

## **HYDERABAD MUNICIPAL CORPORATIONS ( REGULATION AND PROHIBITION OF WET CULTIVATION) RULES, 1986**

### **CONTENTS**

1. Short title extent, and commencement
2. Definitions
3. Correction of existing situation
4. Compensation
5. Penalties

## **HYDERABAD MUNICIPAL CORPORATIONS ( REGULATION AND PROHIBITION OF WET CULTIVATION) RULES, 1986**

In exercise of the powers conferred by sub-section (1) of Section 585 read with Section 504-A and clause (35) of Section 2 of the Hyderabad Municipal Corporations Act, 1955 (Hyderabad Act II of 1956), the Governor of Andhra Pradesh hereby makes the following rules, relating to the regulation or prohibition on wet cultivation within the limits of the Municipal Corporation of Hyderabad namely

### **1. Short title extent, and commencement :-**

- (a) These rules may be called the Hyderabad Municipal Corporations ( Regulation and Prohibition of Wet Cultivation) Rules, 1986.
- (b) They extend to the cities of Hyderabad and Secunderabad.
- (c) They shall come into force from the date of their publication in the Andhra Pradesh Gazette.

### **2. Definitions :-**

- (a) In these rules unless there is anything repugnant in the subject or the context
  - (i) 'Act' means the Hyderabad Municipal Corporations Act, 1955 (Hyderabad Act II of 1956) as amended by the Hyderabad Municipal Corporations ( Amendment) Act, 1984 ( Act 27 of 1984);
  - (ii) 'Corporation' means the Municipal Corporation of Hyderabad;

- (iii) 'Government' means the State Government of Andhra Pradesh;
- (iv) 'Commissioner' means the Municipal Commissioner appointed under Section 104 of the Act, and includes an Acting Commissioner appointed under Section 110;
- (v) 'Special Officer' means the Special Officer of the Corporation appointed under Section 2 of the Hyderabad Municipal Corporations (Amendment) Act, 1970;
- (vi) 'Chief Medical Officer of Health' means the Chief Medical Officer of Health of the Corporation and includes the Officer of the Urban Malaria Scheme appointed by the Government from time to time;
- (vii) 'Wet Cultivation' means raising crops like paddy and fodder grass or any other crop for which water application is necessary which may lead to the breeding of mosquitoes.

(b) words and expressions used in these rules but not defined herein shall carry the same meaning as is assigned to them in the Hyderabad Municipal Corporations Act, 1955 ( Hyderabad ActII of 1956)

### **3. . :-**

(a) For the purpose of these rules, the word nuisance" shall include its sources, namely, collections of water on any strip of land for the purpose of any crop or fodder grass which may lead or is likely to lead to breeding of mosquitoes.

(b) The Commissioner/Special Officer/Chief Medical Officer of Health may, by notice in writing, require the owner, lessee or occupier by whose act or default or sufferance, a nuisance arises, exists, or continues, or is likely to arise, to take such measures and execute such work or works in such manner and within such period of time as the Commissioner/Special Officer/Chief Medical Officer of Health as the case may be, shall specify in such notice, for the abatement of such nuisance.

(c) The Commissioner/Special Officer/Chief Medical Officer of Health may also, by notice, under Rule3 (b) or by another notice, served on such person, owner, lessee or occupier, require them, or any one or more of them, to take all such requisite steps and measures necessary to prevent a recurrence of such nuisance and may, if he thinks it desirable specify any work to be executed or measures to be carried out for that purpose, may serve any such further notice

notwithstanding that the nuisance may have been abated or removed if he considers that it is likely to occur provided that, if at anytime within four months from the date of the service of any such notice, nuisance recur through the failure of the person or persons upon whom such notice in writing has been served to comply with the requirement contained in such notice, such person or persons shall be liable without any further notice to the penalties provided in these rules so under the Act for offences under Section 504-A.

#### **4. Correction of existing situation :-**

Any situation leading or likely to lead to mosquito breeding, shall be corrected by carrying out works required for removal or rectification of any of the existing situations giving rise to nuisance as defined under clause (35) of Section 2 of the Hyderabad Municipal Corporations Act, 1955 ( Hyderabad Act II of 1956) read with Section 504-A of the Amendment Act No. 27 of 1984:

(i) By total ban/prohibition/prevention/stoppage of cultivation of any crop or fodder grass in areas where such practice, in the opinion of the Commissioner/ Special Officer /Chief Medical Officer of Health of the Municipal Corporation of Hyderabad, is considered to be harmful to the health of the general public, as it may lead or likely to lead to mosquito breeding.

(ii) By regulating the practice of cultivation of any crop or fodder grass in any area where such practice in the opinion of Commissioner/Special Officer/Chief Medical Officer of Health of the Municipal Corporation of Hyderabad, is considered not having a direct or indirect influence on the health of the general public and prior permission shall be obtained from the Corporation in all such cases.

#### **5. Compensation :-**

(1) In case, the Corporation wants to take a decision for ban/prohibition/prevention/stoppage of wet cultivation in any area situated within the limits of the Corporation, public notice thereof shall be published in the leading local News papers in respect of its intention to do so, by calling for objections from affected persons within 30 days and all such persons affected shall be entitled for compensation for the loss resulting in by virtue of such absolute prohibition provided that:

(a) such cultivation is lawfully carried out for a period of five years

prior to the date of such public notice prohibiting cultivation;

(b) the question of payment of compensation shall not arise in the following cases, where:-

(i) the cultivation is practiced illegally; and

(ii) the cultivation is regulated by prior permission from the Corporation.

(2) The matter relating to the fixation of quantum of suitable compensation to be paid from the Municipal fund, shall be referred to the concerned District Collector in which the piece of land is situated and shall be on the basis of the assessment report given by the District Collector concerned, provided that:-

(a) the amount does not exceed the amount of annual net income from such cultivation, payable for a period upto 3 years from the date of prohibition, and in any case, the compensation shall not be paid beyond 3 years;

(b) the Compensation shall be paid to the lawful owner or lessee of the cultivable land, who actually practises the cultivation.

#### **6. Penalties :-**

Any breach of these rules shall be punishable with a fine which may extend to rupees five hundred and if the breach is a continuing one, a further fine which may extend to rupees twenty for everyday after the first day during which the breach has been made.