

## **CITY OF NAGPUR CORPORATION ACT, 1948**

**2 of 1950**

**[22nd January, 1950]**

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## **CITY OF NAGPUR CORPORATION ACT, 1948**

**[22nd January, 1950]**

An Act to consolidate and amend the law relating to the Municipal Affairs of the City of Nagpur Preamble WHEREAS it is expedient to make special legislative provision to consolidate and amend the law relating to the municipal affairs of the City of Nagpur;

PART 1

PART

CHAPTER 1

Preliminary

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

(1) This Act may be cited as the City of Nagpur Corporation Act, 1948.

(2) Except as is hereinafter otherwise expressly provided, it applies only to the large urban area constituting the City of Nagpur.

(3) It shall come into force on such date as the State Government may, by notification, appoint in the behalf.

**2. Repeal of enactment :-**

(1) On the commencement of this Act, the Municipality of Nagpur shall, save as hereinafter provided, be deemed to have been withdrawn from the operation of the Central Provinces and Berar Municipalities Act, 1922 :

Provided that the Nagpur Improvement Trust constituted under the Nagpur Improvement Trust Act, 1936, shall in the City of Nagpur continue to exercise powers and perform duties conferred and imposed under the Nagpur Improvement Trust constituted under the Nagpur Improvement Trust Act, 1936, and any other law for the time being in force, as if the Municipality of Nagpur had not been withdrawn from the Central Provinces and Berar Municipalities Act, 1922.

(2) This withdrawal shall not revive any office, authority or thing abolished by the Central Provinces and Berar Municipalities Act, 1922, or affect the validity of anything done or suffered, or any right, title, obligation or liability accrued, before the commencement of this Act.

(3) Nothing herein contained shall deprive any person of any right to property, or other private right, except as hereinafter provided.

### **3. Transfer of liabilities :-**

(1) All debts and obligations incurred, all contracts entered into with and all matters and things engaged to be done by, or for, the Municipality of Nagpur, before this Act comes into force shall be deemed to have been incurred, entered into with or engaged to be done by, or for, the Corporation as constituted under this Act.

(2) Every appointment, rule, byelaw, form, notification, notice, tax, scheme, order, licence or permission made, issued, imposed, sanctioned or given under the Central Provinces and Berar Municipalities Act, 1922, shall, so far as it relates to the Municipality of Nagpur and so far as it is in force at the commencement of, and is not inconsistent with, this Act, be deemed to have been made, issued, imposed, sanctioned or given under the provisions of this Act, and shall unless previously altered, modified, cancelled, suspended, surrendered or withdrawn, as the case may be, under this Act remain in force for the period, if any, for which it was so made, issued, imposed, sanctioned or given.

(3) All rates, taxes and sums of money due to the Municipality of Nagpur when this Act comes into force shall be deemed to be due to the Corporation.

(4) All suits or other legal proceedings, civil or criminal, instituted, by or against the Municipality of Nagpur may be continued by or against the Corporation.

(5) All the provisions of the Nagpur Improvement Trust Act, 1936, shall apply to the City of Nagpur immediately on the commencement of this Act.

### **4. Provisional appointment of Commissioner :-**

The State Government may, by notification, appoint a person to exercise, perform or discharge the powers, duties and functions which are conferred or imposed by or under this Act as the Commissioner until that officer is appointed under section 45.

### **5. Definitions :-**

In this Act, unless there is anything repugnant in the subject or context :-

[(1) "Administrator" means as Administrator appointed by the State Government under [section 409] of this Act, to exercise the powers and to perform the duties of the Corporation and its authorities ;]

[(1A) "Assembly constituency" means constituency provided by law for the purpose of elections to the Maharashtra Legislative Assembly, or any part thereof, which is for the time being comprised in the City ;

(1B) "Assembly roll" means the electoral roll prepared for any electoral roll. Assembly constituency in accordance with the provisions of the Representation of the People Act, 1950 ;]

(2) "assessment list" means any municipal assessment register prescribed by section 132 and includes any register subsidiary thereto ;

(3) "authorised" means authorised by the Corporation either generally or specially;

[(3A) "Backward Class of Citizens" means such classes or parts of or groups within such classes as are declared, from time to time, by the State Government to be Other Backward Classes and Vimukta jatis and Nomadic Tribes ;"]

(4) "bakery" means any place in which bread or confectionery including biscuits is baked, cooked or prepared in any manner whatsoever for purposes of profit or sale ;

(5) "brothel" means any house, room or place, or any part thereof, occupied or let or intended to be occupied or let as a single tenement which is habitually used by one or more than one woman for the purpose of prostitution;

(6) "budget grant" means a sum entered on the expenditure side of a budget estimate which has been finally adopted by the Corporation, and includes any sum by which such budget grant may at any time be increased under section 87, 88 or 89.

(7) "building" includes a house, outhouse, stable, hut, shed or other enclosure, whether used as a human dwelling or otherwise and shall include verandahs, fixed platforms, plinths, door-steps, walls and the like ;

(8) "building line" means a line beyond which the outer face or any part of an external wall of a building should not project in the direction of any street existing or proposed ;

(9) "The Commissioner" means the Municipal Commissioner for the City appointed under section 45 and includes an acting

Commissioner appointed under sub-section (3) of section 48 and any municipal officer empowered under this Act to exercise, perform or discharge any of the powers, duties or functions of the Commissioner to the extent to which such officer is so empowered ;

[(10) "City of Nagpur" or "the City" means the large urban area specified in the notification issued in this respect under clause (2) of article 243 Q of the Constitution of India, known by the name of the City of Nagpur;]

(11) "closet accommodation" means a receptacle for human excreta, together with the structure comprising such receptacle and the fitting and apparatus connected therewith;

[(12) "the Corporation" means the Municipal Corporation of the City of Nagpur constituted or deemed to be constituted under this Act;]

(13) "Councillor" means any person who is duly elected as a member of the Corporation under this Act ; and includes, a nominated councillor who shall not have the right :-

(i) To vote at any meeting of the Corporation and Committees of the Corporation: and

(ii) To get elected as a mayor of the Corporation or a Chairperson of any of the Committees of the Corporation ;

(14) "dangerous diseases" means cholera, plague, smallpox, tuberculosis, cerebro-spinal meningitis and diphtheria, leprosy other than leucoderma, and any disease which the Corporation may, by public notice, declare to be a dangerous disease for the purposes of this Act;

(15) "District Court" means the District Court, constituted for the Nagpur Civil District;

(16) "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;

(17) "drug" means any substance used as medicine or in the composition or preparation of medicines, whether for internal or external use ;

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

(19) the expression "erect or re-erect any building" includes :-

(a) any material alteration or enlargement of any building ;

(b) the conversion by structural alteration into a place for human habitation of any building not originally constructed for human habitation ;

(c) the conversion by structural alteration of one or more places of human habitation into a greater number of such places ;

(d) the conversion by structural alteration of two or more places of human habitation into a lesser number of such places ;

(e) such alteration of the internal arrangement of a building as effects a change in its drainage or sanitary arrangements or affects its stability;

(f) the addition of any rooms, buildings, out-houses or other structures to a building ;

(g) the reconstruction of the whole or any part of the external walls of a building or the renewal of the posts of wooden buildings ;

(20) the expression "essential officer or servant" means every person employed in the municipal fire-brigade or in connection with the municipal air compressor or pumping stations or employed in connection with the drainage, conservancy or water-supply of the city and any such other municipal officer or servant as may be prescribed in this behalf;

(21) "factory" has the meaning assigned to it under the [Factories Act, 1934];

[(21A) "Finance Commission" means the Finance Commission constituted in accordance with the provisions of Article 243-1 of the Constitution of India;].

(22) "food" includes every article used for food or drink by man

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 confectionery, flavouring and colouring matters and spices and condiments ;

(22-A) "Harijan" means a person who belongs to one of the Scheduled Castes specified in Part IV of the Schedule to the Constitution (Scheduled Castes) order 1950 ;

(22-B) "Schedule Tribes" means such tribes or tribal communities or parts of, or groups within, such tribes or tribal communities as are deemed to be Schedule Tribes in relation to the State of Maharashtra under Article 342 of the constitution of India."

(23) "keeper" means the person in charge of a lodging-house, and may include the owner for the purposes of any rules or bye-laws made under this Act;

(24) "land" includes land which is being built upon or is built upon or covered with water;

(25) "licensed plumber", "licensed surveyor" and "licensed architect" mean, respectively, a person licensed by the Corporation as a plumber or surveyor or architect under this Act;

(26) "lodging-house" means a building or part of a building -

(a) which is let for lodgings ; or

(b) which is occupied to any extent in common by members of more than one family, and the rent of which does not exceed one hundred rupees per mensem; or

(c) which is let as a human habitation for a period of less than a month:

Provided that this definition shall not include hotels or boarding-houses where the daily charge for board and residence is not less than one rupee ;

(27) "market" includes any place within the City where persons assemble for the sale of meat, fish, fruit, vegetables, live-stock or any other article of food ;

(28) "municipal drain" means a drain vested in the Corporation ;

(29) "municipal market" means a market vested in or managed by the Corporation;



(30) "municipal slaughter-house" means a slaughter-house vested in or managed by the Corporation ;

(31) "municipal tax" means any impost levied by the Corporation under the provisions of this Act;

(32) "municipal water-works" means a water-work vested in or managed by the Corporation ;

(33) "nazul lands" means nazul lands within the City for the management and disposal of which special rules have been made by the State Government;

(34) "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;

(35) "occupier" includes any person for the time being paying, or liable to pay, to the owner the rent or any portion of the rent of the land or building in respect of which the word is used or damages on account of the occupation of such land or building, and also an owner living in, or other-wise using, his own land or building and a rent-free tenant;

(36) "offensive matter" includes animal carcasses, dung, dirt, putrid or putrefying substances, and filth of any kind which is not included in "sewage" as defined in this section ;

(37) "owner" when used with reference to any land or building includes the person for the time being receiving the rent of the land or building or of any part of the land or building whether on his own account or as agent or trustee for any person or society or for any religious or charitable purpose, or as a receiver who would receive such rent if the land, building or part thereof were let to a tenant;

[(37A) "population" means the population as ascertained at the last preceding Census of which the relevant figures have been published ;]

(38) "prescribed" means prescribed by rules or bye-laws made under this Act;

(39) "public analyst" means any person to be appointed by the Corporation to perform the duties and to exercise the power of a

public analyst prescribed under this Act;

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

(41) the expression "public securities" means Government securities and any securities guaranteed by Government, securities issued by the Corporation and any other securities which the State Government may declare to be public securities for the purposes of this Act;

(42) "public street" means any street -

(a) heretofore levelled, paved, metalled, channelled sewerage or repaired out of municipal or other public funds ; or

(b) which under the provisions of section 311 is declared to be, or under any other provision of this Act becomes, a public street;

(i) the roadway over any public bridge or causeway,

(ii) the footway attached to any such street,

(iii) public bridge or causeway, and the drains attached to any such street, public bridge or causeway ;

(43) "registered trade union" means a trade union registered under the Indian Trade Unions Act, 1926 ;

(44)

(a) a person shall be deemed to "reside" in any dwelling-house or hut which, or some portion of which, he sometimes, although not uninterruptedly, uses as a sleeping apartment; and

(b) a person shall not be deemed to cease to "reside" in any such dwelling-house or hut merely because he is absent from it or has elsewhere another dwelling-house or hut in which he resides, if there is the liberty of returning to it at any time and no abandonment of the intention of returning to it;

(45) "rubbish" includes dust, ashes, broken bricks, mortar, broken glass, garden or stable refuse or refuse of any kind which is not "offensive matter" or "sewage" as defined in this section ;

(46) "sewage" means night-soil and other contents of water-closets , latrines, privies, urinals, cesspools, or drains and polluted water from sinks, bath-rooms, stables, cattle-sheds and other like places,

and includes trade effluents and discharges from manufactories of all kinds ;

(47) "sewage connection" includes any drain connecting any water-closets, latrines, privy, urinals, bath-room, sink, sullage tray, manhole or trap with any drain set apart by the Corporation for sewage and other offensive matter;

[(47A) "State Election Commission" means the State Election Commission consisting of the State Election Commissioner appointed in accordance with the provisions of clause (1) of article 243-K. of the Constitution of India ;]

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

(49) "street line" means a line dividing the land comprised in and forming part of a street from the adjoining land ;

(50) "traffic sign" includes all signals, warnings signposts, direction posts, signs or other devices, erected by any person or authority authorised by law to do so, for the information, guidance or direction of persons using roads or of wheeled and other traffic ;

(51) "vehicle" means a wheeled conveyance capable of being used on a street;

[(51A) "Wards Committees" means the wards Committees constituted under section 38-A ;]

(52) "water-closet" means closet accommodation used or adapted or intended to be used in connection with municipal water works and comprising provisions for the flushing of the receptacle by means of a water- supply and having connection with a sewer ;

(53) "water connection" includes -

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

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

(54) "water for domestic purposes" shall not include water for cattle, or Water for domestic for horses, or for washing vehicles where the cattle, horses or vehicles are purposes.

(55) "water-work" includes a lake, stream, spring, well, pump, reservoir, cistern, tank, duct, whether covered or open, sluice main-pipe, culvert, engine and anything for supplying or used for supplying water ;

(56) "workshop" means any building, place or premises, or any part thereof, not being a factory, to or over which the employer of the persons working therein has the right of access or control, and in which, or within the compound or precincts of which, any manual labour is employed or utilised in aid of or incidental to any process for the following purposes :-

(i) the making of any article or part thereof; or

(ii) the altering, repairing, ornamenting or finishing of any article; or

(iii) the adapting for sale of any article.

## PART 2

### Constitution and Government

## CHAPTER 2

### The Municipal Authorities

## **6. Municipal authorities charged with the execution of this Act :-**

The Municipal authorities charged with carrying out the provisions of the Act shall be -

(a) the Corporation;

(b) the Standing Committee ;

(c) the Commissioner

## **7. Incorporation of Corporation :-**

The Corporation shall by the name of the Corporation of the City of

Nagpur be a body corporate, and have perpetual succession and a common seal, and shall by that name sue and be sued.

**8. Power of Corporation to acquire and hold movable and immovable property :-**

The Corporation shall have power to acquire and hold property, both movable and immovable, within or without the limits of the City, and subject to the provisions of this Act and the rules made there under, to transfer any property held by itself and to contract and to do all other things necessary for the purposes of this Act.

**9. Constitution of Corporation and division of City into wards :-**

[(1) The Corporation shall consist of :-

(a) One hundred Twenty-nine Councillors directly elected at ward elections ;

(b) Five nominated Councillors having special knowledge or experience in municipal administration, nominated by the Corporation in the prescribed manner." ]

(2) The [State Election Commissioner] shall, from time to time by notification in the Official Gazette, specify for the City the number and boundaries of the wards into which the City shall be divided for the purpose of the ward election of Councillors, and the number of Councillors to be elected for each ward :

[Provided that, the provisions made under sub-section (1) or notification issued under sub-section (2) shall not have effect until the expiry of the duration of the existing term of the Corporation." ;] \*\*\*\*\*

(3) \*\*\*\*\*

(4) \*\*\*\*\*

**9A. Reservation of seats :-**

(1) In the seats to be filled in by election in the Corporation there shall be seats reserved for persons

(2) The seats to be reserved for the persons belonging to the Scheduled Castes and the Scheduled Tribes in the Corporation shall bear, as nearly as may be, the same proportion to the total number of seats to be filled in by direct election in the Corporation as the

population of the Scheduled Castes, or, as the case may be, the Scheduled Tribes, in the Corporation area bears to the total population of that area and such seats shall be allotted by rotation to different wards in the Corporation :

Provided that, one-third of the total number of seats so reserved shall be reserved for women belonging to the Scheduled Castes or, as the case may be, the Scheduled Tribes.

Provided further that, where only one seat is reserved for Scheduled Caste, or, as the case may be the Scheduled Tribes, then no seats shall be reserved for women belonging to the Scheduled Caste, or as the case may be, the Scheduled Tribes and where only 2 seats are reserved for the Scheduled Caste or, as the case may be, the Scheduled Tribes, one of the 2 seats shall be reserved for women belonging to the Scheduled Caste, or as the case may be, the Scheduled Tribes.

(3) The seats to be reserved for persons belonging to the category of Backward Class of Citizens shall be twenty seven per cent. of the total number of seats to be filled in by election in the Corporation and such seats shall be allotted by rotation to different wards in the Corporation :

Provided that, one-third of the total number of seats so reserved shall be reserved for women belonging to the category of backward Class of Citizens.

(4) One-third (including the number of seats reserved for women belonging to the Scheduled Castes, the Scheduled Tribes and the category of Backward Class of Citizens) of the total number of seats to be filled in by direct election in the Corporation shall be reserved for women and such seats shall be allotted by rotation to different wards in the Corporation.

(5) The reservation of seats (other than the reservation for women) under sub-section (2) shall cease to have effect on the expiration of the period specified in article 334 of the Constitution of India.

#### **9B. State Election Commission :-**

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

(2) The State Election Commissioner may, by order delegate any of

his powers and functions to any officer of the Commission or any officer of the State Government not below the rank of Deputy Collector or to any officer of the Corporation not below the rank of Assistant Commissioner.

(3) All the officers and members of the staff appointed or deployed for preparatin of electoral rolls and conduct of election of the Corporation under this Act and the rules shall function under the superintendence, direction and control of the State Election Commissioner.

(4) Notwithstanding anything contained in this Act and the rules, the state Election Commissioner may issue such special or general orders or directions which may not be inconsistent with the provisions of the Act and the rules for fair and free elections.]

**9C. Power of State Election Commissioner to issue directions to prevent impersonation :-**

The State Election Commissioenr may, with a view to prevent impersonation of electors at the tune of election, issue such directions, 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 Peoples Act, 1951.

**10. . :-**

Deleted.

**11. . :-**

Deleted.

**12. Preparation of municipal election roll :-**

The Assembly roll for the time being in force, on such date as the State Election Commissioner may, by general or special order notify, shall be divided by the State Election Commissioner into different sections corresponding to different wards in the City ; and a printed copy of each section of the roll so divided and authenticated by the State Election Commissioner or an officer authorised by him, shall be the ward roll for each ward.

**12A. Deleted :-**

Deleted.

**12AA. Deleted :-**

Deleted.

**13. Exercise of vote on behalf of a company, firm association or body of individuals :-**

Every person who is enrolled in the municipal electoral roll as a voter for a ward shall be qualified to be a Councillor, and to be elected either from such ward or from any other ward.

(2) Any person who ceases to be a Councillor shall, if qualified under sub-section (1), be eligible for re-election as suh.

**14. Qualifications of candidates :-**

:- (1) Subject to the provisions of this Act a person who is enrolled in the municipal electoral roll as a voter for a ward shall be qualified to be a Councillor, and to be elected either from such ward or from any other ward.

**15. Disqualifications of candidates :-**

No person shall be eligible for election, as a Councillor if he -

[(a) is not a citizen of India ; or

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

(c) is a lepper ; or

"(ca) has, at any time after the commencement of section 8 of the Maharashtra Municipal Corporation (Amendment) Act, 1970, been convicted of an offence punishable under section 153A, or sub-section (2) or (3) of section 505, of the Indian Penal Code :

Provided that, such disqualification shall be for a period of six years from the date of such conviction ; or".

(d) has been convicted by a Court in India of any offence involving moral turpitude, unless a period of six years has elapsed since the date of such conviction ; or];

(e) has been dismissed from the service of the Government for misconduct and has been declared to be disqualified for employment in the public service ; or

(f) has been dismissed for misconduct from the service of any municipal Corporation, municipal committee, notified area of committee, [district council or local board] and has been declared by the State Government to be disqualified for employment in the public service ; or



[(g) has been so disqualified by or under any law, -

(i) for the time being in force for the purposes of elections to the Legislature of the State :

Provided that no person shall be disqualified on the ground that he is less than twenty-five years of age, if he has attained the age of twenty one years ;

(ii) made by the Legislature of the State of Maharashtra." ;]

[(g1) except when appointed under sub-clauses (iv) and (v) of clause (d) of sub-section (1) of section 9, is a servant of Government and is remunerated by salary or honorarium (which expression shall not include fees or commission); or]

(h) holds any salaried office under or place of profit in the gift or disposal of [the Corporation or any other local authority], while holding such office or place ; or

(i) has directly or indirectly any share or interest in any contract with, by or on behalf of the Corporation while owning such share or interest:

Provided that a disqualification under clause (e), (f), [\*] or (i) may be removed by an order of the State Government in this behalf.

Explanation :- A person shall not, by reason of being a share holder in or a member of any incorporate or registered company, be deemed to be interested in any contract entered into between the company and the Corporation.

**16. Notification of election, of Councillor, Mayor and Dy. Mayor :-**

Every election, of a Councillor, and every election of the Mayor or Deputy Mayor shall be notified in the manner and such persons shall enter on their respective offices [from the date specified for that purpose in such notification]: \*\*\*\*\*

**17. . :-**

(1) The Corporation shall, unless sooner dissolved, continue for a period of five yeas from the date appointed for its first meeting 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 so dissolved.]

**17A. Term of Office of Councillors :-**

The term of office of the Councillors shall be co-terminus with the duration of the Corporation.

**17B. Election to constitute Corporation :-**

An election to constitute the Corporation shall be completed :-

(a) before the expiry of its duration of five years as specified in section 17 ;

(b) in the case of dissolution of the Corporation, before the expiration 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 any election under this section for constituting the Corporation for such period.]

**18. Filling up of casual vacancies :-**

In the event of failure to accept office by a person elected, to be a Councillor, or of the death, resignation or disqualification of a Councillor, or of his becoming incapable of acting before the expiry of his term of office, a casual vacancy shall be deemed to have occurred in such office and such vacancy shall be filled [as soon as conveniently may be but not later than six months] by the election, of a person thereto as Councilor, who shall take office forthwith and shall hold such office in the unexpired term of his predecessor :

[\*\*\*\*\*]

**19. Effect of subsequent disabilities :-**

If any person having been elected, a Councillor -

(a) subsequently becomes subject to any of the disqualifications specified in section 15 and such disqualification is not removable or being removable is not removed, or

(b) absents himself during three consecutive months from the meetings of the Corporation, except from temporary illness or for any other cause which the Corporation may consider sufficient to justify such absence, or

(c) is retained or employed in any professional capacity in connection with any matter to which the Corporation is a party, or

(d) absents himself during six consecutive months from the meetings of the Corporation, or

(e) fails to pay any arrears of any kind due by him to the Corporation within three months after a special notice in this behalf has been served upon him by the Chief Executive Officer, such person shall cease to be a Councillor and the State Government shall, by notification, declare his seat to be vacant.

## **20. Election of Mayor and Deputy Mayor and reservation of Office of Mayor :-**

(1) The elected Councillors of the Corporation shall, subject to the provisions of sub-section (2), at the first meeting of the Corporation each year, elect from amongst themselves, a Mayor and a Deputy Mayor.

(2) There shall be reservation for the office of the Mayor in the Corporation, by rotation, for the Scheduled Castes, the Scheduled Tribes, women and the Backward Class of citizens, in the prescribed manner.]

## **21. Removal of Councillor :-**

(1) Any Councillor (which term for the purposes of this section shall include the Mayor or Deputy Mayor) who becomes subject to any of the disqualifications specified in section 19, shall forthwith cease to be a Councillor and his office shall become vacant:

Provided that where a person who, by reason of a sentence of a Court, becomes disqualified by virtue of clause (d) of section 15 is at the date of disqualification a Councillor, his seat shall, notwithstanding anything in this section, not become vacant by reason of the disqualification until three months have elapsed from the date of such sentence or, if within those three months of such date an appeal or petition for revision is brought in respect of the conviction or the sentence, until that appeal or petition is disposed of, but during any period during which he continues to be a Councillor by virtue of this provision, he shall not sit or vote.

(2) If any question arises whether a vacancy has occurred under sub-section (1), it shall be decided by the State Government and its decision shall be final.

(3) The State Government may at any time remove a Councillor -

(a) if he refuses to act, or becomes incapable of acting, or absents himself without sufficient excuse from more than three consecutive meetings of the Corporation, and if the Corporation recommends his removal by a majority of two-thirds of the Councillors ; or

(b) if his continuance in office is undesirable in the interests of the public or of the Corporation, and if the Corporation recommends his removal by a majority of two-thirds of the Councillors.

(4) The State Government may at any time remove a Councillor if he, being a legal practitioner, acts or appears on behalf of any other person against the Corporation in any legal proceeding or against the State Government in any such proceeding relating to any matter in which the Corporation is or has been concerned, or acts or appears on behalf of any person in any criminal proceeding instituted by or on behalf of the Corporation against such person.

(5) No order under sub-section (3) or sub-section (4) shall be passed until reasonable opportunity has been given to the person concerned to furnish an explanation.

(6) Removal from office under sub-section (3) or sub-section (4) shall disqualify the person so removed for further election, selection, or appointment to the office from which he is removed for the period during which, but for such removal, he would have continued in office.

## **22. Procedure in case of non-payment of Corporation dues by Councillors and office-bearers of Corporation :-**

(1) Within fifteen days from the expiration of each calendar quarter, the Commissioner shall

(a) draw up a list of all Councillors (which term for the purposes of this section shall include the Mayor and Deputy Mayor), who have failed to pay any tax due by them to the Corporation within six months from the date on which such tax became due ;

(b) issue to every person on the said list a notice of demand requiring him to pay the arrears within thirty days from the date of service of such notice ; and

(c) submit a copy of the list to the State Government.

(2) On receipt of the list, the State Government shall, if it finds

that a notice of demand has not been issued to any person on the list, serve him with a special notice of demand requiring him to pay the arrears within thirty days from date of the service thereof.

(3) If on receipt of the notice referred to in sub-section (1) or sub-section (2) the Councillor fails to pay within three months the arrears of any tax specified in the notice, he shall cease to be a Councillor and his office shall be vacant; and he shall be disqualified for further election, selection or appointment to such office until the arrears due by him are paid and a certificate to that effect is granted to him in the prescribed manner.

(4) The State Government may make rules under this Act providing for all matters connected with the administration of this section.

**22A.** . :-

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CHAPTER 3

Conduct of Business

**23. Meetings** :-

The Corporation shall meet at least once every month for the transaction of business.

**24. First meeting after general election** :-

After every general election, notwithstanding anything contained in this Act, the Commissioner shall call the first meeting of the Corporation on the date specified in the notification issued under section 16, to elect the Mayor, the Deputy Mayor, the Standing Committee and the Special Consultative Committees].

**25. Convening of meetings** :-

(1) A meeting of the Corporation shall be either ordinary or special.

(2) The date of every meeting, except the meeting referred to in sub-section (2) of section 24, shall be fixed by the Mayor, or in the event of his being incapable of acting then by the Deputy Mayor, and in the like event in his case then by the Commissioner.

(3) Notice of every meeting specifying the time and place thereof and the business to be transacted thereat shall be dispatched to every Councillor and exhibited at the municipal office seven clear days before an ordinary meeting and three clear days before a special meeting :

Provided that if the notice is exhibited at the municipal office, failure to serve it on any Councillor shall not affect the validity of a meeting.

(4) No business other than that specified in the notice relating thereto shall be transacted at a meeting.

**26. Power of Mayor and Deputy Mayor to call special meeting :-**

The Mayor, or in any such event as aforesaid, the Deputy Mayor, may whenever he thinks fit call a special meeting, and shall be bound to do so within two weeks of the receipt of a written requisition signed by not less than three members of the Standing Committee.

**27. Adjournments :-**

Any meeting of the Corporation may, with the consent of a majority of the Councillors present, be adjourned to any other date : but no business other than that left over at the adjourned meeting shall be transacted at the next meeting. A notice of such adjournment posted in the municipal office on the day on which the meeting is adjourned shall be deemed sufficient notice of the next ensuing meeting.

**28. Public to be admitted to the meeting of Corporation :-**

(1) Members of the public shall be admitted to the meeting of the Corporation :

Provided that the Corporation may temporarily exclude the public from a meeting as often as may be desirable at any meeting when in the opinion of a majority of the Councillors present at such meeting expressed by resolution, in view of the special nature of the business then being dealt with or about to be dealt with, such exclusion is advisable.

(2) Such resolution shall be put by the presiding authority of its own motion or at the request of any Councillor, without previous notice or discussion.

(3) Nothing in this section shall be construed to limit or abridge the power of the presiding authority at any time to cause any person who interrupts the proceedings to be removed.

**29. Chairman of meeting :-**

(1) At a meeting of the Corporation the Mayor, if present, shall preside.

(2) if the Mayor is absent from a meeting of the Corporation, the Deputy Mayor shall preside.

(3) If both the Mayor and Deputy Mayor are absent from the meeting of the Corporation, the members present shall choose one of their number to preside.

(4) In the case of an equality of votes the person presiding at the meeting shall have a second or a casting vote.

### **30. Quorum :-**

(1)46 Deleted

(2) If at any meeting there are at any time not sufficient members present to form a quorum, the President of the meeting shall adjourn it to such time or date as he thinks fit and announce the same at once ; and the business set down for the meeting shall be brought forward in the usual manner at the subsequent meeting, or if the subsequent meeting should be adjourned, then at any meeting thereafter whether at such meeting there is a quorum or not.

(3) No business other than the business fixed for the original meeting shall be transacted at any such subsequent meeting.

(4) A notice of a adjournment exhibited in the municipal office on the day on which the meeting is adjourned shall be sufficient notice of the subsequent meeting.

### **31. Disability of Councillors for voting, etc :-**

(1) No Councillor shall vote or take part in the discussion of any matter before a meeting in which he has directly or indirectly by himself or his partner any share or interest in any contract, grant or employment with, by or on behalf of, the Corporation.

(2) If a Councillor has any pecuniary interest, direct or indirect, in any contract, or proposed contract or other matter, and is present at a meeting of the Corporation or Standing Committee at which the Contract or other matter is the subject of consideration, he shall at the meeting, as soon as practicable after the commencement thereof, disclose the fact, and shall not take part in the consideration or discussion of, or vote on any question with

respect to, the contract or other matter :

Provided that this section shall not apply to an interest in the contract or other matter which a Councillor may have as a taxpayer or inhabitant of the City, or as an ordinary consumer of electricity or water, or to an interest in any matter relating to the terms on which the right to participate in any service, including the supply of goods is offered to the public.

(3) For purposes of this section a person shall (subject as hereinafter in this sub-section provided) be treated as having indirectly a pecuniary interest in a contract or other matter, if -

(a) he or any nominee of his is a member of a company or other body with which the contract is made or is proposed to be made or which has a direct pecuniary interest in the other matter under consideration,

(b) he is a partner, or member of the joint Hindu family or is in the employment of a person with whom the contract is made or is proposed to be made or who has a direct pecuniary interest, in the other matter under consideration:

Provided that -

(i) this sub-section shall not apply to membership of, or employment under, any public body ;

(ii) a member of a company or other body shall not, by reason only of his membership, be treated as being so interested if he has no beneficial interest in any shares or stock of that company or other body ;

(iii) no person shall be deemed to have any share or interest in a contract, grant or employment by reason only of his having any share or interest in -

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

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

(c) any newspaper in which any advertisement relating to the affairs of the Corporation is inserted ; or

(d) any joint stock company which may enter into contract with or



be employed by the Commissioner on behalf of the Corporation ; or  
(e) the occasional sale to the Commissioner on behalf of the Corporation, to a value not exceeding in any one official year five hundred rupees, of any article in which he regularly trades.

### **32. Preservation of order :-**

(1) The presiding authority shall preserve order and may direct any Councillor whose conduct is in his opinion disorderly to withdraw immediately from the meeting of the Corporation ; and any Councillor so ordered to withdraw shall do so forthwith and shall absent himself during the remainder of the day's meeting ; and if he is ordered a second time within fifteen days to withdraw, the presiding authority may suspend him for any period not exceeding fifteen days and he shall absent himself from meeting accordingly :

Provided that the presiding authority may remit the suspension on receiving apology to his satisfaction from the Councillor under suspension :

Provided also that suspension shall not prevent any Councillor from serving on any committee.

(2) The presiding authority may, in case of grave disorder arising in the meeting, suspend the meeting for a period not exceeding three days.

(3) If any person who have been ordered to withdraw, unlawfully remains in the meeting, the presiding officer may take such steps as he may deem fit to cause him to be removed.

### **33. Constitution of Standing Committee :-**

The Standing Committee shall consist of [sixteen] Councillors.

### **34. Election of Standing Committee :-**

(1) The Corporation shall, at its first meeting each year, elect [sixteen] out of its number to be members of the Standing Committee. Members of the Standing Committee shall, subject to the provisions of section 38, hold office until the first meeting of the Corporation in the next following year.

(2) Any Councillor who ceases to be a member of the Standing Committee shall be eligible for re-election.

### **35. Election of the Chairman of Standing Committee :-**

(1) The Standing Committee shall at its first meeting elect one of its number to be Chairman of the Standing Committee until a new Standing Committee is constituted.

(2) In the absence of the Chairman the members of the Standing Committee present shall choose one of their number to preside over their meeting.

(3) A member of the Standing Committee who ceases to be Chairman shall be eligible for re-election as such.

(4) If any casual vacancy occurs in the office of Chairman, the Standing Committee shall, as soon as it conveniently can after the occurrence of such vacancy, elect one of its number to fill the vacancy and every Chairman so elected shall continue in office for the unexpired term of his predecessor.

**36. Absence from meeting of Standing Committee :-**

Any member of the Standing Committee who absents himself from all meetings of the Standing Committee during two consecutive months shall cease to be a member of the Standing Committee, and his office as such member shall be vacant, and he shall not be eligible for re-election to the Committee during the unexpired term of the Corporation.

**37. Casual vacancies in the Standing Committee :-**

If any casual vacancy occurs in the office of a member of the Standing Committee, the Corporation shall, as soon as may be after the occurrence of such vacancy, elect one of its number to fill the vacancy and every Councillor so elected shall continue in office for the unexpired term of his predecessor.

**38. Each Standing Committee to continue in office till a new Committee is constituted :-**

The Standing Committee in existence on the day for the retirement of Councillors shall continue to hold office until such time as a new Standing Committee is constituted under section 34 notwithstanding that the members of the said Committee, or some of them, may no longer be Councillors.

[Wards Committees

**38A. Constitution of Wards Committees :-**

(1) There shall be constituted not more than ten Wards Committees for the City of Nagpur, each comprising such contiguous electoral

wards, as may be decided by the Corporation.

(2) Each Wards Committee shall consist of: -

(a) the Councillors representing the electoral wards within the territorial area of the Wards Committee ;

(b) the officer-in-charge of the territorial area of. the Wards Committee ;

(c) such number of other members not exceeding three, nominated by the Councillors referred to in clause (a), from amongst the members of recognised non-Government Organisations and community based Organisations engaged in social welfare activities working within the area of the Wards Committee:

Provided that such persons are registered as electors in the Wards within the jurisdiction of the Wards Committee :

Provided further that, the norms for recognition of the non-Government Organisations, the requisite qualification for nomination as members and the manner in which they are to be nominated shall be such as the State Government may prescribe.

(3) The duration of the Wards Committee shall be co-terminus with the duration of the Corporation.

(4) The elected Councillors referred to in clause (a) of sub-section (2) shall at the first meeting of the Wards Committee in each official year, elect from amongst themselves the Chairperson who shall hold office until the first meeting in the next following official year.

(5) The Chairperson of the Wards Committee shall be deemed to have vacated the office as soon as he ceases to be a Councillor.

(6) In the event of the office of the Chairperson falling vacant before the expiry of its term, the Wards Committee shall elect a new Chairperson :

Provided that the Chairperson so elected shall hold office so long only as the Chairperson in whose place he is elected would have held office if such vacancy had not occurred.

(7) The functions of the Wards Committee shall, subject to the general supervision and control of the Corporation be :-

(a) the speedy redressal of common grievances of citizens

connected with local and essential municipal services like water supply, drainage, sanitation and storm water disposal

(b) to consider and make recommendations on the proposals regarding estimates of expenditure pertaining to the wards under different heads of accounts of the budget before being forwarded to the Commissioner;

(c) to grant administrative approval and financial sanction to the plans for municipal works to be carried out within the territorial area of the Wards Committee costing upto rupees five lakhs, provided that a specific provision exists therefor in the budget sanctioned by the Corporation.

(8) Notwithstanding anything contained in sub-section (7), the Corporation may, by resolution, delegate to a Wards Committee such other powers, authority and functions as it may deem fit and expedient.

(9) The Wards Committee shall meet once in every month at its Ward Office, if any, or in the Corporation Office.]

**39. Special Consultative Committees, their term, election and filling of casual vacancies :-**

(1) There shall be five Special Consultative Committees each consisting of not less than five and not more than nine Councillors, namely; -

(a) a Public Works Committee to which may be referred for inquiry and report, or for opinion, any matter connected with roads, buildings, lighting, public parks and gardens :

(b) a Public Health and Markets Committee to which may be referred for inquiry and report, or for opinion, any matter connected with public health and safety, health of animals in the City, sanitation, markets, slaughterhouses, vaccination, the disposal of rubbish and offensive matter, and the regulation of dangerous and offensive trades ;

(c) an Education Committee to which may be referred for enquiry and report, or for opinion, any matter connected with education in the City ;

(d) a Hospital Committee to which may be referred for enquiry and report, or for opinion, any matter relating to hospitals and

dispensaries and medical and public health administration in the City ;

(e) a Waterworks Committee to which may be referred for enquiry and report, or for opinion, and matter relating to water-supply in the City and management of water-works belonging to the Corporation.

(2) The term of office of every Committee mentioned in sub-section (1) shall be one year.

(3) At the first meeting after every general election the Corporation shall elect from among its Councillors members to serve on the Committees in sub-section (1).

(4) If casual vacancies reduce the number of members of a Committee below the minimum, the Corporation shall elect members to the vacancies from among the Councillors, and such members shall hold office for the unexpired term of the Committees.

#### **40. Election of Special Committees for consultative purposes :-**

The Corporation may also elect from time to time for such period as it may think fit, [Special Committees including the Women and Child Welfare Committee, so however that the number of such Committees shall not exceed five and each such Committee shall consist] of such number of Councillors as it may think fit, and may refer to such Committees for inquiry and report, or for opinion, any matter relating to the purposes of this Act.

[Provided that, on the Women and Child Welfare Committee not less than seventy-five per cent. of the members shall be from amongst women Councillors :

Provided further that, the chairperson and the Deputy Chairperson on the women and Child Welfare Committee shall be from amongst the women Councillor members thereof.

Explanation :- For the purpose of computing the number of members at seventy-five per cent., fraction, if any, shall be rounded off to one.]

#### **41. Decision of questions by majority of votes :-**

Except otherwise provided by or under this Act, any questions brought before any meeting held under this Act, shall be decided

by a majority of the votes of the members present, and, in the case of an equality of votes, the presiding authority at the meeting shall have a second or casting vote :

Provided that in the case of an equality of votes at the election of the Mayor or Deputy Mayor or any member of the Standing or Special Consultative Committee, the presiding authority shall not exercise his casting vote, and the result shall be decided by lot.

[Provided further that, the persons referred to in clause (b) of subsection (1) of section 9 shall not have the right to vote at any meeting of the Corporation.]

**42. Vacancies, etc., not to invalidate proceedings :-**

No act or proceeding of the Corporation or of any Committee appointed under this Act, shall be questioned on account of any vacancy in the membership or any defect in the election or qualification of the Mayor, Deputy Mayor, presiding authority, any Councillor or member thereof, or any defect or irregularity in any such act or proceeding not affecting the merits of the case.

**43. Proceedings of meeting to be deemed to be good and valid :-**

(i) every meeting of the Corporation or any Committee shall be deemed to have been duly convened and held, and all the members of the meeting shall be deemed to have been duly qualified, when the minutes of the meeting have been signed in accordance with the provisions of this Act; and

(ii) where the meeting is a meeting of the Standing Committee, such Committee shall be deemed to have been duly constituted and to have had power to deal with the matters referred to in the minutes.

**44. Minute books :-**

(1) Minutes recording the proceedings at every meeting of the Corporation and of any of its Committees and the names of members present thereat shall be entered in the minute book as confirmed at the same or the next ensuing meeting by the person presiding.

(2) A copy of the minutes of the proceedings of each meeting of the Corporation shall be forwarded to the State Government within seven days of the meeting.

(3) The minute books prescribed by this section shall be open at the municipal office at all reasonable times to the inspection of any Councillor without payment and to the inspection of any other person on payment of a fee of eight annas.

#### CHAPTER 4

#### Municipal Offices and Servants

### **45. Appointment of Commissioner :-**

(1)

(a) The Commissioner shall from time to time be appointed by the State Government ;

(b) The Commissioner shall in the first instance hold office for such period not exceeding three years as the State Government may fix and his appointment may be renewed from time to time for a period not exceeding three years at a time].

(2) Notwithstanding the provisions of clause (b) of sub-section (1), the Commissioner shall be forthwith removed from office if at a meeting of the Corporation not less than three-fourths of the total number of Councillors constituting the Corporation for the time being shall vote in favour of a proposition in this behalf; and he may be removed by the State Government at any time if it appears to the State Government that he is incapable of performing the duties of his office or has been guilty of any misconduct or neglect which renders his removal expedient:

Provided that when the Commissioner is a member of a Civil Service or holds a lien on any civil post under the 54[Government] he shall be "[liable to be recalled to the service of the State] by the State Government at any time in the exigencies of public service of which the State Government shall be the sole judge.

### **46. Power of Commissioner :-**

The commissioner shall be the principal executive officer of the Corporation and all other officers and servants of the Corporation shall be subordinate to him. He shall have the right to speak at, and otherwise take part in, any meeting of the Corporation or any committee thereof, but shall not be entitled to vote or to move any proposition.

### **47. Salary of Commissioner :-**

[(1) The Commissioner shall receive from the municipal fund such

monthly salary and allowance as the State Government may from time to time after consultation with the Corporation determine:

[(1A) The Commissioner shall devote his whole time and attention to the duties of his office as prescribed in this Act or in any other law for the time being in force and shall not engage in any other profession, trade or business whatsoever:

Provided that he may with the sanction of the Corporation serve on any committee constituted for the purpose of any local inquiry or for the furtherance of any object of local importance or interest].

(2) The conditions of service other than salary and leave of a person appointed Commissioner, who is a member of a Civil Service or holds a lien on a civil post under the [Government] during the tenure of his aforesaid appointment, shall be such as may be laid down by the State Government and in any other case they shall be such as may be laid down by bye-laws framed by the Corporation.

#### **48. Grant of leave of absence to Commissioner :-**

(1) The State Government may grant leave of absence to the Commissioner.

(2) The leave salary to be paid to the Commissioner while so absent on leave shall be of such amount, not exceeding the salary of the Commissioner, as may be fixed by the State Government:

Provided that if the Commissioner is an officer in the service of the [Government], the amount of such salary shall be that to which he may be entitled under any general or special orders of Government applicable to Government servants transferred to foreign service.

(3) During any absence on leave of the Commissioner, the State Government shall appoint a person to act as Commissioner.

(4) Every person so appointed shall exercise the powers conferred and perform the duties imposed on the Commissioner by this Act or by any other enactment for the time being in force, and shall be subject to the same liabilities, restrictions and conditions to which the Commissioner is liable and shall receive such monthly salary not exceeding the salary payable for the time being payable to the Commissioner as the State Government may determine.

#### **49. Appointment and salary of principal officers, other officers and servants :-**



(1) Subject to confirmation by the State Government, the Corporation may at time and from time to time, appoint a person to be the Deputy Municipal Commissioner if it shall appear to it expedient so to do.

(2) The Corporation shall appoint fit and proper persons, for such periods, respectively, as it deems fit, to be City Engineer, Health Officer and Municipal Secretary, and shall fix the monthly salary and allowances to be paid to the persons so appointed :

Provided that the appointment, salary, allowances and conditions of service of the City Engineer, Health Officer and Municipal Secretary and any step taken by the Corporation with a view to the termination of their appointments shall be subject to the approval of the State Government:

Provided further that each of the officers mentioned in sub-section (2) shall, notwithstanding anything contained in the first proviso, be removable from office at any time for misconduct or for neglect of or incapacity for the duties of the office if at a meeting of the Corporation not less than five-eighths of the total number of Councillors consisting the Corporation for the time being shall vote in favour of a proposition in that behalf.

#### **50. Appointment of other officer or servants :-**

[ (1)] Subject to the provisions of this Act the Corporation may appoint such other officers and servants as are necessary for the efficient carrying out of the purposes of this Act, and may assign to them such duties and pay them such salaries, allowances, pensions and gratuities, and make on their behalf, such payments to provident or annuity funds as the Corporation may determine by byelaws made in this behalf under section 415, subject to the condition that no post [one thousand rupees] per month shall be created without the sanction of the State Government:

Provided that -

(1) the power of appointing a municipal officer, whose minimum monthly salary is not less than 60[six hundred rupees], shall vest in the Corporation;

(2) the power of appointing municipal officers and servants, whether temporary or permanent, whose minimum salary is not less than [four hundred and fifty rupees] but is less than 60[six

hundred rupees] shall vest in the Standing Committee ;

(3) the power of appointing all other municipal officers and servants shall vest in the Commissioner.

(4) any appointment made within his power by the Commissioner shall be reported for its information to the Standing Committee.

[(2) Any authority competent to make an appointment under subsection (1) may employ by transfer to the service of the Corporation any person from the service of another municipal Corporation or municipal Committee in the State with the consent of such person and the other Corporation or Committee.

(3) The State Government may make rules regulating the conditions of service in regard to the leave, provident fund and pension admissible to the person so transferred in respect of the period of service rendered by him before his transfer and specifying the extent of the liability of the local authorities concerned with the transfer.]

### **51. Acting appointments :-**

(1) The authority competent to appoint any officer or servant may -

(i) appoint him in a vacant post on which no other municipal officer or servant holds a lien;

(ii) grant him such leave as may be due to him under the rules or byelaws framed in this behalf; and

(iii) appoint any person to act in the place of such officer or servant upon the conditions laid down in the said rules or byelaws :

Provided that -

(a) when the acting period exceeds four months, the acting officer or servant shall possess the qualifications prescribed in the rules or byelaws, if any, for the particular post;

(b) any appointment of a person to act as City Engineer, Health Officer or Municipal Secretary may be disallowed by the State Government, and shall be null and void from the date the order disallowing it is communicated to the Corporation.

(2) A person appointed under this section to act for any officer or servant shall, while so acting, perform the same duties and exercise the same powers and be subject to the same liabilities,

restrictions and conditions to which the said officer or servant is liable ; and shall receive such pay and allowances as may be provided in the rules or byelaws.

**52. Municipal officer or servant not to be interested in any contract with Corporation :-**

(1) No person shall be eligible for employment as a municipal officer or servant if he -

(a) has, directly or indirectly, by himself or his partner, any share or interest in any contract or employment with, by or on behalf of the Corporation, other than an interest in land held on a lease from the Corporation, or is a director, secretary, manager or other salaried officer of an incorporated company which has any such share or interest; or

(b) has acted or is acting professionally in relation to any matter on behalf of any person having therein any such share or interest as aforesaid.

(2) If any municipal officer or servant acquires, directly or indirectly, by himself or by his partner any share or interest as aforesaid, otherwise than as such officer or servant, he shall cease to be a municipal officer or servant and his office shall become vacant.

(3) Nothing in the foregoing sub-sections shall apply to any such share or interest as, under section 31, it is permissible for a Councillor to have without being thereby prohibited from voting or taking part in the discussion of any matter.

**53. Discharge on infliction of penalties :-**

(1) Any municipal officer or servant may be discharged -

(a) during a period of probation,

(b) if appointed otherwise than under contract to hold a temporary appointment, on the expiration of the period of the appointment,

(c) if engaged on contract, in accordance with the terms of the contract, or

(d) on account of the abolition of the post held by him or on account of a reduction in the strength of a cadre of municipal officers and servants.

(2) The following penalties may, for good and sufficient reasons, be imposed upon any municipal officer or servant -

(i) censure ; lakh rupees] or such higher amount as may be fixed under clause (c) shall be reported by him, within fifteen days after the same has been made, to the Standing committee.

(ii) withholding of increments or promotion, including stoppage at an efficiency bar;

(iii) reduction to a lower post or time-scale or to a lower stage in a time-scale;

(iv) recovery from pay of the whole or part of any pecuniary loss caused to the Corporation by negligence or by breach of orders ;

(v) suspension;

(vi) removal from the service of the Corporation, which does not disqualify from future employment;

(vii) dismissal from the service of the Corporation, which ordinarily disqualifies from future employment:

Provided that a dismissed municipal officer or servant may be reemployed by the Corporation with the special sanction of the State Government; and

(viii) fine to be deducted from salary :

Provided that no fine shall be inflicted upon members of the clerical and ministerial establishments or upon any municipal servant with a monthly salary of more than forty rupees.

Explanation :- The penalty of removal may be inflicted upon a municipal officer or servant either for misconduct not sufficiently grave to justify dismissal or on account of general unfitness for the duties of his office.

(3) If a municipal officer or servant-

(a) has been engaged on a written contract, he shall be entitled to notice, or salary in lieu of notice, in accordance with the terms of that contract;

(b) has not been engaged on a written contract, he shall be entitled to one month's notice of the termination of his services or one month's salary in lieu of notice.

(4) Municipal officers and servants discharged during a period of probation or on the expiration of the period of a temporary appointment, whether under contract or not, shall not be entitled to any notice or salary in lieu of notice.

(5) No municipal officer or servant shall be discharged, dismissed or removed from the service of the Corporation by order of any authority subordinate to that which makes appointments to the post he holds at the time of the order.

**54. Extraordinary pension in case of officer or servant injured or killed in execution of his duty :-**

The Corporation may give an extraordinary pension, gratuity or compassionate allowance in accordance with the rules or byelaws framed in this behalf -

(a) to any municipal officer or servant injured in the execution of his duty, or

(b) to the family or other relatives dependent on any municipal officer or servant who is killed in the execution of his duty, or whose death is due to devotion to duty or who dies during service :

Provided that the extraordinary pension, gratuity or compassionate allowance paid to a municipal officer or servant shall in no circumstances exceed that payable to a person of similar rank or position in the service of six months.

**55. Re-instatement or re-employment of a convicted officer or servant and payment of salary and allowances to such officer or servant :-**

(1) Any municipal officer or servant who has been sentenced by a Criminal Court to imprisonment for an offence punishable with imprisonment for a term exceeding six months and involving moral turpitude shall, if such sentence is not set aside or reversed in appeal or revision, and if such officer or servant shall not have been dismissed, cease to be a municipal officer or servant on the expiry of such sentence and the Corporation shall not reinstate or re-employ any such officer or servant without the previous sanction of the State Government.

(2) The Corporation shall not pay any salary or any other allowance to any such municipal officer or servant during or on account of the period of his imprisonment:

Provided that the Corporation may, with the previous sanction of the State Government, grant a subsistence allowance to any such officer or servant during or on account of the said period.

**56. Essential officers and servants :-**

No essential officer or servant

(a) unless he is authorized in that behalf by the terms of his contract, resign his appointment or quit his employment without giving written notice, not less than one month previously, to the authority appointing him, of his intention so to do ; or

(b) absent himself from duty otherwise than on leave duly granted and not subsequently cancelled ; or

(c) neglect or refuse to perform any of the duties or willfully perform them in an inefficient manner.

**CHAPTER 5**

Powers, Duties and Functions of the Municipal

**57. Matters to be provided for by Corporation :-**

(1) The Corporation shall make adequate provision by any means or measures which it may lawfully use or take, for each of the following matters, namely :-

(a) lighting public streets, places and buildings ;

[(aa) planning for economic and social development;

(ab) urban forestry, protection of environment and promotion of ecological aspects ;]

(b) cleaning public streets, places, and sewers and all spaces not being private property, which are open to the enjoyment of the public, whether such spaces are vested in the Corporation or not; removing noxious vegetation ; and abating all public nuisances ;

(c) disposing of night-soil and rubbish and, if so required by the State Government, preparation of compost manure, from night-soil and rubbish;

(d) the maintenance of a fire-brigade for extinguishing fire and protection of life and property when fires occur ;

(e) regulating or abating dangerous or offensive trades or practices;

(f) removing obstructions and projections in public streets or places, and in spaces not being private property, which are open to the enjoyment of the public, whether such spaces are vested in the Corporation or in Government;

(g) establishing and managing cattle-pounds ;

(h) securing or removing dangerous buildings or places ;

(i) acquiring and maintaining, changing and regulating places for the disposal of the dead and disposing of unclaimed dead bodies of paupers ;

(j) constructing, altering and maintaining public streets, culverts and Corporation boundary marks, latrines, urinals, drains, sewers and providing public facilities for drinking water ; watering public streets and places ;

(k) the management and maintenance of all municipal water-works and the construction and maintenance of new works and means for providing a sufficient supply of suitable water for public and private purposes ;

(l) the erection in proper and convenient situations on municipal land of water closets, closet accommodation, urinals and other conveniences for the public and the maintenance and the cleansing of the same ;

(m) the construction and maintenance of public markets and slaughter-houses and the regulation of all markets and slaughter-houses ;

(n) establishing and maintaining public hospitals and dispensaries and carrying out other means necessary for public medical relief;

(o) the maintenance of an ambulance service ;

(p) naming streets and numbering houses ,

(q) registering births and deaths ;

(r) public vaccination;

(s) establishing and maintaining primary schools ;

(t) prevention of vagrancy ; establishing and maintaining poor houses;

(u) taking measures to prevent the outbreak, spread or recurrence

of infectious diseases;

(v) the maintenance of a municipal office and of all public monuments and other property vested in the Corporation ;

(w) provision of traffic signs ;

(x) printing and publishing such annual reports and returns on the administration of the Corporation as the State Government may, by general or special order, require the Corporation to submit;

(y) the maintenance of public parks, gardens, recreation grounds, public places and open spaces in existence and vested in the Corporation ;

(z) fulfilling any obligation imposed by this Act or any other law for the time being in force ;

(z-1) construction and maintenance of veterinary dispensaries :

(z-2) establishing and maintaining a farm or factory for the disposal of sewage ;

(z-3) organization and maintenance of maternity homes and infant welfare centres.

(2) No suit for damages or for specific performance shall be maintainable against the Corporation or any officer or Councillor thereof, on the ground that any of the duties specified in sub-section (1) have not been performed.

**58. Matters which may be provided for by Corporation at its discretion :-**

In addition to the other powers and duties conferred or imposed on it by or under this Act or any other Act for the time being in force, the Corporation may in its discretion provide from time to time either wholly or partly for all or any of the following matters, namely :-

(a) reclaiming unhealthy localities, laying out whether in areas previously built upon or not, new public streets, and acquiring land for that purpose, including plots of land for building to abut on such streets ;

[(aa) slum improvement and upgradation ;

(ab) urban poverty alleviation ;



(ac) cattle pounds and prevention of cruelty to animals ; and

(ad) regulation of tanneries ;]

(b) constructing, establishing or maintaining public parks or gardens, libraries, museums, halls, offices, sarais, rest-houses and other public buildings ;

(c) furthering educational objects other than the establishment and maintenance of primary schools ;

(d) planting and maintaining road-side and other trees ;

[(da) providing for parking or halting places or lots for vehicles on any part of any public street or public place which vests in the Corporation.]

(e) taking a census, and granting rewards for information tending to secure the correct registration of vital statistics ;

(f) making a survey ;

(g) the destruction, or the detention, of ownerie dogs ;

(h) securing or assisting to secure suitable place for the carrying on of offensive trades ;

(i) supplying, constructing and maintaining; pipe and other fittings for the supply of water to private premises from water-works maintained by the Corporation;

(j) supplying, constructing and maintaining receptacles, fittings, pipes and other appliances on or for the use of private premises for receiving and conducting the sewage thereof into sewers under the control of the Corporation;

(k) fairs and exhibitions ;

(1) constructing and maintaining such roads and buildings and other government works as the State Government may transfer to the Corporation;

(m) organization and management of chemical or bacteriological laboratories for the examination or analysis of water, food or drugs, for the detection of disease or for researches connected with public health ;

(n) the construction and maintenance in the public streets of drinking fountains for human beings and water-troughs for animals

;

(o) the prevention of cruelty to animals ;

(p) the playing of music in squares, gardens or other places of public resort;

(q) the construction, purchase, organization, maintenance or management of tramways, trackless trams or motor transport facilities for the conveyance of the public ;

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

(ra) with the previous sanction of the State Government, any public reception ceremony or entertainment in the city ;

]

(s) any other matter likely to promote the public health, safety or convenience of the public.

**58A. 68(1) The State Government may trust either conditionally or unconditionally to the Corporation, function in relation to any other matter to which the executive authority of the State extends or in respect of which functions have been entrusted to the State Government by the Central Government and the Corporation shall be bound to perform these functions. :-**

(2) Where functions are entrusted to the Corporation under this section the Corporation shall, in the discharge of these functions, act as an agent for the State Government.

(3) Where by virtue of this section powers and duties have been conferred or imposed as agency functions upon the Corporation, there shall be paid by the State Government to the Corporation such sum as may be determined by the State Government in respect of any extra costs of administration incurred by the Corporation in connection with the exercise or those powers and duties.

(4) In so far as the Corporation is required to act under this section, it shall be under the general control of, and comply with such particular directions, if any, as may, from time to time, be given to it by the State Government or any other authority appointed by the State Government in this behalf.

(5) The State Government may, by order, place at the disposal of the Corporation, and the Corporation shall utilise, the services of such servants of the State or such classes of servants of the State as are employed in the city in connection with a matter entrusted to the Corporation under this section, and all such servants shall discharge their duties under the general supervision and control of the Commissioner :

Provided that the extent of the said general supervision and control shall be such as may be prescribed by rules made under section 420].

**58B. Performance of functions by agencies :-**

Where any duty has been imposed on, or any function has been assigned to the Corporation under this Act or any other law for the time being in force, or the Corporation has been entrusted with the implementation of a scheme :-

(i) the Corporation may, either discharge such duties or perform such functions or implement such schemes by itself; or

(ii) subject to such directions as may be issued and the terms and conditions as may be determined by the State Government, cause them to be discharged, performed or implemented by any agency :

Provided that the Corporation may also specify terms and conditions not inconsistent with the terms and conditions determined by the State Government, for such agency arrangement.

**58C. Environment Status Report :-**

The Commissioner shall before the 31st day of July every year place before the Corporation the report on the status of environment within the City of Nagpur in respect of the last preceding financial year covering such matters, and Nagpur in respect of the last preceding financial year covering such matters, and in such manner as may be specified by the State Government from time to time.

**59. . :-**

(1) Functions of the several municipal authorities :- The functions of the several municipal authorities shall be such as are specifically prescribed in this Act.

(2) Municipal government of the City vests in corporation :- Except

as in this Act otherwise expressly provided, the Municipal Government of the city vests in the Corporation.

(3) Special functions of Commissioner :- Subjects, whenever it is in this Act expressly so directed, to the approval or sanction of the Corporation or of the standing committee, and subject also to all other restrictions, limitations and conditions imposed by this Act, the entire executive power for the purpose of carrying out the provisions of this Act vests in the Commissioner, who shall also -

(a) perform all the duties and exercise all the powers specifically imposed or conferred upon him by this Act;

(b) exercise supervision and control over the acts and proceedings of all municipal officers and servants, and , subject to the rules or byelaws for the time being in force, dispose of all questions relating to the services of the said officers and servants and their pay, privileges and allowances ;

(c) on the occurrence of any accident or unforeseen event, or on the threatened occurrence of any disaster, involving or likely to involve extensive damage to any property of the Corporation or danger to human or animal life, take such immediate action as the emergency shall appear to him to justify and require, reporting forthwith to the Standing Committee or the Corporation, when he has done so, the action he has taken and his reasons for taking the same and the cost, if any, incurred or likely to be incurred in consequence of such action and not covered by a current budget grant.

(4) Municipal officers may be empowered to exercise the powers of Commissioner :- Any of the powers, duties or functions conferred or imposed upon or vested in the Commissioner by this Act may be exercised, performed or discharged under the Commissioner's control and subject to his superintendence and to such conditions and limitations, if any as he may think fit to prescribe, by any municipal officer whom the Commissioner may generally or specially empower in writing in this behalf.

**60. Corporation may call for extracts from proceedings, etc., from the Standing Committee, etc :-**

The Corporation may at any time call for an extract from any proceedings of the Standing Committee and for a return, statement, account or report concerning or connected with any matter with which the Standing Committee is empowered by this

Act to deal; and every such requisition shall be complied with by the Standing Committee without unreasonable delay.

**61. Corporation may require Commissioner to produce documents :-**

(1) The Corporation may at any time require the Commissioner :-

(a) to produce any record, correspondence, plan or other document which is in his possession or under his control as Commissioner or which is recorded or filed in his office or in the office of any municipal officer or servant subordinate to him ;

(b) to furnish any return, plan, estimate, statement, account or statistics, concerning or connected with any matter appertaining to the administration of this Act or the Municipal Government of the City ;

(c) to furnish a report by himself, or to obtain from the head of a department subordinate to him and furnish, with his own remarks thereon, a report upon any subject concerning or connected with the administration of this Act or the municipal government of the City.

(2) Every such requisition shall be complied with by the Commissioner without unreasonable delay and it shall be incumbent on every municipal officer and servant to obey any order made by the Commissioner in pursuance of any such requisition.

(3) If, on any such requisition being made, the Commissioner shall declare that immediate compliance therewith would be prejudicial to the interests of the Corporation or of the public it shall be lawful for him to defer such compliance until a time no later than the second ordinary meeting of the Corporation after he shall have declared as aforesaid. If at such meeting, or any meeting subsequent thereto, the Corporation shall repeat the requisition and it shall then still appear to the Commissioner inexpedient to comply therewith, he shall make a declaration to that effect. Thereupon it shall be lawful for the Corporation to form a committee consisting of the Mayor, one Councillor chosen by the Corporation and one member elected by the Standing Committee from among its members which shall engage to keep secret the existence and purport of all such documents and matters as may be disclosed to them except as hereinafter provided. The Commissioner shall be bound to make known and to disclose to the

said committee all writings and matters within his knowledge or under his control or otherwise available to him and included with in the said requisition and the said committee having taken cognizance of the information, writings and matters so laid before shall determine by a majority of votes whether the whole or any part, and which part, if any, of such matters ought to be disclosed to the Corporation or kept secret for a defined time, which decision shall be conclusive and shall be reported to the Corporation at the next ordinary meeting thereof.

(4) At such meeting the Commissioner when carrying on to do so by the Corporation, shall produce any documents and make any report or statement that may be required in order to give effect to the decision of the committee.

**62. Exercise of functions to be subject to sanction by Corporation of the necessary expenditure :-**

The exercise or performance by any municipal authority of any power conferred or duty imposed by or under this Act which is likely to involve expenditure shall, except in any case specified in the proviso to section 84, be subject to the following conditions namely :-

(a) such expenditure, so far as it is to be incurred in the financial year in which such power may be exercised or duty performed, shall have been provided for under a current budget grant; and

(b) if the exercise of such power or the performance of such duty involves or is likely to involve expenditure for any period or at any time after the close of the said financial year, liability for such expenditure shall not be incurred without the sanction of the Corporation.

**63. Procedure for making contracts on behalf of Corporation :-**

With respect to the making of contracts under or for any purpose of this Act, including contracts relating to the acquisition and disposal of immovable property or any interest therein, the following provisions shall have effect, namely :-

(a) every such contract shall be made on behalf of the Corporation by the Commissioner;

(b) no such contract, for any purpose which, in accordance with any provision of this Act, the Commissioner may not carry out without

the approval or sanction the Corporation or some other municipal authority, shall be made by him until or unless such approval or sanction has first been duly obtained;

(c) no contract, which will involve an expenditure exceeding [three lakh rupees] or such higher amount as the Corporation may, with the approval of the State Government, from time to time fix, shall be made by the Commissioner, unless the same is previously approved by the Standing Committee.

(d) every contract made by the Commissioner involving expenditure exceeding [fifty thousand rupees] but not exceeding.

(e) the foregoing provision of this section shall-as far as may be, apply to every contract which the Commissioner shall have occasion to make in the execution of this Act; and the same provisions of this section which apply to an original contract shall be deemed to apply also to any variation or discharge of such contract.

#### **64. Mode of execution of contract :-**

(1) The mode of executing contract under this Act shall be prescribed by the bye-laws made under this Act.

(2) No contract which is not made in accordance with the provisions of this Act and the rules and bye-laws made thereunder shall be binding on the Corporation.

#### **CHAPTER 6**

##### **Municipal Property and Liabilities**

#### **65. Transfer to Corporation of property of Municipality of Nagpur :-**

All property movable and immovable, and all interest of whatsoever nature or kind therein, vested in the Civil Station Sub- Committee, Nagpur, and the City Municipal Committee, Nagpur, at the commencement of this Act, with all rights of whatsoever description used, enjoyed or possessed by the said committees shall be deemed to be vested in the Corporation as constituted under this Act.

#### **66. Property of public institutions managed by municipal authority to be held in trust :-**

(1) All property, endowments and funds belonging to any public institution with the management, control, and administration of which the Corporation is charged under the provisions of this Act or

of any other enactment for the time being in force, shall vest in the Corporation in trust for the purposes to which such property, endowment and funds may lawfully be applied.

(2) The Corporation may, with the sanction of the State Government, transfer to Government any property, endowments and funds so vested in it in trust under sub-section (1):

Provided that no trusts of public rights subject to which such property, endowments and funds are held shall be affected by such transfer.

**67. Acquisition of immovable property or easement by agreement :-**

(1) Whenever it is provided by this Act that the Commissioner may acquire, or whenever it is necessary or expedient for any purpose of this Act that the Commissioner shall acquire, any immovable property, such property may be acquired by the Commissioner on behalf of the Corporation by agreement on such terms and at such rates or prices, or at rates or prices not exceeding such maxima, as shall be approved by the Standing Committee, either generally for any class of cases or specially in any particular case.

(2) Whenever under any provision of this Act the Commissioner is authorised to agree to pay the whole or any portion of the expenses of acquiring any immovable property, he shall do so on such terms, and at such rates or prices, or at rates or prices not exceeding such maxima, as shall have been approved by the Standing committee :

Provided that no agreement for the acquisition of any immovable property under sub-section (1) or (2) at a price exceeding one thousand rupees shall be valid until such agreement has been approved by the Corporation.

(3) The Commissioner may, on behalf of the Corporation, acquire by agreement any easement affecting any immovable property vested in the Corporation, and the provisions of sub-sections (1) and (2) shall apply to such acquisition.

**68. Procedure when immovable property or easement cannot be acquired by agreement :-**

(1) Whenever the Commissioner is unable under section 67 to acquire by agreement any immovable property or any easement



affecting any immovable property vested in the Corporation, or whenever any immovable property or any easement affecting any immovable property vested in the Corporation is required for the purposes of this Act, the State Government may in its discretion, upon the application of the Commissioner made with the approval of the Standing Committee, order proceedings to be taken for acquiring the same on behalf of the Corporation as if such property or easement were land needed for a public purpose within the meaning of the Land Acquisition Act, 1894.

(2) The amount of the compensation awarded and all other charges incurred in the acquisition of any such property or easement shall, subject to all other provisions of this Act, be forthwith paid by the Commissioner and thereupon the said property or easement shall vest in the Corporation.

(3) When any land is required for a new street or for the improvement of an existing street, the Corporation may proceed to acquire, in addition to the land to be occupied by the street, the land necessary for the sites of the building to be erected on both sides of the street, and such land shall be deemed to be required for the purposes of this Act.

#### **69. Decision of claims to property by or against Corporation**

**:-**

(1) Where any immovable property or any right in or over any such property is claimed by or on behalf of the Corporation, or by any person as against the Corporation, it shall be lawful for the Deputy Commissioner of Nagpur after formal enquiry, of which due notice has been given, to pass an order deciding the claim.

(2) The Corporation or any person aggrieved by an order passed by the Deputy Commissioner of Nagpur under sub-section (1) may, notwithstanding anything contained in any law for the time being in force, within one year from the date on which the Corporation or such person had due notice of such order, institute a suit in any competent Civil Court to set aside such order or to claim a relief consistent therewith.

(3) If any such suit is instituted after the expiration of one year from the date on which the notice of such order has been given, such suit shall be dismissed although limitation has not been set up as a defence.

(4) The Deputy Commissioner of Nagpur may, by general or special order, delegate the powers conferred on him under this section to an Assistant Commissioner or an Extra-Assistant Commissioner subordinate to him.

(5) The formal enquiry referred to in this section shall be conducted in accordance with the provisions of [the Central Provinces Land Revenue Act, 1917].

(6) A person shall be deemed to have had due notice of an enquiry or order under this section if notice thereof has been given in accordance with the provisions of [the Central Provinces Land Revenue Act, 1917].

**70. Provisions governing the disposal of municipal property or property vesting in or under the management of Corporation :-**

(1) No nazul lands, streets, public places, drains or irrigation channels shall be sold, leased or otherwise alienated, save in accordance with such rules as the State Government may make in this behalf.

(2) Subject to the provisions of sub-section (1) ,-

(a) the Commissioner may, in his discretion, grant a lease of any immovable property belonging to the Corporation including any right of fishing or of gathering and taking fruit, flowers and the like, of which the premium or rent, or both, as the case may be, does not exceed five hundred rupees for any period not exceeding twelve months at a time :

Provided that every such lease granted by the Commissioner other than a lease of a class in respect of which the Standing Committee has by resolution exempted the Commissioner from compliance with the

(b) with the sanction of the Standing Committee the Commissioner may dispose of by sale or otherwise, any such right as aforesaid, for any period not exceeding three years at a time of which the premium or rent or both, as the case may be, for any one year does not exceed three thousand rupees ;

(c) with the sanction of the Corporation the Commissioner may lease, sell or otherwise convey any immovable property belonging to the Corporation.

(3) The Commissioner may -

(a) in his discretion, dispose of, by sale or otherwise, any movable property belonging to the Corporation not exceeding five hundred rupees in value;

(b) with the sanction of the Standing Committee, dispose of by sale or otherwise any movable property belonging to the Corporation ;

(c) with the sanction of the Corporation, sell or otherwise convey any movable property belonging to the Corporation.

(4) The sanction of the Standing Committee or of the Corporation under sub-section (2) or sub-section (3) may be given either generally for any class of cases or specifically in any particular case.

(5) The foregoing provisions of this section shall apply to every disposal of property belonging to the Corporation made under, or for the purposes of, this Act:

Provided that -

(i) no property vesting in the Corporation in a trust shall be leased, sold or otherwise conveyed in a manner that is likely to affect the trust subject to which such property is held ;

(ii) no land exceeding ten thousand rupees in value shall be sold, leased or otherwise conveyed without the previous sanction of the State Government and every sale, lease or other conveyance of property vesting in the Corporation shall be deemed to be subject to the conditions and limitations imposed by this Act or by any other enactment for the time being in force.

## **71. Management of nazul lands :-**

(1) The nazul lands transferred to the Corporation by the State Government shall be managed in accordance with the bye-laws made by the Corporation with the previous approval of the State Government.

(2) The Corporation may, with the previous approval of the State Government, from time to time, add to, vary or rescind the byelaws made under sub-section (1).

## **72. Supply of water to area outside the City :-**

The Corporation may, with the previous sanction of, and on such terms as may be approved by, the State Government undertake to

supply water to any area outside the city from the waterworks maintained by the Corporation and do other acts ancillary thereto.

**73. Property vested in Corporation :-**

Subject to any special reservation made or to any special conditions imposed by the State Government, all property of the nature hereinafter in the section specified and situated within the city, shall vest in and be under the control of the Corporation, and with all other property which has already vested, or may hereafter vest in the Corporation, shall be held and applied by it for the purposes of this Act, that is to say,-

(a) all public townwalls, gates, markets, slaughter-houses, manure and night-soil depots and public buildings of every description, which have been constructed or are maintained out of the municipal fund;

(b) all public streams, springs and works for the supply, storage and distribution of water for public purposes, and all bridges, buildings, engines, materials and things connected therewith, or appertaining thereto, and also any adjacent land (not being private property) appertaining to any public tank or well;

(c) all public sewers and drains, and all sewers, drains, culverts and watercourses in or under any public street, or constructed by or for the Corporation alongside any public street, and all works, materials and things appertaining thereto;

(d) all dust, dirt, dung, ashes, refuse, animal matter, or filth or rubbish of any kind, or dead bodies of animals collected by the Corporation from the streets, houses, privies, sewers, cesspools or elsewhere or deposited in places fixed by the Corporation;

(e) all public lamps, lamp-posts and apparatus connected therewith or appertaining thereto ;

(f) all land or other property transferred to the Corporation by the Government or acquired by gift, purchase or otherwise for local public purposes;

(g) all public streets not being land owned by the Government and the pavements, stone and other materials thereof and also trees growing on, and erections, materials, implements and things provided for such streets.

**74. Record of immovable property :-**

The Corporation shall maintain a register and a map of all immovable property of which it is the proprietor or which vests in it otherwise or which it holds in trust for the State Government.

**75. Resumption by Government :-**

The State Government may resume any immovable property transferred to the Corporation by itself or by any local authority, where such property is required for a public purpose, without payment of any compensation other than the amount, paid by the Corporation for such transfer and the market value at the date of resumption of any buildings or works subsequently erected or executed thereon by the Corporation with the intention that such buildings or works should be permanent:

Provided that compensation need not be paid for buildings or works constructed or erected in contravention of the terms of the transfer.

**76. Management of public institutions :-**

(1) The management, control and administration of every public institution maintained out of the municipal fund shall vest in the Corporation.

(2) When any public institution has been placed under the direction, management and control of the Corporation, all property, endowments and funds belonging thereto shall be held by the Corporation in trust for the purposes to which such property, endowments and funds were lawfully applicable at the time when the institution was so placed :

Provided that the extent of the independent authority of the Corporation in respect of any such institution may be prescribed by the State Government:

Provided also that nothing in this section shall be held to prevent the vesting of any trust property in the Treasurer of Charitable Endowments, under the Charitable Endowments Act, 1890.

**PART 3**

**Finance**

**CHAPTER 7**

**The Municipal Fund and Other Funds**

**77. Municipal fund to be held in trust :-**

Subject to the provisions of sections 83-A and 83-B there shall be a municipal fund, and it shall be held in trust for the purposes of this

Act.]

**78. Credit of money to municipal fund :-**

(1)[Subject to the provisions of sections 83-A and 83-B there] shall be credited to the municipal fund -

(a) all moneys received by or on behalf of the Corporation under the provisions of this Act or of any other law for the time being in force or under any contract ;

(b) the balance standing to the credit of the Civil Station SubCommittee, Nagpur, and the City Municipal Committee, Nagpur, on the day when the Act comes into force ;

(c) all proceeds of the disposal of property by or on behalf of, the Corporation ;

(d) all rents accruing from any property of the Corporation ;

(e) all moneys raised by any tax levied for the purposes of this Act ;

(f) all fees payable and levied under this Act ;

(g) all moneys received by way of compensation or for compounding offences under the provisions of this Act ;

(h) all moneys received by, or on behalf of, the Corporation from the State Government or private individuals by way of grant or gift or deposits ; and

(i) all interest and profits arising from any investment of, or from any transaction in connection with, any money belonging to the Corporation.

(2) Nothing in this section or in the last foregoing section shall in any way affect any obligations accepted by or imposed upon the City Municipal Committee, Nagpur, and the Civil Station Sub-Committee, Nagpur, by any declarations of Trust executed by or on behalf of the said Municipal Committees or by any scheme settled under the Charitable Endowments Act, 1890, for the administration of the Trust.

**78A. Annual grant by State Government from proceeds of land revenue non-agricultural assessment and entertainments duty :-**

The State Government may, under appropriation duly made in this

behalf, make a grant to the Corporation every year of such amount as it may, from time to time, determine, having regard to the proceeds of the land revenue and non-agricultural assessment levied and collected under the Maharashtra land revenue Code, 1966, and the entertainments duty levied and collected under the Bombay Entertainments Duty Act, 1923 by it in the City. The grant shall be made in such manner and shall be subject to such terms and conditions, as the State Government may, from time to time, determine. All moneys received by the Corporation by way of such grants shall be credited to the municipal fund.]

[Provided that, it shall be competent for the State Government to deduct :-

(a) from the grants made under this section ; or

(b) from any sum representing the grant-in-aid or the share of the Corporation in the net proceeds of the taxes, duties, tolls and fees levied by the State and recommendations of the Finance Commission,

Provided further that before making such deductions the Corporation's say in the matter shall be considered by the Government.]

**79. Application from municipal fund :-**

The moneys from time to time credited to the municipal fund shall be applied in the following order of preference :- Firstly, in making due provisions for the repayment of all loans payable by the Corporation under the provisions of Chapter IX. Secondly, in discharge of all liabilities imposed on the Corporation by sub-section (1) of section 3. Thirdly, in payment of all sums, charges and costs necessary for the purposes specified in sections 57 and 58 and for otherwise carrying this Act into effect, or of which the payment shall be duly or directly sanctioned under any of the provisions of this Act inclusive of

(a) the cost of auditing the municipal accounts ;

(b) the expenses of every election of Councillors held under this Act ;

(c) the salaries, allowances and contributions to pensions and leave salaries of the Commissioner and of any other officer whose services may at the request of the Corporation be placed by the

State Government at the disposal of the Corporation ;

(d) the salaries and allowances of municipal officers and servants, and all pensions, gratuities, contributions and compassionate allowances payable under the provisions of this Act ;

(e) the salaries and fees of experts for service or advice in connection with any matter arising out of the administration or undertaking of the Corporation ;

(f) all expenses and costs incurred by the Corporation or by any municipal officers on behalf of the Corporation in the exercise of any power conferred, or the discharge of any duty imposed on it or them by this Act, including moneys which the Corporation is required or empowered to pay by way of compensation ;

(g) every sum payable -

(i) by order of the State Government or under an award made under the Arbitration Act, 1940, or a decree or order of a Civil Court, as the Case may be ;

(ii) under a decree or order of a Civil or Criminal Court passed against the Commissioner ;

(iii) under a compromise of any suit or other legal proceeding or claim ;

(h) contributions to public institutions which the State Government may, after consulting the Corporation, declare to be in the interest of the inhabitants of the City.

**80. Receipts and disposal of payments on accounts of the municipal fund :-**

All moneys payable to the credit of the municipal fund shall be received by the Commissioner and shall be forthwith paid into [the Imperial Bank of India] at Nagpur or into any other Bank approved by the State Government, to the credit of an account which shall be styled "The account of the municipal fund of the City of Nagpur".

**81. Drafts on the municipal fund :-**

(1) Subject to the provision of section 404 no payment shall be made by any bank or society as aforesaid out of the municipal fund except upon a cheque signed in the prescribed manner.

(2) Payment of any sum due by the Corporation not exceeding one



hundred rupees in amount, may be made in cash, cheques for sums not in excess of one thousand rupees each being drawn from time to time to cover such payments.

(3) Payment of any sum due by the Corporation exceeding one hundred rupees in amount shall be made by means of a cheque signed as provided in sub-section (1), and not in any other way.

**82. Deposit of portion of municipal fund outside Nagpur :-**

Notwithstanding anything contained in section 80 or 81, the Commissioner with the previous approval of the Standing Committee may, from time to time remit any portion, of the municipal fund to a bank or other agency approved by the State Government and carrying on business at any place beyond the City at which it may be desirable for the Corporation to have funds in deposit ; and any money payable to the credit of, or chargeable against the municipal fund which may, in the opinion of the Commissioner, be most conveniently paid into or out of the account of the Corporation at any such bank or agency may be so paid.

**83. Investment of surplus money :-**

Surplus moneys at the credit of the municipal fund, which cannot immediately or at an early date be applied to the purposes of this Act or of any loan raised thereunder, may from time to time be deposited in [the Imperial Bank of India] at Nagpur or in any other bank or Co-operative Society approved by the State Government or may be invested in such public securities as the State Government may prescribe in this behalf.

**83A. Establishment of Consolidated Sewage Disposal and Water Supply Loan Fund :-**

(1) The Corporation shall establish and set apart a separate fund to be called "the Consolidated Sewage Disposal and Water Supply Loan Fund" for the purposes of carrying into effect the provisions of Chapters XIII, XIV, XVI and XVII.

(2) The following moneys shall be credited to the said Loan Fund, namely : -

(a) any sums borrowed in exercise of the powers conferred by or under this Act for the purposes of Chapters XIII, XIV, XVI and XVII ;

(b) such portion of the sinking fund referred to in section 97 as the Corporation may, from time to time, determine

(3) The fund so established shall be applied for : -

(a) the expenditure on capital works for the purpose of Chapters XIII, XIV, XVI and XVII ;

(b) the repayment of the previous loans raised for such capital works.

(4) Any moneys of the said Fund, not used or not immediately to be used in accordance with sub-section (3), shall be invested by the Commissioner, on behalf of the Corporation with the sanction of the Standing Committee, in such manner as he deems fit and proper.

**83B. Establishment of Sewage and Water Fund :-**

(1) The Corporation shall establish and set apart a separate fund to be called "the Sewage and Water Fund".

(2) All moneys received by or on behalf' of the Corporation under clauses (a) and (b) of section 115-a or any other moneys received for the purposes of Chapters XIII, XIV, XVI and XVII shall be credited to the Sewage and Water Fund.

(3) All moneys payable to the credit of the said Fund shall be received by the Commissioner and forthwith paid by him into the Bank or Banks approved by the standing Committee, from time to time, in this behalf to the credit of account which shall be styled "the Account of the Sewage and Water Fund" :

Provided that, the Commissioner may retain such balance in cash as may be necessary for the purposes of Chapters XIII, XIV XVI and XVII.

(4) The moneys from time to time credited to the said Fund shall be applied only in payment of all sums, charges and costs necessary for the This sub-heading and sections were inserted by Mah. XIII of 1992, s. 8. purposes of carrying into effect the provisions of Chapters XIII, XIV, XVI and XVII.

(5) Surplus moneys at the credit of the said Fund, which cannot immediately or at an early date be applied as provided in sub-section (4) may, from time to time, be deposited by the Commissioner at interest in the Bank or Banks approved by the Standing Committee or be invested in public securities.

(6) All such deposits and investments shall be made by the

Commissioner on behalf of the Corporation with the sanction of the Standing Committee, and with the like sanction, the Commissioner may, at any time, withdraw any deposits so made or dispose of any securities and redeposit or reinvest the moneys so withdrawn or the proceeds of the disposal of the securities ; but no order for making any such deposit or investment or withdrawal or disposal shall have any validity. Unless the same is in writing signed in the prescribed manner as for signing of cheques under section 81.

(7) The loss, if any, arising from any such deposit or investment shall be debited to "the Sewage and Water Fund".]

#### CHAPTER 8

#### Budget Estimate

#### **84. Only sums covered by a budget grant to be expended from the municipal fund 82[or the special funds] :-**

Except as hereinafter provided, no payment of any sum shall be made out of the municipal fund [or the special funds] unless the expenditure of the same is covered by a current budget grant and a sufficient balance of such budget grant is still available notwithstanding any reduction or transfer thereof which may have been made under section 87 or 89. Provided that the following items shall be excepted from this prohibition, namely :-

- (a) sums of which the expenditure has been sanctioned by the Standing Committee;
- (b) refunds or taxes and other moneys which the Commissioner is by this Act authorised to make ;
- (c) repayments of moneys belonging to contractors or other persons held in deposit and of money collected or credited to the municipal fund by mistake;
- (d) sums which the Commissioner is by this Act required or empowered to pay by way of compensation ;
- (e) sums payable in any of the circumstances mentioned in clause (g) in section 79 ;
- (f) expenses incurred by the Corporation in the exercise of the powers conferred on it by section 265 ;
- (g) costs incurred by the Commissioner under clause (c) of subsection (3) of section 59.

**85. Expenditure under certain of these exceptions to be reported by Commissioner Executive Officer to Standing Committee :-**

(1) Whenever any sum is expended by the Commissioner under clause (d), (e) or (g) of this proviso to section 84, he shall forthwith communicate the circumstances to the Standing Committee which shall take such action under section 87 or recommend to the Corporation take such action under section 88 as shall, in the circumstances, appear lawful and expedient for covering the amount of the additional expenditure.

**86. Preparation of budget estimates :-**

(1) The Commissioner shall on or before the tenth day of January each year, cause to be prepared and laid before the Standing Committee, in such form as may be prescribed and in such manner as the Standing Committee may approve, budget estimates of the income and expenditure of the municipal fund [and also of the special funds separately] for the next financial year.

[(1-A) The Commissioner shall, while preparing the statement referred to in clause (I) of subsection (1) append thereto a report indicating whether the following services are being provided in a subsidised manner and, if so, the extent of the subsidy, the source from which the subsidy was met and the sections or categories of the local population who were the beneficiaries of such subsidy, namely :-

- (a) water supply and disposal of sewage,
- (b) scavenging, transporting and disposal of wastes, and
- (c) street lighting.

Explanation :- A service shall be construed as being provided in a subsidised manner if its total cost, comprising the expenditure on operation and maintenance and adequate provision for depreciation of assets and for debt servicing, exceeds the income relatable to the rendering of that service.]

(2) Such estimates shall -

- (a) provide for the repayment of all loans with interest due thereon, for the repayment of which the Corporation is liable ;
- (b) provide for the discharge of liabilities imposed on the

Corporation by sub-section (1) of section 3 ;

(c) provide for the payment in convenient installments from the municipal fund of an amount equal to the grant assigned for education ;

[(ca) as respects the special funds :-

(i) provide with reference to the provisions of Chapter XI such rates and extent of such municipal taxes, namely, sewerage tax, sewerage benefit tax, water tax and water benefit tax as the Commissioner thinks fit for the purposes of Chapters XIII, XIV, XVI and XVII ;

(ii) state the estimate of receipt of the aforesaid taxes or of any other receipts ;

(iii) provide for payment as they fall due, of all sums and of all installments of principal and interest for which the Corporation may be liable under this Act in respect of matters falling under Chapters XIII, XLV, XVI and XVII ; and

(iv) provide for such expenditure, if any, as the Commissioner considers necessary to be incurred by the Corporation in the next financial year for the purpose of Chapters XIII, XIV, XVI and XVII ;]

(d) allow for a cash balance at the end of the said year of not less than such sum as may be prescribed by the State Government.

(3) The Standing Committee shall, on or as soon as may be after the tenth day of January, consider the budget estimates prepared by the Chief Executive Officer and make such modifications and additions thereto as it shall think fit and submit the same to the Corporation not later than the fifteenth day of February.

(4) The Corporation shall finally adopt the budget estimates before the beginning of the year to which they relate and shall forthwith submit copies thereof to the State Government :

Provided that if for any reason the Corporation has not finally adopted the budget estimates before the commencement of the financial year to which they relate, the budget estimates as prepared by the Commissioner shall be deemed to be the budget estimates for that year until action has been taken by the Corporation :

Provided further that if the Corporation becomes indebted to the Government, the adoption of budget estimates under this sub-section shall be subject to confirmation by the State Government.

**87. Power of Standing Committee to reduce or transfer budget grants :-**

(1) The Standing Committee may, from time to time during the financial year, reduce or transfer the amount or a portion of the amount of one budget grant to the amount of any other budget grant under the same major head in the budget estimates :

Provided that

(a) due regard shall be had when making any such reduction or transfer to all the requirements of this Act ; and

(b) every such reduction or transfer shall be brought to the notice of the Corporation as its next meeting.

(2) If any such reduction or transfer is of an amount exceeding five hundred 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.

**88. Power of Corporation to alter budget grants :-**

The Corporation may, from time to time during the financial year, transfer the amount or a portion of the amount of one budget grant from one major head to another in the budget estimate, or increase the amount of any budget grant, or make an additional budget grant for the purpose of meeting any special or unforeseen requirement arising during the said year, but not in such a way as to bring the estimated cash balance at the close of the year below the amount fixed under clause (d) of sub-section (2) of section 86.

**89. Power of Corporation to re-adjust income and expenditure during the year :-**

(1) If at any time during the financial year it appears to the Corporation that notwithstanding any reduction of budget grants that may have been made under section 87, the income of the municipal fund during the same year will not suffice to meet the expenditure sanctioned in the budget estimates of that year, it shall be incumbent on the Corporation forthwith to sanction any measure which they may consider necessary for proportioning the year's income to the expenditure.

(2) For the purposes of sub-section (1), the Corporation may either diminish the sanctioned expenditure of the year, so far as it may be possible so to do with due regard to all the requirements of this Act, or have recourse, subject to the conditions and limitations prescribed by this Act, to supplementary taxation or to an increase of the rates, or adopt all or any of those methods.

(3) Whenever the Corporation determines to have recourse to such supplementary taxation, it may do so by increasing, for the unexpired portion of the said year, the rates at which any tax imposed under this Act is being levied, or by adding to the number of articles, if any, on which a cess on imports is being levied, but every such increase or addition shall be made subject to the limitations and conditions prescribed in regards to such tax or cess.

## CHAPTER 9

### Loans

#### **90. Power of Corporation to borrow money :-**

(1) Subject to the provisions of section 92 of this Act and section 31 of the Reserve Bank of India Act, 1934, the Corporation, in pursuance of a resolution passed at a special meeting, convened for the purpose, may, by the issue of debentures or otherwise on the security of the immovable property vested in the Corporation, or of all or any taxes, duties, tolls, cesses, fees and dues) authorize by this Act (or of both the immovable property and all or ny taxes, duties, tolls, cesses, fees and dues) raise a loan of any money which may be required :-

(i) for the construction of works under this Act, or

(ii) for the acquisition of land for the purposes of this Act, or

(iii) for the repayment of a loan raised under this Act or any other loan or debt for the repayment of which the Corporation is liable :

provided that -

(i) No loan shall be raised for the construction of any work other than a permanent work, which expression shall include any work of which the cost should in the opinion of the State Government be spread over a term of years ;

(ii) no loan shall be raised without the previous sanction of the State Government ;

(iii) the terms upon, the period within and the method by which the loan is to be raised and repaid, shall be subject to the approval of the State Government ; and

(iv) the period within which the loan is to be repaid shall in no case exceed fifty years.

(2) When any sum of money has been borrowed under sub-section (1):-

(i) No portion thereof shall, without the previous sanction of the State Government, be applied to any purpose other than that for which it was borrowed ; and

(ii) no portion of any sum of money borrowed under clause (i) of sub-section (1) shall be applied to the payment of salaries or allowances of any municipal officers or servants, other than those who are exclusively employed upon the works for the construction of which the money was borrowed :

Provided that with the previous sanction of the State Government, part of the salaries or allowance of any municipal officer or servant employed in part upon the construction of such work may be paid out of the sum so borrowed.

(3) The amount of the loan, the period within which it shall be repaid, and the terms upon and the method by which the loan is to be raised and repaid shall be notified by the State Government.

**91. Power of Corporation to open credit or cash account with a bank :-**

(1) Notwithstanding anything contained in section 90, whenever the borrowing of any sum has been sanctioned under that section, the Corporation may, instead of borrowing such sum or any part thereof from the public or any member thereof, take credit on such terms as may be sanctioned by the State Government from any bank on a cash account to be kept in the name of the Nagpur Corporation to the extent of such sum or part and, with the previous sanction of the State Government, may grant mortgages of all or any of the property vested in the Corporation by way of securing the repayment with interest of the amount of such credit or of the sums advanced from time to time on such cash account.

(2) The provisions of sub-section (3) of section 90 shall apply to such sum or part.



**92. Limit of borrowing power :-**

Notwithstanding anything herein before contained the borrowing powers of the Corporation shall be limited so that the sums payable under this Act shall not at any time exceed together with the Corporation, in the whole, double the annual value of the lands and buildings in the City as defined in section 119.

**93. Form, exchange, transfer and effect of debentures :-**

(1) All debentures issued under this Act shall be in such form as the Corporation may, in the case of a loan raised out of India with the previous sanction of the Central Government and in every other case with the previous sanction of the State Government, prescribe.

(2) The holder of any debenture in any form prescribed under subsection (1) may obtain in exchange therefor, upon such terms as the Corporation may determine, a debenture in any other form so prescribed.

(3) Every debenture issued by the Corporation under this Act shall be transferable in such manner as shall be therein expressed.

(4) The right to be paid the money secured by any of such debentures and to sue in respect thereto shall vest in the holders thereof for the time being. without any preference by reason of some of such debentures being prior in date to others.

**94. Signature of coupons attached to debentures :-**

All coupons attached to debentures issued under this Act, shall bear the signatures of the Chairman of the Standing Committee and the Commissioner on behalf of the Corporation and such signatures may be engraved, lithographed or impressed by any mechanical process.

**95. Debentures issued to two or more persons jointly :-**

Notwithstanding anything contained in section 45 of the Indian Contract Act, 1872

(1) when any debenture or security issued under this Act is payable to two or more persons jointly, and either or any of them dies, the debenture or security shall be payable to the survivor or survivors of such persons :

Provided that nothing in this sub-section shall affect any claim by the legal representative of a deceased person against such survivor or survivors ;

(2) when two or more persons are joint holders of any debenture or security issued under the Act, any one of such persons may give an effectual receipt for any interest or dividend payable in respect of such debenture or security, unless notice to the contrary has been given to the Corporation by any other of such persons.

**96. Repayment of loans :-**

Every loan raised by the Corporation under section 90 shall be repaid within the time approved under proviso (iii) to sub-section (1) of the said section and by such of the following methods as may be approved, namely :-

(a) by payment from a sinking fund established under section 97 in respect of the loan, or

(b) by equal payments of principal, and interest, or

(c) by equal payments of principal, or

(d) in the case of loans borrowed before this Act comes into force, by annual drawings, or

(e) from any sum borrowed under section 90 (1) (iii), or

(f) partly from the sinking fund established under section 97 in respect of the loan and partly from money borrowed for the purpose under section 90 (1) (iii).

**97. Establishment and maintenance of sinking funds for such loans :-**

Whenever the repayment of a loan from sinking fund has been sanctioned under proviso (iii) to sub-section (1) of section 90 the Corporation shall establish sub-section (1) of section 90 the Corporation shall establish such fund and shall pay into it on such dates as may have been approved under the said proviso, such sum as will, with accumulation of compound interest, be sufficient, after accumulation of compound interest, be sufficient, after payment of all expenses, to pay off the loan at the time approved :

Provided that if at any time the sum standing to the credit of the sinking fund established for the repayment of any loan is of such amount that if allowed to accumulate at compound interest it will be sufficient to repay the loan at the time approved, then with the permission of the State Government, further payments into such fund may be discontinued.

## **98. Power of Corporation to consolidate loans :-**

(1) Notwithstanding anything contained in this Act, the Corporation may consolidate all or any of its loans, or any part of a loan and for that purpose may invite tenders for a new loan to be called "the Nagpur Corporation Consolidated Loan" and invite holders of municipal debentures to exchange their debentures for scrip of such loan.

(2) The terms of every such consolidated loan and the rates at which exchange into such a consolidated loan shall be permitted shall, save in the case of a loan granted by the State Government, be subject to the previous approval of the State Government.

(3) Save in the case of a loan granted by the State Government, the period for the extinction of any such consolidated loan shall not, without the sanction of the State Government, extend beyond the furthest date within which any of the loans to be consolidated would otherwise be repayable.

(4) The Corporation shall establish a sinking fund for the repayment of every such consolidated loan.

(5) The provisions of section 97 shall apply to each sinking fund established under sub-section (4):

Provided that, in calculating the sum to be paid into any such sinking fund in pursuance of section 97, any sums transferred to that fund in pursuance of the proviso to section 101 shall be taken into account.

## **99. Investment of sinking fund :-**

(1) All money paid into a sinking fund shall, as soon as possible be invested by the Corporation in

(a) Government securities, or

(b) Securities guaranteed by Government, or

(c) Nagpur municipal debentures,

(2) All dividends and other sums received in respect of any such investment shall, as soon as possible after receipt, be paid into the appropriate sinking fund and invested in the manner prescribed by sub-section (1).

(3) Money standing to the credit of two or more sinking funds may,

at the discretion of the Corporation, be invested in a common fund and it shall not be necessary for the Corporation to allocate the securities held in such investments among the several sinking funds.

(4) When any part of a sinking fund is invested in Nagpur municipal debentures or is applied to paying off any part of a loan before the period fixed for repayment, the interest which would otherwise have been payable on such debentures or on such part of the loan, shall be paid into the sinking fund and invested in the manner laid down in subsection (1).

(5) Any investment made under this section may, subject to the provisions of sub-section (1), be varied or transposed :

Provided that the former sinking fund shall be increased by a sum equal to the sum taken for the purposes of transfer to the latter sinking fund.

**100. Power of Corporation to invest in its own debentures**  
:-

(1) For the purpose of investing any portion of the municipal fund, including the sinking funds, the Corporation may reserve and set apart for issue at par, to and in the name of the Nagpur Corporation, any portion of the debentures to be issued on account of any loan, provided that the intention so to reserve and set apart such debentures shall have been notified as a condition of the issue of the loan.

(2) The issue of any such debentures to the Corporation as aforesaid shall not operate to extinguish or cancel such debentures, but every debenture so issued shall be valid in all respect as if 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 the Corporation, shall not operate to extinguish or cancel any such debenture, but the same shall be valid and negotiable in the same manner and to the same extent as if held by, or transferred, assigned or endorsed to any other person.

**101. Application of sinking fund :-**

Until any loan is wholly repaid, the Corporation shall not apply the sinking fund established in respect of that loan to any purpose

other than the repayment of that loan :

Provided that when any loan, or part therefore, is consolidated under section 98, the Corporation shall transfer to the sinking fund established for such consolidated loan the sum standing to the credit of the sinking fund of the original loan, or if part only of a loan is consolidated, then such part of the sum standing to the credit of the sinking fund of the original loan as is proportionate to the amount of the original loan which is incorporated in the consolidated loan.

**102. Provisions of loans raised by the Municipality of Nagpur, etc :-**

In the case of all loans raised by the Nagpur Municipal Committee before this Act comes into force, the following provisions shall apply :-

(i) If, when the loans were raised they were made repayable from sinking funds, the Corporation shall establish sinking funds for the repayment of the loans and shall pay into the funds such sums, on such dates as may have been fixed when the loans were raised ;

(ii) all securities and cash held by the Nagpur Municipal Committee in sinking funds, if any, established for the repayment of such loans, shall be transferred to the Corporation and shall be held by it as part of the sinking funds established under clause (i);

(iii) the provisions of section 97 shall apply to such sinking funds;

(iv) if, when any such loans were raised, the loans were made repayable by equal payments of principal and interest or by equal payments of principal or by annual drawings, the Corporation shall make such payments or annual drawings on such dates and in such manner as may have been fixed when the loans were raised ;

(v) the provisions of section 104 shall apply to such loans.

**103. Annual examination of sinking funds :-**

(1) All sinking funds established under this Act shall be subject to annual examination by the Chief Auditor Local Fund Accounts who shall satisfy himself that the provisions of section 101 are being complied with, and that the cash and the current value of the securities belonging thereto are actually equal to the amount which should be at the credit of such funds had investments been regularly made and had the rate of interest as originally estimated

been obtained therefrom.

(2) The Corporation shall forthwith pay into any sinking fund any sum by which the Chief Auditor, Local Fund Accounts may certify the fund to be deficient, unless the State Government by general or special order sanctions a gradual re-adjustment.

(3) If any dispute arises as to the accuracy of any certificate given by the Chief Auditor, Local Fund Accounts under sub-section (2), the Corporation may, after making the payment, refer the matter to the State Government whose decision shall be final.

**104. Attachment of municipal fund in default of repayment of loan :-**

(1) If any money borrowed by the Corporation, or any interest or costs due in respect thereof, is not repaid according to the conditions of the loan, the State Government if it has itself given the loan may, and in other cases shall, on the application of the lender, attach the municipal fund in whole or in part.

(2) After such attachment no person except an officer appointed in this behalf by the State Government shall, in any way, deal with the attached fund, but such officer may do acts in respect thereof which any municipal authority, officer or servant might have done if the attachment had not taken place, and may apply the proceeds in satisfaction of the arrears and of all interest and costs due in respect thereof and of all expenses incidental to the attachment and subsequent proceedings :

Provided that no such attachment shall defeat or prejudice any debt for which the fund or part thereof attached was previously pledged in accordance with law, but all such debts shall be paid out of the proceeds of the attached fund or part, before any part of the proceeds is applied to the satisfaction of the debt in respect of which such attachment is made.

**105. Attachment of municipal fund for securing payment :-**

If the Corporation fails to make any payment as required by sub-section (2) of section 103, the State Government may attach the municipal fund or any part thereof, and the provisions of sub-section (2) of section 104 shall, with all necessary modifications, be deemed to apply.

**106. Annual statement to be prepared by Commissioner :-**

(1) the Commissioner shall at the end of each year, prepare a statement showing -

(a) the amount and date of borrowing of loans raised by the Corporation and the annual loan charges ;

(b) in the case of every loan for which a sinking fund has been established under section 97, the accumulation in the sinking fund at the close of the year, showing separately the amount paid to the credit of the fund in the year ;

(c) the loans repaid during the year, and in the case of loans repaid in installments or by annual drawings, the amounts repaid during the year and the balance due at the close of the year ;

(d) the particulars of securities in which the sinking funds have been invested or which have been reserved for the investment of these funds.

(2) Every such statement shall be laid before a meeting of the Corporation and a copy of such statement; shall be sent to the State Government and to the Accountant-General of the Madhya Pradesh and shall be published in the Gazette.

**107. Application of the Local Authorities Loans Act, 1914 :-**

The provisions of the Local Authorities Loans Act, 1914, shall apply to all loans borrowed under this Chapter so far as the said provisions are not inconsistent with the provisions herein contained.

**CHAPTER 10**

**Audits and Accounts**

**108. Accounts to be kept in a form approved by the Standing Committee :-**

Subject to any rules made by the State Government in this behalf, accounts of receipts and expenditure of the Corporation shall be kept in such manner and in such forms as the Standing Committee may from time to time prescribe.

**109. Transmission of accounts to Government :-**

The Corporation shall, as soon as the accounts of the past year have been finally passed by it transmit to the Provincial Government an account in such form as the State Government may from time to time direct.

**110. Annual administration report and statement of accounts by Corporation :-**

(1) The Commissioner shall, as soon as may be after the first day of April, in each year, cause to be prepared a detailed report of the municipal administration of the City during the previous year, together with a statement showing receipts and disbursements credited and debited to the municipal fund during the previous financial year, and the balance at the credit of the fund at the close of the said financial year.

(2) The Commissioner shall thereafter forward the report and statement to each Councillor and to the State Government.

**111. Monthly abstract of accounts :-**

(1) The Commissioner shall draw up a monthly abstracts of the receipts and expenditure of the preceding month and such abstract shall be examined and signed by the Government auditor.

(2) For this purpose the Standing Committee shall have access to all the municipal accounts and to all records and correspondence relating thereto, and the Commissioner shall forthwith furnish to the Standing Committee any explanation concerning receipts and disbursements which it may call for.

(3) The abstract of the municipal accounts signed by the Government auditor shall be published in the Gazette quarterly in the prescribed form.

**112. Audit of municipal accounts :-**

(1) The municipal accounts shall be examined and audited from time to time in accordance with the arrangement approved in that behalf by the State Government. The auditor shall forthwith report to the Standing Committee any material impropriety or irregularity which he may at any time observe in the expenditure or in the recovery of moneys due to the Corporation or in the municipal accounts.

(2) The report of the auditor of the municipal accounts under subsection (1) shall be published in the Gazette.

(3) The Government auditor may communicate to the Standing Committee at any time any matter relating to the accounts of the Corporation or to the audit of the said accounts.

**113. Municipal authorities to remedy defects and report to State Government :-**



(1) The Corporation, the Standing Committee or the Commissioner, as the case may be, shall forthwith remedy any defects or irregularities that may be communicated by the auditor and shall send quarterly report to the State Government of the action taken by the municipal authority concerned:

Provided that if there is a difference of opinion between the municipal authority and the auditor, or if the municipal authority does not remedy any defect or irregularity within a period considered by the auditor to be reasonable, the matter shall be referred to the State Government within such time and in such manner as may be prescribed, and the State Government may pass such orders thereon as it thinks fit. The orders of the State Government shall be final and the municipal authority shall take action in accordance therewith.

(2) If within any period fixed by an order made by the State Government under sub-section (1), the municipal authority concerned fails to

#### PART 4

#### PART

#### CHAPTER 11

#### Taxation

### **114. Taxes to be imposed under this Act :-**

(1) For the purposes of this Act, the Corporation shall impose -

[(a) property taxes ;]

[(b) \* \* \*

(c) \* \*

(d) \* \* \*]

(e) a cess on animals or goods brought within the City for sale, consumption or use therein.

(2) In addition to the taxes mentioned in sub-section (1) the Corporation may, with the previous approval of the State Government and for the purposes of this Act, impose any of the following taxes, namely :-

[(a) Deleted].

(b) a tax payable by the owners on all or any vehicles or animals,

used for riding, driving, draught, or burden, or on dogs where such vehicles, animals or dogs are kept within the city ;

(c) a toll on vehicles and animals used as aforesaid entering the City and on boats moored within the City ;

(d) fees on the registration of cattle sold within the City ;

(e) a lighting rate where the lighting of public streets, places and buildings is undertaken by the Corporation ;

(f) market dues on persons exposing goods for sale in any market or in place belonging to or under the control of the Government, the Nagpur Improvement Trust or of the Corporation ; and

(g) any other tax not being a tax on professions, trades, calling and employments which the State Legislature has power to impose in the State under [the Constitution].

(3) The State Government may, by rules made under this Act regulate the imposition, assessment and collection of taxes under this section and specify maximum amounts of rates for any tax and for preventing evasion of assessment and payment of taxes.

#### **115. Procedure for imposing taxes :-**

(1) The Corporation may, at a special meeting, bring forward a resolution to propose the imposition of any tax under section 114.

(2) When such a resolution has been passed the Corporation shall publish in accordance with the rules made under this Act, a notice, defining the class of persons or description of property proposed to be taxed, the amount or rate of the tax to be imposed, and the system of assessment to be adopted.

(3) Any person resident within the City and objecting to the proposed tax may, within thirty days from the publication of the said notice, submit his objection in writing to the Corporation and the Corporation shall at a special meeting take his objection into consideration.

(4) If the Corporation decides, to amend its proposals or any of them, it shall publish amended proposals, along with a notice indicating that they are in modification of those previously published for objection.

(5) Any objections which may be received to the amended

proposals within, thirty days shall be death with in the manner prescribed in sub-section (3).

(6) The Corporation shall forward its final proposals to the State Government, which shall either refuse to sanction them or return them for further consideration, or sanction them without modification or with such modification not involving an increase of the rate to be proposed as it thinks fit.

(7) Such sanction, if any, shall be published in the Gazette and the tax shall then come into force on such date as may be specified in that notification.

(8) A notification of the imposition of a tax under this section shall be conclusive evidence that the tax has been imposed in accordance with the provisions of this Act.

**115A. Property taxes of what to consist and at what rate leviable :-**

The following taxes shall be levied on buildings and lands in the City and shall be called "property taxes", namely :-

(a)

(i) the sewerage tax of so many per centum of their annual value, as the Corporation may consider necessary for collection, removal and disposal of human waste and other wastes ;

(ii) an additional sewerage tax which shall be called the "sewerage benefit tax" of so many per centum of their annual value, as the Corporation may consider necessary for meeting the whole or a part of the expenditure incurred or to be incurred on capital works for making and improving facilities for collection, removal and disposal of human waste and other wastes and for maintaining and operating such works ;

(b)

(i) the water tax of so many per centum of their annual value, as the Corporation may consider necessary for providing water supply ;

(ii) an additional water tax which shall be called "the water benefit tax" of so many per centum of their annual value, as the Corporation may consider necessary for meeting the whole or part of the expenditure incurred or to be incurred on capital works for

making and improving the facilities of water supply and for maintaining and operating such works ;

(c) a general tax of not less than twelve per centum of the annual value determined under this Chapter.

[(d) The street tax, leviable under s. 153-A ;

(e) The education cess, leviable under s. 153-B.]

[Provided that all or any of the property taxes may be imposed on a graduated scale.]

**115B. Sewerage taxes on what properties to be levied :-**

(1) The sewerage tax shall be levied only in respect of the properties :-

(a) situated in any portion of the City in which public notice has been given by the Commissioner that the collection, removal and disposal of all excrementitious and polluted matter from privies, urinals and cess-pools will be undertaken by the municipal agency ;  
or

(b) in which, wherever situate, there is a privy, water-closet, cesspool, urinal, bathing place or cooking place connected by a drain with a municipal drain:

Provided that, the said tax shall not be levied in respect of any premises situated in any portion of the city specified in clause (a), in or upon which, in the opinion of the Commissioner, no such matter as aforesaid accumulates or is deposited.

(2) The sewerage benefit tax shall be levied in respect of all the premises situated in the City.

**115C. Water taxes on what properties to be levied :-**

(1) Subject to the provisions of section 220, the water tax shall be levied only in respect of the properties :-

(a) to which a private water-supply is furnished from or which are connected by means of communication pipes with any municipal waterworks ;or

(b) which are situated in a portion of the City in which the Commissioner has given public notice that sufficient water is available from municipal water-works for furnishing a reasonable

supply to all the premises in the said portion.

(2) Subject to the provisions of section 220, the water benefit tax shall be levied in respect of all the premises situated in the City.]

**116. General tax on what properties to be levied :-**

(1)[The general tax] shall be imposed by the Corporation upon all lands and buildings within the City except the following, namely :-

(a) buildings or lands or portions thereof exclusively occupied for public worship or for charitable purposes for public burial or burning or for the disposal of the dead ;

(b) buildings and lands vested in Government used solely for the public purposes or in the Corporation, in respect of which the said tax, if levied, would under the provisions hereinafter contained be primarily leviable from the Government or the Corporation, respectively ;

(c) building and lands of a rental value of not more than [twenty-four rupees] per annum where such building or land is occupied by the owner, and he does not possess any other building or land within the limits of the Corporation.

(2) The following buildings and land or portions thereof shall not be deemed to be exclusively occupied for the purposes specified in clause (a) of sub-section (1), namely :-

(i) those in which any trade or business is carried on ; and

(ii) those in respect of which rent is derived whether such rent is or is not applied exclusively towards the objects specified in that clause.

(3) Where any portion of any building or land is exempt from the [general tax] by reason of its being exclusively occupied for the purposes specified in clause (a) of sub-section (1), such portion shall be deemed to be a separate property for the purposes of the said tax.

**1** (4) In fixing the rate of 100[general tax], the Corporation may, subject to the minimum laid down in sub-section (1), fix rates of 100[general tax] rising with the different slabs of annual valuation but the rate of tax for any such slab shall be uniform throughout the area of the Corporation].

1. This sub-section was inserted by M. P. Act XIV of 1953, s. 6 (b)

**116A. Temporary provision of levying general tax at reduced rate in area of Zilla Parishad included in a City :-**

(1) Notwithstanding anything contained in section 116 or any other provisions of this Act, whenever the limits of a city are altered under sub-section (3) of section 389 so as to include any area of a Zilla Parishad, then the general tax shall be levied on lands and buildings in the former Zilla Parishad area during the periods specified in column 2 against each of the entries of the Table hereto, as per the amounts respectively specified in column 3 thereof, and such amounts shall not be liable to be increased under sub-section (3) of section 89 during the said period.

(2) The Corporation shall spend the amount worked out at the rate of not less than one third of the per capita expenditure incurred in the Corporation area for the year immediately preceding the year of inclusion of the Zilla Parishad area in the City or any such higher amount as may be feasible on development works in the newly included Zilla Parishad area for the periods mentioned in entries 1 to 5 in the Table in sub-section (1).]

**117. Exemption from 102[general tax] :-**

Government to pay in lieu of general tax. :-

(1) The State Government shall pay to the Corporation annually, in lieu of the [general tax] from which buildings and lands vested in [the State Government] are exempted by clause (b) of sub-section (1) of section 116, a sum ascertained in the manner provided in sub-sections (2) and (3).

(2) The annual value of the buildings and lands within the City and vested in <sup>1</sup>[the State Government] and beneficially occupied, in respect of which but for the said exemption, [general tax] should be leviable from the State Government, shall be fixed by a person appointed in this behalf by the State Government with the concurrence of the Corporation. The said value shall be fixed as far as may be, in accordance with the provisions hereinafter contained concerning the valuation of property assessable to [general taxes], at such amount as the person making the assessment shall deem to be for a term of five years, subject only to proportionate variation, if in the <sup>2</sup> [the State Government] in the City materially increases or decreases.

(3) The sum to be paid annually to the Corporation by the State Government shall be eight-tenths of the amount which, but for this subsection, would have been payable under the assessment.

1. The words "the State Government" were substituted for the words "His Majesty for the purposes of the Government of the Province" by A. O. 1950.

2. The words "the State Government" were substituted for the words "His Majesty for the purposes of the Government of the Province" by A. O. 1950.

**118. Discount on 107[general tax] :-**

discount upto 6.25 percent. (1) Notwithstanding anything contained in sections 116 and 117 the Corporation may, if it thinks fit, direct by resolution that a discount not exceeding six and quarter per cent shall be allowed on the amount due from every person who pays the tax due before such date as the Corporation shall fix :

Provided that the discount (a) shall not be allowed without the previous sanction of the State Government ; and (b) shall be allowed at the same rate to all persons entitled thereto.

(2) The Corporation may at any time revoke a resolution under this section.

**119. Annual value of land or building how to be ascertained :-**

annual value of land shall be the gross annual rent. For the purpose of assessing land or buildings to the [property taxes]

(a) the annual value of land shall be deemed to be the gross annual rent at which the land might at the time of assessment reasonably be expected to be let from year to year :

Provided that in the case of land assessed to land revenue or of which the land revenue has been wholly or in part released, compounded for redeemed or assigned, the annual value shall, if the State Government so directs, be deemed to be double the aggregate of the following amounts, namely:-

(i) the amount of the land revenue for the tune being assessed on the land, whether such assessment is leviable or not, or

(ii) when the land revenue has been wholly or in part compounded for or redeemed, the amount which would have been leviable but for such composition or redemption ; and,

(b) the annual value of any building shall be deemed to be the gross annual rent at which such building, together with its appurtenances and any furniture that may be let for use or enjoyment therewith, might reasonably at the time of assessment be expected to be let from year to year, less an allowance of ten per cent for the cost of repairs and for all other expenses necessary to maintain the building in a state to command such gross annual rent.

Explanation I:- For the purposes of this clause it is immaterial whether the building and the land let for use or enjoyment there with are let by the same contract or by different contracts, and if by different contracts, whether such contracts are made simultaneously or at different times.

Explanation II :- The term "gross annual rent" shall not include any tax payable by the owner in respect of which the owner and tenant have agreed that it shall be paid by the tenant.

(c) the annual value of any building, the gross annual rent of which cannot be determined under clause (b), shall be deemed to be [eight and a quarter per cent] on the sum obtained by adding the estimated present cost of erecting the building, less any amount which the Commissioner may deem it reasonable to deduct for depreciation, to the estimated market value of the land valued with building as part of the same premises :

Provided as follows (i) in calculating the annual value of any land or building under this section the value of any machinery on such land or in such building shall be excluded ; and (ii) when a building is occupied by an owner under such exceptional circumstances to render excessive a valuation of [eight and a quarter per cent] on the cost of erecting the building, less depreciation, a lower percentage may be taken.

**120. Requisition of name of owner :-**

name and address of the owner of the land or building. The Commissioner may, by written notice, require the occupier of any land or building to furnish him within fifteen days with the name and address of the owner of such land or building.

**121. Treatment of property which is let to two or more persons in separate occupancies :-**

in certain cases separate occupancies be deemed to be a single property. Where any building constructed or adapted for the



purpose of a single dwelling, or constructed or adapted for that purpose as two parts and for another purpose as to the rest, is let out to two or more tenants severally, the assessing authority in preparing, or revising the assessment list, or amending a current assessment list may, if it thinks fit, having regard to all the circumstances of the case, including the extent, if any, to which the parts separately occupied have been severed by structural alteration, treat the building or part thereof as a single property, and a building or part of a building so treated as a single property shall for the purposes of the 111[property taxes], be deemed to be a single property.

**122. Responsibility for payment of property taxes :-**

property taxes to be paid by the owner. The property <sup>1</sup> [taxes] leviable upon any land or building shall be paid by owner thereof.

Explanation :- For the purpose of this section a tenant of land or building or both, under a lease for any agreed period with a covenant for its renewal thereafter, shall be deemed to be owner thereof.

1. Substituted *ibid.*, s. 19.

**123. Employment of assessor :-**

Corporation may employ a person to determine the annual value of land and buildings.

(1) The Corporation may, if it thinks fit, employ a person to determine the annual value of lands and buildings in accordance with the principles laid down in section 119.

(2) Any person so employed shall have power, at all reasonable times and after giving due notice, and on production, if so required, of authorization in that behalf from the Commissioner to enter on, survey and value any land or building within the City which the Commissioner may direct him to survey and value.

(3) If any person willfully delays or obstructs any person in the exercise of any of his powers under this section he shall be liable to a fine not exceeding one hundred rupees.

**124. Assessment of annual value and duration of assessment :-**

assessments made before the commencement of this Act.

(1) The valuation of any land or building situated in one or more of

the several wards, the respective numbers, names and boundaries of which may be specified by the State Government by notification, which has been made before the commencement of this Act and is in force at the commencement of this Act, shall remain in force and shall be deemed to be the valuation for [property taxes] on such land or building under this Act until such time as the Commissioner makes a fresh valuation under this Act of the lands and buildings in each such ward, and the annual value of such lands and buildings in each such ward shall, after such assessment has been made by the Commissioner at the termination of successive periods of one year.

(2) The Commissioner may, instead of making a new assessment every year, adopt the existing assessment, with such alteration as he thinks fit, as the assessments for each new year, giving to persons affected by such alterations the same notice of the altered valuation and assessment had been prepared.

(3) The Commissioner shall arrange for a survey for the purposes of assessment of each part of the City at least once in five years save for the omission, with the previous consent of the Standing Committee, of and small areas which might be more conveniently re-assessed in a subsequent year.

**125. Returns for purposes of valuation :-**

Commissioner may call for information to enable him prepare the assessment list.

(1) To enable him to prepare the assessment list, the Commissioner may, by written notice, require the owner or occupier of any land or building or any portion thereof to furnish him, within such reasonable period as the Commissioner may fix, with information or with a written return signed by such owner or occupier -

(a) as to the name and place of abode of the owner or occupier, or of both the owner and occupier of such land or building ; and

(b) as to the measurement or the gross annual rent or revenue or the description of other specified details or the actual cost or estimated market value of such land or building.

(2) Every owner or occupier from whom any such requisition is made shall be bound to comply with the same and to give true information or to make a true return to the best of his knowledge or belief.

(3) Whoever omits without reasonable cause to comply with such requisition, or furnishes a return which is untrue, shall in addition to any other punishment to which he may be liable, be precluded from objecting to any assessment made by the Commissioner in respect of such land or building of which he is the owner or occupier.

**126. Public notice and inspection of valuations :-**

(1) When the valuation under section 124 of the lands and buildings in any ward had been completed, the Commissioner shall cause the respective valuations to be entered in a list and give public notice of the place where such list may be inspected.

(2) Time for filing complaints against valuation The Commissioner shall, at the same time and in the same manner, give public notice of a date, not being less than twenty days from the publication of such notice, by which These words were substituted by Mah. XIII of 1992, s. 20. objections to the amount of any annual value or other particulars entered in the assessment list may be delivered at his office.

**127. Notice when valuation made for first time is increased :-**

The Commissioner shall, in all cases in which any land or building is for the first time valued, or in which the valuation of any land or building previously valued is increased under section 124, give special notice thereof to the owner or occupier of the same, and when the valuation is so increased, the said notice shall contain a statement of the grounds of the increase.

**128. Notice of objection to valuation :-**

written notice showing grounds of objection and time limit.

(1) Any person dissatisfied with a valuation made under this Chapter may deliver at the municipal office a written notice stating the grounds of his objection to such valuation.

(2) Such notice shall be delivered on or before the last day fixed in this behalf in the public notice referred to in section 126 or 127.

**129. Investigation of objections by Commissioner :-**

register of complaints and investigation by Commissssioner.

(1) All such objections shall be entered in a register to be maintained for the purpose and, on receipt of any objection, the

Commissioner shall give a notice in writing to the objector of the time and place at which his objection will be investigated.

(2) At the time and place so fixed the Commissioner shall hear the objection, in the presence of the objector or his authorised agent if he appears, or may, for reasonable cause, adjourn the investigation.

(3) When the objection has been determined, the order passed on such objection shall be recorded in the said register and, if necessary, an amendment made in the assessment list in accordance with the result of the objection.

### **130. Appeal to District Court :-**

(1) If any dispute arises as to the liability of any land or building to assessment or as to the basis or principle of assessment, an appeal shall lie from the decision of the Commissioner to the District Court, Nagpur, whose decision shall be final.

(2) Such appeal shall be presented to the District Court within thirty days from the date of the order passed under section 129, and shall be accompanied by an extract from the register of objection containing the order objected to.

(3) The provisions of Parts II and III of the Indian Limitation Act, 1908, relating to appeals shall apply to every appeal preferred under this section.

(4) No appeal shall be admitted under this section unless an objection has first been determined under section 129.

(5) Effect shall be given by the Commissioner to the decision of the District Court.

(6) The tendency of an appeal under this section shall not operate to delay or prevent the levy of any tax or installment thereof payable in respect of any building or land according to the order of assessment under appeal but, if by the final decision in the appeal it is determined that such tax or installment ought not to have been levied in whole or in part, the Commissioner shall refund to the person from whom the same has been levied, the amount of such tax or installment, or the excess thereof over the amount properly leviable in accordance with such final decision, as the case may be.

### **131. Valuation when to be final :-**

(1) Every valuation made by the Commissioner under section 124 shall, subject to the provisions of sections 128, 129 and 130, be final.

(2) Every order passed by the Commissioner under section 129 shall, subject to the provisions of section 130, be final.

### **132. Keeping of municipal assessment list :-**

(1) The annual value fixed under this chapter shall be entered in one or more registers to be kept for the purpose, wherein shall also be recorded :-

(a) the serial number of each set of premises ;

(b) the description of each set of premises ;

(c) the name and place of abode of the owner and the name of the occupier;

(d) the amount of the valuation ;

(e) the amount payable on account of the property <sup>1</sup>[taxes] ;

(f) any exemption granted from payment of the said <sup>2</sup> [general taxes] ; and

(g) such other particulars as the Commissioner may direct.

(2) the particulars mentioned in sub-section (1) may be contained in as many registers as the Commissioner may determine, which shall together constitute the assessment list.

(3) When the name of the owner or occupier of any premises is not known, it shall be sufficient to designate him in the said assessment list as "the owner" or "the occupier", as the case may be.

1. These words were substituted by Mah. XIII of 1992, s. 21 (a).

2. These words were substituted by Mah. XIII of 1992, s. 21 (b).

### **133. Authentication of assessment list when all objections have been disposed of :-**

(1) When objections have been determined and appeals disposed of and the entries required by section 132 have been made, the assessment list shall be authenticated by the Commissioner, who

shall certify under his signature that except in the cases in which amendments have been

(2) Thereupon the said assessment list shall, subject to such alterations as may thereafter be made therein under the provisions of sub-section (5) of section 130 or of section 136, be conclusive evidence of the amount of property tax leviable on each land or building within the City in the financial year to which the list relates.

**134. Power of Commissioner to amend assessment list :-**

Commissioner may amend assessment list.

(1) The Commissioner may at any time amend the assessment list by the inclusion, omission or substitution of any matter :

Provided that whenever he proposes to make any amendment in respect of any matter other than the correction of an arithmetical total, he shall before making the amendment, send notice thereof to persons interested and shall allow thirty days to elapse for the making of any objection to the proposed amendment :

Provided further that nothing in this sub-section shall empower the Commissioner to vary the valuation of any premises determined on appeal to the District Court.

(2) If any amendment be made in respect of any matter other than the correction of arithmetical totals, any person on whom a notice is served may object by a written application addressed to the Commissioner and delivered at the Corporation Office before the date fixed in the said notice ; and the provisions of sections 129 and 130 shall, with all necessary modifications, apply to such objection.

(3) When the erection of a new building is completed after the completion of the assessment list, the Commissioner may add the particulars of the building to the list, and in such case the provisions of sections 126, 128, 129, 130 and 133 shall apply, except that no public notice shall be required. In such a case the assessment shall take effect from the beginning of the quarter following the date on which the building is added to the assessment list or from the date when it is occupied or let, if that is earlier.

**135. Notice of increase of rent :-**

(1) When an owner has furnished information or a written return as

provided by section 125, he shall give notice in writing to the Commissioner of any subsequent increase in the rent.

(2) If an owner of any land or building or any portion thereof has, after he has been assessed for the same, made any increase in the rent thereof, he shall give notice in writing to the Commissioner of such increase.

(3) The Commissioner shall, on receipt of such notice as to increase of rent, amend the assessment list by altering the assessment of such land or building or any portion thereof as provided for by section 134.

**136. Notice to be given to Commissioner of demolition or removal of a building :-**

(1) When any building or any portion of a building liable to the payment of property <sup>1</sup> [taxes] is demolished or removed otherwise than by order of the Commissioner, the person liable for the payment of the said taxes shall give notice thereof, in writing, to the Commissioner.

(2) Until such notice is given, the person aforesaid shall be liable to pay every such property tax on the land on which the building stood as he would have been liable to any in respect of such building if the same, or any portion thereof, had not been demolished or removed.

1. This word was substituted by Mah. XIII of 1992, s. 22.

**137. Failure to give notice of increase of rent :-**

Whoever fails to give notice of an increase of rent required by sub-sections(1) and (2) of section 135, or gives notice of an increase of rent which in substance is untrue, shall in addition to any punishment to which he may be liable, be precluded from objecting to any assessment made by the Commissioner in respect of such building or land or any portion thereof of which he is the owner.

**138. Period for which revised valuation to continue in force :-**

revised valuation to take effect from the quarter in which the first valuation would have taken effect. When the valuation of any land or building is revised in consequence of an objection made under section 128 or an appeal is preferred under section 130, the revised valuation shall take effect from the quarter in which the first valuation would have taken effect in the same manner and for the

same period and subject to the same conditions as the original valuation.

**139. Payment of property [taxes], how affected by objections to valuations :-**

<sup>1</sup>:- payment of property tax pending the final determination of the objection. When an objection to a valuation has been made under section 128, the property <sup>2</sup> [taxes] shall, pending the final determination of the objection, be paid on the previous valuation.

1. This word in marginal note was substituted by Mah. XIII of 1992, s. 23 (b).

2. This word was substituted *ibid.*, s. 23 (a).

**140. Refund of excess payment :-**

If upon the hearing of any objection or appeal from any valuation it is made to appear to the Commissioner or the Court, as the case may be, that the appellant has paid any sum or sums of money in consequence of assessment which he ought not to have paid, the Commissioner or the Court as the case may be, shall direct the excess payment to be refunded to the appellant.

**141. Commissioner to supply copies on payment :-**

supply and valuation or assessment list on payment. The Commissioner shall furnish to any person who applies for it, a copy of the valuation or assessment list for the time being in force or any extract from any such list on payment of a sum not exceeding the rate of five rupees for every hundred entries numbered separately, and the Commissioner or a person authorised by him in this behalf shall, if required, certify the copy or extract in such manner as may be prescribed.

**142. Tax not invalid for defect of form :-**

(1) No assessment and no charge or demand of any tax made under this Act shall be called in question or in any way affected by reason of

(a) any mistake

(i) in the name, residence, place of business or occupation of any person liable to pay the tax ; or

(ii) in the description of any property or thing liable to the tax ; or

(iii) in the amount of tax assessed ; or



(b) any clerical error ; or

(c) any other defect of form.

(2) For the purpose of assessing any tax on property under this Act it shall suffice if the property is so described as to be readily identifiable and the owner or occupier need not be named.

**143. Power of the Corporation in regard to taxes :-**

exemption from payment of taxes

(1) The Corporation may exempt from the payment of any tax in whole or in part, for any period not exceeding one year, any person who by reason of poverty is in its opinion unable to pay the same, and may renew such exemption as often as it may consider necessary.

(2) Subject to the provisions of section 116, the Corporation may, with the sanction of the State Government -

(a) abolish, suspend or reduce any tax ; or

(b) exempt from the payment of any such tax in whole or in part any person or any class of persons or any property or description of property.

**144. Power of the State Government in regard to taxes :-**

(1) The State Government may by order exempt from the payment of any such tax in whole or in part any person or class of persons or any property or description

(2) If at any time it appears to the State Government, on a representation made or otherwise, that any tax imposed by or under this Act is unfair in its incidence or that the levy thereof or of any part thereof is injurious to the interests of the general public, it may require the Corporation to take within a specified period measures to remove the objection ; and, if within that period the requirement is not complied with to the satisfaction of the State Government, the State Government may by notification suspend the levy of the tax or of such part thereof until the objection has been removed.

**145. Refund of tax on unoccupied immovable property :-**

when the Commissioner shall refund the rent.

(1) When any land or building or any portion of a building treated

as a separate property for the purpose of assessment under any provision of this Act has been vacant and unproductive of rent for a period of at least sixty consecutive days, the Commissioner shall refund three-quarters of the property 199[taxes] proportionately to the period during which the land or building has been vacant and unproductive of rent. Such a refund shall be granted proportionately for the number of months the land or building is vacant, each complete consecutive period of thirty days being reckoned as one month.

(2) The burden of proving the facts entitling any person to claim relief under this section shall lie upon him.

(3) For the purposes of this section any building reserved by its owner for his own occupation whenever required, shall be deemed to be occupied whether it is actually occupied by such owner or not.

(4) No such refund shall be granted unless notice in writing of the circumstances under which it is claimed has been given to the Commissioner within three months of the beginning of the period for which a refund is claimed.

(5) In no case shall any such refund be permitted unless the total sum demanded by way of all taxes on the property concerned has actually first been paid up to the end of the period for which the concession is claimed.

**146. Duty of furnishing true information regarding liability to municipal taxation :-**

duty to furnish necessary information.

(1) Every person shall, on the demand of an officer duly authorised by the Commissioner in this behalf, furnish such information as may be necessary in order to ascertain whether such person is liable to pay any tax under this Act and if so, how much ; and every hotel or lodging house keeper or secretary of a residential club shall also, on demand made as aforesaid, furnish a list of all persons residing in such hotel, lodging house or club.

(2) if any person so called upon to furnish information omits to do so or furnishes information which is untrue to his knowledge, he shall be punishable with fine which may extend to one hundred rupees.

**147. Duty of occupier to furnish true information regarding**

**owners name and address :-**

If the occupier of any land or building neglects or refuses, without reasonable cause, to comply with a notice served under section 120 or furnishes information which is untrue to his knowledge he shall be punishable with fine which may extend to one hundred rupees.

**148. Notice of transfers of title, when to be given :-**

When a transfer of a title in land or building takes place both transferor and transferee shall within three months of the registration of the deed of transfer give notice in writing.

(1) Whenever the title in any land or building or in any part or share of any land or building is transferred, the transferor and the transferee shall, within three months of the registration of the deed of transfer, or if it be not registered, within three months of the execution of the instrument of transfer, or, if no such instrument be executed after the transfer is effected, give notice in writing of such transfer to the Commissioner.

(2) Every person liable for the payment of a tax on any property, who transfers his title to or over such property without giving notice of such transfer to Corporation as aforesaid, shall in addition to any other liability which he incurs through such neglect, continue to be liable for the payment of all such taxes payable in respect of the said property until he gives such notice or until the transfer is recorded in the Corporation's books.

(3) In the event of the death of the person in whom title to any land or building or in any part or share of any land or building vests, the person who as heir or otherwise takes the title of the deceased by descent or devise shall, within three months from the death of the deceased, give notice of his title to the Commissioner in writing.

(4) Nothing in this section shall be deemed to affect the liability of the heir or devise for the said taxes or to affect the prior claim of the Corporation for the recovery of the taxes due thereupon.

**149. Power of entry for the purposes of valuation of taxation :-**

The Commissioner may authorise any person to do the following acts at any time between sunrise and sunset after giving twenty-four hours notice to the occupier, or, if there be no occupier, to the owner, of a building or land

(a) to enter, inspect and measure any building for the purpose of valuation ;

(b) to enter and inspect any stable, coach house or other place where there is reason to believe that there is any vehicle or animal liable to taxation under this Act or for which a licence has not been duly taken out.

**150. Power to examine article liable to toll or cess of imports :-**

Every person bringing or receiving within the limits of the City any article in respect of which a toll or cess on imports is payable, shall when required by an officer duly authorised by the Commissioner in this behalf and so far as may be necessary for ascertaining the amount of tax chargeable -

(a) permit the officer to inspect, examine, weigh and otherwise deal with the article, and

(b) communicate to the officer any information and exhibit to him any bill, invoice or document of a like nature which such person may possess relating to the article.

**151. Power to search where toll or cess on imports is leviable :-**

power to search and punishment for obstruction refusal or for rendering of false information.

(1) If any person, bringing or receiving within the prescribed limits of the City a conveyance or package on which a toll or cess on imports is or is believed to be leviable, refuses on the demand of an officer authorised by the Commissioner in this behalf to permit the officer to inspect, weigh or otherwise examine the contents of the conveyance or package for the purpose of ascertaining whether it contains any article in respect of which a toll or cess on imports is payable, or refuses to communicate to the officer any information or to exhibit to him any bill, invoice or document of a like nature which he may possess relating to the article, or with the intention of defrauding the Corporation communicates false information or exhibits any false, forged, or fraudulent bill, invoice or document of a like nature, he shall be punished with a fine which may extend to fifty rupees.

(2) Any such person may demand that the conveyance or package or both, as the case may be, shall be taken without unnecessary

delay before the Commissioner or a person appointed by him for this purpose, who shall cause the inspection to be made in his presence.

**152. Punishment for evading payment of toll or cess :-**

fine for not paying toll or cess on animals or articles passing the Corporation limits. If animals or articles passing the limits of the Corporation are liable to the payment of a toll or cess on imports, then every person who, with intention to defraud the Corporation causes or abets the introduction of, or himself introduces or attempts to introduce within the said limits, any such animals or articles upon which payment of the toll or cess on imports due on such introduction has neither been made nor tendered, shall be punishable with fine which may extend either to ten times the value of such toll or cess on imports, or to fifty rupees, whichever may be greater.

**153. Extension of taxation limits by agreement :-**

provisions of the Act to extend to the areas extended by agreement for collecting taxes or tolls.

(1) When the Corporation, with the sanction of the State Government has agreed with a Cantonment Authority or the Committee of an adjoining Municipality or the Committee of an area notified under section 240 of the Central Provinces and Berar Municipalities Act, 1922, that in consideration of the payment of the lump sum or otherwise, the same limits for cess on imports or any toll or tax shall be established for the contracting parties, the Corporation may fix limits by byelaw so as to include so much of the area controlled by the said contracting parties as it may deem necessary, and shall have the powers of collecting such toll or cess on imports on animals or articles brought within such limits, and the provisions of this Act for the assessment and collection of such tax or toll or cess on imports shall apply in the same way as if the said limits were wholly comprised in the area of the Corporation.

(2) The total of the proceeds of such taxes or tolls made in the joint area of the Corporation and Cantonment or municipality or notified area and the cost thereby incurred shall be apportioned between the Municipal fund and the fund subject to the control of the Cantonment Authority or the Municipal Committee or the Committee of the notified area in such proportion as shall have been determined by the agreement.

**153A. Levy of Street tax :-**

(1) The Corporation may, for the purposes of clause (j) of sub-section (1) of section 57, levy within its area, an additional tax on lands and buildings (hereinafter referred to as "the street tax") of so many per centum, not exceeding ten, of their rateable value as the Corporation may, from time to time, determine :

Provided that :-

- (a) all buildings and lands vesting in the Central Government ;
- (b) all other buildings and lands exempted from the general tax under section 116.
- (c) all buildings and lands of a rateable value below such sum as the Corporation may determine, shall be exempted from the levy of education cess.

(2) The Corporation may require the Commissioner to recover the amount of the street tax determined under sub-section (1) by an addition to the general tax levied under this Act. Every addition to the general tax imposed under this sub-section shall be recovered by the Commissioner from each person liable therefor, in the same manner as the general tax due from him. The provisions of section 122 shall apply to the street tax as if it were a part of the general tax levied under this Act.

**153B. Levy of education cess :-**

(1) For the purposes of clause (s) of sub-section (1) of section 57, the Corporation may, I21[\* \* \* \*] levy within its area, an additional tax on buildings and lands (hereinafter referred to as "the education cess"), of so many per centum, not exceeding five, of their rateable value, as the Corporation may determine. Such tax may be levied, if the Corporation so determines, on a graduated scale :

Provided that :-

- (a) all buildings and lands vesting in the Central Government ;
- (b) all other buildings and lands exempted from the general tax under section 116;
- (c) all buildings and lands of a rateable value below such sum as the Corporation may determine,

(2) The Corporation may require the Commissioner to recover the amount of the education cess determined under sub-section (1), by an addition to the general tax levied under this Act. Every addition to the general tax imposed under this sub-section shall be recovered by the Commissioner from each person liable therefor in the same manner as the general tax due from him. The provisions of section 122 shall apply to the education cess as if it were a part of the general tax levied under this Act.

**153C. Payment to be made to Corporation in lieu of education cess by State Government :-**

(1) With effect from the first day of April 1993, and in respect of the period during which the education cess is levied under section 153-B, the State Government shall pay to the Corporation annually in lieu of the education cess from which the buildings and lands vesting in the State Government are exempted by virtue of clause (b) of the proviso to sub-section (1) of section 153-B (hereinafter in this section referred to as "the exempted buildings and lands"), a sum ascertained in the manner provided in sub-section (2).

(2) The sum to be paid annually to the Corporation by the State Government shall be eight-tenths of the amount which could be, or would have been, payable by an ordinary owner of buildings or lands, on account of the education cess, on the rateable value of the same amount as that fixed under sub-section (2) of section 117 in respect of the exempted buildings and lands.]

**CHAPTER 12**

**Recovery of Corporations Claims**

**154. when the amount is declared as recoverable or payable, the Commissioner shall present a bill to the person for the sum claimed as due :-**

(1) Presentation of bill for taxes and other demands :- When any amount declared by or under the provisions of this Act to be recoverable in the manner provided in this Chapter or payable on account of any tax now imposed or hereafter to be imposed within the limits of the City shall have become due, the Commissioner shall, with the least practicable delay, cause to be presented to any person liable for the payment thereof a bill for the sum claimed as due.

(2) Contents of bill :- Every such bill shall specify (a) the period for which, and (b) the property, occupation or thing in respect of which the sum is claimed, and shall also give notice of -

(i) the liability incurred in default of payment ; and

(ii) the time within which an appeal may be preferred as hereinafter provided against such claim.

**155. If bill not paid within fifteen days, notice of demand to issue :-**

if a bill is not paid within 15 days, notice of demand.

(1) If the sum, for which a bill is presented as aforesaid, is not paid within fifteen days from the presentation of the bill, the Commissioner may serve upon the person to whom such bill has been presented a notice of demand in the prescribed form.

(2) For every notice of demand a fee shall be charged at the rate specified in the byelaw and shall be payable by the said person, and the fee shall be included in the costs of recovery.

**156. In what case warrant may issue :-**

(1) If the person on whom a notice of demand is served under subsection (1) of section 155 does not within twenty-one days of the service of such notice

(a) pay the sum demanded in the notice ; or

(b) show cause to the satisfaction of the Commissioner why he should not pay the same ; or

(c) prefer an appeal in accordance with the provisions of section 164 against the demand, such sum with all costs of recovery may be recovered under a warrant in the prescribed form signed by the commissioner

(i) by distress and sale of the movable property belonging to such person, or

(ii) by attachment and sale of the immovable property belonging to him :

Provided that, where any precautionary or other measures in respect of any such property have been taken by the State Government for the recovery of any sum claimed by it, no proceedings shall be taken or continued under this Chapter in



respect of such property until the State Government's claim has been paid off.

(2) To whom warrant should be addressed :- Where the property is within the limits of the City, the warrant shall be addressed to an officer of the Corporation and where the property is outside the limits, to the Deputy Commissioner of the district concerned :

Provided that the officer to whom the warrant is addressed may endorse such warrant to a subordinate officer.

(3) Levy of fee on every warrant issued :- For every warrant issued under this section, fee shall be charged at the rates specified in the byelaws and the said fee shall be included in the costs of recovery.

**157. Power of Corporation to remit certain fees :-**

The Corporation may in its discretion remit the whole or any part of any fee chargeable under sub-section (2) of section 155 or sub-section (3) of section 156.

**158. Power of officer to break open door or window :-**

Any officer charged with the execution of a warrant of distress issued under section 156 may, if authorised by a general or special order in writing by the Commissioner between sunrise and sunset break open any outer or inner door or window of a building in order to levy distress

(a) if he has reasonable ground for believing that such building contains property which is liable to such distress , and

(b) if after notifying his authority and purpose and duly demanding admittance, he cannot otherwise obtain admittance :

Provided that such officer shall not enter or break open the door or window of any apartment appropriated to the use of women until he has given not less than three hours notice of his intention and has given the women an opportunity to withdraw.

**159. Warrant how to be executed :-**

distrain of movable property and attachment of immovable property conditions. The officer charged with the execution of a warrant of distress issued under section 156 shall, if authorised by the warrant, distrain, wherever it may be found, any movable property or attach any immovable property of the person named in the warrant subject to the following conditions, namely :-

(a) the following property shall not be distrained :-

(i) the necessary wearing apparel and bedding of the defaulter, his wife and children ;

(ii) the tools of artisans ;

(iii) when the defaulter is an agriculturist. his implements of husbandry, seed, grain, and such cattle as may be necessary to enable him to earn his livelihood ;

(b) the distress shall not be excessive, that is to say, the property distrained shall be as nearly as possible equal in value to the amount recoverable under the warrant, and if any property has been distrained which, in the opinion of the Commissioner or of the person to whom the warrant was addressed, should not have been so distrained, it shall forth-with be returned to the person from whom it was distrained ;

(c) the officer shall on distraining the property forthwith make in the presence of two witnesses an inventory of the property which he distrains under such warrant, and shall at the same time give a written notice in the prescribed form, or in a form to the like effect, to the person in possession thereof at the time of distraint that such property will be sold as therein mentioned ;

(d) when the property is immovable

(i) the attachment shall be made by an order prohibiting the defaulter from transferring or charging the property in any way, and all persons from taking any benefit from such transfer or charge ;

(ii) the orders shall be proclaimed at some place on or adjacent to the property by beat of drum or other customary mode, and a copy of the order shall be fixed on a conspicuous part of the property and upon a conspicuous part of the Corporation office, and also, when the property is land paying revenue to the State Government, in the office of the Deputy Commissioner ;

(e) any transfer of or charge on the property attached or any interest therein made without the written permission of the Commissioner shall be void as against all claims of the Corporation enforceable under the attachment.

**160. Sale of goods distrained in special cases :-**

some of the goods distrained may be sold at once after giving notice.

(1) When the property seized is subject to speedy and natural decay, or when expense of keeping it in custody together with the amount to be levied is likely to exceed its value, the Commissioner shall at once give notice to the person in whose possession the property was, when distrained, to the effect that it will be sold at once ; and shall sell it accordingly unless the amount named in the warrant is forthwith paid.

(2) On the expiry of the time specified in the notice served by the officer executing the warrant, the property distrained or attached, or in the case of immovable property, a sufficient portion thereof, if not sold at once under sub-section (1), may be sold by public auction under the orders of the Commissioner, unless the warrant is suspended by him or the sum due is paid by defaulter together with all costs incidental to the notice, warrant, distress, attachment or detention of the property as the case may be.

(3) Where the sum due together with costs is paid by the defaulter as aforesaid, any attachment levied on his immovable property shall deemed to be removed.

(4) All sales of immovable property under this section shall, so far as may be practicable, be regulated by the procedure laid down in the rules made by the State Government in that behalf.

(5) No officer or servant in the service of the Corporation shall directly or indirectly purchase any property at any such sale.

(6) The sale proceeds or such part thereof as may be sufficient shall be applied, first, in discharge of any such due to the State Government in respect of such property and secondly, in discharge of the sum due to the Corporation and all such incidental costs as aforesaid.

(7) The surplus proceeds shall be forthwith credited to the Corporation and notice of such credit shall be given at the same time to the person in whose possession the property was at the time of distraint or attachment. If such person claims the surplus by written application to the Commissioner within three years from the date of the notice given under this sub-section, the Commissioner shall refund the surplus to him.

(8) Any such surplus not so claimed shall be the property of the Corporation.

**161. Sale outside the City :-**

sale of distrained property outside the city limits and application of the sale proceeds. Where the warrant is to be executed outside the limits of the City, the Commissioner may by endorsement direct the person to whom the warrant is addressed to sell the property distrained or attached ; and in such a case it shall be lawful for such person to sell the property and to do all things incidental to the sale in accordance with the provisions of section 160 and to exercise the powers and perform the duties of the Commissioner under sub-section (1) and (2) of section 160 in respect of such sale except the power of suspending the warrant. Such person shall after deducting all costs of recovery incurred by him, remit the amount recovered under the warrant to the Commissioner who shall dispose of the same in accordance with the provisions of section 160.

**162. Fees and costs chargeable :-**

notice fees and cost of recovery. The fees for every notice or warrant issued and for the maintenance of any live-stock seized under this Chapter shall be chargeable at the rates specified in this behalf in the byelaws of the Corporation and shall be included in the cost of recovery to be levied under section 156.

**163. Summary proceedings may be taken against persons about to leave the City :-**

immediate payment to be demanded if the Commissioner shall have reasons that the person is about to leave the city.

(1) If any sum recoverable under the provisions of this Chapter is due or is about to become due from any person, and if the Commissioner shall have reason to believe that such person is about to leave the limits of the City the Commissioner may direct the immediate payment by such person of such sum and cause a bill for the same to be presented to him.

(2) If, on presentation of such bill, the said person does not forthwith pay the said sum or does not furnish security to the satisfaction of the Commissioner, the amount shall be levied by distress and sale of his movable property in the manner specified in this Chapter except that it shall not be necessary to serve upon him any notice of demand and the Commissioner's warrant for distress

and sale may be issued and executed without any delay.

**164. Appeal to Magistrates :-**

appeals

(1) Appeals against any notice of demand issued under sub-section (1) of section 155 may be made to any Magistrate by whom under the directions of the District Magistrate such class of cases is to be tried.

(2) No such appeal <sup>1</sup>[shall be entertained] unless

(a) the amount claimed from the appellant [up to date of filing the appeal] has been deposited by him in the Corporation office, and a written objection has been made and determined in accordance with the provisions of this Act ;

(b) the appeal is brought within fifteen days next after the order terminating the written objection ;

(c) in the case of any tax or claim other than property tax an application in writing, stating the grounds on which the amount of the tax or claim is disputed, has been made to the Commissioner within fifteen days next after the presentation of the bill.

(3)<sup>2</sup> In the case of any appeal against a claim on account of a tax, entertained by the Judicial Magistrate, but not heard by him, before the date of commencement of the Maharashtra Municipal Corporations (Amendment) Act, 1975, the Magistrate shall not hear and decide such appeal, unless the amount of the dispute tax claimed from the appellant, or the amount of the tax chargeable on the basis of the disputed annual valuation, up to the date of filing the appeal, has been deposited by the appellant with the Commissioner, within thirty days from the date of publication of a general notice by the Commissioner in this behalf in the local newspapers. The Commissioner shall simultaneously serve on each such appellant a notice under sections 351 and 352 and other relevant provisions of this Act, for intimating the amount to be deposited by the appellant with him.

(4) As far as possible, within fifteen days from the expiry of the period of thirty days prescribed under sub-section (3), the Commissioner shall intimate to the Magistrate the names and other particulars of the appellants who have deposited with him the required amount within the prescribed period and the names and

other particulars of the appellants who have not deposited with him such amount within such period. On receipt of such intimation, the Magistrate shall summarily dismiss the appeal of any appellant who has not deposited the required amount with the Commissioner within the prescribed period.

(5) In the case of any such appeal, which may have been entertained by the Magistrate before the date of commencement of the Act aforesaid or which may be entertained by him on or after the said date, the Magistrate shall not hear and decide the appeal, unless the amount of the tax claimed by each of the bills, which may have been issued since the entertainment of the appeal is also deposited, from time to time, with the Commissioner in the first month of the half year to which the respective bill relates. In case of default by the appellant at any time before the appeal is decided, on getting an intimation to that effect from the Commissioner, the Magistrate shall summarily dismiss the appeal.]

1. Substituted by Mah. LXVI of 1975, s. 10 (a)(i). Substituted ibid., s. (a) (ii)

2. Substituted ibid., s. (b).

**165. Liability of buildings, lands, etc., for taxes :-**

sums due in respect of taxes on land and building shall be first charges. All sums due from any person in respect of taxes on any land or building shall, subject to prior payment of any land revenue in respect of it due to the Government, be a first charge upon the said land or building and upon any movable property found within or upon such land or building and belonging to the said person :

Provided that no arrears of any such tax shall be recoverable from any occupier who is not the owner, if such arrears are for a period during which the occupier was not in occupation.

**166. Receipt to be given for all payments :-**

receipt for payment of taxes. For every sum paid on account of any tax under this Act a receipt shall be tendered by the person receiving these payments, stating the sum and the tax on account of which it has been paid.

**167. Writing off irrecoverable taxes :-**

irrecoverable taxes may be written off. The Commissioner may, with the previous approval of the Standing Committee, order to be struck off the books any sum due on account of any tax or of the costs of recovering any tax, which may appear to him to be

irrecoverable.

**168. Recovery of tolls and cess on imports :-**

(1) If any toll or cess on imports is not paid on demand, the officer empowered to collect the same may seize any article on which the cess on imports is chargeable, or any animal on which the toll is chargeable, or any part of the burden, borne by such animal of sufficient value to satisfy the demand.

(2) The Commissioner after the lapse of five days from the seizure and after the issue of a proclamation fixing the time and place of sale, may cause any property so seized, or so much thereof as may be necessary, to be sold by auction to satisfy the demand, with the expenses occasioned by the seizure, custody, and sale thereof, unless the demand and expenses are in the meantime paid :

provided that, by order of the Commissioner, articles of a perishable nature which cannot be kept for five days without serious risk of damage may be sold after the lapse of such shorter time as he may think proper having regard to the nature of the articles.

**169. Taxation not to be questioned except under this Act :-**

(1) No objection shall be taken to any valuation or assessment, nor shall the liability of any person to be assessed or taxed be questioned in any other manner or by any other authority than as provided in this Act.

(2) The State Government may make rules under this Act regulating the refund of taxes and such rules may impose limitations on such refunds.

(3) No refund of any tax shall be claimable by any person otherwise than in accordance with the provisions of this Act and the rules thereunder.

**PART 5**

Public Health, Safety and Convenience

**CHAPTER 13**

Public Convenience

**170. Cleaning drains :-**

construction of reservoirs, sluices etc. For cleansing of drains. For the purpose of flushing and cleansing drains the Commissioner may construct or set up such reservoirs, sluices, engines, and other

works as he may from time to time deem necessary.

**171. Places for emptying of drains and disposal :-**

of sewage disposal of sewage etc. The Commissioner may cause all or any municipal drains to empty into any place, whether within or without the limits of the Corporation, and may dispose of the sewage at any place, whether within or without the limits of the Corporation, and in any manner which he may deem suitable :

Provided that the State Government may prohibit the Commissioner from causing any municipal drains to empty into any place or from disposing any sewage at any place or in any manner, which it considers unsuitable.

**172. Provision of means for disposal of sewage :-**

provisions of facilities for disposal of sewage. For the purpose of receiving, storing, disinfecting, treating, purifying, distributing, or otherwise disposing of sewage the Commissioner may

(a) construct any work within or without the limits of the Corporation ;

(b) purchase or take on lease any land, building, engine, material or apparatus, either within or without the limits of the Corporation ; and

(c) enter into an arrangement with any person, for a period not exceeding three years, for the removal or disposal of sewage within or without the limits of the Corporation.

**173. Alteration and discontinuance of drains :-**

changes in or cancellation of existing drains. 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 :

Provided that 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 as effectual as the drain which has been discontinued, closed up or destroyed.

**174. Latrines and urinals :-**

Drains and Privies public latrines and urinals. The Corporation shall provide latrines and urinals for the use of the public.



**175. Provision of drains, privies, etc :-**

owner of any building or land to create facilities for removal of any drain etc.

(1) The Commissioner may by notice, require the owner of any building or land to provide, move or remove any drain, privy, latrine, urinal, absorption pit, disposal work, cesspool or other receptacle for filth or refuse or provide any additional drains, privies, latrines, urinals, absorption pits, disposal works, cesspools or other receptacles as aforesaid which should, in his opinion, be provided for the building or land, in such manner and of such pattern as the Commissioner may direct.

(2) The Commissioner may, by notice, require any person employing more than twenty workmen or labourers to provide such latrines and urinals as the Commissioner may think fit and to cause the same to be kept in proper order and to be daily cleaned.

(3) The Commissioner may, by notice, require the owner or occupier of any building or land to have any privy, latrine or urinal provided or the same shut out by a sufficient roof and wall or fence from the view of persons passing by or dwelling in the neighbourhood, or to remove or alter, as the Commissioner may direct any door or trapdoor or other opening of a privy, latrine or urinal opening on to any street or drain.

**176. Repair and closing of drains, privies, latrines, urinals, etc :-**

notice to the owner or occupier to put in good order any private drain etc.

(1) The Commissioner may by notice, require the owner or occupier of any building or land to repair, alter or put in good order any private drain, privy, latrine, urinal, absorption pit, disposal work, cesspool or receptacle for any filth or refuse, or to close or destroy any private drain, privy, latrine, urinal, absorption pit, disposal work or cesspool belonging thereto, or direct that such private drain shall from such date as he prescribes in this behalf, be used for offensive matter and sewage only, or for rain-water and unpolluted subsoil water only, and by written notice require the owner or occupier of the premises to make an entirely distinct private drain for rain-water or for unpolluted sub-soil water or for offensive matter and sewage.

(2) No drain connecting any premises with a municipal drain or

other place set a part for the discharge of drainage may be closed, discontinued or destroyed by the Commissioner under sub-section (1) except on condition of his providing another drain equally effectual for the drainage of the premises and communicating with such municipal drain or other place aforesaid as the Commissioner thinks fit ; and the expenses of construction of any drain so provided by the Commissioner and of any work done under this Section shall be paid from the municipal fund.

**177. Power of Commissioner to demolish drains, etc. :-**

To be demolished on the orders of the Commissioner. The Commissioner may, by notice, require any person who may construct any new drain, privy, latrine, urinal, absorption pit, disposal work, cesspool or receptacle for filth or refuse without his permission in writing or contrary to his directions or the provisions of this Act or the rules or byelaws made thereunder or who may construct, rebuild or open any drain, privy, latrine, urinal, absorption pit, disposal work cesspool or receptacle for filth or refuse which the Commissioner has ordered to be demolished or stopped or not to be made, to demolish the drain, privy, latrine, urinal, absorption pit, disposal work, cesspool or receptacle, or to make such alteration therein as he may think fit.

**178. Unauthorised building over drains etc. :-**

unauthorised construction over any drain, conduit etc. to be pulled down. he Commissioner may, by notice, require any person who without his permission in writing may newly erect or rebuild any building over any drain, conduit, watercourse, pumping main, or water pipe vested in the Corporation to pull down or otherwise deal with the same as the Commissioner may think fit.

**179. Removal of latrine, etc., near any source of water-supply :-**

removal of privy, latrine, urinal etc. if they are situated within a hundred feet of the resources for drinking water etc.

(1) The Commissioner may, by notice, require any owner or occupier on whose land any drain, privy, latrine, urinal, absorption pit, disposal work, cesspool or other receptacle for filth or refuse for the time being exists within a hundred feet of any spring, well, tank, reservoir or other source from which water is or may be derived for public use, to remove or close the same within one week from the service of such notice.

(2) Whoever, without the permission of the Commissioner, makes or keeps for a longer time than one week after the issue of notice under this section, any drain, privy, latrine, urinal, absorption pit, disposal work, cesspool or other receptacle for fith or refuse, within hundred feet of any spring, well, tank, reservoir or other source from which water is or may be derived for public use, shall be punishable with fine which may extend to fifty rupees, and, when a notice has been issued, with a further fine, not exceeding five rupees for each day during which the offence is continued after the lapse of the period allowed for removal.

**180. Discharging sewage :-**

Whoever, without the permission of the Commissioner causes or knowingly or negligently allows the contents of any sink, cesspool or any other offensive matter to flow, drain or be put upon any street or public place, or into any irrigation channel or any drain not set apart for the purpose, shall be punished with fine which may extend to twenty rupees.

**181. Making or altering drains without authority :-**

fine for making or altering any drain leading into any of the drains vested in the Corporation. Whoever, without the permission of the Commissioner, makes or causes to be made, or alters or causes to be altered, any drain, leading into any of the drains vested in the Corporation, shall be punished with fine which may extend to fifty rupees.

**182. Power to require removal of nuisance arising from tanks and the like :-**

notice to the owner or occupier of any land or building to cleanse, repair etc. of privy, drain etc. The Commissioner may, by notice, require the owner or occupier of any land or building to cleanse, repair, cover, fill up or drain off any private well, tank, reservoir, pool, depression or excavation therein which may appear to the Commissioner to be injurious to health or offensive to the neighbourhood:

Provided that if for the purpose of effecting any drainage under this section it should be necessary to acquire any land not belonging to the same owner or to pay compensation to any person, the Corporation shall provide such land or pay such compensation.

**183. Permission to occupy a new building only if drainage is provided connecting with the municipal drainage :-**

It shall not be lawful to erect or re-erect any building, any part of which is within one hundred feet of a municipal drain or of some place set apart by the Commissioner for the discharge of drainage or to occupy any such building newly erected or re-erected unless and until

(a) a drain has been constructed which, in the opinion of the Commissioner, shall be sufficient for the effectual drainage of such building to such municipal drain or place, and

(b) there have been provided for and set up in such building and in the premises appurtenant thereto, all such appliances and fittings as may be appear to the Commissioner drainage from, and conveying the same off, the said building and the said premises, and of effectually flushing the drain of the said building and every fixture connected therewith.

**184. Sewage and rain-water drains to be distinct :-**

separate drains for offensive matter and sewage and another for rain water and unpolluted sub soil water. Whenever it is provided in this Act that steps shall or may be taken for the effectual drainage of any premises, the Commissioner may require that there shall be one drain for offensive matter and sewage and another drain for rain-water and unpolluted sub-soil water, each employing into separate municipal drains or other places set apart by the Commissioner for the discharge of drainage, or into other suitable places.

**185. Rights of owners and occupiers of premises to carry drains through land belonging to other persons :-**

Commissioner may authorise a person to carry his drain through other person's land to the municipal sewage.

(1) If it appears to the Commissioner that the only means by which the owner or occupier of any building or land can conveniently cause his drain to empty into a municipal drain or other place set apart by the Commissioner for the discharge of drainage, is by carrying the same into, through or under any land belonging to or occupied by some person other than the said owner or occupier, the Commissioner shall give such other person a reasonable opportunity of stating any objection, and if no objection is raised, or if any objection which is raised appears to him invalid or insufficient, may, by an order in writing, authorise 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) Subject to the provisions of this Act, on receipt of any such order bearing the signature of the Commissioner the person in whose favour it is made or any agent or person employed by him for the purpose may, after giving to the owner or occupier of the land reasonable written notice of his intention to do so, enter upon the said land with assistants and workmen at any time between sunrise and sunset, and execute the necessary work.

(3) In executing any work under this section as little damage as possible shall be done, and the owner or the occupier of the premises for the benefit of which the work is done shall

(a) cause the work to be executed with the least practicable delay ;

(b) fill in, re-instate 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 any person who sustains damage by the execution of the said work.

(4) If any land in which work has been executed under sub-section (2) was unbuilt upon at the time of such execution and if at any time thereafter the owner or occupier thereof desires to erect a building thereon and applies to the Commissioner in this behalf, the Commissioner shall, by written notice, require the owner or occupier of the premises for the benefit of which such drain was constructed, to close, remove or divert the same in such manner as may be approved by the Commissioner and to fill in, re-instate, and make good the land as if the drain had not been carried into, through or under the same.

**186. Obligation of owner of drain to allow use of or joint ownership therein to others :-**

Sharing as joint owners of the drain. Every owner of a drain connected with a municipal drain or other place set apart by the Commissioner for drainage shall be bound to allow the use of it to other persons, or to admit other persons as joint owners thereof, on such terms as may be prescribed under section 188.

**187. How right of use or joint ownership of a drain may be obtained by a person other than the owner :-**

procedure for the use of or for joint ownership. Any person desiring to drain his premises into a municipal drain through a drain of which he is not a owner may make a private arrangement with the owner for permission to use his drain, or may apply to the Commissioner for authority to use such drain or to be declared a joint owner thereof.

**188. Commissioner may authorise person other than the owner of a drain to use the same or declare him to be a joint owner thereof :-**

joint ownership how procured.

(1) Where the Commissioner is of opinion, whether on receipt of an application or otherwise, that the most convenient means by which the owner or occupier of any premises can drain such premises is through a drain belonging to some person other than the said owner or occupier, the Commissioner shall give the owner of the drain a, reasonable opportunity of stating his objection thereto, and, if no objection is raised or if any objection which is raised appears to him invalid or insufficient, may, by an order in writing, authorise the said owner or occupier to use the drain or declare the said owner to be a joint owner thereof, on such conditions as may appear to him equitable with regard to the payment of rent or compensation and to connecting the drain of the said premises with the communicating drain and to the respective responsibilities of the parties for maintaining, repairing, flushing and cleaning the joint drain.

(2) Every such order, bearing the signature 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, 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, to enter upon the land in which the said drain is situated with assistants and work men, at any time between sunrise and sunset and, subject to the 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 ;

(c) discharging any responsibility attaching to the person in whose

favour the Commissioner's order is made for maintaining, repairing, flushing or cleansing the joint drains 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 restriction and liabilities as are specified in sub-section (4) of section 185.

**189. Power of Commissioner to drain premises in combination :-**

when any part of a group or block of premises is situated near a municipal drain.

(1) If, in the opinion of the Commissioner any part of a group or block of premises is situated conveniently near a municipal drain already existing or about to be constructed or a place set apart by the Commissioner for the discharge of drainage, and if the Commissioner is of opinion that such group or block can be drained more economically or advantageously in common than separately, he may give the owner of all the premises a reasonable opportunity of stating any objection, and, if no objection is raised or if any objection is raised appears to him invalid or insufficient, may cause such group or block to be drained by such method as appears to him to be most suitable therefor, and the expenses incurred by him in so doing 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, by written notice, intimate to the owner of all the premises to be drained

(a) the nature of the intended work,

(b) the estimated expenses thereof, and

(c) the proportion of such expense payable by each owner.

**190. Connecting drains to be constructed at the expenses of owners of premises :-**

construction of connecting drains at the expense of the owner.

(1) In the case of premises abutting on a public street in which there is municipal drain and in the case of premises drained in pursuance of the provisions of this Chapter, the Commissioner shall construct at the expense of the owner of the said premises such portion of the drain of the said premises as may be necessary to lay

under any part of a public street.

(2) The portion of any connecting drain so laid under a public street shall vest in the Corporation and be maintained and kept in repair by the Commissioner as a municipal drain.

(3) The remainder of every drain constructed, erected, set up or continued for the sole use and the benefit of any premises shall

(a) vest in the owner of such premises ;

(b) be maintained and kept in repair by the owner or occupier of such premises ; and

(c) be from time to time flushed, cleansed and emptied under the orders of the Commissioner at the cost of the municipal fund :

Provided that, where several premises are drained in common under the last preceding section, such remainder shall vest in the owners jointly and the cost of maintenance and repair thereof shall be distributed in the same proportions as are fixed by the Standing Committee under the said section.

**191. Affixing of pipes for ventilation of drains :-**  
ventilation of drains.

(1) For the purpose of ventilating any drain, whether belonging to the Corporation or any other person, the Commissioner may, after giving not less than four days written notice to the occupiers of the premises, erect upon any premises or affix to the outside of any building, or to any trees, any such shaft or pipe as may appear to him necessary and may cut through any projection from any building (including the eaves of any roof thereof) in order to carry up such shaft or pipe through any such projection and may lay in, through or under any land such appliances as may in opinion of the Commissioner be necessary for connecting such ventilating shaft or pipe with the drain intended to be ventilated.

(2) Any shaft or pipe so erected or affixed shall -

(a) be carried at least fifteen feet higher than any sky-light or window situated within a distance of forty feet therefrom ;

(b) if the same be fixed to a wall supporting the eaves of a roof, be carried at least five feet higher than such eaves ; and

(c) be removed by the Commissioner to some other place, if at any



time the owner of the aforesaid premises, building or tree is desirous of effecting any change in his property which cannot without unreasonable inconvenience be carried out unless the shaft or pipe is removed.

(3) If the Commissioner declines to remove a shaft or pipe under clause (c) of sub-section (2), the owner of the aforesaid premises, building or tree may apply to the District Court, Nagpur, and the said Court may, after such enquiry as it thinks fit to make, direct the Commissioner to remove the shaft or pipes, and it shall be incumbent on the Commissioner to obey such order.

(4) 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 intended to be ventilated, the Commissioner shall, so far as is practicable, reinstate and make good such buildings and fill in and make good such land at the cost of the municipal fund.

**192. Right of Corporation to drains constructed at charge of municipal fund :-**

all drains and fittings thereof shall vest in the Corporation. All drains and fittings thereof (including ventilating, shafts and pipes) constructed or set up at the cost of the municipal fund 124[or the special funds constituted under section 83-A or 83-B] shall vest in the Corporation.

**CHAPTER 14**

**Conservancy**

**193. Deposit of rubbish, offensive matter, sewage and carcasses :-**

provision of public receptacles, depots and places for disposal of rubbish etc.

(1) The Commissioner shall provide or appoint, in proper and convenient situations, public receptacles, depots and places for the temporary deposit or final disposal of rubbish, offensive matter, sewage and the carcasses of dead animals accumulating in the City.

(2) receptacles etc. property of the Corporation. All things deposited in receptacles, depots or places provided or appointed under this section shall be the property of the Corporation.

**194. Collection and removal of sewage :-**

public notice and arrangement for removal of rubbish sewage etc. by the Corporation. The Commissioner may give public notice that

the collection and removal of sewage, offensive matter and rubbish from the land and buildings in any portion of the City will be undertaken by municipal agency, and he shall then forthwith take measures for the due collection and removal of such matter from any lands and buildings situated in the said portion of the City.

**195. Collection and temporary deposit of rubbish and offensive matter by occupiers of premises :-**

arrangement by the occupier of the premises to deposit rubbish etc. at the doorsteps etc.

(1) The Commissioner may, by public notice, direct that all rubbish and offensive matter accumulating in any premises in any street or quarter of the City, specified in the notice, shall be collected by the occupier of such premises and deposited in a box, basket or other receptacle, of a kind prescribed by the Corporation, to be provided by such occupier and kept near the entrance to, or, where open space is available, within the premises.

(2)provision of public dust bins or other convenient receptacles. The Commissioner may cause public dust-bins or other convenient receptacles to be provided at suitable intervals and in proper and convenient situations in streets or quarters in respect of which no notice issued under sub-section (1) is for the time being in force ; and may, by public notice, direct that all rubbish and offensive matter accumulating in any premises, the entrance to which is situated within fifty yards of any such receptacle, shall be collected by the occupier of such premises and deposited in such receptacle.

(3)removal of rubbish and offensive matter at the premises of the occupier. The Commissioner may, by public notice, direct that all rubbish and offensive matter accumulating in any premises in any street or quarter in respect of which no notice issued under sub-section (1) of sub-section (2) is for the time being in force, shall be collected by the occupier of such premises and deposited in lump in the street on which such premises abut or in some portion of such premises.

(4)time for deposit of rubbish and offensive matter. In any notice issued under any of the foregoing sub-sections the Commissioner shall prescribe the hours within which rubbish and offensive matter shall be deposited under this section.

(5)removal of rubbish or offensive matter by private sweepers in proper receptacles of specific type. The Commissioner may, by

public notice, direct that sweepers privately employed on the removal of sewage, rubbish or offensive matter shall remove the same in proper receptacles of a type to be approved by the Commissioner in such manner as not to cause any unnecessary nuisance to passers-by in the street.

**196. Prohibition of accumulations of offensive matter :-**

No person -

(a) prohibition to throw rubbish etc. on public places. shall throw or place any rubbish, offensive matter or sewage, on any street, or in any place not provided or appointed for the purpose under the provisions of this Act ;

(b) duty to keep the area clean from rubbish, sewage. who is the owner or occupier of any land or building shall allow any sewage or offensive matter to flow, soak or be thrown therefrom, or keep or suffer to be kept therein or thereupon, anything so as to be a nuisance to any person, or negligently suffer any receptacle or place for deposit of offensive matter or rubbish on his premises to be in such a state as to be offensive or injurious to health.

**CHAPTER 15**

Sanitary Provisions

**197. Construction of places for public bathing, etc. :-**

Regulation of Public Bathing, Washing, etc.

(a) The Commissioner, may from time to time -public places for bathing , washing animals and prohibition of use of public places for such purposes. set apart suitable places for use by the public for bathing, or for washing animals, or for washing or drying clothes ;

(b) specify the times at which and the sex of persons by whom such places 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 ; and

(d) charge fees for the use of such place by any specified class or classes of persons or by the public generally.

**198. Prohibition of corruption of water by steeping therein animal or other matter :-**

duty to keep water clean. No person shall

(a) steep in any bank, reservoir, stream, well trough or ditch any

animal, vegetable or mineral matter likely to render the water thereof offensive or dangerous to health ;

(b) whilst suffering from any contagious, infectious or loathsome disease, bathe in or near any lake, tank, reservoir, fountain, cistern, duct, stand-pipe, stream, well or through, or any part of a liver within the limits of Corporation boundary or within five miles upstream from the Corporation boundary.

**199. washermen prohibited from washing clothes at any place not appointed for that purpose :-**

(1) Regulation of washing of clothes by washerman :- The Commissioner may, by public notice, prohibit the washing of clothes by washermen in the exercise of their calling, except at such places as he may appoint for this purpose ; and after such prohibition no washerman shall wash clothes at any place not appointed for this purpose except for himself or for the owner or occupier of such place.

(2) dhobighats for washerman on payment of prescribed fee. Washing places to be provided by Commissioner for washermen :- The Commissioner shall provide suitable places for the exercise of their calling by washermen, and may require the payment of such fees for the use of any such place as he may from time to time determine.

**CHAPTER 16**

**Water-Supply**

**200. General powers for supplying the City with water :-**

water supply water works.;For the purpose of providing a supply of water proper and sufficient for public and private purposes, the Commissioner may, either within or without the City

(a) construct and maintain water-works and do all acts which may be necessary or expedient in connection with such construction or maintenance ;

(b) purchase or take on lease any water-work or any water or right to store water or to take and convey water ; or

(c) enter into any arrangement with any person for the supply of water.

**201. Supply of water :-**

supply of water for any purpose on application.

(1) The Commissioner may supply water for any purpose on receiving either from the owner or the occupier of any permission, a written application specifying the purpose for which such supply is required and the quantity likely to be consumed.

(2) The supply of water shall be made upon such terms and conditions as to payment and quantity and for such period, as the Corporation may prescribe in this behalf.

**202. Making connections with municipal water-works :-**

water connection with communication pipes and fittings at owner's cost. Where an application under section 201 has been received, all necessary communication-pipes and fittings shall be supplied by the Commissioner and the work of laying and applying such communication-pipes and fittings shall be executed by municipal agency under the Commissioner's orders : but the cost of making any such connection and of all communication-pipes and fittings so supplied and of all work so executed, shall be paid by the owner or the person making such application. The Commissioner shall provide a meter and charge rent for the same.

**203. Obligation of owner or occupier to give notice of waste of water :-**

notice by owner or occupier regarding wastage of water by negligence etc. Any owner or occupier of any land or building in or on which water supplied under this Act is misused from negligence or other circumstances under his control or in which the pipes, mains or other works are out of repair to such an extent as to cause waste of water shall, if he has knowledge thereof, be bound to give notice of the same to such officer as the Commissioner may appoint in this behalf.

**204. Responsibility for damage caused by leakage of water :-**

leakage of water. no compensation for any damage by any leakage or any failure to repair. Neither the owner nor occupier of any land or building in which pipes, mains or other works are situated, nor the Corporation shall be liable to pay compensation to any person for any damage caused by any leakage of water or any failure to keep in repair such pipes, mains or other works, unless the owner or occupier or the Corporation has knowledge thereof and has failed to take reasonable prompt action to report the same to the prescribed officer or to stop the leakage or to execute the required repairs, as the case may be.

**205. Cutting off of water-supply to premises :-**

If any person whose premises are supplied with water neglects to pay any sum payable, under section 201 when due, or to give notice as provided in section 203 or wilfully or negligently misuses or causes waste of water, the Commissioner may cut off the supply of water to the said premises.

**206. Presumption as to correctness of meter :-**

presumption as to the quantity consumed. When-ever water is supplied under this Chapter through a meter, it shall be presumed, that the quantity indicated by the meter has been consumed, until the contrary is proved.

**207. Injuring water-works, misappropriating water and tampering with meters :-**

wells, reservoirs, mains, pipes to be safely maintained. No person shall

(a) wilfully or negligently injure or suffer to be injured wells, reservoirs, mains, pipes or other appliances for the supply of water under the management or control of the Corporation ;

(b) draw off, divert or take any water from any municipal well, reservoir, main or pipe ; or

(c) not to tamper with meter. tamper with any meter under the management or control of the Corporation.

**208. Misuse of and leaving open valves and tampering with valves and hydrants :-**

No person shall

(a) prohibition to keep the valves of water works open. open or keep open the valves of any water-works used for the supply of water to the public by any means other than the use of pressure by the hand ; or

(b) having opened such valve fail to close the same or leave the same open or tamper with any valve or hydrant not intended for the supply of water to the public.

**209. Prohibition of erection of any building which would injure sources of water-supply :-**

prohibition of building construction near water-supply source. Except with the permission of the Corporation, no person shall -

- (a) erect any building for any purpose whatever on any part of the area enclosed by the boundary-fence of any lake or reservoir from which a supply of water is derived for a municipal water-work ; or
- (b) remove, alter, injure, damage or in any way interfere with aforesaid boundary-fence.

**210. Prohibition of bathing in or polluting water :-**

prohibition to bathe, wash, throw or allow any animal to enter into the water in the water works. Except as

provided hereinafter, no person shall -

- (a) bathe in or near any water-works belonging to the Corporation ; or
- (b) wash, throw, or cause any animal to enter into the water of such works ; or
- (c) throw any rubbish, dirt, filth or any other thing whatsoever into or upon the water of such works, or
- (d) corruption of water in any way is prohibited. wash or cleanse therein any cloth, wool, leather or skin of any animal or any clothes or other things ; or
- (e) cause the water of any sink, drain, steam engine, boiler or other filthy water belonging to him or under his control, to run or be brought, into any such water-works or do any other act whereby the water in such works may be fouled or polluted or its quantity altered.

**CHAPTER 17**

General Provisions with Reference to Drainage, Water-Supply and Water and Other Mains

**211. Occupier of premises to be primarily liable for certain offences against the Act :-**

presumption as to commission of the offence. If an offence against any provision of Chapter XIII, XIV, XV or XVI or against any rule or byelaw made under the provisions of this Act relating to water-supply has been committed on any premises to which a private supply of water is furnished by the Corporation, it may be presumed, until the contrary is proved, that such offence has been committed by the occupier of the said premises.

**212. Least practicable nuisance to be causes :-**

(1) In carrying out the duties imposed on the Corporation by clauses (b), (c), (j) and (1) of section 57, or exercising the powers conferred upon it by sections 170, 171, 172, 173, 191, 193 and 194, the Corporation shall not cause any nuisance which in the circumstances of the case can reasonably be avoided.

(2) compensation for damage. The Commissioner shall make reasonable compensation to any person who has sustained damage occasioned by the carrying out of any such operations :

Provided that no compensation shall be claimed or paid for inconvenience unavoidably caused.

**213. Power of carrying wires, pipes, drains, etc. :-**

use of privately owned land for provision of water, light, drainage etc. Subject to the provisions of any law for the time being in force, the Commissioner may carry any cable, wire, pipe, drain or channel of any kind required for the establishment or maintenance of any system of drainage, water-supply or lighting through, across, under or over any street or any place laid out as or intended for a street, and also after giving reasonable notice in writing to the owner or occupier, through, across, under, over or along side any land or building whatsoever within or without the City, and may place and maintain in any immovable property in the City or without the City any posts, poles, standards, brackets or other contrivances for supporting cables, wires, pipes, channels and lights and may do all acts necessary or expedient for repairing, and maintaining any such cable, wire, pipe, drain, channel, post, pole, standard, bracket or other similar contrivance in an effective state for the purpose for which it is intended to be used or for removing the same.

**214. Provision as to wires, pipes or drains laid or carried above surface or ground :-**

care be taken to cause-least interference with the rights of the owner. In the event of any cable, wire, pipe, drain, sewer, or channel being laid or carried above the surface of any land or through, over or up the side of any building, such cable, wire, pipe, drain, sewer or channel, as the case may be, shall be so laid or carried as to interfere as little as possible with the rights of the owner or occupier to the due enjoyment of such land or building and reasonable compensation shall be paid in respect of any substantial interference with any such right to such enjoyment.

**215. Previous notice to be given :-**



fourteen days notice before any work commences. Except in cases to which sections 354, 355 and 356 relate the Commissioner shall cause not less than fourteen days notice in writing to be given to the owner or occupier before commencing any operations under section 213.

**216. Connection with main not to be made without permission of Commissioner :-**

no connection or communication without permission

(1) No person shall, without the permission of the Commissioner, at any time, make or causes to be made, any connection or communication with any cable, wire, pipe, ferrule, drain or channel constructed or maintained by or vested in the Corporation for any purpose whatsoever.

(2) Any person acting in contravention of the terms of sub-section (1) shall be punished with a fine not exceeding fifty rupees.

**217. Power of Commissioner to require the owner to make provision for drainage :-**

Where any premises have no drain communicating with a public sewer, or a drain communicating with the public sewer, but insufficient for the effectual drainage of the premises, or a drain not adapted to the general sewerage system of the City, or a drain which is the opinion of the Commissioner, otherwise objectionable, the Commissioner may, by notice, require the owner of the premises to make satisfactory provision for the drainage of the premises or to do such other work within such time as may, in the opinion of the Commissioner, be necessary for remedying the cause of complaint.

**218. Power to establish meters and the like :-**

meters and other appliances for the purpose of testing the quantity or quality of electricity. The Commissioner may establish meters or other appliances for the purpose of testing the quantity or quality of electricity supplied to the premises of any person or for the use of any person or business.

**219. Communications and connections, etc., to be executed subject to inspection by and to the satisfaction of Commissioner :-**

The ferrules, communication-pipes, connections, meters, stand-pipes and all fittings thereon or connected therewith, leading from mains or service cables, wires, pipes, drains, or channels into any

house or land and the wires, pipes, fittings and works inside any such house or within the limits of any such land, shall in all cases, other than cases which the State Government may by general or special order exempt from the operation of this section, be executed to the satisfaction of the Commissioner.

**220. Power of Commissioner to fix scale of charges :-**

scales of charges. Subject to the provisions of any law for the time being in force the Commissioner may, from time to time, fix the scales of charges which the Corporation may make for establishing communications from and connections with mains or service cables or for installing wires and pipes for the supply of electricity or water or for the use of meters or other appliances for testing the quality or quantity thereof and may levy such charges from the owner or occupier as the circumstances may require.

**221. Troughs and pipes for rain-water :-**

owner of any building or land is required to keep in good condition proper equipments.

(1) The Commissioner may, by notice, require the owner of any building or land in any street to put up and keep in good condition proper troughs and pipes for receiving and carrying water and sullage from the land or building and for discharging the same so as not to inconvenience persons passing along the street.

(2) For the purpose of efficiently draining any building or land the Commissioner may by notice in writing

(a) require any Courtyard, alley or passage between two or more buildings to be paved by the owner or part owner of such buildings with such materials and in such manner as may be approved by the Commissioner, and

(b) require such paving to be kept in proper repair.

**222. Control by Corporation and the Standing Committee :-**

Commissioner to follow general principles laid down by the Corporation while dealing with municipal drainage ,sewage and water-works scheme. In dealing with municipal drainage, sewage and waterworks schemes the Commissioner shall follow the general principles laid down by the Corporation, with the approval of the State Government, for any scheme of sewage or drainage or water-works and may refer to the Standing Committee any question connected with the carrying out of such a scheme in which the

intention of the Corporation does not appear to him to have been clearly expressed, or in which the provisions of the scheme appear to him to require modification. The Standing Committee shall in its discretion either decide the question or refer the matter for the orders of the Corporation :

Provided that any question involving the expenditure of a sum, exceeding one lakh of rupees shall be referred to the Corporation for orders.

**223. Buildings not to be erected without permission over drains or water or air mains :- :-**

building, wall or other structures shall not be erected on or near certain installations without written permission of the Commissioner.

(1) Without the written permission of the Commissioner, no building, wall or other structure shall be erected or reerected, and no street, railway, electric or telephone line or similar other structure shall be constructed over any municipal drain or water or air main.

(2)demolition of unauthorised construction. If any building, wall or other structure is erected, or re-erected or constructed in contravention of the provisions of sub-section (1), the Commissioner may, subject to the provisions of any law for the time being in force, remove the same or otherwise deal with it as he may think fit. The expenses incurred by him under this sub-section shall be paid by the person offending.

**224. Control by the State Government :-**

previous sanction of the Govt. Required if the expenditure exceeds Rs.5,00,000 No drainage or sewage or water-works scheme involving an expenditure of a sum of five lakhs of rupees or more shall be sanctioned by the Corporation without the previous approval of the State Government.

**225. Power of access to municipal water works :-**

inspection of municipal water works. Any municipal sewage or drainage scheme or any municipal water-works may be inspected by a person appointed by the State government in this behalf and the Commissioner or any such person may at all reasonable times

(a) enter upon and pass through any land whether within or without the City, adjacent to or in the vicinity of such a drainage or

sewage scheme or such water-works in whomsoever such land may vest ;

(b) after giving not less than four days written notice to the occupiers, cause to be conveyed into and through any such land all necessary men, materials, tools and implements.

**226. Compensation for damage :-**

compensation according to the damage or inconvenience caused If in the exercise of any of the powers conferred by section 213 or 225 any damage or inconvenience is caused, which in the circumstances could reasonably have been avoided, the Corporation or the Government shall pay compensation according as the damage or inconvenience is caused by the Corporation or by a person appointed by the Government.

CHAPTER 18

Public Health and Safety

**227. Factories not to be established, etc., without permission of Commissioner :-**

prior permission of the Commissioner to establish factories. No person shall

(a) newly establish, or

(b) remove from one place to another, or

(c) re-open or renew after discontinuance for a period of not less than three years, or

(d) enlarge or extend the area or dimensions of any factory, workshop or bakery in any area, other than an area set apart for the accommodation of industries by any Act, for the time being in force or by any local authority, except with the permission of the Commissioner and in accordance with the terms and conditions stated in such permission :

Provided that no such permission shall be required in the case under clause (c) if during the period of discontinuance the machinery has not been removed from the place where the factory, workshop or bakery was originally established.

**228. Sanitary regulating of factories, etc. :-**

Commissioner may take action to keep the factory under sanitary regulations.

(1) Whenever it appears to the Commissioner that any factory, workshop or workplace or any building or place, in which mechanical power is employed is not kept in a cleanly state, or is not ventilated in such a manner as to render as far as practicable harmless any gas, vapour, soot or other impurity generated in the course of the work carried on therein, or is so over-crowded during working hours as to be dangerous or injurious to the health of the persons employed therein ; or that any 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 thereof to take such action as the Commissioner shall think fit to order.

(2) Indian Boiler Act, 1923 ; Factories Act 1934. Nothing in this section shall be deemed to affect any provision of Indian Boilers Act, 1923, and nothing in this section regulating the fixing or fencing of any machinery shall apply to any factory subject to the provisions of the [Factories Act, 1934].

**229. Regulation of dangerous and offensive trade :-**

prohibition to store or keep certain objects in the premises. Except in accordance with the provisions of this Act, no person shall

(a) store or keep in any premises any articles mentioned in any byelaws made under this Act as dangerous or offensive, or as being, or likely to be a nuisance to the public or dangerous to life, health or property ;

(b) store or keep in any premises the hide or any part of the carcass of any animal afflicted at the time of its death with infectious or contagious disease ; or

(c) carry on or allow to be carried on in any premises any trade, manufacture, industry or operation mentioned in any rules under this Act as dangerous to life, health or property or as likely to create a nuisance, either from its nature or by reason of the manner in which or the conditions under which the same may be carried on : Indian Explosives Act 1884; the Petroleum Act, 1934

Provided that nothing in this section shall affect the provisions of the Indian Explosives Act, 1884, or the Petroleum Act, 1934.

**230. Premises not to be used for certain purposes without a licence :-**

(1) No person shall use or permit to be used any premises for any

of the following purposes without or other wise than in conformity with the terms of a licence granted by the Commissioner in this behalf, namely :-

(a) licence required to carry on certain activities.carrying on within the City the trade or operations of a ferrier ;

(b) keeping articles in excess of the maximum laid down for such articles by the byelaws ;

(c) keeping any article which, except for domestic purposes, is prohibited by any byelaws ;

(d) keeping in or upon any building used or intended to be used as a dwelling-house or within fifteen feet of such building, any quantity of cotton in excess of four hundred weights ;

(e) keeping horses, cattle or other four-footed animals for sale or hire or for the sake of the produce thereof, or for any purpose for which any charge or remuneration is made or received ;

(f) carrying on any of the prescribed trades or operations connected therewith, or any trade or operation which in the opinion of the Commissioner, is dangerous to life, health or property or likely to create a nuisance either from its nature or by reason of the manner in which, or the conditions under which, it is carried on.

Explanation I :- A person shall be deemed to know that a trade or operation is, in the opinion of the Commissioner, dangerous or likely to create a nuisance within the meaning of this clause after a written notice to that effect signed by the Commissioner has been served on him or affixed to the premises to which it relates.

Explanation II :- A person shall be deemed to carry on a trade or operation or to allow it to be carried on within the meaning of this paragraph if he does any act in furtherance of such trade or is in any way engaged or concerned therein as principal, agent, master or servant or in any other similar capacity.

(2) It shall be in the discretion of the Commissioner to grant a licence for any of the purposes referred to in sub-section (1) subject to such restrictions or conditions as he may think fit to specify or to refuse to grant such licence.

(3) Every person to whom a licence is granted by the Commissioner under sub-section (2) shall keep such licence in or upon the

premises, to which it relates.

(4) Nothing in this section shall be deemed to apply to mills for spinning or weaving cotton, wool, silk or jute or to any other mill or factory which the Commissioner may with the previous approval of the Standing Committee, from time to time, specially exempt from the operation thereof.

**231. Prohibition of corruption of water by chemicals, etc. :-**

(1) No person engaged in any trade or manufacture which may be specified in the byelaws shall

(a) Corporation water works not to be linked with polluting objects. wilfully cause or suffer to be brought or to flow into any lake, tank, reservoir, cistern, well, duct or other place for storing 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 such trade or manufacture whereby the water in any such lake, tank, reservoir, cistern, well, duct or other place for storing water is fouled or corrupted.

(2) 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 is referred to in sub-section (1), the Commissioner may lay open and examine the said works, pipes or conduits ; and if, upon such examination, it shall appear that the provisions of sub-section (1) have been contravened by reason of anything contained in or proceeding from the said works, pipes or conduits the expenses incurred in laying open and examining them and in adopting any other measure which the Commissioner considers necessary for removing the cause of such contravention shall be paid by the owner of the said works, pipes or conduits, or by the person who has the management or control thereof, or through whose neglect or fault the contravention has occurred. \But if it appears that there has been no such contravention, the said expenses and also compensation for any damage occasioned by such laying open and examination shall be paid by the Commissioner.

**232. Inspection of premises used for manufactures, etc. :-**

Commissioner may make sudden checks to ensure compliance of provisions.

(1) Subject to the bye-laws made by the Corporation in this behalf, the Commissioner may, at any time, by day or night, and without notice, enter into or upon any premises used for any of the purposes mentioned in section 230 or upon any premises in which furnace is employed for the purpose of any trade or manufacture, or into any bakery, in order to satisfy himself that there is not contravention of any provision of this Act or any rule or bye-law made thereunder or of any condition of any licence granted under this Act, or that no nuisance is being created upon such premises.

(2) No claim for compensation shall lie against any person for any damage which may unavoidably be 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 rules made thereunder.

**233. Prohibition of cinematographs and dramatic performances except in licensed premises :-**

regulating the operation of cinematograph or other apparatus in which inflammable film is used.

(1) No exhibition by cinematograph or other apparatus in which inflammable film is used, no public dramatic performance, circus, or pantomime, shall be given within the limits of the City except in premises for which a licence has been granted by the Commissioner under this Section.

(2)fine. If the owner of a cinematograph or other apparatus uses the apparatus or allows it to be used, or if any person takes part in any public dramatic performance, circus or pantomime, or if the occupier of any premises allows those premises to be used, in contravention of the provisos of this section, or of any condition of a licence granted under this section, he shall be liable to a fine not exceeding two hundred rupees and in the case of a continuing offence, to a further penalty of fifty rupees for each day during which the offence continues, and his licence shall be liable to be revoked by the Commissioner.

**CHAPTER 19**

**Markets and Slaughter Places**



**234. Power of Corporation to permit opening of new private markets :-**

new private markets opening of.

(1) The Corporation may at its discretion permit the establishment of a new private market in the City or in any specified portion thereof.

(2)market for sale of animals intended for human food. No person shall establish a new private market for the sale of animals intended for human food, or for the purpose of exposing them for sale except with the sanction of the Corporation.

(3)sanction letter to be displayed. When the establishment of a new private market is sanctioned the Commissioner shall cause a notice of the sanction to be exhibited in English, Hindi and Marathi in some conspicuous spot on or near the building or place where such market is to be held.

**235. Private markets not to be kept open without a licence :-**

no person shall establish or keep a private market except under licence.

(1)Except under a licence granted by the Commissioner in accordance with the general or special orders issued by the Standing Committee in that behalf, and in conformity with its terms, no person shall establish or keep a private market or when established, remove it from one place to another place or re-establish it after it has been closed for a period in excess of twelve months, or enlarge its area or dimensions : ordinarily licence for private market is given.

Provided that the Commissioner shall not refuse a licence to keep a private market or cancel or suspend the same, for any cause other than the owner's failure to comply with this Act or the terms of his licence after compliance has been required of him.

(2)on cancellation of licence. When the Commissioner has refused, cancelled or suspended any licence to keep a private market, he shall cause a notice thereof in English, Hindi and Marathi Languages to be conspicuously exhibited near the building or place where such market is or was to be held.

**236. Selling animals, meat, etc., outside a market without a**

**licence :-**

sale of animal meat or fish in any place other than a Corporation or licensed market.

(1) Without a licence from the Commissioner no person shall sell or expose for sale any animal, or any meat or fish intended for human food in any place other than a Corporation or licensed market.

(2) Nothing in sub-section (1) shall apply to meat or fish sold in any hotel or eating house for consumption on the premises.

**237. Power of Corporation to regulate the manufacture preparation and sale of food and drink :-**

The Corporation may, and if required by the State Government shall, by bye-laws -

(a) regulations regarding preparation and sale of food and drinks. prohibit the manufacture, sale or preparation or exposure for sale, of any specified article of food or drink, in any place or premises not licensed by the Corporation ;

(b) regulate the hours and manner of transport of any specified articles of food or drink within the City and prescribe the route by which such articles shall be carried ;

(c) prohibit the sale of milk, butter, ghee, curd, meat, game, fish and poultry by persons licensed by the Corporation ;

(d) prohibit the import by persons not licenses by the Corporation of milk, cream, butter, ghee, curd, meat, game, fish and poultry within the City for sale;

(e) provide for the grant and withdrawal of licences and the levying of fees therefor under this section :

Provided that no person shall be punishable for the breach of any byelaw made under clause (a) by reason of the continuance of such manufacture, preparation, or exposure for sale, or sale in any place or upon any premises which are at the time of the making of such byelaws used for such purpose until he has received from the Corporation six months notice in writing to discontinue such manufacture, preparation or exposure for sale.

**238. Places for slaughter of animals for sale :-**

places for slaughter of the animals.

(1) The Corporation may, and when required by the State

Government, shall, fix places, with the approval of the State Government either within or without the limits of the City, for the slaughter of the animals or of any specified description of animals, for sale, and may with the like approval grant and withdraw licences for the use of such premises, or if they belong to the Corporation may charge rent or fees for the use of the same.

(2) when slaughter places are fixed beyond Corporation limits. When such places have been fixed by the Corporation beyond municipal limits it shall have the same power to make byelaws for the inspection and proper regulation of the same if they were within those limits.

(3) When any such premises have been fixed no person shall slaughter any such animal for sale within the City at any other place.

(4) fine for unauthorised slaughter in the city. Any person who slaughters for sale any animal at any place within the City other than the one fixed by the Corporation under this section shall be punishable with fine which may extend to twenty rupees.

### **239. Disposal of dead animals :-**

action to be taken if an animal died otherwise than by slaughter.

(1) Whenever any animal in the charge of any person dies otherwise than by slaughter for sale or for a religious purpose, such person shall within twenty-four hours either -

(a) convey the carcass to the place fixed by the Corporation for the disposal of dead animals or to any place at least one mile beyond the limits of the City; or

(b) give notice of the death to the Commissioner who shall cause the carcass to be disposed of.

(2) For the disposal of dead animals under clause (b) of sub-section (1), the Commissioner may charge such fees as the Corporation may fix by public notice.

(3) 'animal' defined. For the purposes of this section the word "animal" shall include horned cattle, elephants, camels, horses, ponies, asses, mules, deer, sheep, goats and swine.

(4) Any person bound to act in accordance with sub-section (1) of this section shall, if he fails so to act, be punished with fine which

may extend to ten rupees.

## CHAPTER 20

Food, Drink, Drug and Dangerous Articles

### **240. Prohibition of sale of diseased animals or unwholesome articles intended for human consumption :-**

prohibition of sale or use of dead animals for human consumption. No person shall sell, expose or hawk or keep for sale any animal intended for human consumption which is diseased, and no person shall sell, store for sale, expose or hawk for sale or manufacture any food, drink or drug intended for human consumption or medical treatment which is unsound, unwholesome, adulterated or unfit for human consumption.

### **241. Prohibition of adulterants in places where butter, ghee, etc., re manufactured or stored :-**

prohibition of adulterants.

(1) No person shall keep or permit to be kept in any shop or place in which milk is stored or in any manufactory, shop or place in which butter, ghee, wheat, flour, mustard oil, tea, edible oil, edible fat or any article notified by the State Government in this behalf is manufactured or stored, any substance intended to be used for adulteration of such milk, butter, ghee, wheat, flour, mustard oil, other article.

(2) presumption as to the article being stored as adulterant If any article capable of being so used is found in any such manufactory, shop or place, the Court shall, unless and until the contrary is proved, presume, in any prosecution under this section that it is intended to be used for adulteration.

### **242. Prohibition of sale of certain articles which are not of the prescribed standard of purity :-**

sale of unauthorised drugs or manufacture thereof. No person shall, directly or indirectly, sell, expose or hawk for sale, or manufacture or store for sale any drug or article of food or drink to which the State Government has by notification applied this section unless it fulfills the conditions specified in such notification.

### **243. Substitutes :-**

rules regarding substitutes No person shall sell, or offer, expose, manufacture or store for sale, as being a specified drug or article of food or drink to which the State Government has by notification

extended this section, article (hereinafter referred to as "substitute") which resembles or purports to be a notified drug or article but differs therefrom in nature, substance or quality.

**244. Prohibition of sale etc., of food or drink not of the nature, substance or quality of the article as represented :-**

manufacture , store or sale of articles of food or drinks which does'nt conform the quality it is represented to he

(1) No person shall directly or indirectly, himself or by any other person on his behalf, sell, expose or hawk for sale, or manufacture or store for sale, any article of food or drink which is not of the nature, substance, or quality it is represented to be: Provided that an offence shall not be deemed to be committed under this section in the following cases, namely :-

(a) where any matter or ingredient not injurious to health has been added to any article of food or drink in order to facilitate the production or preparation of the same as an article of commerce in a state fit for carriage or consumption, and not fraudulently to increase the bulk, weight or measure of the article or to conceal the inferior quality thereof : or

(b) where any article of food or drink is unavoidably mixed with some extraneous matter in the process or collection or preparation.

(2) In any prosecution under this section it shall be no defence to allege that vendor, manufacturer or storer was ignorant of the nature, substance or quality of the article sold, exposed, hawked about for sale, or manufactured or stored for sale, by him, or that the purchaser having bought such article only for analysis was not prejudiced by the sale.

**245. Licence required for dealing in milk, etc. :-**

trade or business in milk or milk products prohibited without licence.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 limits of the City the trade or business of a dealer in milk or milk products or of an importer, vendor or hawker of the same, or

(b) use any place for the sale of milk or milk products.

**246. Provisions relating to prosecutions :-**

prosecution of offenders. In any prosecution under sections 240, 241, 242 and 243 -

(a) the Court shall, until the contrary is proved, presume that any animal, food, drink, drug or substitute therefor found in the possession of a person who is in the habit of selling that class of animal or of manufacturing, storing or selling such articles, was being kept, manufactured or stored for sale by such person ;

(b) no such person shall plead that he was ignorant that the animal, food, drink, drug or a substitute was diseased, unsound, unwholesome, unfit for human consumption or adulterated or did not fulfill the conditions specified or was a substitute, as the case may be ;

(c) no offence shall be deemed to have been committed where such person proves to the satisfaction of the Court that he obtained the food, drink, drug, or substitute under a warranty from the person manufacturing it within the City or importing it within the same that the food, drink, drug or substitute had not been adulterated, or that it fulfilled the conditions specified or that it was not a substitute and that he had no reason to believe otherwise or had no reasonable ground for believing that by lapse of time or otherwise the warranty no longer held good.

**247. Liability of warrantors :-**

when the warrantor shall be liable. when any person has been discharged or acquitted of an offence on the grounds mentioned in clause (c) of section 246 and the warranty proves to be incorrect or misleading, the warrantor shall be liable to be prosecuted for such offence and the provisions of section 246 shall apply in a like manner as if he were himself the seller or storer, as the case may be.

**248. Inspection of place for sale of food or drink and seizure of unwholesome articles or utensils found therein :-**  
inspection of premises.

(1) Any officer of the Corporation duly authorised in this behalf by the Commissioner may enter into and inspect any market, building, shop, stall, or place used for the sale of any animal, food, drink or drug intended for human consumption or medical treatment or for the preparation, manufacture or storage of the same for sale, and may inspect and examine any such animal, food, drink or drug and any utensil or vessel used for preparing, manufacturing or

containing any such food, drink or drug.

(2)action. If any such animal appears to such officer to be diseased, or if any such food, drink or drug appears to him to be unsound, unwholesome or unfit for human consumption or medical treatment, as the case may be, or to be adulterated, or not to fulfill the specified conditions or to be a substitute, or if any such utensil or vessel is of such kind or in such state as to render any food, drink, or drug, prepared, manufactured or contained therein unwholesome or unfit for human consumption or medical treatment, he may seize and remove such animal, food, drink, drug, utensil or vessel in order that the same may be dealt with hereinafter in this Chapter provided.

(3) The authorised officer may, instead of removing any animal, food, drink, drug, utensil or vessel seized under sub-section (2) leave the same in such safe custody as the Commissioner directs in order that it may be dealt with as hereinafter in this Chapter provided : and no person shall remove it from such custody or interfere or tamper with it in any way while it is so detained.

**249. Destruction of animals and articles seized under section 248 :-**

destruction of the animals and objects seized.

(1) When any animal, food, drink, drug, utensil or vessel is seized under sub-section (2) of section 248, it may be destroyed by the officer making the seizure with the consent of the owner or the person in whose possession it was found.

(2) The officer destroying any animal food, drink, drug, utensil or vessel under sub-section (1) shall report such destruction to the Medical Officer of Health.

(3) If any food, drink or drug seized under sub-section (1) is of a perishable nature and is in the opinion of the officer making the seizure, infected, unsound, unwholesome or unfit for human consumption or medical treatment, it may, with the previous sanction of the Medical Officer of Health, be destroyed without the consent referred to in sub-section (1).

(4) the expenses incurred in taking any action under sub-section (1) and (3) shall be paid by the person in whose possession such animal, food, drink, drug, utensil or vessel was at the time of its' seizure and no claim shall lie for compensation for any animal or

article so destroyed.

**250. Taking before magistrate of animals and articles seized under section 248 :-**

animals and objects not destroyed are to be produced before a Magistrate without delay after seizure.

(1) Any animal, food, drink, drug, utensil or vessel seized under sub-section (2) of section 248 but not destroyed in pursuance of section 249 shall, subject to the provisions of sub-section (3) of section 248, be taken before a Magistrate as soon as may be after such seizure.

(2) If it appears to the Magistrate that such animal, food, drink, drug, utensil or vessel was rightly seized, he shall cause the same to be forfeited to the Corporation or to be destroyed at the expense of the person in whose possession it was found at the time of its seizure.

(3) If the Magistrate is of the contrary opinion, the person from whose shop or place it was taken shall be entitled to have it restored to him, and it shall be in the discretion of the Magistrate to award him such compensation, not exceeding the actual loss or expenses which he has sustained or incurred, as the Magistrate may think proper.

**251. Food, drink or drugs directed to be destroyed deemed to be the property of the Corporation :-**

confiscation of animal food, drink or drug by the Corporation. Any animal, food, drink, or drug in respect of which any authority exercising powers under this Chapter passes an order of destruction or disposal so that it cannot be used as food or medicine, shall thereupon be deemed to be the property of the Corporation.

**252. Application of provisions of this Chapter to other articles :-**

application of these provisions to other articles. The provisions of this Chapter shall, so far as they are applicable, apply to such other articles as the State Government may by notification in the Gazette declare to be dangerous for human use.

**CHAPTER 21**

On Restraint of Infection

**253. Information to be given of existence of dangerous disease :-**



medical practitioner owner of dwelling houses etc. to report dangerous diseases. Whoever -

(a) being a medical practitioner or a person openly and constantly practising the medical profession and in the course of such practice becoming cognisant of the existence of any infectious disease in any dwelling other than a public hospital, or, in default of such medical practitioner or person practising the medical profession,

(b) being the owner or occupier of such dwelling and becoming cognisant of the existence of any such disease therein, or, in default of such owner or occupier,

(c) being the person in charge of, or in attendance on, any person suffering from any such disease in such dwelling, and becoming cognisant of the existence of the disease therein, fails forthwith to give information, or knowingly gives false information to the Medical Officer of Health or to any other officer to whom the Corporation may require information to be given respecting the existence of such disease, shall be punishable with fine which may extend to fifty rupees :

Provided that a person not required to give information in the first instance, but only in default of some other person, shall not be punishable if he shows that he had reasonable cause to suppose that the information had been, or would be, duly given.

**254. Powers of Medical Officer of Health to inspect places and take measures to prevent spread of dangerous diseases :-**

medical officer to inspect places etc. The Medical Officer of Health, or any other municipal officer authorised by him in this behalf, may, at any time by day or by night, 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 dangerous disease is reported or suspected to exist, and take such measures as he may think fit to prevent the spread of the disease beyond such place.

**255. Prohibition of use for drinking or for other domestic purposes of water likely to cause dangerous disease :-**

(1) If it appears to the Medical Officer of Health that the water in any well, tank or other place is likely, if used for the purpose of drinking or for any other domestic purpose, to endanger or cause

the spread of any dangerous disease, he may by public notice prohibit the removal or use of the said water for such purpose.

(2) No person shall remove or use for such purpose any water in respect of which any such public notice has been issued.

**256. Power of Medical Officer of Health to remove patient to hospital in certain cases :-**

(1) separate accommodation for certain patients. When, in the opinion of the Medical Officer of Health, any person is suffering from a dangerous disease and is also without proper lodging or accommodation or is lodged in such a manner that he cannot be effectually isolated so as to prevent the spread of infection, and the said officer considers that such person should be removed to a hospital or place at which patients suffering from such disease are received for medical treatment, he may, with the approval of the Commissioner, direct or cause the removal of such person to such hospital or place :

Provided that all costs incurred for the removal and the treatment of any such patient shall be borne by the Corporation :

Provided also that, if any such person is a woman, she shall not be removed to any such hospital or place unless the same has accommodation for women, of a suitable kind, and set apart from the portion assigned to males.

(2) Any person having charge of a person in respect of whom an order is made under sub-section (1) shall obey such order.

(3) special provision for a woman who according to custom does not appear in public. If any woman who according to custom does not appear in public is to be removed to any hospital or place under sub-section (1) -

(a) the removal shall be effected in such a way as to preserve her privacy ;

(b) special accommodation suited to such custom shall be provided for her in such hospital or place ;

(c) she shall, if she so desires, be treated therein by women only ;  
and

(d) her female relatives shall be allowed to remain with her.

**257. Power of Medical Officer of Health to disinfect building, tank, pool or well :-**

cleaning and disinfection of buildings, tank, pool or well.

(1) If the Medical Officer of Health or any officer of the Corporation authorised by him in this behalf, is of opinion that the cleansing or disinfecting of any building or any part of a building, or of any article therein which is likely to retain infection, or of any tank, pool or well adjacent to a building, would tend to prevent or check the spread of any dangerous disease, he may cause to be cleaned or disinfected such building, part, article, tank, pool or well and may by written notice, require the occupier of such building or any part thereof to vacate the same for such time as may be prescribed in such notice.

(2) cost of cleaning or disinfection to be borne by the occupier. The cost of cleansing or disinfecting any building or part thereof, or any article therein under sub-section (1), shall be paid by the occupier of such building and the cost of cleansing or disinfecting any tank, pool or well under the said sub-section, shall be paid by the person in actual possession of such tank, pool or well or if there be no such person, by the owner thereof: Provided that if, in the opinion of the Commissioner, the owner or occupier is from poverty unable to pay the cost, the Commissioner may direct payment thereof to be made from the municipal fund.

**258. Power of Medical Officer of Health to destroy huts and sheds :-**

destroying hut or material if it's necessary to prevent any dangerous disease, the Medical Officer of Health may do so

(1) If the Medical Officer of Health is of opinion that the destruction of any hut or shed is necessary to prevent the spread of any dangerous disease, he may after giving to the owner or occupier of such hut or shed such previous notice of his intention as he considers reasonable, take measures for having such hut or shed and all the materials thereof destroyed.

(2) compensation paid. Compensation not exceeding the value of the hut shall be paid by the Corporation to any person who sustains 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 any exercise of the power conferred by sub-section (1).

**259. Infected building not to be let without being first disinfected :-**

disinfection of infected buildings. 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 a dangerous disease, -

- (a) unless the Medical Officer of Health has disinfected the same and has granted a certificate to that effect, and
- (b) until a date specified in such certificate as that on which the building or part may be occupied without causing risk of infection.

Explanation :- for the purposes of this section the keeper of a hotel or inn shall be deemed to have let part of his building to any person accommodated therein.

**260. Provision of places for disinfection, washing or destruction or infected articles and power of Commissioner to disinfect or destroy such articles :-**

corporation to arrange place and provide facilities for disinfection.

(1) The Corporation shall provide a place or places with all necessary apparatus and establishment, for the disinfection of conveyances, clothing, bedding or other articles which have become infected, and when any articles have been brought to any such place for disinfection, shall cause them to be disinfected either -

- (a) free of charge ; or
- (b) in its discretion, on payment of such fees as it may from time to time fix in this behalf.

(2) The Corporation shall, from time to time, by public notice, appoint a place or places at which conveyances, clothing, bedding or other articles which have been exposed to infection from any dangerous disease may be washed ; and no person shall wash any such article at any place not so appointed, without having previously disinfected the same.

(3) The Medical Officer of Health, or any person authorised by him in this behalf, shall disinfect or destroy, or by written notice direct the disinfection or destruction of any clothing, bedding or other articles likely to retain infection.

(4) The Commissioner shall pay such compensation as may appear to him reasonable for any article destroyed under sub-section (3)

and his decision as to the amount of compensation shall be final.

**261. Infected articles not to be transmitted, etc., without previous disinfection :-**  
prior disinfection.

(1) No person shall, without previous 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 dangerous disease.

(2) Nothing in sub-section (1) shall apply to a person who transmits, with proper precautions any such article for the purpose of having same disinfected.

**262. Restrictions on carriage of patient or dead body in public conveyance :-**

no person suffering from a dangerous disease or the dead body of a person who has suffered from a dangerous disease be allowed in a public conveyance.

(1) No person who is suffering from a dangerous disease shall enter, or cause or permit himself to be carried in, a public conveyance, nor shall any other person knowingly cause or permit a person in his charge and suffering from a dangerous disease or the dead body of any person who has died from such disease to be carried in a public conveyance without -

(a) previously notifying to the owner, driver, or person in charge of such conveyance that he is so suffering, and

(b) taking proper precautions against the spreading of such disease.

(2) extra charges for disinfection of the carriage. Notwithstanding anything contained in any enactment 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 or any such dead body 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.

(3) No owner, driver or person in charge of a public conveyance shall knowingly carry or permit to be carried in such conveyance any person suffering as aforesaid or any such dead body in

contravention of sub-section (1).

**263. Disinfection of public conveyance after carriage of patient or dead body :-**

conveyance should be immediately disinfected.

(1) the owner, driver or person in charge of any public conveyance in which any person suffering from a dangerous disease or the dead body of any suffering from a dangerous disease or the dead body of any person who has died of such disease has been carried shall immediately take the conveyance for disinfection to a place appointed under sub-section (1) of section 260.

(2) The person in charge of such place shall forthwith intimate to the Medical Officer of Health the number of the conveyance and proceed to disinfect the conveyance.

(3) No such conveyance shall be used until the Medical Officer of Health has granted a certificate stating that it may be used without causing risk of infection.

**264. Power of Corporation to provide special conveyance for patient or dead body :-**

corporation may provide and maintain suitable conveyances.

(1) The Corporation may provide and maintain suitable conveyances for the free carriage of persons suffering from any dangerous disease or of the dead bodies of persons who have died of any such disease.

(2) When such conveyances have been provided, it shall not be lawful, without the sanction of the Medical Officer of Health, to carry any such person or dead body in, or for such person to cause himself to be carried in, any other public conveyance.

**265. Power of Corporation to take special measures on outbreak of dangerous disease or infections epizootic disease :-**

extra measures in the event of outbreak of dangerous disease or infectious epizootic disease. In the event of the City being at any time visited or threatened with an outbreak of any dangerous disease, or in the event of any infectious epizootic disease breaking out or being likely to be introduced into the City, the Corporation, if it considers that the other provisions of this Act, or the provisions of any other enactment for the time being in force are insufficient for

the purpose, may, with the sanction of the State Government -

(a) take such special measures ; and

(b) by public notice, prescribe such temporary rules to be observed by the public or by any person or class of persons as it may deem necessary to prevent the outbreak of such disease or the spread thereof.

## CHAPTER 22

### Disposal of the Dead

#### **266. Provision of new places for disposal of the dead :-**

If the existing places for the disposal of the dead appear to the Corporation at any time to be insufficient, it shall provide further fit and convenient places for the purpose:

Provided that except with the written permission of the State Government no place shall be so provided -

(a) if it has never previously been lawfully used for the purpose, or

(b) if having been formerly so used it is no longer so used.

#### **267. Power of State Government to direct the closing of any place for the disposal of the dead :-**

(1) If after personal inspection the Commissioner is at any time of opinion that any place used for the disposal of the dead is or is likely to become injurious to public health, he may submit his considered opinion with the reasons therefor to the Corporation, and the Corporation shall forward the same with its opinion, for the consideration of the State Government.

(2) Upon receipt of such an opinion the State Government, after such further enquiry as it deems fit to make, may, by notification published in the Gazette and in such newspaper as it may deem necessary, direct that such place shall no longer be used for the disposal of the dead.

(3) On the expiration of three months from the date of any such notification, the place to which it relates shall no longer be used for the disposal of the dead.

(4) Private space set apart for burial may be exempted from any such direction subject to such conditions as the Commissioner may impose in this behalf, provided that the limits of such space are sufficiently defined and that it shall only be used for the burial of

members of the family of the owners thereof.

**268. Power of the State Government to direct reopening of place closed under section 267 or other enactment :-**

recommendation for re-opening of places closed under section 267 etc.

(1) If, after personal inspection, the Commissioner is of opinion that any place formerly used for the disposal of the dead which has been closed under the provisions of this Act has, by lapse of time, become no longer injurious to health and may without risk or danger be again used for the said purpose, he may submit his opinion with the reasons therefor to the Corporation, which shall forward the same, with its opinion, for the consideration of the State Government.

(2) Upon receipt of such opinion the State Government, after such further enquiry as it deems fit to make, may, by notification in the Gazette, direct that such place be reopened for the disposal of the dead.

**269. Prohibition of certain acts without the permission of Commissioner :-**

(1) No person shall, without the written permission of the Commissioner -

(a) restrictions regarding use of certain places for disposal of the dead. make any vault, grave or interment within any wall, or underneath any passage, porch, portico, plinth or verandah, or any place of worship ; or

(b) make any interment or otherwise dispose of any corpse in any place which is closed for the disposal of the dead under section 267 ; or

(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 other than a place for the disposal of the dead ; or

(d) exhume any body from any place for the disposal of the dead, except under the provisions of section 176 of the Code of Criminal Procedure, 1898, or of any other enactment for the time being in force.



(2) Such permission may be granted by the Commissioner only and subject to such general or special orders as the State Government may make in this behalf.

(3) offence under this section cognizable. An offence under this section shall be deemed to be a cognizable offence within the meaning of sections 149, 150 and 151 of the said Code.

### **270. Removal of corpses :-**

(1) The Commissioner may by public notice, prescribe routes for the removal of corpses to burial or burning places.

(2) punishment for use of unauthorised route to carry a corpse  
Whoever carries a corpse along a route prohibited by the Commissioner or in a manner likely to cause annoyance to the public, shall be punishable with fine which may extend to ten rupees.

#### PART 6

Lands, Buildings and Streets

#### CHAPTER 23

Town Planning

### **271. Town planning scheme :-**

town planning scheme.

(1) The Corporation may, and if so required by the State Government shall, within six months of the date of such requisition, direct the Commissioner to draw up a town planning scheme, which may, among other things, provide for the following matters, namely :-

(a) a direction that in any street, portion of a street or locality specified in the scheme the elevation and construction of the frontage of all buildings thereafter erected or re-erected shall, in respect of their architectural features, be such as may be fixed for the locality ;

(b) a direction that in any street, portion of a street or locality specified in the scheme, there shall be allowed the construction of only detached or semi-detached buildings or both, and that the land appurtenant to each building shall be of an area not less than that specified in the scheme ;

(c) a direction that any street, portion of a street or locality specified in the scheme, the construction of more than a specified

number of houses on each acre of land shall not be allowed :

(d) a direction that in any street, portion of a street or locality specified in the scheme, the construction of shops, warehouses, factories, huts or buildings of a specified purpose shall not be allowed;

(e) a street line and a building line on either side or on both sides of any street existing or proposed ;

(f) a standard plan, either for the division of land into building sites, or for the location of buildings within a building site ;

(g) the amount of land which shall be transferred to the Corporation for public purposes and public streets by owners of land on payment of compensation;

(h) the prohibition of building operations permanently or temporarily when by reason of the situation or nature of the land, the erection of buildings thereon would be likely to involve danger or injury to health, or excessive expenditure of public money in the provision of roads, sewers, water-supply or other public services ;

(i) regulating, in the interest of safety, the height and position of proposed walls, fences or hedges near the corners or bends of streets ;

(j) limiting the number or prescribing the sites of new roads entering a highway maintained by the State Government;

(k) regulating in respect of erection of any building intended to be used for purposes of business or industry, the provision of accommodation for loading, unloading or fuelling vehicles with a view to the prevention of obstruction of traffic on any highway ;  
and

(l) a direction that in any street, portion of a street or locality specified in the scheme, the use of land for any purposes even though not involving the erection of buildings, shall not be inconsistent with the provisions of this section with respect to buildings.

(2)notice to register objections. When a scheme has been drawn up under the provisions of subsection (1), the Commissioner shall give public notice of the scheme and shall therein announce a date not less than thirty days from the date of such notice by which any

person may submit to the Commissioner in writing any objection or suggestion with regard to the scheme which he may wish to make

(3) The Commissioner shall within fifteen days of the date announced under the provisions of sub-section (2), forward to the Standing Committee the notice together with the objections or suggestions, if any, and his opinion on the scheme.

(4) The Standing Committee shall, within fifteen days of the receipt of the documents relating to the scheme forward them to the Corporation together with the opinion of the Commissioner and any comments which the Standing Committee may make.

(5) The Corporation shall consider every objection or suggestion with regard to the scheme and may modify the scheme in consequence of any such objection or suggestion and shall then forward such scheme as originally drawn up, or as modified, together with the documents mentioned in sub-section (4) to the State Government which may sanction the scheme or sanction it with such modifications as it may think fit or may refuse to sanction it, or may return it to the Corporation for reconsideration and resubmission by a specified date.

(6) State Government to draw up the plan if the Corporation fails to do it within the stipulated time. If the Corporation fails to submit a scheme within six months of being required to do so under sub-section (1) or fails to resubmit a scheme by a specified date when required to do so under sub-section (5), or resubmits a scheme which is not approved by the State Government, the State Government may draw up a scheme which shall be published within the limits of the Corporation together with an intimation of the date by which any person may submit in writing to the State Government any objection or suggestion which he may wish to take. The State Government may sanction such scheme as originally published or modified in consequence of any such objection or suggestion as the State Government may think fit.

(7) The cost of such scheme, or such portion of the cost as the State Government may deem fit, shall be defrayed from the municipal fund.

(8) When sanctioning a scheme the State Government may impose conditions for the submission of periodical reports on the progress of the scheme to the State Government, and for the inspection and supervision of the scheme by the State Government.

(9) No person shall erect or re-erect any building or take any other action in contravention of any such scheme or byelaw made under the provisions of this Act.

**272. . :-**

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CHAPTER 24

Building Control

**273. Prohibition of erection or re-erection of buildings without permission :-**

restrictions on erection, re-erection of any building.

(1) No person shall -

(i) erect or re-erect any building ; or

(ii) commence to erect or re-erect any building ; or

(iii) make any material external alteration to any building ; or

(iv) construct or reconstruct any projecting portion of a building which the Commissioner is empowered by section 284 to require to be set back or is empowered to give permission to construct or reconstruct, -

(a) unless the Commissioner has either by an order in writing granted permission or has failed to intimate within the prescribed period his refusal of permission for the erection or re-erection of the building or for the construction or re-construction of the projecting part of the building, or

(b) after the expiry of one year from the date of the said permission or such longer period as the Commissioner may allow or from the end of the prescribed period as the case may be :

Provided that nothing in this section shall apply to any work, addition or alteration which the Corporation may by byelaw declare to be exempt.

(2) If a question arises whether a particular alteration in or addition to an existing building is or is not a material alteration, the decision of the District Court, Nagpur, shall be final and conclusive.

(3) No appeal shall be admitted under this section unless the matter has first been determined by the Commissioner.

#### **274. Notice of buildings :-**

(1) Every person who intends to erect or re-erect a building shall submit to the Commissioner, -

(a) an application in writing for approval of the site together with a site plan of the land, and , in the case of land which is the property of the Government or of the Corporation, a certified copy of the documents authorising him to occupy the land, and if so required by the Commissioner, the original document of documents ; and

(b) an application in writing for permission to build together with a ground plan, elevation and section of the building and a specification of the work to be done.

(2) Every plan of any building to be constructed wholly or partly of masonry, submitted under sub-section (1) shall, in token of its having been prepared by him or under his supervision, bear the signature of a licensed surveyor.

(3) Every document submitted under sub-section (1) shall be prepared in such manner and shall contain such particulars as may be prescribed.

(4) Nothing herein contained shall require a person to comply with the Provisions of clause (b) of sub-section (1) until such time as the site has been approved by the Commissioner or such person as he may appoint.

#### **275. Commissioner to refuse erection or re-erection of buildings :-**

refusal to sanction erection or reerection of any building in contravention of the scheme under section 271

(1) The Commissioner shall refuse to sanction the erection or re-erection of any building in contravention of any scheme sanctioned under section 271 or in contravention of any rule or byelaw made under the provisions of this Act.

(2) reasons for refusal to be communicated in writing to the applicant. The Commissioner may refuse to sanction the erection or re- erection of any building if in respect of the building there are just and sufficient reasons, which shall be communicated in writing to the applicant, which sanction should not be given, or if the land on which it is proposed to erect or re-erect such building is vested in the Government or in the Corporation and the consent of the

Central or the State Government or the Corporation, as the case may be, has not been obtained, or if the title to the land is in dispute between the applicant and the Corporation or the Government.

(3) when permission is deemed to have been sanctioned. Notwithstanding anything contained in sub-section (2) but subject to the provisions of sub-section (9) of section 271, if the Commissioner within sixty day of the receipt from any person of valid notice of such person's intention to erect or re-erect a building, or within one hundred and twenty days of such receipt if the notice relates to a building on the same or part of the same site on which sanction for the erection of a building has been refused within the previous twelve months, neglects or omits to pass orders sanctioning or refusing to sanction such erection or re-erection, such erection or re-erection shall, unless the land on which it is proposed to erect or re- erect such building belongs to or vests in the Corporation, be deemed to have been sanctioned, except in so far as it may contravene any rule or byelaw or any town-planning scheme sanctioned under this Act or any other enactment for the time being in force :

Provided that if an order granting or refusing such sanction is suspended under section 407, the period specified by this sub-section shall commence to run afresh from the date of the communication of final orders under the said section by the State Government.

**276. Grounds on which site of proposed building may be disapproved :-**

The Commissioner may on all or any of the following grounds refuse to approve the site on which an applicant proposes to erect or re-erect any building :-

(a) that the erection or re-erection of the proposed building on such site would be in contravention of a town planning scheme under section 271 or of any other provision of this Act or of any other enactment for the time being in force ; or

(b) that the site is in a portion within the limits of the City in which the position and direction of the streets have not been determined, and that the building which it is proposed to erect on such site will, in the opinion of the Commissioner, obstruct or interfere with the construction in future of suitable streets in such portion or with the

drainage, water-supply or ventilation thereof:

Provided that any person to whom permission to erect or re-erect a building on such a site has been refused may, by written notice to the Commissioner, require that the position and direction of streets to be laid down in future in the vicinity of the proposed building should be forthwith determined, and if such requisition is not complied with within one year from the date thereof, may, subject to all other provisions of this Act applicable thereto, proceed with the erection of his building ; or

(c) that the site has been reclaimed or used as a place for depositing sewage, offensive matter or rubbish or the carcasses of dead animals or is otherwise insanitary or dangerous to health ; or

(d) that the site is in a portion within the limits of the City for which a town-planning schemes has not been sanctioned by the State Government and that the building which it is proposed to erect or re-erect on such site will, in the opinion of the Commissioner be likely to conflict in a manner, to be communicated in writing to the appliant, with the provisions of a town- planning scheme :

Provided that any person to whom permission to erect or re-erect a building on a such a site has been refused may, by written notice to the Commissioner, require that the preparation of a town-planning scheme for the portion in which the site is situated shall be proceeded with as early as possible ; and if the applicant is not informed in writing with in twelve months of the date of the requisition that the State Government have sanctioned the said town-planning scheme, he may, subject to all the other provisions of this Act applicable thereto, proceed with the erection or re-erection of the building in respect or which the application was made.

**277. Grounds on which permission to erect or re-erect buildings may be refused :-**

(1) The Commissioner shall not grant permission to erect or re-erect any building unless and until he has approved of the site thereof on an application under section 274.

(2) The Commissioner may refuse permission to erect or re-erect any building,-

(a) if the plans and specifications submitted with the application show that such building is not in accordance with the town-planning schemes sanctioned under section 271, or with any provision of this Act, or any rule or byelaw made thereunder, or any provision of any law for the time being in force ; or

(b) if in his opinion the erection or re-erection of such building would be a nuisance or injurious to the inhabitants of the neighbourhood or to the public ; or

(c) unless and until any plans, specifications or particulars called for by him are supplied.

**278. Power of Commissioner to direct modification of a sanctioned plan of a building before its completion :-**

If at any time before the completion of a building, of which the erection has been sanctioned under section 275, the Commissioner finds that any modification of the sanctioned plan is necessary, the Commissioner may, subject to compensation for any loss to which the owner may be put, direct that the building be modified accordingly.

**279. Lapse of sanction after one year from the date of such sanction :-**

Every sanction for the erection or re-erection of any building shall remain in force for one year only from the date of such sanction or for such longer period as the Commissioner may have allowed when conveying sanction under section 273. If the erection or re-erection of the building is not commenced within one year and completed within two years or such longer period as may have been allowed by the Commissioner the sanction shall be deemed to have lapsed ; but such lapse shall not bar any subsequent application for fresh sanction under the foregoing provisions of this Act.

**280. Completion certificate and permission to occupy or use :-**

(1) Every person who -

(i) erects or re-erects any building ; or

(ii) makes any material external alteration in or addition to any existing building ; or

(iii) constructs or re-constructs any projecting portion of a building which the Commissioner is empowered under section 284 to require



to be set back or is empowered to give permission to construct or re-construct; completion notice. Shall within one month of the completion of the work deliver to the Commissioner at his office a notice in writing of such completion and shall give to the Commissioner all necessary facilities for the inspection of such work.

(2) Within seven days after the receipt of the said notice the Commissioner shall depute an officer to commence the inspection of such work.

(3) Within seven days from the date of commencement of such inspection the Commissioner shall -

(a) permission to occupy the building. give permission for the occupation of the building erected or for the use of the part of the building reerected, or

(b) refuse such permission in case such erection, re-erection, construction or re-construction is in contravention or any provision of this Act or any other enactment for the time being in force.

(4) No person shall occupy or permit to be occupied any such building or use or permit to be used any part affected by the re-erection of such building-

(a) until the permission referred to in clause (a) of sub-section (3) has been granted in the prescribed manner,

(b) unless the Commissioner has failed for fifteen days after the receipt of notice of completion to intimate his refusal to grant the said permission.

**281. Power of Commissioner to stop progress of building work unlawfully commenced or carried on :-**

notice to discontinue illegal construction of building.

(1) In any case in which the erection of a building has been commenced or is being carried on unlawfully as mentioned in section 286, the Commissioner may by written notice require the building operations to be discontinued from the date of service of such notice.

(2) fine. Any person failing to comply with the terms of such notice shall be punishable with a fine which may extend to one thousand rupees and if he fails to comply with the terms of such notice after

the first day of his failure so to do, with a further fine which may extend to fifty rupees for every such day after the first.

**282. Power of Commissioner to direct removal of person from buildings in which works are being unlawfully carried on or which are unlawfully occupied :-**

24 hours notice to persons engaged in the construction etc. to vacate the premises.

(1) If any person contravenes any provision of section 280 or disobeys any direction of the Commissioner made under that section, the Commissioner after giving twenty-four hours notice Shall direct all persons engaged in any capacity in the work of erecting or re-erecting the building in question or part thereof or constructing or re-constructing any projecting portion thereof or occupying or using such building or part thereof to remove themselves and shall take measures as will prevent any one of such persons from again entering into or remaining upon such building or part thereof except with his permission : minimum one weeks notice.

Provided that any person occupying or using such building or part thereof either as tenant or as owner in contravention of sub-section (4) of section 280 shall not be so directed to remove himself unless he has been served by the Commissioner with one week's notice in writing requiring him to vacate :

Provided further that if in the opinion of the Commissioner there is imminent danger to human life, the Commissioner may require such building or part thereof to be vacated immediately.

(2) All expenditure incurred in the enforcement of the provisions of this section may be recovered from the person offending.

**283. Erection and use of temporary buildings to be approved by Commissioner :-**

prior permission required for erection of building for temporary purpose.

(1) No building shall be erected for a temporary purpose without the sanction of the Commissioner, or otherwise than in accordance with any byelaws made in this behalf under this Act.

(2) demolition of a building used for purposes other than stated If any building erected for a temporary purpose is not used strictly for

such purpose and in accordance with any byelaws made under this Act or is erected without the sanction of the Commissioner, the building may be demolished by the Commissioner at the expense of the owner thereof, whether he is prosecuted under this Act or not.

**284. Power to regulate line of buildings :-**

(1) If any part of a building projects beyond the regular line of a public street, Other as existing or as determined for the future, or beyond the front of immediately adjoining building, the Corporation may -

(a) if the projecting part is a verandah, step or some other structure external to the main building, then at any time, or

(b) if the projecting part is not such external structure as aforesaid, then whenever the greater portion of such building or whenever any material portion of such projecting part has been taken down or burned down or has fallen down. require by notice either that the part or some portion of the part projecting beyond the regular line or beyond the front of the immediate adjoining building shall be removed, or that such building when being rebuilt shall be set back to or towards the said line or front; and the portion of land added to the street by such setting back or removal shall thenceforth be deemed to be part of the public street and shall vest in the Corporation :

Provided that the Corporation shall make reasonable compensation to the owner for any damage he may sustain in consequence of his building or any part thereof being set back.

(2) The Corporation may, on. such terms as it thinks fit, allow any building to be set forward for the improvement of the line of the street.

**285. Compensation :-**

(1) No compensation shall be claimable by an owner for any damage which he may sustain in consequence of the prohibition of the erection of any building.

(2) The Corporation shall make reasonable compensation to the owner for any damage or loss which he may sustain in consequence of the prohibition of the re-erection of any building or part of a building except in so far as the prohibition is necessary under any rule or byelaw :

Provided that the Corporation shall make full compensation to the owner for any damage or loss which he may sustain in consequence of building or any part thereof being set back preceding such notice the building has by reason of its being in a ruinous or dangerous condition become unfit for human habitation or unless an order of prohibition issued under section 288 has been and still is in force in respect of such building.

(3) reasonable compensation. The Corporation shall make reasonable compensation to the owner for any damage or loss which he may sustain in consequence of the inclusion of his land in a public street but in assessing such compensation, regard shall be had to the benefits accruing to that owner from the development of the land belonging to him and affected by such street.

**286. Power to require removal or alteration of work not in conformity with byelaws or any scheme or any other requirement :-**

(1) Commissioner's order as to the removal or alteration of the building. If any building is erected or re-erected in contravention of any town-planning scheme mentioned under section 271 or of any building byelaws made under section 415, the Commissioner, without prejudice to his right to take proceedings for a fine in respect of the contravention, may by notice require the owner either to pull down or remove the work or, if he so elects to effect such alterations therein as may be necessary to make it comply with the said scheme or byelaws.

(2) If a building is erected or re-erected -

(a) without any sanction as required by section 273 (1), or

(b) when sanction has been refused, or

(c) in contravention of the terms of any sanction granted, or

(d) when the sanction has lapsed under section 279, the Commissioner may by notice require the owner or owners to alter or demolish the building within such reasonable time as the Commissioner may think fit.

(3) If a person to whom a notice has been given under the foregoing provisions of this section fails to comply with the notice before the expiry of twenty-eight days, or such longer period as the District Court, Nagpur, may on his application allow, the

Commissioner may pull down or remove the work in question, or effect such alteration therein as he deems necessary, and may recover from him the expenses reasonably incurred by the Commissioner in so doing.

(4) If the plans are approved by the Commissioner and the approval is communicated to the person intending to build the house or if the plans are rejected by the Commissioner but no notice of their rejection is given to person intending to build the house within the prescribed period, it shall not be open to the Commissioner to give a notice under sub-sections (1) and (2) on the ground that the building is erected or re-erected in contravention of any scheme or byelaws or any other requirements under this Chapter.

(5) Nothing in this section shall affect the right of the Corporation or any other person to apply to the District Court, Nagpur, for an injunction for the removal or alteration of any building on the ground that it contravenes any provision of this Act or of the byelaws made thereunder, but if the building is one in respect of which plans have been deposited and the plans have been passed by the Commissioner or notice that they have been rejected has not been given within the prescribed period after the deposit thereof, and if the work has been executed in accordance with the plans, the Court on granting an injunction shall have power to order the Corporation to pay to the owner of the works such compensation as the Court thinks just, but before making any such order the Court shall cause the Commissioner, if not a party, to be joined as a party to the proceeding.

**287. Bar on jurisdiction :-**

Save as otherwise expressly provided in this Act or rules made thereunder, no Civil Court shall have jurisdiction to settle, decide or deal with any question which is by or under this Chapter required to be settled, decided or dealt with by the Corporation or the Commissioner.