



LEGISLATIVE ASSEMBLY OF THE STATE OF GOA

**THE GOA MUNICIPALITIES
(AMENDMENT) BILL, 2022**

(Bill No. 8 of 2022)

(To be introduced in the Legislative Assembly of the State of Goa)

GOA LEGISLATURE SECRETARIAT,
ASSEMBLY HALL, PORVORIM, GOA
JULY, 2022

**The Goa Municipalities (Amendment)
Bill, 2022**

(Bill No. 8 of 2022)

A

BILL

*further to amend the Goa Municipalities Act, 1968
(Act 7 of 1969).*

5 BE it enacted by the Legislative Assembly of
Goa in the Seventy-third Year of the Republic of
India as follows:—

10 **1. Short title and commencement.**— (1) This
Act may be called the Goa Municipalities
(Amendment) Act, 2022.

(2) It shall come into force at once.

2. Amendment of section 2.— In section 2 of
the Goa Municipalities Act, 1968 (Act 7 of 1969)
(hereinafter referred to as the “principal Act”),—

15 (i) after clause (19), the following clause shall
be inserted, namely:—

“(19a) “holder” means a person who is in
possession of the building/land;”;

20 (ii) after clause (25), the following clause shall
be inserted, namely:—

“(25 a) “member of family of lessee” means
lessee’s spouse, or son, or unmarried
daughter, or father, or mother, or grandson,
or unmarried granddaughter;”.

25 **3. Amendment of section 10.**— In section 10 of
the principal Act, in sub- section (1), for the word

"Director", wherever it occurs, the words "State Election Commission in consultation with the Government" shall be substituted.

4. Amendment of section 56.— In section 56 of the principal Act,—

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(i) in sub-section (2), for the expression "not less than one-third", the word "majority" shall be substituted;

(ii) after sub-section (4), the following sub-section shall be inserted, namely:—

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"(5) No requisition for such special meeting shall be moved before expiry of a period of six months from the date of convening of the special meeting of the Council wherein the resolution for removal of the Chairperson or Vice-Chairperson, as the case may be, is defeated."

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5. Amendment of section 88.— In section 88 of the principal Act (i) in sub-section (2), the words "of not less than two-thirds" shall be omitted.

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(ii) in sub-section (3), for the existing proviso, the following proviso shall be substituted, namely:—

"Provided that in respect of immovable property of a council where the period of lease has already expired and such lease is not renewed, the Council may renew the lease of such immovable property at such rate of rental and on such terms and conditions as may be notified by the Government by notification in the Official Gazette".

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6. Amendment of section 101.— In section 101 of the principal Act, in sub-section (1), in clause

(a), for the words "rateable value", the expression "rateable value or capital value, as the case may be" shall be substituted.

5 **7. Amendment of section 110.**— In section 110 of the principal Act, (i) in sub-sections (1) and (2), for the words "Rateable value" and "rateable value", whenever they occur, the expression "rateable value" or capital value" shall be substituted.

10 (ii) after sub-section (2), the following sub-section shall be inserted ; namely.—

15 “(3) The tax of any building or land assessable for property tax shall be calculated on the basis of capital value system of the property as may be notified by the Government by notification in the Official Gazette.”.

20 **8. Omission of sections 131, 132, 133, 134, 135 and 136.**— Sections 131, 132, 133, 134, 135 and 136 of the principal Act shall be omitted.

9. Insertion of new section 265A.— After section 265 of the principal Act, the following section shall be inserted, namely:—

25 “265A. Sealing of premises carrying on any trade and or occupation without licence.— (1) If any person without obtaining a licence from the Council under section 252 or section 265 carries on any trade or occupation in any premises within the limits of municipal area, the Chief Officer shall, after giving an opportunity of being heard to such person seal such premises:

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Provided that if the application for licence is already submitted to the Council, such premises shall not be sealed till such application is rejected on merit:

Provided further that no such premises shall be sealed till the expiry of the period given to rectify any defect thereof. 5

(2) An appeal against the order of the Chief Officer shall lie before the Director and his decision in the matter shall be final: 10

Provided that the Director shall not grant any interim relief without hearing the Chief Officer.”.

10. Amendment of section 270.— In section 270 of the principal Act, for sub-section (3), the following sub-section shall be substituted, 15
namely:—

“(3) Whoever forcibly opposes the seizure of cattle liable to be seized under this section, and whoever rescues the same after seizure, either from a pound or from any person taking or about to take them to a pound, shall, on conviction, 20
punished with fine of ten thousand rupees.”.

11. Amendment of section 276.— In section 276 of the principal Act, for sub-section (1) the following sub-section shall be substituted, 25
namely:—

“(1) Whoever, within a municipal area, allows any cattle which are in his property or in his charge to stray in any street or to trespass upon any private or public property shall, on 30
conviction, be punished,—

(i) for the first offence, with fine of ten thousand rupees;

(ii) for a second or subsequent offence, with fine of fifteen thousand rupees.”.

5 **12. Amendment of section 286.**— In section 286 of the principal Act, in sub-section (1), in clause (d), for the words “rateable value”, the words “rateable value or capital value” shall be substituted.

Statement of Objects and Reasons

The Bill seeks to insert new clauses (19a) and (25) in section 2 of the Goa Municipalities Act, 1968 (Act 7 of 1969) (hereinafter referred to as the "said Act") so as to define the terms "holder" and "member of the family of lessee" in the said Act.

The Bill seeks to amend section 10 of the said Act so as to devolve the powers of delimitation and reservation to the State Election Commission in order to conduct the Municipal election in a free, fair and transparent manner.

The Bill seeks to amend section 56 of the said Act so as to avoid frequent requisition of the special meeting for removal of the Chairperson and the Vice -Chairperson thereby putting unnecessary strain on the administration of the Council and Director of Urban Development (Municipal Administration).

The Bill seeks to amend section 88 of the said Act so as to enhance the revenue of the Council.

The Bill seeks to amend section 101, 110 and 286 of the said Act so as to make the assessment of property by using capital value assessment method and collection of house tax from the buildings which were not assessed for house tax.

The Bill seeks to omit sections 131, 132, 133, 134, 135, and 136 of the said Act which are related to octroi and toll in view of the enactment of the Goa Goods and Service Tax Act, 2017.

The Bill seeks to insert new section 265A in the said Act so as to restrict unauthorized trade in Municipal area.

The Bill seeks to amend section 270 and section 276 of the said Act so as to decriminalize the provisions of imprisonment in the said Act.

The Bill seeks to achieve the above objects.

Financial Memorandum

No Financial implications are involved in this Bill.

Memorandum Regarding Delegated Legislation

Clause 5 and 7 of the Bill empowers the Government to issue notification specifying rate or rentals, terms and conditions of lease and capital value system of the property, respectively. This delegation is of normal character.

Porvorim-Goa.
20th July, 2022.

(VISHWAJIT P. RANE)
Minister for
Urban Development

Assembly Hall,
Porvorim-Goa
20th July, 2022.

(NAMRATA ULMAN)
Secretary to the Legislative
Assembly of Goa

The Goa Municipalities (Amendment) Bill, 2022
The Goa Municipalities Act 1968 (Act 7 of 1969)

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

(1) "Administrative Tribunal" means the Administrative Tribunal constituted under the Goa, 7[] Administrative Tribunal Act, 1965; 8[(1A) "Appellate Tribunal " means as Appellate Tribunal constituted under section 184 B.

(2) "appointed day" in relation to an area, means the date on which the relevant provisions of this Act come into force in that area;

(3) "building" includes a house, out-house, stable, shed, hut and other enclosure or structure, whether of masonry, bricks, wood, mud, metal or any other material whatever, whether used as a human dwelling or otherwise, and also includes verandahs, fixed platforms, plinths, door steps, walls, (including compound walls) and fencing and the like;

(4) "bye-law" means a bye-law made or deemed to be made by the Council under this Act;

(5) "Cess-pool" includes a tank for the reception or disposal of foul matter from buildings;

9[(5a) "Chairperson" and "Vice-Chairperson" means Chairperson and Vice-Chairperson of the Council as the case may be;]

(6) "Chief Officer" means the person appointed or deemed to be appointed under this Act to be the Chief Officer of a municipal area;

(7) 10["Collector" means the Collector of North Goa District and that of South Goa District and also includes the Additional Collector of North Goa District and South Goa District, respectively;]

(8) "Council" means a Municipal Council constituted or deemed to be constituted under this Act for a municipal area;

(9) "Councillor" means a person who is duly elected 11[***] as a member of the Council;

(10) "dairy" includes any farm, cattle-shed, cow-house, milkstore, milk-shop or other place from which milk is supplied for sale, or in which milk is kept for purposes of sale or manufactured into butter, ghee, cheese, curds, dried, sterilized or condensed or toned milk, but does not include—

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

(B) a shop or other place from which milk is sold or supplied in hermetically closed and unopened receptacles in the same original condition in which it was first received in such shop or other place;

12[(10a) "Development Committee" means the Development Committee constituted under section 322 B;]

(11) 13["Director" means the person appointed by the Government to be the Director of Urban Development];

14[(11a) "District" means a district in the State of Goa;]

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

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

(14) "election" means an election to a Council, and includes a bye-election;

(15) "factory" means a factory as defined in the Factories Act, 1948;

(16) "filth" includes sewage, night-soil and all offensive matter;

(17) "food" includes every article used as food or drink for human consumption other than drugs or water, and any article which ordinarily enters into or is used in the composition or preparation of human food, and also includes confectionary, flavouring and coloring matters and spices and condiments;

(18) "goods" includes animals;

(19) "Government" means the Government of Goa 15[];

(20) "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 communicating therefrom with a municipal drain;

(21) "house-gully" or "service passage, means a passage or strip of land constructed, set apart or utilized for the purpose of serving as a drain or of affording access to a privy, urinal, cesspool or other receptacle for filthy or polluted matter, to servants of the Council or to persons employed in the cleansing thereof or in the removal of such matter there from;

(22) "land" includes land which is being built upon or is built upon or covered with water, benefits to arise 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;

(23) "local authority" means a municipality or village panchayat, as the case may be, constituted under any law for the time being in force in the 16[State of Goa];

(24) "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 lodging house for pilgrims whether lodging is provided for or without any monetary consideration;

(25) "market" includes any place where persons assemble for the sale of, or for the purpose of exposing for sale, live-stock or food for live-stock or meat, fish, fruit, vegetables, drinks, animals intended for human food or any other articles 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 of or the persons frequenting the market by the owner of the place or any other person;

(26) "milk" includes cream, skimmed milk, separated milk and condensed, sterilized, desiccated or toned milk; Council as Group A, Group B, Group C and Group D posts will have the meaning as assigned by the Government for equivalent posts in Government Departments];

(27) "municipal area" means any local area declared or deemed to be declared as municipal area by or under this Act;

(28) "municipal market" or "municipal slaughter-house" means a market or a slaughter-house, as the case may be, which belongs to or is maintained by the Council;

(29) "nuisance" includes any act, omission, place or thing which causes or is likely to cause injury, danger, annoyance or offence to the sense of sight, smell or hearing or which is or may be dangerous to life or injurious to health or property;

(30) "occupier" includes"

(a) any person who for the time being is paying or is liable to pay to the owner the rent or any portion of the rent of the land or building in respect of which such rent is paid or is payable,

(b) an owner living in or otherwise using his land or building,

(c) a rent-free tenant,

(d) a licensee in occupation of any land, or building, and

(e) any person who is liable to pay to the owner damages for the use and occupation of any land or building;

(31) "octroi" means a tax on the entry of goods into a municipal area for consumption, use or sale therein;

(32) "offensive matter" includes animal carcasses, dung, dirt and putrid or putrifying substances other than sewage;

(33) "officer or servant of the Council" means an officer or servant 17[appointed by the Government or the Council] or any other competent authority subordinate to it, and includes any Government Officer or servant, who is for the time being serving under the, Council 18[and the classification of posts of officers or servants of

17 Substituted

(37) "premises" includes messages, buildings and lands of any tenure, whether open or enclosed, whether built on or not and whether public or private;

(38) "prescribed" means prescribed by rules; 20 (39) [***]

(40) "private market" means a market which is not a municipal market, but does not include a market established for the purposes of any law for the time being in force regulating the marketing of agricultural and other produce in such markets;

(41) "private slaughter-house" means a slaughter-house which is not a municipal slaughter-house;

(42) "private street" means a street which is not a public street;

(43) "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, and aqua privy, a latrine and a urinal;

(44) "public place" includes any public park or garden or any ground to which the public have or are permitted to have access; (45) "public securities means—

(a) securities of the Central Government and of any State Government;

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

(c) debentures or other securities for money issued by or on behalf of any local authority in exercise of powers conferred by any enactment for the time being in force in any part of the territory of India; or

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

(46) "public street" means any street—

(a) over which the public have a right of way;

(b) heretofore levelled, paved, metalled, channeled, sewerred, or repaired out of municipal or other public funds; or

(c) which under the provisions of this Act becomes, or is declared, a public street;

(47) "rubbis" includes dust, ashes, broken bricks, mortar, broken glass, garden or stable refuse and refuse of any kind which is not offensive matter or sewage;

(48) "Rules" means rules made by the Government under this Act;

(49) "Scheduled Castes" means such castes, races or tribes or parts of, or groups within, such castes, races or tribes as are deemed to be Scheduled Castes in relation to the 21[State of Goa] under article 341 of the Constitution of India;

(50) "Scheduled Tribes" means such tribes or tribal communities or parts of, or groups within, such tribes or tribal communities, as are deemed to be Scheduled Tribes in relation to the 22[State of Goa] under article 342 of the Constitution of India; (51) sewage means night-soil and other contents of water closets, latrines, privies, urinals, cesspools or drains and polluted water from sinks, bathrooms, stables, cattle-sheds and other like places, and includes trade effluent and discharges from manufactories of all kinds;

23[(51a) "State" means the State of Goa]

24[(51b) "State Election Commission" means the State Election Commission constituted under the section 237 of the Goa Panchayat Raj Act, 1994 (Goa Act 14 of 1994).]

(52) "street" means any road, foot-way, square, court-alley, or passage, accessible whether permanently or temporarily to the public, whether a thoroughfare or not; and shall include every vacant space, notwithstanding that it may be private property and partly or wholly obstructed by any gate, post, chain or other barrier, if houses, shops or other buildings abut thereon and if it is used by any persons as a means of access to or from any public place or thoroughfare, whether such persons be occupiers of such buildings or not, but shall not include any part of such space which the occupier of any such building has a right at all hours to prevent all other persons from using as aforesaid;

(53) 25["total number of Councillors", in relation to a Council, means the total number of elected councillors;](54) 26[***]

(55) "vehicle" includes a carriage, cart, van, dray, truck, handcart, bicycle, tricycle, motor-car, and every wheeled conveyance which is used or is capable of being used on a street; 27[(55a) "Voters" means all the voters whose names are entered in the list of voters prepared and maintained under section 11.]

28[(55b) "Ward" mean the territorial constituency of the municipal area;]

(56) "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;

(57) "water-connection" includes—

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

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

(58) "water work" includes a lake, stream, spring, well, pump, reservoir, cistern, tank, duct, whether covered or open, sluice, mainpipe, culvert, engine, water truck, hydrant, stand-pipe, conduit, and machinery, land, building or thing for supplying or used for supplying water or for protecting sources of water supply.

10. Division of municipal area into wards and reservation of wards for women, 61[Scheduled Castes, Scheduled Tribes and Other Backward Class].— (1) The Director shall from time to time by order published in the Official Gazette, fix for each municipal area the number and the extent of the wards into which such area shall be divided. The Director shall specify in the order the ward in which a seat is reserved for women but in so doing he shall ensure that such a seat its reserved from time to time by rotation in different wards of the municipal area. He shall by a like order specify the wards in which seats are reserved for 62[Scheduled Castes, Scheduled Tribes or the Other Backward Class], 63[including the seats for offices of Chairperson] having regard to the concentration of population of 64[those Castes, or Tribes, or as the case may be, of those class], in any particular wards. [Provided that such order shall be issued at least

seven days before the date of notification of the general election].

(2) Each of the wards shall elect only one Councillor.

(3) Every order issued under sub-section (1) shall take effect for the purpose of the next general election immediately following the date of such order. (4) Nothing in this section shall be deemed to prevent women or persons belonging to the 66[Scheduled Castes, Scheduled Tribes or Other Backward Class] for whom seats are reserved in any Council, from standing for election and being elected to any of the seats which are not reserved.

56. Removal of Chairperson and Vice-Chairperson.—

(1) A Chairperson or a Vice-Chairperson shall cease to be Chairperson or Vice-Chairperson, as the case may be, if the Council by a resolution passed by a majority of the total number of Councillors at a special meeting so decides.

(2) The requisition for such special meeting shall be signed by not less than one-third of the total number of Councillors and shall, if such meeting is to be convened for considering the resolution for removal from office —

(a) of the Chairperson, or of the Chairperson as well as the Vice-Chairperson, be sent to the Director;

(b) of the Vice-Chairperson be sent to the, Chairperson.

(3) The Director or, as the case may be the Chairperson shall within ten days of the receipt of a requisition under sub-section (2) convene a special meeting of the Council:

Provided that, when the Director convenes a special meeting of the Council, he shall give intimation thereof to the Chairperson

(4) A meeting to consider a resolution under sub-section (1) shall be presided over—

(a) by the Director or any other officer authorised by him in this behalf, when a resolution for the removal of

the Chairperson or of the Chairperson and Vice-Chairperson is under consideration, but he shall have no right to vote;

(b) by the Chairperson, when a resolution for the removal of the Vice-Chairperson is under consideration:

88. Provisions regarding transfer of municipal property. — (1) No Council shall transfer any of its immovable property without the sanction of the Government: Provided that a Council may, for the purpose of construction of markets, shops or such other amenities intended for the overall development of the municipal area, associate private entrepreneurs in such projects on such terms and conditions including transfer of marketable title of the entire project or part thereof, with the approval of the Government.;

(2) A proposal of such transfer shall be accompanied by a resolution of the Council passed at a meeting by a majority of not less than two thirds of the total number of Councillors and shall in no way be inconsistent with the rules made in this behalf by the Government.

(3) Notwithstanding anything contained in subsection (1), a Council may lease its immovable property for a period not exceeding three years with appropriate annual rate of increase in rent and the lessee shall not be allowed to make any permanent constructions on such immovable property. Such lease may be renewed by the Council beyond the period of three years with the permission of the Director, who shall decide the reasonability of annual increase in rentals before issuing permission for extending the lease period:

Provided that in respect of immovable property of a Council where the period has already expired and the leases are not renewed, the Council may renew the leases of such immovable properties at such rate of rental which [shall not be less than Rs. 12/- per sq. metre per month] in case of commercial establishment and shall not be

less than 1 [Rs. 5/- per sq. metre per month] in case of residential establishment, the reasonability of which shall be decided by the Director before issuing permission for extending the lease period.; (4) If any person refuses or fails to vacate the Municipal premises after expiry of lease period or for any other reason and after due notice from the Council, he shall be evicted from the said premises under the provisions of the Goa Public Premises (Eviction of Unauthorised Occupants) Act, 1988 (Act 22 of 1988) by the Director or any other officer authorized by him in this behalf and designated as Estate Officer and notified under the provisions of the said Act.

101. Imposition of compulsory taxes.— (1) Subject to any general or special orders which the Government may make in this behalf, a Council shall impose, for the purposes of this Act, the taxes listed below:—

(a) a consolidated property tax on lands or buildings or both situated within municipal area, other than those belonging to the Government, Central Government or duly registered Freedom Fighters based on their rateable value as determined in accordance with section 110;

(b) a tax on professions, trades, calling and employments;

(c) a theatre tax;

Provided that the maximum and minimum rates at which the taxes aforesaid shall be levied in different classes of municipal areas and other matters relating to imposition, assessment, collection and exemptions thereof shall be such as may be prescribed by rules.

(2) The consolidated tax on property shall include—

(a) a general tax;

(b) a general water tax;

(c) a lighting tax;

(d) a general sanitary tax.

110. Rateable value how to be determined.— (1) In order to fix the rateable value of any building or land

assessable to a property tax, there shall be deducted from the amount of rent for which such building or land might reasonably be expected to let, or for which it is actually let, from year to year, whichever is greater, a sum equal to ten per centum of the said annual rent, and the said deduction shall be in lieu of all allowances for repairs or on any other account whatever.

(2) The value of any machinery contained or situated in or upon any building or land shall not be included in the rateable value of such building or land.

131. Octroi limits.— For the purposes of this Act, unless the Council otherwise determines by making the necessary bye-laws, the octroi limits of the Council shall be deemed to be co-terminous with the limits of the municipal area.

132. Power to examine articles liable to octroi.— (1) A person bringing into or receiving from beyond the octroi limits of a Council any animal or goods on which octroi is payable shall, when required by an officer authorised in this behalf by the Chief Officer and so far as may be necessary for ascertaining the amount of tax chargeable,—

(a) permit that officer to inspect, examine, weigh and otherwise deal with such animal or goods;

(b) communicate to that officer any information and exhibit to him any bill, invoice or document of a like nature, which he may possess relating to such animal or goods; and

(c) make a declaration in writing to that officer regarding the correctness and accuracy of the document shown to him.

(2) If any person bringing into or receiving from beyond the octroi limits of a Council in which octroi is leviable, any conveyance or package, refuses on demand of an officer authorised by the Chief Officer in this behalf, to permit the officer to inspect the contents of the

conveyance or package for the purpose of ascertaining whether it contains anything in respect of which octroi is payable, the officer may cause the conveyance or package to be taken without unnecessary delay before such Executive Magistrate as the Government appoints in this behalf by name or office, who shall cause the inspection to be made in his presence.

133. Presentation of bills for octroi.— An officer demanding octroi by the authority of the Council shall tender to every person introducing or receiving anything on which the tax is claimed, a bill specifying the animal or goods taxable, the amount claimed and the rate at which the tax is calculated.

134. Penalty for evasion of octroi.— Where any animal or goods passing into a municipal area are liable to the payment of octroi, any person who, with the intention of defrauding the Council, causes or abets the introduction of or himself introduces or attempts to introduce within the octroi limits of the Council any such animal or goods upon which payment of the octroi due on such introduction has neither been made nor tendered, shall, on conviction, be punished with fine which may extend to ten times the amount of such octroi or to two hundred rupees, whichever may be greater.

135. Tables of tolls to be shown on demand.— A Council imposing any toll under this Act shall cause to be kept at each place where such toll is to be collected, a table showing the amounts leviable in all cases provided for in the bye-laws including the terms, if any, on which the liability to pay such tolls may be compounded by periodical payments; and it shall be the duty of every person authorised to demand payment of a toll, to show such table on the request of any person from whom such demand is made.

136. Power to seize vehicle or animal or goods for non-payment of octroi or toll and to dispose of seized property.— (1) In the case of non-payment on demand of any octroi or of any toll leviable by a Council, any person

appointed to collect such octroi or toll may seize any animal or goods on which octroi is chargeable, or any vehicle or animal on which the toll is chargeable, or any part of the burden of such vehicle or animal which is of sufficient value to satisfy the demand, and may detain the same. He shall thereupon give the person in possession of the vehicle, animal or thing seized, a list of the property together with a written notice in the form of Schedule VI.

(2) When any property seized is subject to speedy decay, or when the expense of keeping it together with the amount of the octroi or toll chargeable is likely to exceed its value, the person seizing such property may inform the person in whose possession it was that it will be sold at once; and shall sell it or cause it to be sold accordingly unless the amount of octroi or toll demanded be forthwith paid.

(3) If at any time before a sale has begun, the person from whose possession the property has been seized, tenders at the municipal office the amount of all expenses incurred and of the octroi or toll payable, the Chief Officer shall forthwith deliver to him the property seized.

(4) If no such tender is made, the property seized may be sold, and the proceeds of such sale shall be applied in payment of such octroi, or toll, and the expenses incidental to the seizure, detention and sale.

(5) The surplus, if any, of the sale-proceeds shall be credited to the municipal fund, and may, on application made to the Chief Officer in writing within three years next after the sale, be paid to the person in whose possession the property was when seized, and if no such application is made, shall be the property of the Council.

265. Certain other trades and occupations not to be carried on without licence.— (1) No person shall use any premises in the municipal area for any trade or occupation except under and in accordance with the conditions of a licence granted under the provisions of

the bye-laws made in this behalf. Provided that no such licence shall be required for the use of any premises in the municipal area under any self-employment Schemes or Information Technology Software and enabled services specially notified by the Government, subject to the payment of taxes and fees payable under the provisions of this Act, rules or bye-laws made thereunder.

(2) The Chief Officer may enter and inspect any premises used for any of the purposes specified in sub-section (1) and may inspect any goods, vessels or implements or other articles used for such purpose and may by written notice require the owner or the person in charge of such premises to take such reasonable measures as may be specified in the notice for the prevention of any nuisance or danger therefrom or may require the use of the premises for such purpose to be discontinued.

(3) Whoever uses or permits the use of any premises in contravention of the provisions of sub-section (1), or whoever refuses to comply with any notice issued under sub-section (2) shall, on conviction, be punished with fine which may extend to 1[five thousand rupees], and in the case of continuing offence with further fine which may extend to 1[five hundred rupees] for every day after the first during which such offence continues.

270. Impounding cattle.— It shall be the duty of every police officer and it shall be lawful for any municipal officer or servant authorised by the Chief Officer in this behalf to seize and take to any public pound for confinement therein, any cattle found straying in any street or trespassing upon any private or public property within the municipal area.

(1) It shall be lawful for any person who is the owner or who is in charge of any private or public property to seize and take to any such public pound for confinement therein, any cattle trespassing upon such property or causing damage thereto.

(2) Whoever forcibly opposes the seizure of cattle liable to be seized under this section, and whoever rescues the same after seizure, either from a pound or from any person taking or about to take them to a pound, shall, on conviction, be punished with imprisonment for a term which may extend to six months, or with fine which may extend to [two thousand rupees], or with both.

Section 276: Penalty for allowing cattle to stray in street or to trespass upon private or public property. - Whoever, within a municipal area, allows any cattle which are his property or in his charge to stray in any street or to trespass upon any private or public property shall, on conviction, be punished— (i) for the first offence, with fine which may extend to [one thousand rupees]; (ii) for a second or subsequent offence, with imprisonment for a term which may extend to six months, or with fine which may extend to [two thousand rupees], or with both.

(2) The Magistrate trying the offence under sub-section (1) may order,—

(a) that the accused shall pay such compensation not exceeding [onethousand rupees] as the Magistrate considers reasonable, to any person for any damage proved to have been caused to his property or to the produce of land, by the cattle under the control of the accused, trespassing on his land; and also,

(b) that the cattle in respect of which an offence has been committed shall be forfeited to the Government.

(3) Any compensation awarded under sub-section (2) may be recovered as if it were a fine imposed under this section.

(4) An offence under this section shall be cognizable.

286. Power to institute, defend suits, etc.— (1) Subject to the general control of the Council, the Chief Officer may —

(a) institute and prosecute any suit or other proceeding for any claim or demand on behalf of the Council or for any injury to any property, rights or privileges of the Council;

(b) withdraw from or compromise or compound any suit or any claim or demand which has been instituted or made on behalf of the council;

(c) institute, withdraw from or compromise or compound any suit or proceeding for the recovery of expenses or compensation claimed to be due to the Council;

(d) defend, admit or compromise or compound any appeal against a rateable value or tax;

(e) defend any suit or other legal proceedings brought against the Council or any municipal officer or servant in respect of anything done or omitted to be done by them, respectively in their official capacity;

(f) admit or compromise any claim, suit or legal proceeding brought against the Council or any municipal officer or servant, in respect of anything done or omitted to be done as aforesaid:

Provided that—

(i) if any sanction in the making of any contract is required by this Act, the like sanction shall be obtained for compounding or compromising any claim or demand arising out of such contract;

(ii) if any such suit is in respect of land leased or sold under subsection(3) of section 168 or in respect of any immovable property sold or leased for a term exceeding three years or otherwise transferred, it shall not be lawful for the Council to compound or compromise in respect of the suit except with the previous sanction of the Director.

(2) A Council may make compensation out of the municipal fund to any person sustaining any damage by reason of the exercise of any of the powers vested in it, its committees, officers or servants under this Act.

(3) The expenses of any civil proceedings prosecuted or defended on behalf of the Council shall be payable from the municipal fund.