residing in, or having legal access to the neighbourhood thereof or creates or is likely to create a nuisance, the Commissioner may with the approval of the Standing Committee by written notice, require the owner of the said quarry or place to discontinue working the same or to discontinue removing stone, earth or other material from such place, or to take such order with such quarry or place, as he shall deem necessary for the purpose of preventing danger or of abating the nuisance arising or likely to arise therefrom and shall also intimate such facts to the

Government and to the authority who has granted such quarry for necessary action to prevent danger or nuisance.

Removal
and
trimming of
trees shrubs
and hedges

542. (1) If, in the opinion of the Commissioner,

(a) any hedge, is at anytime insufficiently cut or trimmed, or overgrown, with prickly pear or other rank of vegetation; or

(b) any tree or shrub has fallen or is likely to fall or overhangs or obstructs any street which causes inconvenience or danger to the public,

he may by written notice, require the owner or occupier of the land on which such hedge, tree or shrub is or has been growing, -

(i) to cut down such hedge to a height not exceeding four feet and to a width not exceeding three feet, and to remove any such prickly pear or other rank vegetation therefrom; or

(ii) to remove, cut or lop such tree or shrub, as the case may be.

(2) In any case falling under clause (b) of sub-section (1), the Commissioner may, if for the public safety, it appears to him necessary so to do, cause any tree or shrub to be removed, cut or lopped without giving previous notice to the said owner or occupier and the expenses thereof shall, nevertheless, be paid by the owner or occupier.

Prohibition
as to
keeping
animal

543. (1) No person shall —

(a) without the written permission of the Commissioner or otherwise than in conformity with the terms of such permission, keep any swine in any part of the city;

(b) keep any animal on his premises so as to be a nuisance or danger to any person; and

(c) feed any animals, or suffer or permit any animal, to be fed, or to feed with or upon excrementitious matter, dung, stable refuse or other filthy matter.

(2) Any swine found staying may be forthwith destroyed and the carcass thereof disposed of as the Commissioner shall direct, and no claim shall lie for compensation for any swine so destroyed.

Stabling animals or storing grain in dwelling house may be prohibited.

544. Where a building or any portion thereof is used or is intended to be used as dwelling house and any portion of such building is used, —

(a) for keeping any horse, cow, buffalo, bullock, goat or donkey; or

(b) as a godown or place for the storage, in connection with wholesale trade of grain seed or groceries,

the Commissioner may, if it appears to him necessary to do so, by written notice require the owner or occupier of such building to discontinue the use of such building for any such purpose:

Provided that the Commissioner may permit such owner or occupier to use such building for any such purposes subject to such conditions as he may think fit to, impose.

Removal of carcasses.

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

(2) The occupier of any premises in or upon which any animal dies or in or upon which the carcass of any animal is found or person having the charge of an animal which dies in the street or in any open place, shall, within three hours after the death of such animal or, if the death occurs at night, within three hours after sunrise, report the death of such animal at the Health Department of the Corporation Office.

(3) For every such carcass so removed by the Corporation agency, a fee for such removal, as may be fixed by the Commissioner, shall be paid by the owner of the animal, or, if the

owner is not known, by the occupier of the premises in or upon which, or by the person who is in-charge of, the said animal dies.

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

546. (1) The Commissioner may, from time to time, —

- (a) set apart any portions of a river or other suitable places vested in the Corporation, for use by the public for bathing or for washing or for drying clothes;
- (b) specify the times at which and the sex of persons by whom, such place may be used;
- (c) prohibit, by public notice, the use by the public for any of the said purposes of any place not so set apart;
- (d) prohibit, by public notice, the use by the public of any portion of a river or place not vested in the Corporation for any of the said purposes;
- (e) regulate, by public notice, the use by the public of any portion of river or other place vested in the Corporation and set apart by him for any of the said purposes; and
- (f) regulate, by public notice, the use by the public of any portion of a river or other place not vested in the Corporation for any of the said purposes, and of any work and of the water in any work, assigned and set apart under this Act for any particular purposes.

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

Prohibition of bathing etc. contrary to order or regulation.

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

- (a) bathe in or near any lake, tank, reservoir, fountain, cistern, duct, standpipe, stream or well in any part of river or other place vested in the Corporation ;
- (b) wash or cause to be washed in or near any such place or work any animal, clothes or other article;
- (c) throw, put, or cause to enter into the water in any such place or work, any animal or other thing;
- (d) cause or suffer to drain into or upon any such place or work, or to be brought therein or thereupon, anything, or do anything whereby the water shall be in any degree fouled or polluted;
- (e) dry clothes in or upon any such place;
- (f) in contravention of any prohibition made by the Commissioner under section 546, use any portion of a river or any place not vested in the Corporation for any purpose mentioned in the said section; and
- (g) contravene the provision of any notice given by the Commissioner under section 546 for the use of any such portion of a river or place for any such purpose.

Prohibition of contamination of water by steeping there in animal or other matter etc.

548. No person shall, —

- (a) steep in any tank, reservoir, stream, well or ditch, any animal, vegetable or mineral matter which will likely to render the water thereof offensive or dangerous to health;
- (b) while suffering from any contagious, infectious or loath some disease, bathe on, in or near any bathing platform, lake, tank, reservoir, fountain, duct, standpipe, stream or well.

Factory, etc., not to be newly established without permission of the Commissioner.

549. Subject to the provisions of the Factories Act, 1948, no person shall, except with the previous written permission of the Commissioner, —

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- (i) establish in any premises;
- (ii) remove from one place to another;
- (iii) reopen or renew after discontinuance for a period of not less than three years;
- (iv) enlarge or extend the area or dimensions, of any factory, workshop or workplace in which it is intended to employ steam, water, electrical or other mechanical power or any bakery; or allow any person to work in any such factory, workshop, workplace or bakery:

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

Application
for new
factories.

550. (1) Every application for permission under section 549 shall be in writing and shall contain such information and be accompanied by such plans as may be required under the bye-laws in this behalf.

(2) The Commissioner may, as soon as may be, after the receipt of the application —

(a) grant the permission applied for either absolutely or subject to such conditions as he thinks fit to impose, provided the location of such factory, workshop, workplace or bakery is not contrary to any requirement of this Act, bye-law, or standing order; or

(b) refuse to give such permission if he is of opinion that the establishment of such factory, workshop, workplace, bakery at the proposed place is objectionable by reason of the density of the population in the neighbourhood thereof, or will be for any reason a nuisance to the inhabitants of the neighbourhood.

(3) If any written permission for the establishment of a factory, workshop, or bakery granted under sub-section (2) is revoked by the Commissioner under sub-section (2) of section 618 no person shall continue to resume the working or use of such factory, workshop, workplace or bakery until such written permission is renewed or a fresh written permission is granted by the Commissioner.

Furnace used in trade or manufacture to consume their own smoke.

551. (1) No person shall, —

- (a) use or permit to be used any furnace employed for the purpose of any trade or manufacture, which does not, so far as practicable consume its own smoke; or
- (b) so negligently, use or permit to be used any such furnace so that it shall not, as far as practicable, consume its own smoke.

(2) Nothing in this section shall be deemed to apply to a locomotive engine used for the purpose of traffic upon any railway or for repair of streets.

Sanitary regulation of factories etc.

552. (1) Whenever it appears to the Commissioner that any factory, workshop or work place, or any building or place in which steam, water or other mechanical power is employed, is not kept in a cleanly state or is not ventilated in such a manner as to render harmless, as far as practicable, any vapour, dust or other impurity generated in the course of the work carried on therein or is so overcrowded while work is carried on as to be dangerous or injurious to the health of the persons employed therein, or that any engine, mill-gearing, hoist, or other machinery therein is so fixed or so insecurely fenced as to be dangerous to life or limb, the Commissioner may, by written notice, require the owner of such factory, workshop, workplace or other building or place to take such order for putting and maintaining the same, in a cleanly state, or for ventilating the same, or for preventing the same from being over-

crowded or for preventing danger to life or limb from any engine, mill-gearing, hoist or other machinery therein, as he may think fit.

(2) Nothing in this section shall be deemed to affect any provision of the Indian Boilers Act, 1923 and nothing in this section which relates to the fixing or fencing of any engine, mill-gearing, hoist or other machinery shall apply to any factory to which the provisions of the Factories Act, 1948 are applicable.

5 of 1923

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Prohibition of use of steam-whistle or steam trumpet and to regulate the use thereof.

553. (1) No person, shall without the written permission of the Commissioner, use or employ in any factory or any other place, any steam whistle or steam trumpet for purpose of summoning or dismissing workmen or persons employed.

(2) The Commissioner may at any time revoke any permission which he has given for the use of any such instrument as aforesaid, on giving one months notice to the persons using the same :

Provided that nothing in sub-section (2) shall be deemed to require one month notice to be given by the Commissioner if he suspends or revokes any such permission for any reason.

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

(a) keep in or upon any premises, for any purpose whatsoever, —

(i) any articles as may be specified in the rules framed under this Act ; and

(ii) any article as may be specified in the rules made under this Act in excess of the quantity of such articles which may at any one time be kept in or upon the same premises without a licence ;

(b) keep, in or upon any premises, for sale or for use other than domestic use, any articles as may be specified in the rules framed under this Act;

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

- (c) keep in or upon any building intended for, or used as, a dwelling, or within fifteen feet of such building, cotton, in pressed bales or boras or loose, in quantity exceeding four cwts.
- (d) keep or allow to be kept in or upon any premises, horses, cattle or other four-footed animals, —
 - (i) for sale ;
 - (ii) for letting out on hire ;
 - (iii) for any purpose for which any charge is made or any remuneration is received ; or
 - (iv) for sale of any produce thereof ;
- (e) carry on or allow to be carried on in or upon any premises, —
 - (i) any of the trades or operations connected with trades as may be specified in the rules framed under this Act ;
 - (ii) any trade or operations which in the opinion of the Commissioner is dangerous to life, health or property or is likely to create a nuisance either from its nature or by reason of the manner in which, or the conditions under which, the same is or is proposed to be carried on ;and
- (f) carry on within the City or use any premises for the trade or operation of a farrier.

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

(3) A person shall be deemed to carry or to allow to be carried on a trade or operation under sub-clause (ii) of clause (e) of

sub-clause (1), if he does any act in furtherance of such trade or is in any way engaged or concerned therein whether as principal, agent, clerk, master, servant, workman, handicrafts man or otherwise.

(4) It shall be in the discretion of the Commissioner, —

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

(b) to withhold any such licence.

(5) Every person to whom a licence is granted by the Commissioner under sub-section (4) shall keep such licence in or upon the premises, if any, to which it relates.

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

555. (1) No person engaged in any trade or manufacture, as may be prescribed, shall, —

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

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

(2) The Commissioner may, after giving not less than twenty-four hours previous notice in writing to the owner or to the person who has the management or control of any works, pipes or conduits connected with any such manufacture or trade as aforesaid,

Prohibition
of pollution
of water by
chemicals
etc.

lay open and examine the said works, pipes or conduits; and if upon such examination it appears that sub-section (1) has been contravened by any one or more reason he may require to be adopted for the discontinuance of the cause of such contravention and expenses incurred in such laying open and examination shall be paid by the owner of the said works, pipes or conduits, or by the person who has the management or control thereof through whose neglect or fault the said sub-section has been contravened, but if it appears that there has been no contravention of the said sub-section, the said expenses and the compensation for any damage occasioned by the said laying open and examination shall be paid by the Commissioner being charged on the Corporation Fund.

Inspection of premises used for manufacture etc.

556.(1) The Commissioner may, at any time but at reasonable hours without notice, enter into or upon any premises used for any of the purpose mentioned in section 554 and upon any premises in which a furnace is employed for the purpose of any trade or manufacture, and into any bake-house, in order to satisfy himself as to whether any provision of this Act or any bye-law made thereunder or any condition of any licence granted under this Act is being contravened and as to whether any nuisance is created upon such premises.

(2) No claim shall lie against any person for compensation for any damage necessarily caused by any such entry or by the use of any force necessary for effecting such entry :

Provided that force shall not be used for effecting an entry, unless there is reason to believe that an offence is being committed against some provision of this Act or some bye-law made under this Act.

Regulation of washing clothes by washerman.

557. (1) The Commissioner may, by public notice, prohibit the washing of clothes by washermen in the exercise of their calling except at such place as he may appoint for this purpose and when any such prohibition has been made, no person, who is by calling a

washerman shall wash clothes at any places not appointed for this purpose by the Commissioner, except for such person, not being a washerman by calling, himself or for the owner or occupier of such place.

(2) The Commissioner shall provide suitable places for use by washerman of their calling, and may require payment of such fees for the use of any such place as may, from time to time, be determined by him with the approval of the Standing Committee.

Corporation
markets and
slaughter
houses.

558. All markets and slaughter houses which belongs to, or are maintained by, the Corporation shall be called "Corporation markets" or "Corporation slaughter houses", and all other markets and slaughterhouses shall be deemed to be private.

Establishment
of Corporation
market and
slaughter
house.

559.(1)The Commissioner, when authorized by the Corporation in this behalf, may construct, purchase or take on lease any building or land for the purpose of establishing Corporation market or Corporation slaughter house or for extending or improving any existing Corporation market or slaughter house and may from time to time build and maintain such Corporation market and slaughter houses and such stalls, shops, shed, spences and other buildings or conveniences for the use of person carrying on trade or business and provide and maintain in such Corporation markets and buildings, places, machines, weights, scales and measures for weighing and measuring goods sold therein, as he may think fit.

(2) Corporation slaughter houses may be established to situate with the sanction of the Government within or outside the City.

Closure and
disposal of
markets and
slaughter-
houses.

560. The Commissioner may, where the Corporation markets and slaughter houses are situated within the city, with the sanction of the Corporation, and where it is situated outside the city, with the sanction of the Government, at any time, close such market or slaughterhouse, and may dispose of the premises so closed,

subject to the sanction of the Corporation, where the property is of the Corporation.

Prohibition of sale in a Corporation market without licences of the Commissioner.

561.(1) No person shall, without licence from the Commissioner, sale or expose for sale any animal or article in any Corporation market.

(2) It shall be lawful for the Commissioner, with the previous sanction of the Corporation, by public notice, from time to time, to prohibit within a distance of hundred yards of any Corporation market, the sale or expose for sale of all or any of the commodities ordinarily sold in the said Corporation market.

(3) Any notice given under sub-section (2) may in like manner at any time be cancelled or modified by the Commissioner.

(4) Any person contravening any provision of this section may be summarily removed by the Commissioner or by any Corporation Officer or employee.

Ban on cow or cattle slaughter or road side slaughter and penalty.

562. (1) There shall be complete ban on slaughter of cow and cattle and road side slaughter of any animal in the Corporation area.

(2) Whoever contravenes the provision of sub-section (1) shall be prosecuted by the Commissioner or by any officer authorized by him or by the Mayor, Deputy Mayor or Corporator or any Executive Magistrate or any police officer not below the rank of Sub-Inspector in the Corporation area.

Opening of private markets.

563. (1) The Corporation shall, from time to time, determine whether the establishment of private markets shall be permitted in the City or in any specified portion of the City.

(2) No person shall establish a private market for the sale, or for the purpose of exposing for sale, of animal intended for human food, or any other article of human food, except with the permission of the Commissioner, as sanctioned by the Corporation referred to in sub-section (1), and the owner or occupier of a place in

which a private market is established shall, for the purposes of this sub-section, be deemed to have established such market.

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

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

- (a) keep open or permit to be kept open a private market ;
- (b) use or permit to be used any public place in the City as a slaughter house or for the slaughtering of any animal intended for human food ;
- (c) use or permit to be used any place outside the City whether as a slaughter house or otherwise, for the slaughtering of any animal intended for human food to be consumed in the City.

(2) The Commissioner shall not refuse, cancel or suspend any license for keeping open a private market for any cause other than the failure of the owner thereof to comply with some provisions of this Act, or with rules or bye-laws made under this Act, and shall not cancel or suspend any such license without the approval of the Standing Committee.

(3) The Commissioner may, with the previous approval of the Standing Committee, cancel or suspend any license for failure of the owner of a private market to give in accordance with the conditions of his license, a written receipt for any stallage, rent, fee, or other payment received by him or his agent from any person for

Private markets not to be kept or permitted to be kept open and no place to be used or permitted to be used as slaughter house without licence.

the occupation or use of any stall, shop, standing, shed, spence or other place therein.

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

Prohibition of sale in unauthorized private markets.

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

Provision for requiring private market building and slaughter house to be properly paved and drained.

566. The Commissioner may, by written notice, require the owner, farmer or occupier of any private market or slaughterhouse to cause,

(a) the whole or any portions of the floor of the market-building, place or slaughter house to be paved with dressed stone or other suitable material ; and

(b) the drains to be made in or from the market building, market place or slaughter house of such material, size and description, at such level and with such out fall, as may appear to the Commissioner necessary.

Bye-laws to be framed for controlling markets and slaughter houses.

567. The Corporation may make bye-laws, not inconsistent with any provision of this Act or of any rules made thereunder, for all or any of the following matters, namely :—

(a) for preventing nuisance or obstruction in any market building, market place or slaughter house or in approaches thereto ;

(b) fixing the days and the hours on and during which any market or slaughterhouse may be held or kept open for use ;

- (c) for keeping every market building, market place and slaughter house in a clean and proper state, and for removing filth and refuse therefrom ;
- (d) requiring that any market building, market place or slaughter house be properly ventilated and be provided with sufficient supply of water ; and
- (e) requiring that in market buildings and market places, passages be provided between the stalls of sufficient width for the convenient use of the public.

Imposition of stallages rent and fees on Corporation market and slaughter - house.

568. The Commissioner may , —

- (a) charge for the occupation or use of any stall, shop, standing-shed or spence in a Corporation market or slaughter house and for the right to expose goods for sale in a Corporation market, for weighing and measuring goods sold in any such market and for the right to slaughter animals in any Corporation slaughter house, such stallage, rents, and fees as may from time to time, be fixed by him, with approval of the Standing Committee, in this behalf ;
or
- (b) with the approval of the Standing Committee, charge stallage, rents and fee leviable as aforesaid or any portion thereof, for any period not exceeding one year at a time ; or
- (c) put up to public auction, or, with the approval of the Standing Committee, dispose of, by private sale, the privilege of occupying or using any stall, shop, standing-shed or spence, in a Corporation market or slaughter house for such term and on such condition as he may think fit to impose.

Removal of sheep, goats or swine from any Corporation slaughter house, market or premises.

569. (1) No person shall, without the written permission of the Commissioner and without the payment of such fees as may be

specified by him, remove any live sheep, goat or swine from any Corporation slaughter house or from any Corporation market or premises used or intended to be used for or in connection with such slaughter house :

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

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

570. (1) A printed copy of the bye-laws and of the table of stallages, rent and fees, if any, in force in any market or slaughter house under sections 567 to 569 in such language or languages which the Corporation may from time to time specify, shall be fixed in some conspicuous place in the market building, market place, or slaughter house.

(2) No person shall, without authority, destroy, pull down, injure or deface any copy of any bye-law or table so fixed under sub-section (1).

571. The Commissioner may expel from any Corporation market or slaughter house any person who or whose servant has been convicted by a competent court for contravening any bye-laws made under this Act, in such market or slaughter house and may prevent such person or his servants, from carrying on any trade or business in such market or slaughter house or occupying any stall, standing-shed, spence or other place therein and may determine any

Bye-laws and table of stallage rent to be affixed in markets and slaughter house.

Power to expel persons contravening bye-laws.

lease or tenure which such person may have in any such stall, shop, standing-shed, spence or place.

Prohibition of sales of animals etc. except in market.

572. Except as hereinafter provided, no person, shall without a licence from the Commissioner, sell or expose for sale any four-footed animal or any meat or fish intended for human food, in any place other than a Corporation or private market :

Provided that nothing in this section shall apply to fresh fish sold from, or exposed for sale in, a vessel in which it has been brought directly after being caught at a river or lake.

Butchers and persons who sales the flesh of animals to be licensed.

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

- (a) carry on within the City, or at any Corporation slaughter house the trade of a butcher ; or
- (b) use any place in the City for the sell of the flesh of any animal intended for human food, or any place outside the City for the sale of such flesh for consumption in the City.

Prohibition of imports of sheep etc. into the City without permission.

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

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

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

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

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

575. (1) If the Commissioner has reason to believe that any animal intended for human food is being slaughtered, or that the flesh of any such animal is being sold or exposed for sale, in any place or manner not duly authorized under the provisions of this Act, he may at any time, without notice, enter such place for the purpose of satisfying himself as to whether any provision of this Act or of any bye-law made thereunder is being contravened.

(2) No claim shall lie against any person for compensation for any damage necessarily caused by any such entry or by use of any force necessary for affecting such entry.

Commissioner to provide for inspection of articles exposed for sale for human food.

576. It shall be the duty of the Commissioner to make provision for the constant and vigilant inspection of animals, carcasses, meat, poultry, game, flesh, fish, fruit, vegetables, corn, bread, flour, dairy produce and any other article exposed or hawked about for sale or deposited in or brought to any place for the purpose of sale or for preparation for sale and intended for human food or for medicine.

Unwholesome articles etc., to be seized.

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

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

Disposal of perishable articles seized under section 577.

578. If any meat, fish, vegetable or other article of a perishable nature is seized under section 577 and the same is, in the opinion of the Commissioner, diseased, unsound, unwholesome or unfit for human consumption, as the case may be, he shall cause the same to be forthwith destroyed in such manner as to prevent its being again exposed for sale or used for human consumption and the expenses thereof shall be paid by the person in whose possession such article was found at the time of its seizure.

Disposal of animals and articles of non-perishable nature seized under section 577.

579. (1) Any animal and any article not being of a perishable nature and utensil or vessel seized under section 577 shall be forthwith taken before a Magistrate.

(2) If it appears to such Magistrate that any such animal or article is diseased, unsound or unwholesome, or unfit for human food, or for medicine, as the case may be, or is not what it was represented to be or that such utensil or vessel are of such kind or such rate as aforesaid, he may, by order direct that the same to be destroyed at the charge of the person in whose possession it was found at the time of its seizure in such manner so as to prevent the same being again, exposed or hawked about for sale or, used for human food or for medicine, or for the preparation or manufacture of food containing any such article as aforesaid.

Penalty for possession of food which appears to be diseased, unsound or unwholesome or unfit for human food.

580. In every case in which food, on being dealt with under section 579, appears to the Magistrate to be diseased, unsound or unwholesome or unfit for human food, the owner thereof or the person in whose possession it was found not being merely bailee or carrier thereof, shall, if in any such case the provisions of section 273 of the Indian Penal Code, 1860 do not apply, be punished with fine which may extend to rupees five hundred.

45 of 1860.

Application for summons to be refused if not applied for within specified time.

581. In all prosecutions under section 580, the Magistrate shall refuse to issue summons for the attendance of any person accused of an offence against such section, unless the summon is applied for

within a specified time from the alleged date of the offence of which such person is accused.

Slaughter
of animals
in
slaughter
house.

582. (1) No person shall slaughter or procure the slaughtered animal for human consumption in a slaughter house, otherwise on the authority of a certificate granted by the Veterinary Officer that the animal is fit for slaughter.

(2) The Veterinary Officer shall not grant certificate referred to in sub-section (1) if in his opinion, —

(a) the animal whether male or female —

(i) has not attained the age of three years and in case of sheep or goat one year ; or

(ii) is useful for the purpose of draught or any kind of agricultural operation ;

(b) the female animal is useful for the purpose of breeding ;

(c) the female animal is useful for giving milk or breeding offspring.

(3) Save as otherwise provided in this Act, the opinion of the Veterinary Officer on all the questions on which he is required by sub-section (2) to form the opinion shall be final and shall not be questioned in any court of law.

(4) The certificate referred to in sub-section (1) shall be granted in such form and on payment of such fee as may be specified by the Corporation.

(5) Whoever does any act in contravention of sub-section (1) shall be punished with imprisonment of either description for a term, which may extend to six months or with fine, which may extent to rupees one thousand or with both.

(6) Any certificate that the animal is fit for slaughter granted by any Veterinary Officer before the commencement of this Act and any fee realized therefor, within the limits of the city, shall be deemed always to have been validly granted and realized as if this

Act were in force on the date on which such certificate was granted or such fee was realized and shall not be questioned in any court.

Information to be given of the existence of infectious disease of continuous pyrexia of unknown origin.

583. Every medical practitioner who treats or becomes cognizant of the existence of any infectious disease or any case of continuous pyrexia of unknown origin of more than four days duration in any private or public dwelling, other than a public hospital, shall give information to the Corporation Health Officer. The said information shall be communicated in such form and with such details as the Corporation Health Officer with the consent of the Commissioner, may from time to time require.

Any place at any time be inspected for the purpose of preventing spread of infectious disease.

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

Prohibition of use of drinking to cause infectious disease.

585. (1) If it appears to the Commissioner that the water in any well, tank or other place is likely, if used for drinking, to endanger or cause the spread of any infectious disease, he may, by public notice, prohibit the removal or use of the said water for the purpose of drinking.

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

Commissioner may order removal of patient to hospital.

586. (1) The Commissioner or any police officer empowered by him in this behalf may, on a certificate signed by the Health Officer or by any duly registered Medical Practitioner, direct or cause the removal of any person who is, in the opinion of such Health Officer or Medical Practitioner, without proper lodging or accommodation or who is lodged in a building occupied by more than one family, and is suffering from infectious disease, to any

hospital or place at which patient suffering from such disease are received for medical treatment.

(2) The person, if any, who has charge of a person in respect of whom an order is made under sub-section (1) shall obey such order.

(3) No person who is removed to a hospital or place under sub-section (1) shall leave, or be removed from, such hospital or place except with the permission of the Officer-in-charge thereof.

Power to
order
detention in
hospital of
infected
person.

587. (1) Where a Magistrate is satisfied, on the application of the Health Officer, that the inmate of a public hospital, who is suffering from an infectious disease would not, on leaving the hospital, be provided with lodging or accommodation in which proper precautions could be taken to prevent the spread of the disease by him, the Magistrate may order him to be detained in the hospital at the cost of the Corporation.

(2) An order made under sub-section (1) may direct detention for a period specified in the order, but the Magistrate may extend the period so specified as often as it appears to him to be necessary so to do.

(3) Any person who leaves a hospital contrary to an order made under sub-section (1), may in addition to any penalty which may be imposed for such contravention, be ordered by the Court to be taken back to the hospital.

(4) When an order is made under sub-section (1) may be communicated to the Officer-in-charge of the hospital and in the case of an order made under sub-section (3) to the Health Officer and the officer-in-charge of the hospital or institution and the Health Officer and the officer-in-charge of the Hospital or institutions may do or authorize, all acts necessary for given effect to the order.

Disinfection
of buildings
etc.

588. If the Commissioner is of opinion that the cleansing or disinfecting of a building, or part of a building, or of any articles therein likely to retain infection, would tend to prevent or check the

spread of any infectious disease, he may, by written notice require the owner or occupier of such building to clean or disinfect such building or part thereof or article therein, and if necessary he may also direct such owner or occupier of the said building to vacate the same for such time as may be specified in the said notice:

Provided that if in the opinion of the Commissioner the owner or occupier is suffering from poverty or from any other cause unable to comply with such requisition, he may cause the building or part of the building or article likely to retain infection to be cleaned or disinfected and defray the cost of so doing.

Destruction
of huts and
sheds, when
necessary.

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

(2) Compensation may be paid by the Commission with the approval of the Standing Committee to any person who sustains substantial loss by the destruction of any such hut or shed but, except as so allowed by the Commissioner, no claim for compensation shall lie for any loss or damage caused by exercise of the power conferred by this section.

Place of
disinfection
may be
provided.

590.(1)The Commissioner may provide a place with all necessary apparatus and attendance, for the disinfection of clothing, bedding or other articles which have become infected, and in his discretion may have articles brought to such place for disinfection on payment of such fees as he may, from time to time, fix with the approval of the standing committee in his behalf , or in any case in which he thinks fit, free of charge.

(2) The Commissioner may, from time to time, by public notice, appoint a place at which clothing, bedding or other articles which have been exposed to infection from an infectious disease may be washed and no person shall wash any such article at any place not so appointed without the same having previously been disinfected.

(3) The Commissioner may direct the person in charge of infectious bedding, clothing or other articles for destruction of the same which likely to retain infection.

(4) The Commissioner may, in his discretion, give compensation for any article destroyed under sub-section (3).

591.(1) No person who is suffering from infectious disease shall enter a public conveyance without previously notifying to the owner, driver or person in charge of such conveyance that he is so suffering.

(2) Notwithstanding anything contained in any Act relating to public conveyances for the time being in force, no owner or driver or person in charge of a public conveyance shall be bound to carry any person suffering as aforesaid in such conveyance unless payment or tender of sufficient compensation for the loss and expenses he must incur in disinfecting such conveyance, is first of all made to him.

592. The Commissioner, with the sanction of the Corporation, may provide and maintain suitable conveyances for the free carriage of persons suffering from any infectious disease and when such conveyances have been provided, it shall not be lawful to convey any such person by any other public conveyance.

593.(1) No person, who is suffering from an infectious disease shall, —

(a) without proper precautions against spreading such disease, cause or suffer himself to be carried in a public conveyance ; or

Person suffering from infectious disease not to enter a public conveyance without notifying the same.

Provision on carriages for conveyance of patients.

Provision as to carriage of person suffering from infectious disease in public conveyances.

(b) cause or suffer himself to be carried in a public conveyance in contravention of the provisions of section 591.

(2) No person shall go in company with, or take charge of, any person suffering as aforesaid, who causes or permits himself to be carried in a public conveyance in contravention of sub-section (1).

(3) No owner or driver or person in charge of public conveyance shall knowingly carry or permit to be carried in such conveyance any person suffering as aforesaid, in contravention of sub-section (1).

594. The owner, driver or person in charge of a public conveyance in which any person suffering as aforesaid had been carried shall immediately take step for disinfection of the same.

595.(1) The owner, driver or conductor of a public conveyance used for the conveyance of passengers at a separate fares, shall not convey therein a person whom he knows to be suffering from an infectious disease.

(2) The owner or driver of any other public conveyance may refuse to convey therein any person suffering from an infectious disease until he has been paid a sum sufficient to convey any loss and expense which will be incurred by him in connection with the disinfection of the conveyance.

(3) If a person suffering from an infectious disease is conveyed in a public conveyance, the person in charge thereof shall as soon as practicable and before permitting any other person to enter the conveyance cause the conveyance to be disinfected.

596.(1) No person shall, without disinfection of the same, give, lend, sell, transmit or otherwise dispose of any article which he knows or has reason to know has been exposed to infection from any infectious disease.

Public conveyance which has carried a person suffering from infectious disease to be disinfected.

Duty of owner etc. of public conveyance in regard to cases of infectious disease.

Infected articles not to be transmitted etc., without previous disinfection.

(2) Nothing in this section shall be deemed to apply to persons who transmit with proper precautions, any such articles, for the purpose of having the same disinfected.

Infected building not to be left without being first disinfected.

597.(1) No person shall let a building or any part of a building, in which he knows or has reason to know that a person has been suffering from infectious disease without first, having such building or part thereof and every article therein likely to retain infection, disinfected, to the satisfaction of the Medical Officer or Health Officer or of some duly registered medical practitioner, as testified by such Officer's or medical practitioner's certificate.

(2) For the purpose of this section, the keeper of a hotel or an inn shall be deemed to let part of his building if any person is accommodated in such hotel or inn.

Closure of lodging and boarding.

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

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

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

599.(1) In the event of city being, at any time, visited or threatened with an outbreak of any infectious disease or in the event of any infectious disease breaking out or being likely to be introduced into the city amongst cattle, sheep or goats, the commissioner if he thinks that the provisions of this Act and the rules made thereunder or of any law for the time being in force are insufficient for the purpose, may with the sanction of the Government —

(a) take such special measures ; and

(b) by public notice make such temporary orders to be observed by the public or by any person, as specified therein and as he may deem necessary to prevent the out-break of such disease or the spread thereof.

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

Place for disposal of dead to be registered.

600.(1) Every owner or person having the control of any place already used for burying, cremating or otherwise disposing of the dead, shall apply to the Commissioner within a period of six months from the coming into force of this Act to register the same and the Commissioner shall cause the same to be registered.

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

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

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

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

(6) Every place vested in the Corporation used for burying, cremating or otherwise disposing of the dead, shall be registered in

the register kept under sub-section (3), and a plan showing the locality, extent and boundaries thereof bearing the signature of the Corporation Engineer shall be deposited in the Corporation office.

Provision of places for disposal of dead.

601.(1) If the existing places for the disposal of the dead shall at any time appears to be insufficient or if any place is closed under the provisions of section 603 the commissioner shall, with the sanction of the Corporation, provide other suitable and convenient places for the said purpose either within or outside the city and shall cause the same to be registered in the register kept under section 600 and shall deposit in the Corporation office, at the time of registration of each place so provided, a plan thereof showing the locality, extent and boundaries of the same bearing the signature of the Corporation Engineer.

(2) All the provisions of this Act, the rules and bye-laws made there under shall apply to any place provided under sub-section (1) outside the city and vested in the Corporation as if such place situates within the city.

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

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

Government may direct closing of place for disposal of dead.

603.(1) If, from information furnished by competent persons and after personal inspection, the Commissioner is at any time be of opinion that any other place used for the disposal of the dead in such a state as to be or to be likely to become injurious to health or is otherwise no longer suitable for such use, he may submit his said opinion with the reasons therefor, to the Corporation, which shall forward the same, with its opinion for the consideration of the Government.

(2) Upon receipt of such opinion, the Government after such further enquiry, if any, as it may deem fit to cause to be made,

may by notification published in the gazette and in the local newspapers, direct that such place for the disposal of the dead be no longer used for the disposal of the dead and every order so made shall be noted in the register kept under section 600.

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

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

604 (1) If, after personal inspection, the Commissioner, at any time, is of the opinion that any place formerly used for the disposal of the dead, which has been closed under the provisions of section 603 or under any other law or authority has by lapse of time become no longer injurious to health and may without inconvenience or risk of danger be again used for the said purpose, he may submit his said opinion with the reasons therefore to the Corporation, which shall forward the same with its opinion for consideration of the Government.

(2) Upon receipt of such opinion, the Government, after such further inquiry, if any, as it may deem fit to cause to be made, may by notification published as provided in section 609 direct that such place be reopened for the disposal of the dead and every order so made shall be noted in the register kept under section 600.

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

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

Government may sanction reopening of places which have been closed for disposal of dead.

Burial within a place of worship and exhumation not to be made without permission of Commissioner.

(b) make any interment or otherwise dispose of any corpse in any place which is closed for the disposal of the dead under section 603;

(c) build, dig, or cause to be built or dug any grave, or vault, or in any way dispose of, or suffer or permit to be disposed of, any corpse at any place which is not registered in the register kept under section 600; and

(d) exhume any body, except under the provisions of the Code of Criminal Procedure, 1973 or any other law for the time being in force, from any place for the disposal of the dead.

2 of 1974

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

(3) An offence against the section shall be deemed to be a cognizable offence for the purpose of sections, 149 to 151 (both inclusive) of the Code of Criminal Procedure, 1973.

2 of 1974

606.(1) No person shall —

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

(b) carry a corpse or part of a corpse along any street without keeping the same decently covered and without making any injury to the public health ;

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

Acts prohibited
in connection
with disposal of
dead.

- (d) remove a corpse or part of a corpse, which has been kept or used for purposes of dissection, otherwise than in a closed receptacle or vehicle ;
- (e) while conveying a corpse or part of a corpse, place or leave the same on or near any street, without urgent necessities ;
- (f) bury or cause to be buried any corpse or part of a corpse in a grave or vault or otherwise in such manner as that the surface of the coffin, or when no coffin is used, of the corpse or part of the corpse shall be at a less depth not less than six feet from the surface of the ground ;
- (g) build or dig or cause to be built or dug, any grave or vault in any burial ground in any line not marked out for this purpose by or under the order of the Commissioner ;
- (h) build or dig, or cause to be built or dug, any grave or vault in any burial ground at a less distance than two feet from the margin of any other grave or vault ;
- (i) without the written permission of the Commissioner reopen, for the interment of a corpse or of any part of a corpse, a grave or vault already occupied ;
- (j) after bringing or causing to be brought to a crematorium any corpse or part of a corpse fail to cremate or cause the same to be cremated within six hours from the time of the arrival thereof at such ground ;
- (k) when cremating or causing to be cremated any corpse or part of a corpse, permit the same or any portion thereof to remain without being completely reduced to ashes or permit any cloth or other article

used for the conveyance or cremating of such corpse or part of a corpse to be removed or to remain on or near the place of cremation without its being completely reduced to ashes.

(2) Notwithstanding anything contained in sub-section(1), the Corporation may dispose of any unclaimed dead body.

CHAPTER XXIII

PLACES OF PUBLIC RESORT AND ENTERTAINMENT

Exempt of application of the Chapter.

607. Nothing in this chapter shall apply to any church, temple, mosque or other place of public worship.

No enclosed place or building to be used for public resort without licence.

608. Any enclosed place, building or tent, situated within the area of the Corporation and covering an area of five hundred square feet or more shall not be used by any person or party for the purpose of public resort or entertainment, the admission where to is regulated by payment of money, unless a licence has been previously obtained in the manner hereinafter provided.

Application for licence.

609. When any person desires to obtain a licence to use any enclosed place or building for public resort or entertainment or to construct any enclosure or building for such purpose, he shall send an application to the Commissioner setting forth the name of the owner of the place or building, its situation, size and description, the material of which the enclosure or building is made or proposed to be made, whether it is or is proposed to be permanent or temporary and the purpose for which it is proposed to be used.

The Commissioner shall inspect and may require addition or alteration to place or building.

610. Upon the receipt of any such application referred to in section 609 the Commissioner shall inspect or cause to be inspected by the Corporation Health Officer and the Corporation Engineer, the place, or building in respect of which a licence is required under section 608 and may call on the applicant by notice in writing to make any alteration or addition in the material or arrangement of the

enclosure or building or the precaution for the safety of the public to be assembled therein, and may refuse to grant a licence until the alteration or addition is made.

When
licence is
to be
granted

611.(1) The Commissioner shall, if he is satisfied —

(a) that the enclosed place or building may safely be used for the purpose of public resort or entertainment ;

(b) that no objection arising from its situation, ownership or purpose exists,

give to the applicant a written licence signed by him specifying the enclosure of building and the purposes for which it is to be used.

(2) Such licence shall be in such form and subject to such fee and conditions as may from time to time, be prescribed and if the Commissioner is not satisfied as provided in sub-section (1), he may refuse to grant licence recording his reasons for refusal in writing.

Licence to
state period
for which it is
to be in force.

612. Every licence granted under this chapter shall state the period for which it is to continue in force and shall cease to be in force on the expiration of that period.

Cancellation
or suspension
of the licence.

613. The Commissioner may, for reasons to be recorded in writing, cancel or suspend the licence when he has reason to believe that —

(a) the licence has been fraudulently obtained ; or

(b) that enclosed place or building has been used for purposes other than that for which the licence was granted.

Appeal

614.(1) Any applicant for a licence under this chapter may appeal from any order made under sections 610, 611 and 613 by the Commissioner.

(2) The appeal shall be made within thirty days from the day on which the applicant received the order appealed against.

(3) The appeal shall lie to the Chairman of the Standing Committee.

Power to enter place of public resort to inspect licence or to prevent further use.

615. It shall be lawful for any Magistrate, or any police officer not below the rank of a Sub-Inspector of Police, to enter at any time any enclosure or building for which licence is required under this chapter, to inspect the licence, if any, that has been issued and if there is no licence or if the conditions of the licence are not observed and if he sees reasons to apprehend imminent danger to the public, he may prevent the further use of such enclosure or building as a place of public resort of entertainment.

Penalties.

616. Every person, who having immediate control of any enclosed place or building, permits to be used for public resort or entertainment, without having obtained a licence, or having obtained a licence under this chapter permits such use in contravention of any of the conditions of such licence, shall be liable on conviction to fine which may extend to rupees one thousand.

CHAPTER XXIV LICENCE AND PERMISSION

General provision regarding licences and permission.

617.(1)Every licence and permission granted under this Act, any rule or bye-law made thereunder shall specify the period, if any, for which, and the restrictions, limitations and conditions subject to which, the same is granted, and shall be signed by the Commissioner or by some person duly authorized by him in that behalf.

(2) Save as otherwise expressly provided in this Act or as may be prescribed, for every such licence or permission, fees may be charged on such units and at such rates as may be prescribed.

(3)The Corporation may farm out the collection of such fees for a period of one year at a time on such conditions as it thinks fit.

(4) It shall be the duty of the Commissioner to inspect places in respect of which a licence or permission is required by or

under this Act, and he may enter any such place between sunrise and sunset, and also between sunset and sunrise if it is open to the public or any industry is being carried in it at the time; and if he has reasons to believe that anything is being done in any place without a licence or permission where the same is required by or under this Act, or otherwise than in conformity with the same, he may at any time without notice enter into such place for the purpose of satisfying himself whether any provision of law, rules, or bye-laws, any condition of licence or permission or lawful direction or prohibition is being contravened and no claim shall lie against any person for any damage under this sub-section by the Commissioner or any person to whom he has lawfully delegated his powers, or by any force necessary for effecting an entrance under this sub-section.

(5) Every licence or permission holder shall, at all reasonable time, while such licence or permission remains in force, produce the same at the request of the Commissioner or any person authorized by him.

(6) Whenever any person is convicted of an offence in respect of the failure to obtain a licence or permission required by the provisions of this Act or any rule or regulation or bye-law made under this Act, the Magistrate shall in addition to any fine which may be imposed, recover summarily and pay to the Corporation the amount of the fees chargeable for the licence or permission and may, in his discretion, also recover summarily and pay to the Corporation such amount, if any, as he may fix as the cost of prosecution.

(7) Such recovery of the fees under sub-section (6) shall not entitle the person convicted to a licence or permission as aforesaid.

(8) The acceptance by, or on behalf a corporation of the prepayment of the fee for licence or permission, shall not entitle the person making such prepayment to the licence or permission, as the

case may be, but only to refund of the fee in case of refusal of the licence or permission, but an applicant for the renewal of a licence or permission shall until communication of orders on his application, be entitled to act as if the licence or permission has been renewed and save as otherwise specially provided in this Act, if orders on an application for licence or permission are not communicated to the applicant within thirty days after the receipt of the application by the Commissioner, the application shall be deemed to have been allowed for the year or such less period as is mentioned in the application, and subject to the law, rules, bye-laws and all conditions ordinarily imposed.

(9) Save as otherwise expressly provided in, or may be prescribed under this Act, every application for licence or permission or the renewal of licence or permission shall be made not less than thirty and not more than ninety days before the commencement of the year.

Refusal,
cancellation,
suspension of
licence or
permission.

618.(1) Every order of the authority competent under this Act or any rule or bye-law made thereunder to pass an order refusing, suspending, cancelling or modifying a licence or permission, shall be in writing and shall state the grounds on which it proceeds.

(2) Subject to special provisions in Chapter XXII regarding private markets, and burial and burning grounds and Chapter XXIII regarding places of public resort and entertainment, any licence or permission granted under this Act, or any rule or bye-law made there-under, may, at anytime, be suspended or cancelled by the Commissioner, if any of its restrictions, limitations or conditions is evaded or infringed by the grantee or if the grantee is convicted of a breach of any of the provisions of this Act, or of any rule, bye-law made thereunder in any matter to which such licence or permission relates, or if the grantee has obtained the same by misrepresentation or fraud.

(3) An appeal shall lie to the Corporation against any order of the Commissioner passed under sub-section (2) suspending or cancelling a licence.

(4) When any licence or permission is suspended or cancelled, or when the period, for which it was granted or within which, application for renewal should be made under sub-section (9) of section 617 has expired, whichever expires later, the grantee shall for all purposes of this Act, or any rule or bye-law made thereunder be deemed to be without a licence or permission, until the order suspending or cancelling the licence or permission is cancelled or, subject to said sub-section, until the licence or permission is renewed, as the case may be.

Limitation
for appeal.

619. Save as otherwise expressly provided in the Act or as may be prescribed, every appeal under this Act shall, subject to the provisions of section 5 of the Limitation Act, 1963 be presented —

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- (a) where the appeal is against an order granting a licence or permission, within thirty days after date of the publication of the order on the notice board of the Corporation ; and
- (b) in other cases, within thirty days after the date of the receipt of the order or proceeding against which the appeal is made.

Form of
licence,
notice and
permission.

620.(1) All licences, notices and permissions given, issued or granted, as the case may be, under the provisions of this Act shall be in writing.

(2) Every licence, permission, notice, summon or other document, which is required by this Act or by any rule or bye-law made thereunder to bear the signature of the Mayor, Commissioner or of any officer of the Corporation, shall be deemed to be properly signed, if it bears a facsimile of the signature of the Mayor or the Commissioner or of such officer, as the case may be, stamped thereon.

(3) Nothing in sub-section (2) shall be deemed to apply to cheque drawn upon a Corporation fund or to any deed or contract entered into by a Corporation.

Notice of prohibition for setting apart of places.

621. Whenever a Corporation sets apart any place for any purpose or prohibits the doing of anything in any place, the Commissioner shall forthwith cause to be put up a notice at such place in the Oriya language specifying the purpose for which such place has been set apart, or the act prohibited in such place.

Method of serving documents

622:(1) When any notice or other document is required by this Act, or by any rule, or bye-law or order made thereunder to be served on, or sent to, any person, the service or sending thereof may be effected —

- (a) by giving or rendering the said document to such person ; or
- (b) if such person is not found, by leaving such document at his last known place of abode or business, or by giving or tendering the same to some adult member of his family or his employee ; or
- (c) if such person does not reside in the local area and his address elsewhere is known to the Commissioner, by sending the same to him by registered post ; or
- (d) if none of the means aforesaid be available, by fixing the same in some conspicuous part of such place of abode or business.

(2) When the person is an owner or occupier of any building or land, it shall not be necessary to name the owner or occupier in the document and in the case of joint owners and occupiers, it shall be sufficient to serve it on, or send into, one of such owners or occupiers.

(3) Whenever in any notice, form or other documents, served or sent under this Act, a period is fixed within which any tax or other sum is to be paid or any work executed or anything provided, such period shall, in the absence of any distinct provision to the contrary in this Act, be calculated from the date of such service.

Consequence of failure to obtain licence or breach of the same.

623. If under this Act or any rule, or bye-law made thereunder, the licence or permission of Corporation or its Mayor or the Commissioner, as the case may be, is necessary for the doing of any act, and if such act is done without such licence or permission, or in a manner inconsistent with the terms of any such licence or permission, then —

- (a) the Mayor or the Commissioner may by notice require the person so doing such act to alter, remove or, as far as practicable, restore to its original state the whole or any part of any property, movable or immovable, public or private, affected thereby, within a time to be specified in the notice ; and
- (b) if no penalty has been specially provided in this Act for so doing, the person shall be liable on conviction by a Magistrate to a fine not exceeding one hundred rupees for every such offence.

Time for complying with notice, order and power to enforce in default.

624.(1) Whenever by any notice, requisition or order under this Act, or any rule or bye-law made thereunder, any person is required to execute any work or to take any measures or do anything a reasonable time shall be fixed in such notice, requisition or order within which the work shall be executed, the measures taken or the thing done.

(2) If such notice, requisition or order is not complied with within the time so fixed, the Commissioner may cause such work to be executed or may take any measures or do anything which may, in

his opinion, be necessary for giving due effect to the notice, requisition or order as aforesaid.

(3) If no penalty has been specially provided in this Act for failure to comply with such notice, the said person shall be liable on conviction by a Magistrate to a fine not exceeding one hundred rupees for every such offence.

Recovery of
sum due as
taxes.

625. All costs, damages, compensation, penalties, charges, fees (other than school fees), expenses, rent (not being rents for lands and buildings demised by the Corporation), contributions and other sums, which under this Act or any other law, or rules or bye-laws made thereunder are due by any person to the Corporation, may, if there is no special provision in this Act for their recovery, be recovered in the prescribed manner.

Limitation for
recovery of
dues.

626. No distraint shall be made, no suit shall be instituted, no proceeding shall be commenced, in respect of any sum due to a Corporation under this Act after expiration of a period of three years from the date on which distraint might first have been made, a suit might first have been instituted, proceeding have been commenced, as the case may be, in respect of such sum.

Person
empowered to
prosecute.

627. Save as otherwise expressly provided in this Act, no person shall be prosecuted for any offence committed under this Act, any rule or bye-law made thereunder, unless a complaint is made by a police or the Commissioner or by a person expressly authorized in this behalf by the Corporation or the Commissioner, within three months of the commission of the offence :

Provided that failure to take out a licence or obtain permission under this Act shall, for the purposes of this section, be deemed a continuing offence until the expiration of the period, if any, for which the licence or permission is required, and if no period is specified, complaint may be made at anytime within twelve months from the commencement of the offence.

Recovery
of fines,
cost, etc.

628. Any fine, costs, or other sum imposed or assessed by a Magistrate under this Act or under any rule or bye-law made thereunder shall be recoverable by a Magistrate under the Code of Criminal Procedure, 1973, as if it were a fine and the same shall be paid to the Corporation.

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Notice of
action against
Corporation.

629.(1) No suit or other legal proceeding shall be brought against any Corporator, the Mayor, the Commissioner, any officer or employee in respect of any act done or purporting to be done in execution or intended execution of this Act, or any rule, bye-law or order made thereunder, or in respect of any alleged neglect or default in the execution of this Act or any such rule, bye-law or order, until the expiration of two months next after giving notice in writing, stating the cause of action, the nature of the relief sought, the amount of compensation claimed, and name and place of residence of the intended plaintiff has been left at the office of the Corporation and, if the proceeding is intended to be brought against the Mayor, the Commissioner, the Corporator, officer or employee also delivered to him or left at his place of residence.

(2) Every such proceeding may, unless it is a proceeding for the recovery of immovable property or for a declaration of title thereto, be commenced within six months after date on which the cause of action arises or, in case a continuing injury or damage, during such continuance or within six months after the ceasing thereof.

(3) No suit or other legal proceedings shall be brought against the Mayor, Commissioner or any Corporator, officer or employee of a Corporation or any person acting under the direction of a Corporation, in respect of any act done in execution or intended execution of this Act, or any rule, bye-law or order made thereunder, or in respect of any alleged neglect or default in the execution of this Act, or any such rule, bye-law or order, if such act was done or such neglect or default was made, in good faith, but any such proceeding

shall so far as it is maintainable in a court, be brought against the Corporation except in the case of suits brought under section 630.

CHAPTER XXV

LIABILITIES AND DISABILITIES OF MAYOR, DEPUTY MAYOR, CORPORATORS AND EMPLOYEES OF THE CORPORATION

Liability for loss, waste or misapplication of property.

630. The Mayor, the Deputy Mayor, every Corporator and every officer or employee appointed under this Act, shall be liable for the loss, waste or misapplication of any money or other property owned by or vested in the Corporation, if such loss, waste or misapplication is a direct consequences of any illegal act, omission, neglect or misconduct on his part and a suit for compensation may be instituted against any of them in any Competent Court having jurisdiction over the place where the office of the Corporation is situated, with the previous sanction of the Government.

Sanction for prosecution of Mayor, Deputy Mayor or Corporator of a Corporation.

631. When the Mayor, Deputy Mayor or any Corporator, or any officer appointed under this Act is accused of any offence alleged to have been committed by him while acting or purporting to act in the discharge of his official duty, no Court shall take cognizance of such offence except with the previous sanction of the Government.

Assessment not to be impeached.

632. (1) No assessment or demand made, and no charge imposed under the authority of this Act, shall be impeached or affected by reason of any clerical error or by reason of any mistake—

- (a) in respect of the name, residence, place of business or occupation of any person ; or
- (b) in the description of any property or thing ; or
- (c) in respect of the amount assessed, demanded or charged.

(2) Where the provisions of this Act have been in substance and effect complied with, no further proceedings under

this Act shall be quashed or set aside by any court, merely for defect in form.

(3) No suit shall be brought in any Court to recover any sum of money collected under the authority of this Act or to recover damages on account of any assessment or collection of money made under the said authority if the provisions of this Act have, in substance and in effect been complied with.

(4) Any distraint or sale under this Act shall neither be deemed unlawful nor any person making the same shall be deemed a trespasser, on account of any error, defect or want of form in the notice, schedule, form, summons, notice of demand, warrant of distraint, inventory or other proceeding relating thereto, if the provisions of this Act, the rules and bye-laws made thereunder have, in substance and in effect, been complied with.

633. The Mayor, Deputy Mayor, Commissioner, every Corporator and every officer or employee appointed under this Act and every person with whom the Commissioner has entered into a contract on behalf of the Corporation in the performance of his duty or anything which he is empowered or required to do by virtue or in consequence of provisions of this Act or any bye-laws, rule or order made thereunder, shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code, 1860.

634. No person shall, without authority in that behalf, remove, destroy, deface or otherwise obliterate any notice exhibited or any sign or mark erected by or under the orders of the Corporation, the Mayor, or the Commissioner.

635. The Commissioner may summon any person to appear before him or the Mayor, Deputy Mayor, Corporator or a Committee and to give evidence or produce documents as the case may be, in respect of any question relating to taxation or to the grant of any licence or permission under the provisions of this Act.

Employees of Corporation and contractors are to be public servant.

Prohibition against removal or obliteration of notice.

Commissioner power to summon.

Penalty on
Corporator,
officer or
employee being
interested in
contract made
with
Corporation.

636.(1) If any Corporator or any officer or employee of the Corporation has directly or indirectly any share or interest in any work done by order of the Corporation, or any contract with or under the Corporation, he shall thereupon be disqualified to continue in office and shall be punished, on conviction, with a fine which may extend to one thousand rupees:

Provided that the penalty herein prescribed shall not be deemed to apply by reason of a person —

- (a) having a share in any registered company, joint stock company or a co-operative society, constituted under the laws for the time being in force which shall contract with or be employed by or on behalf of the Corporation ; or
- (b) having a share or interest in any newspaper in which any advertisement relating to the affairs of the Corporation may be inserted ; or
- (c) holding a debenture or being otherwise concerned in any loan raised by or on behalf of the Corporation :

Provided further that it shall not be lawful for a person having any share or interest, as described in clauses (a) and (b) to act as a counsel in any matter relating to a contract or agreement between the Corporation and such company or the manager or publisher of such newspaper.

(2) Nothing in this section shall apply to the payment of fees to a legal practitioner for services rendered by him in his professional capacity.

Personal
liability of
Corporators

637.(1) A person shall be liable for any expenditure made from Corporation fund contrary to law where such illegal payment has been authorized by him while acting as Mayor, Deputy Mayor, Corporator or Commissioner.

Provided that the Government may for reasons to be recorded in writing condone any such illegal payment.

(2) In any such case, where an application has not been condoned by the Government, a suit for recovery may be instituted against the person in pursuance of the decision of the Corporation.

CHAPTER XXVI

OFFENCES AND PENALTIES

General provision regarding penalties specified in the Schedule.

638.(1) Whoever, —

- (a) contravenes any provision of any of the sections specified in column (1) of Schedule I; or
- (b) contravenes any rule or order made under any of the said specified sections; or
- (c) fails to comply with any direction lawfully given to him or any requisition lawfully made upon him under or in pursuance of the provision of any of the said sections.

shall be punishable with fine, which may extend to the amount mentioned in that behalf in column (4) of the said Schedule.

(2) Whoever after having been convicted of any offence for, —

- (a) contravening any provision of the sections specified in the column (1) of Schedule II; or
- (b) contravening any rule or order made under any of the said specified sections; or
- (c) failing to comply with any direction lawfully given to him or any requisition lawfully made upon him under or in pursuance of any of the said sections,

continues to contravene the said provisions or neglects to comply with the said direction or requisition, as the case may be, shall be punishable for each day after the previous date of conviction during which he continues so to offend, with fine which may extend to the amount mentioned in that behalf in column (4) of the said Schedule.

Explanation. — The entries in column (3) of Schedules I and II headed "Subject" are not intended as definitions of the offences described in the sections, sub-sections or clauses mentioned in columns (1) and (2) or even as abstracts of those sections, sub-sections or clauses but merely a substance to the sections, sub-sections or clauses, as the case may be.

Penalty for acting as Corporator, Mayor, Deputy Mayor when disqualified.

639. (1) Whoever acts as a Corporator, knowing that under this Act or the rules made thereunder, he is not entitled or has ceased to be entitled to hold such office, shall be punishable with fine which may extend to five hundred rupees.

(2) Whoever acts as the Mayor or Deputy Mayor of the Corporation or exercise any of his functions knowing that under this or the rules made thereunder he is not entitled or has ceased to be entitled to hold such office or to exercise such functions shall be punishable with fine which may extend to one thousand rupees for every such offence.

(3) If the Mayor or the Deputy Mayor of the Corporation intentionally omits to deliver up or to hand over any documents of, or any moneys or other properties vested in, or belonging to, the Corporation which are, in or have come into his possession or control, to his successor in office or other prescribed authority in every case, as soon as his term of office as such Mayor or Deputy Mayor expires and in the case of Deputy Mayor also, on demand by the Mayor, such Mayor or Deputy Mayor shall be punishable with fine which may extend to five thousand rupees.

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

640. Any Corporator, or any member, not being a Corporator of any committee of the Corporation, who knowing acquires directly or indirectly, any share or interest in any contract made with, or any work done for, the Corporation, and the Commissioner or any other officer or employee of the Corporation, who knowingly acquires, directly or indirectly, any share or interest in any contract made with or any work done for, the Corporation, shall be deemed to have

committed the offence punishable under section 168 of the Indian Penal Code, 1860 :

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Provided that no person shall, by reason of being a shareholder in or member of, any registered Company, Joint Stock Company or Co-operative Society constituted under the laws for the time being in force be held to be interested in any contract entered into between the Corporation and such Company or Society:

Provided further that nothing in this section shall apply to a teacher, employed by the Corporation who, with the sanction of the Government, enters into a contract with the Corporation with regard to the utilization, for the purpose of a school, of any land or building owned by him or in which he has a share or interest.

Penalty for
unlawful
building.

641. If the construction or reconstruction of any building or well —

- (a) is commenced without the permission of the Commissioner; or
- (b) is carried on or completed otherwise than in accordance with the particulars on which such permission was based; or
- (c) is carried on or completed in contravention of any lawful order or in breach of any provision contained in this Act or in any rule or bye-law made thereunder or of any direction or requisition lawfully given or made; or
- (d) if any alterations or additions, required by any notice issued under section 316 or section 318 are not duly made; or
- (e) if any person to whom a direction is given by the Commissioner to alter or demolish a building or well under the provisions of Chapter XIX fails to obey such direction,

the owner of the building or well or the said person, as the case may be, shall be liable on conviction to a fine which may extend, in the case of a building, to one thousand rupees and in the case of a well or hut, to two hundred rupees and to a further fine which may extend, in the case of a building, to five hundred rupees and in the case of a well or hut, to one hundred rupees for each day during which the offence is proved to have continued after the first day.

Penalty for giving false information

642. If any person who is required by the provisions of this Act or by any notice or other proceedings issued under this Act to furnish any information —

- (a) intentionally omits to furnish it; or
- (b) knowingly furnishes false information,

such person shall be punishable with fine, which may extend to one hundred rupees.

Punishment for offence against section 353.

643. (1) Whoever contravenes provisions of sub-section (1) of section 353 shall be punished with imprisonment of either description for a term, which may extend to one month, or with fine, which may extend to rupees one hundred or with both.

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

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

Punishment for offences under section 551

644. Whoever contravenes provisions of section 551 whether the person so offending be the owner or occupier of the premises in which a furnace is situated or the agent or some person employed by the owner or occupier for managing the same, shall be punished with fine which may extend, on a first conviction to rupees five hundred,

and, on a second or subsequent conviction, to a sum equal to double the amount to which it might have extended on the last proceeding conviction.

Wrongful restraint of Commissioner and his delegates

645. Every person who prevents the Commissioner or any person to whom the Commissioner has lawfully delegated his power from exercising his power of entering on any land or into any building shall be deemed to have committed an offence under section 341 of the Indian Penal Code, 1860.

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Fine for not paying tax under Chapter XIII

646. If any person erects, exhibits, fixes or retains any advertisement referred to in Chapter XIII without paying any tax under that chapter, he shall be punished with fine which, —

(a) may extend to an amount equal to five times the amount payable as such tax; and

(b) shall not ordinarily be less than an amount equal to two times of such tax.

Fine for putting building to any use other than that for which a licence has been granted

647. When any premises is used or is permitted to be used by any person for any purpose other than that for which a licence has been granted under sub-section (1) of section 617 or as a stable or cattle-shed or cow house, then such person shall, without prejudice to any other penalty to which he may be subject, be liable to a fine which may extend, in the case of a masonry building, to two hundred and fifty rupees and, in the case of a hut, to twenty-five rupees, and in the case of continuance of such use, to a further fine which may extend, in the case of a masonry building, to fifty rupees and, in the case of a hut, to five rupees for each day during which such use continues after the first day.

Penalty for obstructing contractor

648. Whoever obstructs or molests any person with whom the Corporation has entered into a contract for execution of any work under this Act shall, on conviction, be punished with imprisonment for a term which may extend to two months or with fine which may extend to two hundred rupees.

Penalty for causing damage to property belonging to Corporation.

649. No person shall cause any damage to any property belonging to the Corporation and if any person causes any damage to any property belonging to the Corporation he shall, on conviction, be punished with fine which may extend to one thousand rupees.

Penalty for encroachment on streets.

650. No person shall cause any encroachment or obstruction on any Corporation property such as a street or footpath or park without specific permission of an officer of the Corporation duly authorized to grant such permission and if any person causes such encroachment or obstruction on any Corporation property as aforesaid he shall, on conviction, be punishable with fine which may extend to one thousand rupees.

Punishment of imprisonment in default of payment of fine.

651. In every case where, under this Act, an offence is punishable with fine, or with imprisonment or fine, or with both, and a person is sentenced by a Court having jurisdiction to pay a fine, it shall be competent for such Court to direct that in default of payment of fine, he shall suffer imprisonment for such term or, as the case may be, such further term, not exceeding six months, as Court may fix.

General penalty.

652. Whoever, in any case in which a penalty is not expressly provided by this Act, fails to comply with any notice or order or requisition issued under any provisions thereof, or otherwise contravenes any of the provisions of this Act, shall be punishable with fine which may extend to one thousand rupees, and in the case of a continuing failure or contravention, with an additional fine which may extend to one hundred rupees for every day after the first during which he has persisted in such failure or contravention.

Offences by companies.

653. (1) Where an offence under this Act has been committed by a company, every person who, at the time the offence was committed, was in charge of and was responsible to the company for the conduct of the business of the company, as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly :

Provided that nothing contained in this sub-section shall render any such person liable to any punishment provided in this Act if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where an offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any neglect on the part of, any director, manager, secretary or other officer of the Company, such director, manager, secretary or 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 a body corporate, and includes a firm or other association of individuals, and

(b) "director" in relation to a firm, means a partner in the firm.

Prosecution.

654. Except as otherwise provided in this Act, prosecution under this Act for breach thereof or the rules or bye-laws made thereunder may be instituted by the Commissioner or any person authorised by him in this behalf.

Compounding of offences.

655.(1) The Commissioner or, if so authorized by the Corporation in this behalf by a general or special order, the City Health Officer, the City Engineer or any other officer of the Corporation may, either before or after the institution of the proceeding and on payment of such fee as may be specified by regulations, compound any offence as may be classified as compoundable by the Government by rules.

(2) Notwithstanding anything contained in sub-section (1), no offence punishable by or under this Act or by any rule or regulation made thereunder shall be compoundable if such offence is

committed due to the failure to comply with any notice, order or requisition, as the case may be, issued by or on behalf of any of the Corporation authorities referred to in section unless and until such notice, order or requisition, as the case may be, has been complied with in so far as such compliance is possible.

(3) Where an offence has been compounded, the offender, if in custody, shall be discharged and no further proceeding shall be taken against him in respect of the offence so compounded.

CHAPTER XXVII

RULES, REGULATIONS AND BYE-LAWS

Power of
Government
to make
rules

656. (1) The Government may, after previous publication, make rules to carry out all or any of the purposes of this Act and prescribe forms for any proceeding for which they consider that a form should be provided.

(2) In making any such rule, the Government may provide that a breach thereof shall be punishable with fine which may extend to rupees one thousand and if the breach is a continuing one a further fine which may extend to rupees fifty for every day after the first day during which the breach was made.

Power of
Corporation
to make
bye-laws
and
regulations.

657. The Corporation may make bye-laws, and regulations not inconsistent with this Act or the rules made thereunder or with any other law, with respect to the following:—

- (a) for all matters expressly required or allowed by this Act to be provided by bye-laws;
- (b) for the due performance by all Corporation officers and employees the duties assigned to them;
- (c) for the regulation of the time and mode of collecting the taxes under this Act;
- (d) for determining the conditions under which lands shall be deemed to be appurtenant to buildings;

- (e) for the use of public tank, wells, conduits and other places or works for water supply, which will include, —
- (i) the regulation of public bathing, washing and the like,
 - (ii) the maintenance and protection of the water supply system and the protection of the water supply from contamination,
 - (iii) the conditions on which house connections with the Corporation's water supply mains may be made for their alteration and repair and for their being kept in proper order,
 - (iv) supply of water for domestic consumption and use,
 - (v) the prevention of waste of water,
 - (vi) the measurement of water,
 - (vii) the compulsory provision of cisterns and meters, and
 - (viii) the supply of water in case of fire ;
- (f) for the maintenance and protection of the lighting systems;
- (g) for the maintenance and the protection of the drainage system, which will include, —
- (i) the construction of the house drains and for regulating there situation, mode of construction and materials,
 - (ii) the alteration and repair of house drains,
 - (iii) the cleansing of house drains,
 - (iv) the construction of cesspools, septic tank filter and drains, and
 - (v) the payment of apportionment of money payable on account of pipes or drains common to more premises than one;

- (h) for the cleaning of latrines, earth, closets, ash-pits and cesspools and the keeping of latrines with sufficient supply of water for flushing;
- (i) for the testing of water pipes and drains in private premises, the recovery or the apportionment of the cost of such testing and the breaking up of ground or of buildings for the purpose of such testing;
- (j) for the laying out of roads and for determining the information and plans to be submitted with applications for permission to lay out roads; and for regulating the level and width of public roads and the height of building abutting thereon, which include, —
 - (i) the regulation of the use of public roads and the closing thereof or parts thereof;
 - (ii) the regulating of traffic in public roads, or their reservation for particular kinds of traffic, and
 - (iii) the protection of avenues, tree, grass and other appurtenances of public roads and other places;
- (k) for the regulation of building and for determining the information and plans to be submitted with applications to build;
- (l) for the regulation of hotels, lodging houses, boarding houses, choultries, rest houses, emigration depots, restaurants, eating houses, cafes, refreshment rooms, coffee houses, tea stalls and any premises to which the public are admitted for repose or for the consumption of any food or drink;
- (m) for regulating the mode of constructing stables, cattle-sheds and cow houses and connecting them with Corporation drains;

- (n) for the sanitary control and supervision of places for carrying on any trade or manufacture therein;
- (o) for the control and supervision of slaughter houses and of places used for skinning and cutting off carcasses, which will include, —
 - (i) the control and supervision of the methods of slaughtering, and
 - (ii) the control and supervision of butchers carrying on business in the city or at any slaughter houses outside the city provided or licensed by the Corporation;
- (p) for the inspection of milch cattle, and the regulation of the ventilation, lightening, cleaning, drainage and water supply of dairies and cattle sheds in the occupation of persons following the trade of dairy man or milk seller;
- (q) for enforcing the cleanliness of milk stores, milk shops, vessels and utensils used by the keepers thereof or by hawkers containing or for measuring milk or preparing any milk product and for enforcing the cleanliness of persons employed in the milk trade;
- (r) for requiring notice to be given whenever any milch cattle is affected by any contagious disease and prescribing the precautions to be taken in order to protect milch cattle and milk against infection and contamination;
- (s) for the inspection of public and private markets and shops and other places therein, which will include,—
 - (i) the regulation of their use and the control of their sanitary conditions, and

- (ii) licensing and controlling brokers, commissioner agents, weigh men and measures practicing their calling in markets;
- (t) for the prevention of the sale or exposure for sale of unwholesome meat, fish or provisions for securing the efficient inspection and sanitary regulation of shops in which articles intended for human food are kept or sold;
- (u) for the regulation of burial and burning grounds and other places for the disposal of corpses;
- (v) for the registration of births, deaths and marriages;
- (w) for the training and licensing of dhais and midwives;
- (x) for the enumeration of the inhabitants of the city;
- (y) for the prevention of dangerous diseases of men and animals;
- (z) for the registration of dogs within the city;
- (aa) for the prevention of outbreaks of fire;
- (bb) for the prohibition and regulation of advertisements in public roads or parks;
- (cc) for the regulation of carriages and carts plying for hire and the licensing of their drivers; and
- (dd) in general for securing cleanliness, safety and order and the good government and well-being of the city and for carrying out all the purposes of this Act.

Penalty for breach of bye-laws or regulations.

658. In making a bye-law or regulation the Corporation may provide that a breach thereof shall be punishable, —

- (a) with fine which may extend to rupees two hundred and in case of a continuing breach, with the fine which may extend to rupees thirty for every day during which the breach continues after conviction for the first breach; or

(b) with fine which may extend to twenty rupees for every day during which the breach continues after receipt of notice from the Commissioner or any Corporation officer duly authorized in that behalf, to discontinue such breach.

Confirmation of bye-laws and regulation by Government.

659. No regulation or bye-law or cancellation or alteration of regulation or bye-law made by the Corporation shall have effect until the same has been approved and confirmed by the Government and published in the Gazette.

Government may modify or repeal bye-laws and regulation.

660. (1) If it appears at any time to the Government that any bye-law should be modified or repealed either wholly or in part, it shall cause reasons for such opinion to be communicated to the Corporation and specify a reasonable period within which the Corporation may make any representation with regard thereto which it may think fit.

(2) After receipt and consideration of any such representation or if in the meantime no such representation is received, after the expiry of the specified period, the Government may at any time by notification, modify or repeal such bye-law either wholly or in part.

CHAPTER XXVIII

PROCEDURE AND MISCELLANEOUS

Public notices how to be made known.

661. Whenever it is provided by this Act that public notice shall or may be given on anything, such public notice shall be in writing under the signature of the Commissioner or of a Corporation officer empowered under section 30 to give the same, and shall be given wide publicity in the locality to be affected thereby affixing copies thereof in conspicuous public places within the said locality, or by publishing the same by beat of drum or by advertisement in the

local newspapers or by any two or more of these means that he may think fit.

Advertisement
how to be
made

662. Whenever it is provided by this Act this notice shall be given by advertisement in the local newspapers or that a notification or any information shall be published in the local newspapers, such notice, notification or information shall be published, if practicable, in at least two newspapers, in such language or languages as the Corporation may from time to time specify in this behalf.

Consent etc., of
Commissioner
may be proved
by written
document under
his signature.

663. Whenever under this Act the doing or committing to do anything or the validity if any, depends upon the consent, approval, declaration, opinion or satisfaction of the Commissioner or of the Deputy Commissioner or any Corporation Officer, a written document signed by the Commissioner or by the Deputy Commissioner or Corporation Officer, purporting to convey or set forth his consent, approval, declaration, opinion or satisfaction, shall be sufficient evidence of such consent, approval, declaration, opinion or satisfaction.

Notice etc., by
whom to be
served or
presented.

664. Notice, bills, schedules, summons and other such documents required under this Act or any bye-law made thereunder to be served upon or issued, or presented or given to any person, shall be served, issued or presented or given by Corporation officers or employees or by other persons authorized by the Commissioner in this behalf.

Service how
to be effected
on owners of
premises and
other
persons.

665. When any notice, bills, summons or other such document is required under this Act, or any bye-law made thereunder, to be served upon or issued or presented to any person, such service, issue or presentation shall be effected, —

- (a) by giving or tendering to such person to whom the said notice, bill, summons or other document relates; or
- (b) if such person is not found, by leaving the said notice, bill, summons or other document at his last

known place of abode in the city or by giving or tendering the same to adult male member or servant of his family; or

(c) if such person does not reside in the city, and his address elsewhere is known to the Commissioner, by forwarding the said notice, bill, summons or other document to him by registered post under cover bearing the said address; or

(d) if none of the means as aforesaid be available, by causing the said notice, bill summons or other document to be affixed on some conspicuous part of the building or land, if any, to which the same relates.

Explanation — The expression "any person" for the purpose of this section shall mean the owner or owners and shall include the occupier.

666. Nothing in sections 567 and 568 shall apply to any summon issued under this Act by a Magistrate.

667. Notwithstanding anything contained in sections 567 and 568 a bill for any Corporation tax may be served upon the person liable therefor by sending it by ordinary post with a pre-paid letter under a certificate of posting, addressed to such person at his last known abode or place of business in the city, and every bill so sent shall be deemed to have been served and, in providing such service, it shall be sufficient to prove that the letter was properly addressed and posted under a certificate of posting.

668.(1) Every licence, written permission, notice, bill, schedule, summons or other document required by this Act or rule or bye-law made thereunder to bear the signature of the Commissioner or of any Corporation Officer shall be deemed to be properly signed if it bears a facsimile of the signature of the Commissioner or of any

Sections of 567 and 568 not to be applied to magistrate summons.

Service of bills of taxes by post.

Signature of notices etc may be stamped.

Corporation Officer, shall be deemed to be properly signed if it bears a facsimile of the signature of the Commissioner or of such Corporation Officer, as the case may be, stamped thereupon.

(2) Nothing in this section shall be deemed to apply to a cheque drawn upon the Corporation fund.

Power of Commissioner to call for information as to ownership of premises.

669.(1) The Commissioner may, in order to facilitate the service, issue, presentation, or giving of any notice, bill, schedule, summons or other such document upon or to any person, by written notice, require the owner or occupier of any premises, or of any portion thereof to state in writing, within such period as the Commissioner may specify in the notice, the nature of his interest therein and the name and address of any other person having an interest therein, whether as freeholder, mortgagee, lessee or otherwise, so far as such name and address is known to him.

(2) Any person required by the Commissioner in pursuance of sub-section (1) to give the Commissioner any information shall be bound to comply with the same and to give true information to the best of his knowledge and belief.

Work or thing done without written permission of the Commissioner to be deemed unauthorized.

670.(1) If any work or thing requiring the written permission of the Commissioner under any provisions of this Act, or any rule or bye-law made thereunder is done by any person without obtaining such written permission, such work or thing shall be deemed to be unauthorized and subject to any other provision of this Act, the Commissioner may, at any time, by a written notice, require that the same shall be removed, pulled down or undone, as the case may be, by the person so carrying out or done and if the person carrying out such work or doing such thing is not the owner at the time of such notice then the owner at the time of giving such notice shall be liable for carrying out the requisitions of the Commissioner.

(2) If within the period specified in such written notice the requisitions contained therein are not carried out by the person or owner, as the case may be, the Commissioner may remove or alter

such work or undo such things and the expenses thereof shall be paid by such person or owner, as the case may be.

Commissioner may enter any premises for purposes of inspection, survey or execution of necessary work.

671. The Commissioner or any other officer authorized by him in this behalf may enter into or upon any building or land, with or without assistants or workmen in order to make inspection or survey or to execute any work which is authorized by this Act or any bye-law framed thereunder to be made or executed, or which it is necessary for any of the purposes, or in pursuance of any of the provisions of this Act or of any such bye-law, to make or execute:

Provided that —

- (a) except when it is in this Act otherwise expressly provided, no such entry shall be made between sunset and sunrise;
- (b) except when it is in this Act otherwise expressly provided, no building which is used as a human dwelling shall be so entered unless it is with the consent of the occupier thereof, without giving the said occupier not less than twenty four hours previous written notice of the intention to make such entry;
- (c) sufficient notice shall in every instance be given, even when and premises may otherwise be entered into without notice, to enable the inmates of any apartment appropriated to females, to remove to some part of the premises where their privacy need not be disturbed; and
- (d) due regard shall always be had, so far as may be compatible with the exigencies of the purpose for which entry is made, to the social and religious usages of the occupants of the premises entered.

672. The Commissioner shall have the power of a civil court for the purpose of enforcing the attendance of witnesses and

Power to summon witness.

compelling the production of documents and every person required by the Commissioner to furnish any information shall be legally bound to do so within the meaning of section 176 of the Indian Penal Code, 1860.

45 of
1860.

Works etc.
which any
person is
required to
execute may
in certain
cases be
executed by
the
Commissioner
at such
person's cost.

673. When any requisition or order is made, by written notice, by the Commissioner or by any Corporation Officer empowered under section 30 in this behalf, a reasonable period shall be specified in such notice for carrying such requisition or order into effect, and if, within the period so specified, such requisition or order or any portion of such requisition or order is not complied with, Commissioner may take such measures or cause such work to be executed or such thing to be done as may, in his opinion, be necessary for giving due effect to the requisition or order so made, and unless it is in this Act otherwise expressly provided, the expenses thereof shall be paid by the person or by any one of the persons to whom such requisition or order was addressed.

Recovery of
expenses by
removal by the
Commissioner
under sections
407, 415, 459
and 537.

674.(1) The expenses incurred by the Commissioner, in effecting any removal under section 407 or sub-section (3) of section 415 or in the event of a written notice issued under section 408 or section 459 or 537 not being complied with under section 673, shall be recoverable by sale of the materials removed, and if the proceeds of such sale do not suffice, the balance shall be paid by the owner of the said materials.

(2) Where the expenses of removal are in any case paid before the materials are sold, the Commissioner shall restore the materials to the owner thereof on his claiming the same at any time before they are sold or otherwise disposed of, and on his paying all other expenses, if any, incurred by the Commissioner in respect thereof or in respect of the intended sale or disposal thereof.

(3) If the materials are not claimed by the owner thereof, they shall be sold by auction or otherwise disposed of as the Commissioner think fit, if perishable, forthwith and if other than

perishable, as soon as conveniently may be after one month from the date of their removal whether the expenses of the removal have in the meantime been paid or not and the proceeds, if any, of the sale or not and the proceeds, if any, of the sale or other disposal shall, after defraying therefrom the costs of the sale or other disposal, and if necessary of the removal, be paid to the credit of the Corporation fund, and shall be the property of the Corporation.

Expenses recoverable under this Act to be payable on demand and if not paid on demand may be recovered as an arrear of property tax.

675. (1) Whenever under this Act, or any rules or bye-laws made thereunder the expenses of any work executed or of any measure taken or thing done by or under the authority of the Commissioner or of any Corporation Officer empowered under section 30 in this behalf, are payable by any person the same shall be payable on demand and if the expenses are not paid on demand, it shall be recoverable by the Commissioner subject to the provisions of this Act by distress and sale of the goods and chattels of the defaulter, as if the amount thereof were a property tax due by the said defaulter.

(2) If the expenses are due in respect of some work executed or thing done or in connection with some building or land or of some measure taken with respect to some work executed or thing done or measure taken for giving effect to any requisition or order made under sub-section (2) of section 530 and the defaulter is the owner of such building or land or of the premises referred to in said section, as the case may be, the amount thereof may be demanded from any person who at anytime, before the said expenses have been paid, occupied the said building or land or premises under the said owner, and in the event of the said person failing to pay the same they may be recovered, by distress and sale of the goods and chattels of the said person as if the amount thereof were a property tax payable by him :

Provided that —

- (i) unless the said person neglects or refuses, at the request of the Commissioner truly to disclose the amount of the rent payable by him in respect of the said building, land or premises and the name and address of the person to whom the same is payable, the said person shall not be liable to pay on account of the said expenses any large sum, than up to the time of demand, is payable by him to the owner on account of rent of the said building, land or premises;
- (ii) the said person shall be entitled to credit in account with the owner for any sum paid by or recovered from him on account of the said expenses; and
- (iii) nothing in that section shall affect any agreement made between the said person and the owner of the building, land or premises in his occupation respecting the payment of the expenses of any such work, thing or measure as aforesaid.

(3) Instead of recovering any such expenses as aforesaid in any manner hereafter provided, the Commissioner may, if he thinks fit and with the approval of the Standing Committee take an undertaking from the person liable for the payment thereof to pay the same in installments of such amounts and at such intervals as will secure the payment of the whole amount due with interest thereon, at such rate not exceeding nine per centum per annum as the

Standing Committee may fix from time to time, within a period of not more than five years.

What expenses may be declared to be improvement expenses.

676. Any expenses incurred in respect of any work mentioned in any of the sections 290,294,296, sub-section(1) of 299, sub-section (1) of 318,330,358, sub-section (3) of 359,397, sub-section (1) of 456,531,537 and 564 the Commissioner may, if he thinks fit with the approval of the Corporation, declare such expenses to be improvement expenses and on such declaration being made such expenses together with interest thereon payable under section 677 shall be a charge on the premises in respect of which or for the benefit of which the expenses have been incurred.

Improvement expenses by whom payable.

677.(1) Improvement expenses shall be recoverable in installment of such amount not being less for any premises than fifty rupees per annum and at such intervals as will suffice to discharge such expenses, together with interest thereon at the rate of nine per centum per annum within such period not exceeding thirty years as the Commissioner, with the approval of the Corporation, may in each case determine.

(2) The said instalment shall be payable by occupier of the premises on which the expenses and interest thereon are so charged or, in the event of the said premises becoming unoccupied at anytime before the expiration of the period fixed for the payment of such expenses or before the same with interest as aforesaid are fully paid off, by the owner for the time being, of the said premises so long as the same continue to be unoccupied.

(3) Where the occupier by whom any improvement expenses together with interest thereon are paid holds the premises on which the expenses together with interest thereon are charged at a rent not less than the back rent, he shall be entitled to deduct three-fourths of the amount paid by him on account of such expenses and interest thereon as aforesaid from the rent payable by

him to his landlord, and, if he holds at a rent less than the back rent he shall be entitled to deduct from the rent so payable by him such proportion of three-fourths of the amount paid by him on account of such expenses and interest thereon as aforesaid as his rent bears to the back-rent.

Redemption of charge for improvement expenses.

678. At any time before the expiration of the period for the payment of any improvement expenses together with interest thereon, the owner or occupier of the premises on which they are charged may redeem such charge paying to the Commissioner such part of the said expenses and such interest due, if any, as may not have been already paid or recovered.

Recovery of instalment due under sections 684 and 686

679. Any instalment payable under sub-section(3) of section 675 or section 677 which is not paid when the same becomes due may be recovered by the Commissioner by distress and sale of the goods and chattels of the person from whom it is due as if it were a property tax due from the said person.

In default of owner, occupier of any premises may execute required work recover expenses from the owner.

680. Whenever the owner of any building or land fails to execute any work which he is required to execute under this Act, the occupier, if any, of such building or land may, with the approval of the Commissioner execute the said work, and he shall be entitled to recover the reasonable expense incurred by him in so doing from the owner and may deduct the amount thereof from the rent which from time to time becomes due from him to the owner.

Limitation of liability of agent or trustee of owner

681. No person who receives the rent of any premises in any capacity described in items (i), (ii) and (iii) of sub-clause (a) of clause (60) of section 2 shall be liable to do anything which is required under this Act to be done by the owner, unless he has sufficient funds of or due to the owner to pay for the same.

Compensation for damage may be paid by the Commissioner

682. In any case not otherwise expressly provided for in this Act, the Commissioner may, with the previous approval of the Standing Committee, pay compensation to any person who sustains

damage by reason of the exercise of any of the powers vested by this Act in the Commissioner, Corporation officer or employee.

Compensation to be paid by offenders against the Act for any damage caused by them.

683.(1) If, an account of any act or omission, any person who has been convicted of an offence under this Act or any rule or bye-law made thereunder, and by reason of the same act or omission of the said person any damage has sustained to any property of the Corporation, compensation shall be paid by the said person for the damage so done notwithstanding any punishment to which he may have been sentenced for the said offence.

(2) In the event of any dispute, as to the amount of compensation referred to in sub-section (1) payable by the said person shall be determined by the Magistrate by whom he was convicted of the said offence, and non-payment of the amount of compensation so determined the same shall be recovered under a warrant from the said Magistrate as if it were a fine inflicted by him on the person liable therefore.

Disputes to be determined by the District Judge.

684.(1) When the Commissioner demands payment of any expenses under section 675 and if, his right to demand the same or the amount of the demand is disputed, or if, in the case expenses incurred by the Commissioner in taking temporary measures under sub-section (2) of section 425, the necessity for such temporary measure is disputed the Commissioner shall refer the case for determination to the District Judge, having jurisdiction over the place where the office of the Corporation is situated.

(2) Pending the decision of the District Judge the Commissioner shall defer further proceedings for the recovery of the amount claimed by him and after the decision shall proceed to recover only such amount, if any, as may be thereby ascertained to be due.

Amount of expenses or compensation to be determined to all cases of dispute by the District Judge.

685. If, any case not falling under section 675 any person is required by any rule or bye-law framed under this Act, to pay expenses or any compensation, the amount to be so paid and if necessary the apportionment of the same, shall in case of dispute be

determined except as is otherwise provided in section 684 or other provisions of this Act, by the District Judge on application being made to him for this purpose at any time within one year from the date when such expenses or compensation first became claimable.

Expenses or compensation awarded by District Judge to be recovered if necessary as if they were due under a decree of the Court.

Cognizance of offences.

686. If the amount of any expenses or compensation as determined under section 685 is not paid by the person who is liable to pay the same on demand, it shall be recovered in the same manner as if the same were due under a decree of a Court.

687. All offences under this Act, or any rule or bye-law made thereunder, whether committed within or outside the city, shall be triable by a Magistrate appointed under section 688 and until such appointment, by a first class Magistrate having jurisdiction in the city.

Appointment of Magistrate of the First Class.

688.(1) The Government may with the consent of the Corporation and in consultation with the High Court, establish one or more court of Magistrates of the First Class and empower such Magistrates to exercise the powers of a Judicial Magistrate of the First Class to try the offences under this Act, Rules or bye-laws and Regulations made thereunder and may appoint any person to such court with such qualification may be determined by the High Court and may also appoint such ministerial officers for such Courts as it may think necessary.

(2) The Magistrate referred to in sub-section (1) and their establishment shall be paid such salary, pension, leave salary and other allowances as may, from time to time, be determined by the Government.

(3) The amount of the salary and other allowances as determined under sub-section (2) together with all other incidental charges shall be reimbursed to the Government by the Corporation, who shall also pay to the Government such contribution towards the pension, leave and other allowance of such Magistrates and their establishment as may, from time to time, determined by the Government:

Provided that the Government may with the consent of the Corporation, direct that in lieu of the amounts payable under this section the Corporation shall pay to the Government annually, on such date as may be fixed by the Government in this behalf, such fixed sum as may be determined by the Government in this behalf.

Imprisonment
in default of
payment of
fines etc.

689.(1) In case any fine, costs, tax or other sum of money imposed, assessed or recoverable by a Magistrate under this Act or under any rule, bye-law or regulation made thereunder is not paid, the Magistrate may order the offender to be imprisoned in default of such payment, subject to all the restrictions, limitations and conditions imposed in sections 64 to 70 of the Indian Penal Code, 1860.

45 of 1960.

(2) Any fine, costs, tax or other sum imposed, assessed or recoverable by a Magistrate under this Act, or any rules, bye-laws or regulations made thereunder shall be recoverable by such Magistrates as if it were a fine imposed under the Code of Criminal Procedure, 1973 and the same shall on recovery be paid to the Corporation.

2 of 1974.

Arrest of
offenders

690.(1) Any Police Officer may arrest any person who commits any offence under this Act or rules or bye-laws made thereunder if the name and address of such person is unknown to him and if such person, on demand declines to give his name and address or gives name and address which such officer has reason to believe to be false.

(2) No person so arrested shall be detained in custody after his true name and address are ascertained or, without the order of a Magistrate, for a longer period not exceeding twenty-four hours from the arrest excluding the time necessary for bringing him before a Magistrate competent to take cognizance of the offence.

Protection of
action taken
in good faith.

691.(1) No suit shall be instituted against the Corporation or the Commissioner or a Deputy Commissioner or any officer or employee appointed under this Act, in respect of any act which is in good faith done or intended to be done in pursuance of this Act or in respect of any alleged neglect or default in the execution thereof

under this Act, or any rules, bye-laws or regulations made thereunder —

(a) until expiration of one month after notice in writing has been served upon, —

(i) in case of Corporation, left at Corporation office ;
and

(ii) in case of the Commissioner or the Deputy Commissioner or any other officers or employees, delivered to any of such officer or left at his office or place of abode,

stating with reasonable particulars about the cause of action and the name and place of abode of the intending plaintiff or his attorney or agent, if any, for the purpose of such suit; or

(b) until expiration of a period of six months from the date of accrual of actual cause of action.

(2) At the trial of any such suit the plaintiff shall not be permitted to go into evidence of any cause of action except as is set forth in the notice delivered or left by him as aforesaid.

(3) Where the defendant in any such suit is a Corporation Officer or employee payment of the sum or of any part of the sum payable by him in or in consequence of the suit, whether in respect of cost, charges, expenses, compensation or damages or otherwise may be paid with the previous sanction of the Standing Committee from the Corporation Fund.

Appointment of
Inspector of
Local Works
and duties to
be performed
by him.

692.(1) It shall be lawful for the Government to appoint an officer to be Inspector of Local Works in respect of a Corporation.

(2) It shall be the duty of the Inspector of Local Works to inspect and advise with regard to all public works which are under construction or repair vested in or in charge of the Corporation.

(3) The Inspector of Local Works shall also perform such duties and exercise such powers as may be prescribed.

(4) The Inspector of Local Works may at all times enter upon, or cause to be entered upon, any immovable property belonging to any Corporation or any work in progress under his direction and may require it to furnish such statements, estimates and report of every such inspection shall be prepared and a copy thereof, forwarded to the Corporation concerned through the Magistrate of the district.

(5) In all matters of professional details, the Corporation shall be guided by the report of the Inspector of Local Works.

CHAPTER XXIX

SUPPLEMENTARY AND TRANSITIONAL PROVISIONS

Orissa
Municipal
Act, 1950
not to
apply

693.(1) On the commencement of this Act any smaller urban area declared or deemed to be larger urban area under section 3 of this Act, the provisions of the Orissa Municipal Act, 1950 (hereinafter referred to as the said Act) shall cease to apply to such larger urban area.

Orissa
Act 23
of 1950

(2) Such cessation shall not affect, —

- (a) the previous operation of the said Act in respect of the larger urban area referred to in sub-section(1);
- or
- (b) any right, privilege, obligation or liability accrued or incurred under the said Act; or
- (c) any penalty, forfeiture or punishment incurred, in respect of any offence committed under the said Act; or
- (d) any investigation, legal proceeding or remedy in respect of such right, privilege, obligation, liability, penalty, forfeiture or punishment as aforesaid,

and any such investigation, legal proceeding or remedy may be instituted, continued or enforced and any such penalty, forfeiture or punishment may be imposed as if this Act had not been passed.

(3) Notwithstanding anything contained in sub-section (1), all rules, bye-laws, notifications, orders, directions and powers, made, issued or conferred under the said Act and in force before the commencement of this Act shall, so far as they are not inconsistent with the provisions of this Act, continue to be in force in the cities until they are replaced by the notifications, rules, bye-laws, order, directions and powers to be made or issued or conferred under this Act.

Transitional provisions.

694.(1) All property, all rights of whatever kind used, enjoyed, possessed by and all interests of whatever kind owned by or vested in or held in trust by or for the Municipal Corporation constituted under the said Act with all rights of whatever kind used, enjoyed or possessed by the said Corporation as well as liabilities legally subsisting against the said Corporations shall, on and from the commencement of this Act, and subject to such directions as the Government may, by general or special order give in this behalf, pass to the Corporation concerned as constituted under this Act.

(2) All arrear of taxes or other payment by way of composition of a tax, or dues for expenses or compensation or otherwise and all sums of money otherwise due to the Municipal Corporations at the commencement of this Act may be recovered as if they had accrued to the respective Corporations under the provisions of this Act.

(3) All taxes, fees and duties, which immediately before the commencement of this Act, were being imposed by the Municipal Corporations shall be deemed to have been imposed by the respective Corporations under the provisions of this Act and shall continue to be in force accordingly until such taxes, fees and duties

are revised, cancelled or superseded by anything done or any action taken under this Act.

(4) All proceedings taken by or on behalf of or against the Municipal Corporation under the said Act may be continued by, or on behalf of or against, the respective Corporation.

(5) Any action taken under the said Act by any authority before such commencement shall be deemed to have been taken by the authority competent to take such action under this Act as if this Act had then been in force.

Appointment of
Administrator

695.(1) There shall be appointed by the Government, by notification, an Administrator to exercise the powers, perform the duties and discharge the functions of —

- (a) the Standing Committee, and
- (b) the Commissioner.

(2) The Administrator shall exercise the powers, perform the duties and discharge the functions of the Standing Committees until they are appointed by the Corporation, under this Act and of the Commissioner, until a Commissioner is appointed by the Government as the case may be, and such officer may, if the Government so direct, receive remuneration for his services from the Corporation fund.

Power to
remove
doubts and
difficulties

696.(1) If any doubt or difficulty arises in giving effect to the provisions of this Act, the Government may, as occasion may require, by order, make such provision or give such direction not inconsistent with the express provisions of this Act, as may appear to them necessary or expedient for the removal of such doubt or difficulty and the order of the Government, in such cases, shall be final:

Provided that no such order shall be made or direction shall be given after the expiration of a period of two years from the date of commencement of this Act.

(2)Every order made under this section shall, as soon as may be, after it is made, be laid before the State Legislature.

Repeal and Savings

697.(1) The Orissa Municipal Corporation Ordinance, 2003 is hereby repealed.

Orissa Ordinance No.1 of 2003.

(2)Notwithstanding such repeal, anything done or any action taken under the Ordinance so repealed shall be deemed to have been done or taken under the corresponding provisions of this Act.

SCHEDULE I
ORDINARY PENALTIES
 (Section - 638)

Section	Sub-section or clause	Offences	Fine which may be imposed (in Rs.)
1	2	3	4
219.	(2)	Failure of owner and occupier to furnish correct information in the return.	200.00
235.	(2)	Failure to pay property tax and the surcharge by due date.	200.00
236.	(3) or(4)	Failure to pay property tax and surcharge and to submit return by due date.	200.00
293.	-	Connections with Corporation drains not to be made except in conformity with sections - 291 or 292.	200.00
294.	-	Buildings, etc. not to be erected without permission over any drain.	200.00
296.	-	Owner of land to allow others to carry drains through the land.	100.00
297.	-	Failure to obey requisition to enforce drainage of undrained premises situated within one hundred feet of a Corporation drain.	100.00
298.	-	Failure to obey requisition to enforce drainage of undrained premises not situated within hundred feet of Corporation drain.	100.00
300.	(1)(b)	Failure to obey direction to limit use of drain or notice requiring construction of a distinct drain.	100.00
301.	-	New buildings not to be erected without drains.	750.00

303.	-	Excrementitious matter not to be passed into cess-pool	200.00
304.	-	Owners of drains to allow use thereof or joint owner thereof to others.	100.00
308.	-	Drains not to pass beneath buildings.	400.00
309.	-	Contravention of provisions as to position of cess-pools.	400.00
311.	(2)	Failure to obey requisition to cover or ventilate drain or cess-pool.	100.00
316.	(1)	Water closets and privies not to be constructed without permission or in contravention of terms so specified.	400.00
317.	(1)	Building newly erected or re-erected to be provided with water closet and other accommodation.	400.00
318.	(1)	Failure to obey requisition to enforce provision of privy accommodation.	100.00
319.	-	Failure to obey requisition to privy accommodation for factories, etc.	400.00
320.	-	Failure to obey requisition respecting unhealthy privies.	400.00
321.	-	Contravention of provisions as to privies.	100.00
322.	-	Contravention of provisions as to water closets.	100.00
323.	-	Position of privies and water closets.	400.00
324.	-	Contravention of provisions as to use of places for bathing or washing clothes or domestic utensils.	100.00
330.	-	Failure to comply requisition to effect sanitary repairs.	100.00
334.	(1) and (4)	Contravention of provision as to employment of licensed plumber and use of work as drain.	400.00

334.	(3)	Licensed plumber to give and sign certificates.	100.00
354.	(1)	Building, etc. not to be erected over water main without permission.	200.00
355.	(2)	Water not to be carried away from public water supply for sale, and not to be carried in any vehicle without permission.	100.00
356.	-	Public water supply set apart for particular purpose not to be used for other purpose.	40.00
357.	(2)	Failure to comply requisition to obtain private water supply and to provide supply and distributing pipe.	400.00
358.	-	Contravention of provisions as to the making and renewing of connections with Corporation water works.	400.00
358.	(5)	Contravention of provisions as to unauthorized connection with Corporation water works.	100.00
359.	(4)	Failure to comply requisition to provide cistern and fitting or means of access to any cistern.	100.00
361.	-	Supply of distributing pipe, etc., to be kept in efficient repair by owner or occupier of premises.	200.00
364.	(2)	Failure to comply requisition to remedy defect in meter, supply or distributing pipe, etc.	100.00
366.	-	Conditions as to use of water not to be contravened.	200.00
368.	-	Water pipes, etc., not to be placed where water will be polluted.	200.00
369.	-	Prohibition of fraudulent and unauthorized use of water.	200.00

370.	(1)	Prohibition of fraud in respect of meters.	200.00
371.	-	Prohibition of wilful or neglectful acts relating to water works.	200.00
376.	(1)	Work under Chapter XVII to be by licensed plumber.	400.00
376.	(2)	Failure to furnish name of licensed plumber.	100.00
387.	(4)	Construction of building within the regular line of street without permission.	2000.00
396.	-	Laying out of private street in contravention of provisions of section 396.	1000.00
399.	(1)	Prohibition of projections upon streets.	400.00
399.	(2)	Failure to comply requisition to remove projections.	400.00
400.	-	Failure to remove or alter projections.	400.00
402.	-	Ground floor doors, etc., not to open outwards on streets.	40.00
403.	(1)	Prohibition of structures of fixtures causing obstructions in streets.	200.00
404.	(1)	Prohibition of deposits etc. or things in streets.	200.00
405.	-	Prohibition of hawking or exposing for sale articles in a public place or street without a licence.	100.00
406.	-	Prohibition in a public place or street, use of skill in handicraft or in rendering services without licence.	100.00
408.	-	Failure to comply requisition to remove structures or fixtures.	200.00

409.	(1)	Prohibition of tethering of animals in public streets.	40.00
412.	(2)	Infringement of direction to close street in which work is in progress.	100.00
414.	(2)	Shoring timber or fence, etc., employed to secure public safety not to be removed.	100.00
415.	(1)	Streets not to be opened or broken up and building materials not to be deposited thereon without permission.	200.00
416.	-	Precautions for public safety to be taken by persons to whom permission is given under section 415.	100.00
417.	(1)	Persons to whom permission is granted under section 415 must reinstate streets.	100.00
418.	-	Provision to be made by persons to whom permission is granted under section 415 for traffic, etc., when their work interrupts streets.	400.00
419.	-	Hoads to be set up during work on any building adjacent to a street.	100.00
420.	(2)	Name of street and number of houses not to be destroyed, removed or defaced.	100.00
423.	(1)	Sky signs not to be erected or retained without permission.	200.00
424.	(1)	Advertisements on certain sites, etc., not to be exhibited without permission.	200.00
425.	(1)	Failure to comply requisition to repair, protect or enclose dangerous place.	200.00
431.	(1)	Work not to be commenced without notice.	2000.00
439.	-	Provision for supervision of buildings and works.	1000.00

444.	-	Building not to be converted to other purposes without the permission of the Commissioner.	1000.00
445.	-	Building for human habitation not to be used as godowns, etc.	1000.00
446.	-	Buildings originally constructed for human habitation not to be altered without permission for use as godown.	1000.00
448.	-	Roofs and external walls of buildings not to be of inflammable material.	40.00
449 and 450	-	Provisions as to height of building and also width of the street.	2000.00
451.	-	Provisions as to height or frame of buildings.	2000.00
452.	-	Alteration and provisions of staircase for exits in the event of fire.	200.00
457.	-	Enforcement of provisions concerning buildings and works.	2000.00
458.	-	Provisions as to completion certificates, permission to occupy or use.	1000.00
459.	(1)	Failure of owner or occupier to remove structures, etc., which are in unsafe condition or likely to fall.	1000.00
517.	-	Collection, removal and deposit of refuse and provision of receptacles.	40.00
519.	-	Collection and removal of excrementitious and polluted matter to be provided for by occupiers.	40.00
527.	-	Requisition to clean and lime, wash building.	100.00
528.	-	Requisition to remove building materials, etc., from any premises.	100.00
530.	(1)	Requisition to cleanse, etc., neglected premises.	100.00
531.	(1) and (2)	Requisition to abate or to prevent recurrence of leakage in roofs of buildings.	100.00
533.	(2)	Provisions as to buildings unfit for human habitation.	1000.00

534.		Failure of owner or occupier of house to give statement of accommodation.	400.00
535.	(1)	Requisition by Magistrate to abate overcrowding.	400.00
535.	(3)	Requisition by owner pursuant to order under sub-section (1) of section 535.	400.00
537.		Requisition to fill in pools, etc., which are a nuisance.	300.00
538.	(1)	Digging or constructing well, etc., without permission.	500.00
541.		Requisition to discontinue quarrying.	1000.00
542.	(1)	Requisition to remove or to trim trees, shrubs or hedges.	100.00
543.	(1)	Prohibition as to the keeping of animals.	100.00
544.		Requisition to discontinue stabling animals or storing grain in dwelling house.	100.00
545.	(2)	Failure to report for removal of carcasses.	20.00
547.		Prohibition of bathing etc., contrary to order or regulation.	40.00
549.		Factory, etc., not to be newly established without permission.	2000.00
552.	(1)	Requisition for sanitary regulation of factories, etc.	400.00
553.	(1)	Prohibition of use of steam, whistle etc., without permission.	400.00
554.	(1)	Certain thing not to be kept and certain trades and operations not to be carried on without a licence.	1000.00
554.	(5)	Licence to be kept on the premises.	40.00
555.	(1)	Prohibition of pollution of water by chemicals etc.	2000.00

557.	(1)	Regulation of washing of clothes by washermen.	40.00
561.	(1)	Prohibition of sale in Corporation market without licence.	100.00
563.	(2)	New private market not to be opened without permission.	2000.00
564.	(1)	Private market or slaughter house not to be kept open without licence or in contravention of terms of licence.	100.00
565.		Prohibition of sale in unauthorized private markets.	100.00
566.		Requisition to pave and drain private market, buildings and slaughter houses.	400.00
567.		Acts done in contravention of bye-laws framed for markets and slaughter houses.	100.00
569.		Removal of sheep, goats or swine from any Corporation slaughter house, market or premises without permission.	100.00
57C.	(2)	Bye-laws and table of stallage rent affixed in markets and slaughter houses not to be destroyed or defaced.	40.00
572.		Prohibition of sale of animals, etc., except in a market.	100.00
573.		Butchers and persons who sell the flesh of animals to be licensed.	200.00
574.	(1)	Prohibition of import of cattle etc. into the city without permission.	200.00
583.		Information to be given of existence of infectious disease by medical practitioners.	200.00
585.	(2)	Prohibition of use of drinking water likely to cause infectious disease.	400.00

586.	(2)	Direction to remove patients to hospitals.	200.00
588.		Requisition to disinfect buildings.	200.00
590.	(2)	Where a place for washing of infected articles has been appointed such articles are not to be washed at place not so appointed.	200.00
591.	(1)	Persons suffering from infectious disease not to enter a public conveyance without notifying the same.	100.00
592.		Provisions as to carriage of persons suffering from infectious disease in public conveyance.	1000.00
596.	(1)	Infected articles not to be transmitted etc., without previous disinfection.	1000.00
597.	(1)	Infected building not to be let without first being disinfected.	1000.00
600.		Place for disposal of the dead to be registered.	200.00
602.		New places for disposal of the dead not to be opened without permission.	1000.00
605.	(1)	Prohibition of burials within places of worship and exhumation without permission.	1000.00
606.		Acts prohibited in connection with the disposal of the dead.	200.00
617.	(5)	Grantee to produce licence or written permission to Commissioner.	100.00

SCHEDULE II

Section	Sub-section or clause	Offences	Daily fine which may be imposed (in Rs.)
1	2	3	4
219.	(2)	Failure of owner and occupier to furnish correct information in return.	20.00
235.	(2)	Failure to pay property tax and surcharge by due date.	20.00
236.	(3) or (4)	Failure to pay property tax and surcharge and to submit return by due date.	20.00
293.	-	Connection with Corporation drain not to be made except in conformity with sections 291 or 292.	20.00
294.		Buildings, etc., not to be erected without permission over any drain.	10.00
296.		Owner of land to allow other to carry drains through the land.	10.00
297.		Failure to comply requisition to enforce drainage of undrained premises situate within a hundred feet of a Municipal drain.	10.00
298.		Failure to obey requisition to enforce drainage of undrained premises not situated within hundred feet of Corporation drain.	10.00
300.	(1)(b)	Failure to obey direction to limit use of drain or notice requiring construction of a distinct drain.	10.00
304.		Owners of drains to allow use thereof or joint owner thereof to others.	10.00
308.		Drains not to pass beneath buildings.	20.00
311.	(2)	Failure to obey requisition to cover or ventilate drain or cess-pool.	10.00

318.	(1)	Failure to obey requisition to enforce provision of privy accommodation.	10.00
319.		Failure to obey requisition to provide privy accommodation for factories, etc.	40.00
320.		Failure to obey requisition respecting unhealthy privies.	40.00
321.		Contravention of provisions as to privies.	10.00
322.		Contravention of provisions as to water closets.	10.00
330.		Failure to comply requisition to effect sanitary repairs.	10.00
334.	(1) and (4)	Contravention of provisions as to employment of licenced plumber and use of work as drain.	100.00
354.	(1)	Buildings etc., not to be erected over watermain without permission.	20.00
387.	(4)	Construction of buildings within the regular line of street without permission.	200.00
396.		Laying out of private streets in contravention of provisions of section 396.	40.00
403.	(1)	Prohibition of structures or fixtures causing obstructions in streets.	20.00
404.	(1)	Prohibition of deposits, etc., of things in streets.	20.00
405.		Prohibition of hawking or exposing for sale articles in a public place of street without a licence.	10.00
406.		Prohibition in a public place or street of use of skill in handicraft or in rendering services without licence.	10.00

408.		Failure to comply requisition to remove structures or fixtures.	20.00
415.	(1)	Streets not to be opened or broken up and building materials not to be deposited thereon without permission.	100.00
416.		Precautions for public safety to be taken by person to whom permission is granted under section 415.	100.00
417.	(1)	Persons to whom permission is granted under section 415 must reinstate streets.	20.00
419.		Hoads to be set up during work on any building adjacent to a street.	100.00
423.	(1)	Sky signs not to be erected or retained without permission.	20.00
424.	(1)	Advertisement on certain sites, etc., not to be exhibited without permission.	20.00
425.	(1)	Failure to comply requisition to repair, protect or enclose dangerous place.	10.00
439.		Provision for supervision of buildings and works.	200.00
444.		Buildings not to be converted to other purposes without the permission of the Commissioner.	200.00
446.		Buildings originally constructed for human habitation not to be altered without permission for use as godown etc.	200.00
448.		Roofs and external walls of buildings not to be inflammable material.	10.00
449 and 450.		Provisions as to height of buildings and also width of the street.	200.00
451.		Provisions as to height or frame building.	200.00

452.		Alternation and provision of staircase for exits in the event of fire.	20.00
458.		Provisions as to completion certificate, permission to occupy or use.	200.00
459.	(1)	Failure of owner or occupier for removal of structures, etc., which are in dilapidated condition or likely to fall.	200.00
527.		Requisitions to cleanse and lime-wash building.	20.00
528.		Requisition to remove building materials, etc., from any premises.	10.00
530.		Requisition to cleanse, etc., neglected premises.	10.00
531.	(1) and (2)	Requisition to abate nuisance or to prevent recurrence of leakage in roofs of buildings.	30.00
534.		Failure of owner or occupier of house to give statement of accommodation.	40.00
535.	(1)	Requisition by Magistrate to abate over crowding.	40.00
535.	(3)	Requisition by owner pursuant to order under sub-section (1) or section 535.	40.00
537.		Failure to comply requisition to fill in pools, etc., which are a nuisance.	100.00
538.	(1)	Digging or constructing well, etc., without permission.	40.00
541.		Failure to comply requisition to discontinue quarrying.	200.00
542.	(1)	Failure to comply requisition to remove from trees, shrubs or hedges.	10.00
543.	(1)	Prohibition as to keeping of animals.	10.0

544.		Failure to comply requisition to discontinue of stabling animals in dwelling houses.	40.00
549.		Factory, etc., not to be newly established without permission.	1000.00
552.	(1)	Failure to comply requisition for sanitary regulation of factories.	200.00
554.	(1)	Certain things not to be kept and certain trades not to be carried on without a licence.	100.00
554.	(5)	Licence to be kept on premises.	10.00
555.	(1)	Prohibition of pollution of water by chemicals, etc.	1000.00
557.		Regulation of washing of clothes by washermen.	10.00
560.	(1)(a)	Private market not to be kept open without licence or in contravention of terms of licence.	100.00
566.		Failure to comply requisition to pave and drain private market buildings and slaughter houses.	180.00
573.		Butchers and persons who sell the flesh or animals to be licensed.	20.00
588.		Failure to comply requisition to disinfect buildings.	20.00
617.	(5)	Grantee to produce licence or written permission to Commissioner.	20.00

THE ODISHA MUNICIPAL CORPORATION (AMENDMENT) ACT, 2022

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The Odisha Gazette

EXTRAORDINARY
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LAW DEPARTMENT

NOTIFICATION

The 5th May, 2022

No.5158-I-Legis-02/2022/L.— The following Act of the Odisha Legislative Assembly having been assented to by the Governor on the 30th April, 2022 is hereby published for general information.

ODISHA ACT 04 OF 2022

THE ODISHA MUNICIPAL CORPORATION (AMENDMENT) ACT, 2022

AN

ACT

FURTHER TO AMEND THE ODISHA MUNICIPAL CORPORATION ACT, 2003.

BE it enacted by the Legislature of the State of Odisha in the Seventy-third year of the Republic of India, as follows : —

Short title and commencement.

1. (1) This Act may be called the Odisha Municipal Corporation (Amendment) Act, 2022.

(2) It shall be deemed to have come into force on the 6th January, 2022.

Amendment of Section 482.

2. In the Odisha Municipal Corporation Act, 2003 (hereinafter referred to as the principal Act), in Chapter XXI,—

(a) for the heading “PROPERTY RIGHT TO SLUM DWELLERS”, the heading “PROPERTY RIGHT AND LAND RIGHT TO SLUM DWELLERS” shall be substituted;

Odisha Act
11 of 2003.

(b) in Section 482,—

(i) for clause (b), the following clause shall be substituted, namely: —

“(b)“Authorised officer” means the head of the Slum Development and Rehabilitation Committee or any officer authorised by the Government, to exercise such powers, as may be specified, by notification” ;

(ii) in clause (d), for the word “Redevelopment”, the word “Development” shall be substituted;

(iii) in clause (f), for the words “as provided in the Scheme”, the words and, “as notified by the Government from time to time” shall be substituted;

(iv) in clause (k), for the words “property rights”, the words “property right or land right, as the case may be” shall be substituted;

(v) after clause (k), the following clause shall be inserted, namely:—

“(k-1) “Land right” means right to land assigned to slum dwellers, under section 483”;

(vi) clause (p) shall be omitted;

(vii) in clause (q), the words “a scheme for” shall be omitted;

(viii) clause (r) shall be omitted; and

(ix) after clause(u), the following clause shall be inserted, namely :—

“(v) “in-situ development” means the process of development of existing slum areas by providing basic civic and infrastructural services to the slum dwellers, on the land on which the slum is based.”.

Amendment of
Section 483.

3. In Section 483 of the principal Act.,—

(a) for the marginal heading, the following marginal heading shall be substituted, namely:—

“Land Right or Property Right to slum dweller”;

(b) for sub-section (1) including the proviso thereto, the following

sub-sections shall be substituted, namely: —

“(1) Notwithstanding anything contained in this Act, or in any other State law for the time being in force, and subject to provisions of sub-sections(1A) and (1B) and also technical and operational feasibility, every landless person in occupation of land in a slum in any Corporation area, by such date as may be notified by the Government, shall be entitled for settlement of land or to allotment of a dwelling space, as the case may be, in such manner and on such terms and conditions as notified by the Government, from time to time.

(1A) The land if settled in favour of a slum dweller, shall be to the extent specified hereinafter, namely:—

(a) A slum dweller shall be entitled to a land, as nearly as may be, not exceeding forty-five square meter:

Provided that where a slum dweller is not getting in-situ settlement, in such event, land in a relocation site shall be settled to the extent of thirty square meters:

Provided further that where the slum dweller is in occupation of land less than the area mentioned in clause (a), the land in actual occupation of such slum dweller or to the extent of thirty square meter, whichever is higher, shall be settled, subject to availability of land adjacent to the dwelling unit of such slum dweller.

(b) Where the slum dweller belongs to EWS category,—

(i) the land if settled, shall be settled at free of cost; and

(ii) where settlement of land is made in excess of thirty square meter subject to maximum limit fixed in clause (a), the cost of such excess land shall be calculated at such percentum of the benchmark value of land as may be determined by the Government, from time to time;

(c) Where the slum dweller belongs to any category other than EWS category, but eligible otherwise, the land if settled, shall be settled at such cost which shall be

calculated at such percentum of the benchmark value of the land, as may be determined by the Government, from time to time;

(d) Where a slum dweller occupies land beyond the maximum permissible limit provided under clause (a), he shall voluntarily vacate such excess land and the Authorised Officer shall take over the possession of such excess land before the issue of the certificate of land right.

(1B) The dwelling space, if allotted to a slum dweller belonging to EWS category shall be of such size, at such affordable cost, in such manner and on such terms and conditions as notified by the Government, from time to time.”;

(c) in sub-section (2), after the words “certificate of property right”, and before the words “by the Authorised officer”, the words and, “or a certificate of land right, as the case may be” shall be inserted;

(d) for sub-section (3) including the provisos thereto, the following sub-section shall be substituted, namely: —

“(3) The land so settled or the dwelling space, so allotted, as the case may be, under sub-section (1), shall be heritable but not transferable by sub-lease, sale, gift or any other manner whatsoever:

Provided that if the dwelling space so allotted is a dwelling unit then the same may be transferred to another eligible beneficiary after ten years from the date of its handover on such terms and conditions as notified by the Government, from time to time.”;

(e) in sub-section (4), after the words “certificate of property right” and before the words “shall be issued”, the words and comma “or the certificate of land right, as the case may be” shall be inserted;

(f) for sub-section (5), the following sub-section shall be substituted, namely: —

“(5) If the slum dweller, with whom the land has been settled or right has been accrued for allotment of any land

under this Act. or to whom the dwelling space has been allotted, as the case may be, transfers such land or dwelling space except by way of mortgage in contravention of sub-section (3) or uses the said land or dwelling space for any purpose other than residential purpose, the following consequences shall follow, namely: —

- (a) the certificate of land right or the certificate of property right, as the case may be, issued under sub-section (2) shall stand automatically cancelled;
 - (b) such transfer shall be *null and void*;
 - (c) no rights shall accrue to the transferee in respect of such land or dwelling space, as the case may be;
 - (d) the Authorised Officer shall dispossess the person who is in actual possession of such land or dwelling space, as the case may be;
 - (e) such slum dweller shall be debarred from getting any land or dwelling space under this Act; and
 - (f) such slum dweller shall be guilty of an offence under this Chapter.” ;
- (g) for sub-section (6), the following sub-section shall be substituted, namely: —

“(6) The slum dweller with whom the land has been settled, or to whom the dwelling space has been allotted, as the case may be, under this Chapter, shall not hold any certificate of land right or certificate of property right in any other urban area of the State and if he holds any such certificate, he shall surrender all such certificates to the Authorised Officer in such manner as may be notified by the Government, from time to time.

Explanation.— For the purposes of this section, the expression “urban area” includes the area comprised within the limits of municipal council and notified area council constituted under the Odisha Municipal Act.,1950.”;

- (h) for sub-section (7), the following sub-section shall be substituted,

namely: —

“(7) If any slum dweller is found to have obtained more than one certificate of property rights or land rights, by way of misrepresentation of facts, the Authorised Officer shall, after giving reasonable opportunity of being heard to the slum dweller, cancel all the certificate of the property right or land right and without prejudice to the penalty that may be imposed under this Chapter, dispossess the person from such dwelling space or land, as the case may be.”;

- (i) in sub-section (8), in the opening line, after the words “certificate of property right” and before the words, figure and bracket “under sub-section (2)”, the words “or certificate of land right” shall be inserted; and
- (j) in sub-section (9), after the words “certificate of property right” and before the word “granted”, the words “or the certificate of land right” shall be inserted.

Amendment of
Section 484.

4. In Section 484 of the principal Act,—

- (a) for the marginal heading, the following marginal heading shall be substituted, namely:—

“Development and Rehabilitation of slums.”;

- (b) for sub-section (1) including the provisos thereto, the following sub-section shall be substituted, namely: —

“(1) Subject to the provisions of this Chapter, the land right or the property right, as the case may be, conferred under sub-section (2) of Section 483 shall, as far as practicable, be provided in-situ and on as-is where-is basis in accordance with the provisions of this Chapter:

Provided that where the Government decides that the site has untenable settlements or a separate layout has been identified or developed, as the case may be, then in such circumstances, the slum dwellers shall be rehabilitated elsewhere in accordance with the provisions of this Chapter:

Provided further that, –

- (i) where, it is decided that the slum dweller shall be rehabilitated elsewhere, the said site shall be utilized for any other purpose as the Government may decide;
 - (ii) where, after providing land or the dwelling space, as the case may be, in the existing slum to a slum dweller, any land remains surplus, the Government may utilize such land for any purpose as it may decide.” ;
- (c) for sub-section (2), the following sub-section shall be substituted, namely: —
- “(2) In the event of in-situ development or rehabilitation, as the case may be, the applicable planning and building regulations shall be applied, and wherever any relaxation in planning norms are required, the same may be deemed to have been granted under permissible deviation under the said regulations.” ;
- (d) for sub-section (3), the following sub-section shall be substituted, namely: —
- “(3) During in-situ development of slum area, adequate transit arrangements shall be made for the slum dwellers as notified by the Government, from time to time.”.

Amendment of
Section 485.

5. For Section 485 of the principal Act, the following section shall be substituted, namely:-

“485. All proceedings relating to eviction of slum dwellers pending on the ground of unauthorised occupation before any authority or Court under any State law shall abate on issue of certificate of land right or certificate of property right, as the case may be, under this Act.”

Amendment of
Section 486.

6. In Section 486 of the principal Act,—

- (a) for the marginal heading, the following marginal heading shall be substituted, namely:—

“Slum Development and Rehabilitation Committee”;

- (b) for sub-section (1), the following sub-section shall be

substituted, namely: —

“(1) For the purpose of this Chapter, the Government shall, by notification, constitute a Committee called “Slum Development and Rehabilitation Committee” for each Corporation area with the name of such Corporation area, as it deems necessary and such Committee shall have the authority to approve the list of persons to whom the land shall be settled or the dwelling space shall be allotted, as the case may be, under this Chapter and shall exercise jurisdiction over the areas and exercise such powers and functions as may be notified by the Government, from time to time.” ; and

(c) in sub-section (3), for clause (a), the following clause shall be substituted, namely: —

“(a) undertake necessary surveys, undertake spatial mapping, fix the physical boundary of the slums, identify eligible slum dwellers with community participation, prepare and publish the list of slum dwellers to whom certificate of land right or certificate of property right, as the case may be, shall be issued, in such manner as may be notified by the Government, from time to time.”.

Repeal
and
saving.

7. (1) The Odisha Municipal Corporation (Amendment) Ordinance, 2022 is hereby repealed.

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

Odisha
Ordinance
No. 1 of
2022.

By Order of the Governor
PRATAP KUMAR PATRA
Principal Secretary to Government (I/C)

THE ODISHA MUNICIPAL LAWS (AMENDMENT) ACT, 2023

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The Odisha Gazette

EXTRAORDINARY
PUBLISHED BY AUTHORITY

No. 2465, CUTTACK, FRIDAY, OCTOBER 27, 2023/KARTIKA 5, 1945

LAW DEPARTMENT

NOTIFICATION

The 27th October, 2023

No.17568—I-Legis-37/2022/L.—The following Act of the Odisha Legislative Assembly having been assented to by the Governor on the 27th October, 2023 is hereby published for general information.

ODISHA ACT 7 OF 2023

ODISHA MUNICIPAL LAWS (AMENDMENT) ACT, 2023

AN

ACT

FURTHER TO AMEND THE ODISHA MUNICIPAL CORPORATION ACT, 2003

AND THE ODISHA MUNICIPAL ACT, 1950.

BE it enacted by the Legislature of the State of Odisha in the Seventy-Fourth Year of Republic of India as follows: —

CHAPTER – I

Preliminary

Short title and
commencement.

1. (1) This Act may be called the Odisha Municipal Laws (Amendment) Act, 2023.

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

CHAPTER – II

Amendment to the Odisha Municipal Corporation Act, 2003.

Amendment of
Section 21.

2. In the Odisha Municipal Corporation Act, 2003 (hereinafter referred to as the Corporation Act), in Section 21, in sub- section (2),—

Odisha Act
11 of 2003.

(a) for clauses (b), (c) and (d), excluding the second proviso thereto, the following clauses shall be substituted, namely : —

“(b) a Ward Officer to be nominated by the

Commissioner of the concerned Corporation ;

(c) two persons holding the office of President or secretary of Mission Shakti group, or their Federation, to be nominated by the Commissioner in the manner as may be notified :

Provided that where only one Mission Shakti Group exist, the President or Secretary of such Mission Shakti Group shall be nominated by the Commissioner;

(d) where only one Slum dweller Association exists in the ward, either its President or Secretary, but where more than one Slum dweller Associations exist in the concerned ward, two representatives, being the President or Secretary of two different Associations to be nominated by the Commissioner in the manner as may be notified;

(e) one official of the Corporation other than the ward officer, responsible for delivery of urban services to be nominated by the Commissioner;

(f) one representative of community based organisations

engaged in the delivery of urban services to be nominated by the Commissioner in the manner as may be notified; and

(g) not more than ten persons from the ward, to be nominated by the Corporation, in such manner as may be notified:

Provided that if the population of the ward is up to ten thousand, the total number of nominated persons shall be four, and thereafter, there shall be one additional member for every four thousand population, or part thereof”;

(b) for the existing *Explanation*, the following *Explanations* shall be substituted, namely : —

Explanations. — For the purpose of this section, the expressions, —

(a) ‘Mission Shakti Group’ means women Self Help Groups (SHGs) overseen by the Mission Shakti Department, whether registered or not, which is a homogenous group comprising of women members between the ages of 18 and 65 living in the same area, working towards the common cause of improving the group’s socio-economic condition operating on the principles of self-help, mutual trust and co-operation;

(b) ‘Slum dweller Association’ means an Association whether registered or not formed by the slum dwellers of the slums duly recognized by the Corporation in such manner and in such form as may be notified by the State Government,

from time to time, which is working for the upliftment and welfare of the slum dwellers and the expression 'slum dweller' shall have the same meaning as defined in clause (s) of Section 482;

(c) 'Ward Officer' means an officer or employee of the Municipal Service constituted under the Odisha Municipal Services Act, 2015 as notified by the concerned Corporation ;and

(d) 'Community based organisation' means a self-governed, non-profit organisation operating in the city or ward or in any area or slum of the city, for improvement of the community, which includes Women Self Help Groups (WSHG) under Mission Shakti Department and their Area level and city level federations, Slum dweller Associations, members and groups of the transgender community and Waste-Pickers."

Odisha Act 7
of 2016.

Amendment
of Section
21B.

3. In the Corporation Act, in Section 21-B, in sub-section (1), in clause (b), the following proviso shall be inserted, namely: —

“Provided that the Ward Committee while preparing the annual budget and the annual Action Plan, it shall consider the recommendation of the Slum Dweller Association relating to requirement of funds for slum areas or upgraded slum areas, to be made out of amount allotted for the purpose of providing basic services and infrastructure to Slum under clause (d) of sub-section (2) of Section 137;”.

Amendment of
Chapter III-A.

4. In the Corporation Act, Chapter III-A shall be omitted.

Amendment
of Section 24.

5. In the Corporation Act, in Section 24, after clause (xviii), the following clause shall be inserted, namely: —

“(xviii-a) subject to the provisions of the Disaster Management Act, 2005, preparation of Disaster Management Plan at Municipal Corporation level, integration with development plan, capacity building of stakeholders, carrying out and facilitation of relief, rehabilitation and reconstruction activities in disaster affected areas in accordance with State Plan and District Plan, and to undertake other measures as may be necessary for disaster management;

Act 53 of
2005.

Explanation. – For the purpose of this clause, the expression 'disaster management' shall have the same meaning as assigned to it under clause (e) of Section 2 of the Disaster Management Act, 2005;".

Act 53 of
2005.

Amendment of
Section 276.

6. In the Corporation Act, Section 276 shall be renumbered as sub-section (1) thereof and after sub-section (1) as so renumbered, the following sub-sections shall be inserted, namely :—

“(2) Subject to the provisions in sub-section (1) of the Section 279, it shall be lawful on the part of the State Government to notify such class of work which may be executed by the ‘community-based organisations’, directly or in partnership with the Corporation, for which no open tender shall be required, and such notification of the State Government shall be binding on the Corporation.

(3) No cancellation of such work shall be done without prior approval of the State Government or any officer authorized by the State Government.

Explanations.— the expression “community-based organisations” shall have the same meaning as defined in Explanation (d) of sub-section (2) of Section 21.”

CHAPTER – III

Amendment to the Odisha Municipal Act, 1950

Amendment
of Section
57-A.

7. In the Odisha Municipal Act, 1950 (hereinafter referred to as the Municipal Act), in Section 57A, in sub-section (2),—

Odisha Act
23 of 1950.

(a) for clauses (b), (c) and (d), excluding the second proviso, the following clauses shall be substituted, namely :—

“(b) a Ward Officer to be nominated by the Executive Officer of the concerned Municipality ;

(c) Two persons holding the office of President or Secretary of Mission Shakti Groups or their Federation to be nominated by the Executive Officer in the manner as may be notified :

Provided that where only one Mission Shakti Group exist, the President or Secretary of such Mission Shakti Group shall be nominated by the Executive Officers.

(d) where only one Slum dweller Association exists in the ward, either its President or Secretary, but where more than one Slum dweller Associations exist in the concerned ward, upto two representatives, being either the President or Secretary of such different Associations to be nominated by the Executive Officer in the manner as may be notified;

(e) One official of the Municipality other than the Ward Officer, responsible for delivery of urban services to be

nominated by the Executive Officer ;

- (f) one representative of community based organisations engaged in the delivery of urban services, to be nominated by the Executive Officer in the manner as may be notified;
- (g) not more than ten persons from the ward, to be nominated by the Municipality in such manner as may be notified;

Provided that if the population of the ward is up to ten thousand, the total number of nominated persons shall be four, and thereafter, there shall be one additional member for every four thousand population, or part thereof”:

- (b) for the existing *Explanation*, the following Explanations shall be substituted, namely :—

“*Explanations*:—For the purpose of this section the expressions.—

- (a) ‘Mission Shakti Group’ means women Self Help Groups (SHGs) overseen by the Mission Shakti Department, whether registered or not, which is a homogenous group comprising of women members between the ages of 18 and 65 living in the same area, working towards the common cause of improving the group’s socio-economic condition operating on the principles of self-help, mutual trust and cooperation;
- (b) ‘Slum dweller Association’ means an Association whether registered or not formed by the slum dwellers of the slums duly recognized by the Municipality in such manner and in such form as may be notified by the State Government, from time to time, which is working for the upliftment and

welfare of the slum dwellers and the expression 'slum dweller' shall have the same meaning as defined in clause(s) of Section 2 of the Odisha Land Rights to Slum Dwellers Act, 2017;

Odisha Act 10 of 2017.

(c) 'Ward Officer' means an officer or employee of the Municipal Service constituted under the Odisha Municipal Services Act, 2015 as notified by the concerned Municipality;

Odisha Act 7 of 2016.

(d) 'Community based organisation' means a self-governed, non-profit organisation operating in the municipal area or ward or in any area or slum of the municipalities for improvement of the community which includes Women Self Help Groups (WSHGs) under Mission Shakti Department and their area level and city level federation, slum dwellers Association, member and groups of the transgender community and waste-pickers."

Amendment of Section 57-C.

8. In the Municipal Act, in Section 57-C, in sub-section (1), in clause (b), the following proviso shall be inserted, namely:—

“Provided that the Ward Committee while preparing the annual budget and the annual Action Plan, it shall consider the recommendation of the Slum Dweller Association relating to requirement of funds for slum areas or upgraded slum areas, to be made out of amount allotted for the purpose of providing basic services and infrastructure to Slum under clause (d) of sub-section (2) of Section 105;”.

Amendment of Chapter V-B.

9. In the Municipal Act, Chapter V-B shall be omitted.

Amendment
of Section 130.

10. In the Municipal Act, in Section 130, for sub-section (4), the following sub-sections shall be substituted, namely:—

“(4) The State Government shall have power to make rules as to the manner or submission and opening of tenders and their acceptance, and exemptions from tendering, if any, and such rules shall be binding on the municipality.

(5) The State Government shall have power to notify such class of work and up to such financial limits which may be executed by the community-based organisations, directly or in partnership with the Municipality, for which no open tender may be required, and such notification of the State Government shall be binding on the Municipality.

(6) No cancellation of such work shall be made without prior approval of the District Collector.

Explanations.— the expression “community based Organisation” shall have the same meaning as defined in *Explanation (d)* of sub-section (2) of Section 57-A.”

Amendment
of Section 412.

11. In the Municipal Act, in Section 412, after clause (3) the following clause shall be inserted, namely: -

“(3-a) subject to the provisions of the Disaster Management Act, 2005, preparation of Disaster Management Plan at Municipality level, integration with development plan, capacity building of stakeholders, carrying out and facilitation of relief, rehabilitation and reconstruction activities in disaster affected areas in accordance with State Plan and District Plan, and to undertake other measures as may

be necessary for disaster management;

Explanation.- For the purpose of this clause, the expression 'disaster management' shall have the same meaning as assigned to it under clause (e) of Section 2 of the Disaster Management Act, 2005;"

Act 53 of
2005

By Order of the Governor
MANAS RANJAN BARIK
Principal Secretary to Government