

APPENDIX IV
TRANSITORY PROVISIONS.
(see Section 493.)

Part I General.

Construction of references in other enactment.

1. Construction of references in other enactment. -

¹[(a)] References in any enactment other than the ²[Gujarat Local Fund Audit Act, 1963, (Guj. 49 of 1963,) the Gujarat Municipalities Act, 1963 (Guj. 34 of 1964.) and the law corresponding to any of the said Acts which may have been in force before the coming into force of any of the said Acts], in force of the date immediately preceding the appointed day in a City or in any rule, order, or notification, made or issued thereunder and in force on such date in the said City to municipal districts, municipal boroughs, municipalities or borough municipalities constituted under the ³[Gujarat Municipalities Act, 1963 or the law corresponding to the said Act which may have been in force before the coming into force of the said Act] shall, unless a different intention appears, be construed as references to the City or to the Corporation of the said City, as the case may be, such enactment, rule, order or notification shall apply to the said City or Corporation.

⁴[(b)] References in any enactment other than the Gujarat Local Fund Audit Act, 1963, the Gujarat Panchayats Act, 1961 and the law corresponding to any of the said Acts which may have been in force before coming into force of any of the said Acts, in force on the date immediately preceding the appointed day in a city or in any rule, order, or notification, made or issued thereunder and in force on such date in the said city to villages, grams, nagars, village panchayats, gram panchayats or nagar panchayats constituted under the Gujarat Panchayats Act, 1961 (Guj. 49 of 1953.) (Guj. 5 of 1962.) or the law corresponding to the said Act which may have been in force before coming into force of the said Act shall unless, a different intention appears, be construed as references to such area of the city which formed part of or which was such gram or nagar or to the Corporation of the said city, as the case may be, and such enactment, rule, order or notification shall apply to the said area of the city or Corporation.]

Transfer of rights

2. Transfer of rights - All rights of the municipality or any other local authority for the area which has been constituted to be a City shall on the appointed day vest in the Corporation constituted for the said area.

Sums due

3. Sums due - All sums due to the said municipality or local authority for the area which has been constituted a City, whether on account of any tax or any other account shall be recoverable by the Commissioner for the said City and for the purpose of such recovery he shall be competent to take any measure or institute any proceeding which it would have been open to the authority of the said municipality or local

¹ Paragraph I was re-numbered as sub-paragraph (a) of that paragraph by Guj. 18 of 1984, s. 4(1) (a).

² These words & figures were substituted for the words & figures "Bombay District Municipal Act, 1901, the Bombay Municipal Boroughs Act, 1925 & the Bombay Local Fund Audit Act, 1930" by Guj. 3 of 1973, s. 4 (i).

³ These words and figures were substituted for the words and figures "Bombay District Municipal Act, 1901. or the Bombay Municipal Boroughs Act, 1925, ibid, s. 4 (ii).2.

⁴ Sub-paragraph (b) was added by Guj. 18 of 1984, s. 4 (1) (a).

**Debts, obligations,
contracts and
pending proceedings**

authority to take or institute, if this Act had not come into operation and the said area had not been constituted to be a City.

4. Debts, obligations, contracts and pending proceedings –

(1) All debts and obligations incurred and all contracts made by or on behalf of the said municipality or local authority immediately before the appointed day and subsisting on the said day shall be deemed to have been incurred and made by the Commissioner for the said City in exercise of the powers conferred on him by this Act and shall continue in operation accordingly.

(2) All proceedings pending before any authority of the said municipality or local authority on the Said day which under the provisions of this Act are required to be instituted before or undertaken by the Commissioner shall be transferred to and continued by him and all other such proceedings shall, so far as may be, be transferred to and continued by such authority before or by whom they have to be instituted or undertaken under the provisions of this Act.

(3) All appeals pending before any authority of the said municipality or local authority on the said date shall, so far as may be practicable, be disposed of as if the area was constituted to be a City when they were filed.

(4) All prosecutions instituted by or on behalf of the said municipality or local authority and all suits and other legal proceedings instituted by or against the said municipality, local authority or any officer of the said municipality or local authority pending on the said date shall be continued by or against the Commissioner or the Corporation for the said City, as the case may be, as if the area was constituted to be a City when such prosecution, suit or proceeding was instituted.

5. Continuation of appointments, taxes, budget estimates, assessments, etc.

**Continuation of
appointments, taxes,
budget estimates,
assessments, etc.**

Save as expressly provided by the provisions of this Appendix or by a notification issued under paragraph 22 or order made under paragraph 23,-

(a) any appointment, notification, notice, tax, order, scheme, licence, permission, rule, by-law, or form made, issued imposed or granted under the Bombay District Municipal Act, 1901, (Bom. III of 1901.) or the Bombay Municipal Boroughs Act, 1925. (Bom. XVIII of 1925.) or any other law in force in any local area constituted to be a City immediately before the appointed day shall, in so far as it is not inconsistent with the provisions of this Act, continue in force until it is superseded by any appointment, notification, notice, tax, order, scheme, licence, permission, rule, by-law, or form made, issued, imposed or granted under this Act or any other law as aforesaid, as the case may be;

(b) all budget estimates, assessments, valuation, measurements, and divisions made under the Bombay District Municipal Act, 1901, (Bom. III of 1901.) or the Bombay Municipal Boroughs Act, 1925, (Bom. XVIII of 1925.) or any other law in force in any area constituted to be a City immediately before the appointed day shall in so far as they are consistent with the provisions of this Act be deemed to have been made under this Act;

(c) all officers and servants in the employ of the said municipality or local authority immediately before the appointed day shall be officers and servants employed by the Corporation under this Act and shall, until other provision is made in accordance with the provisions of this Act, receive salaries and allowances and be subject to the conditions of service to which they were entitled or subject on such date:

Provided that service rendered by such officers and servants before the appointed day shall be deemed to be service rendered in the service of the Corporation :

Provided further that it shall be competent to the Corporation to discontinue the services of any officer or servant who, in its opinion, is not necessary or suitable to the requirements of the municipal service, after giving such officer or servant such notice as is required to be given by the terms of his employment and every officer or servants whose services are so discontinued, shall be entitled to such leave, pension or gratuity as he would have been entitled to take or receive on being invalided out of service if this Act had not been passed.

Continuation of appointments tax, budget estimates, assessments, etc. in certain other cases

⁵**[5A. Continuation of appointments tax, budget estimates, assessments, etc. in certain other cases.** - Where any local area comprising partly of an area of a Municipal Borough and partly of an area of any gram or nagar is constituted to be a city, any appointment, notification, notice, tax, order, scheme, licence, permission, rule, by-law or form made, issued, imposed or granted under the Gujarat Panchayats Act, 1961 (Guj. 6 of 1962.) or, as the case may be, the Gujarat Municipalities Act, 1963 (Guj. 34 of 1964.) or any other law in force in a part of the local area constituted to be a city immediately before the appointed day shall, in so far as it is not inconsistent with the provisions of this Act continue in force in such part of the area of the city until it is superseded by any appointment, notification, notice, tax, order, scheme, licence, permission, rule, by-law or form made, issued, imposed, or granted under this Act or any other law as aforesaid, as the case may be.]

Provisions for Municipality or local authority which is superseded or dissolved

6. Provisions for Municipality or local authority which is superseded or dissolved. - Any reference in the above paragraphs to a municipality or a local authority shall, in case such municipality or local authority has been superseded or dissolved, be deemed to be a reference to the person or persons appointed to exercise the powers or to perform the functions of such municipality or local authority under any law relating to such municipality or local authority.

Special conditions for erection and re-erection buildings, etc. in certain areas

⁶**[6A. Special conditions for erection and re-erection buildings, etc. in certain areas.**- (I) Notwithstanding anything contained in this Act, until by-laws are made under section 458 or until the expiration of one year from the date on which any local area is constituted or included in a City whichever is earlier, the Corporation may prescribe special conditions with respect to erection or re-erection of buildings, the maximum heights of buildings, roofs and external walls of buildings, set-backs of buildings and other matters relating to buildings in the area constituted or included in a City or any part thereof

⁵ Paragraph 5A was inserted by Guj. 18 of 1984, s. 4 (1) (b).

⁶ This paragraph 6A was inserted by Bom. 42 of 1950, s. 2.

Savings in respect of Gujarat Local Fund Audit Act, 1963

(2) No person shall erect or re-erect any building or commence the execution of any work in contravention of any such conditions.]

⁷[**6B. Savings in respect of Gujarat Local Fund Audit Act, 1963.-** The provisions of the Gujarat Local Fund Audit Act, 1963 (Guj. XLIX of 1963.) shall continue to apply in respect of the audit of the accounts of the said Municipality for the period upto the date immediately preceding the appointed day and for all other matters connected with, or arising out of, such audit as if this Act had not come into operation. Provided that all references in the Gujarat Local Fund Audit Act, 1963, to the President of the Local authority or to the local authority, shall be deemed to be references to the Commissioner.]

Ahmedabad Borough Municipality to be deemed to be Corporation under this Act.

Part II : Special Provisions relating to the City of Ahmedabad.

7. Ahmedabad Borough Municipality to be deemed to be Corporation under this Act. - (1) On and from the appointed day in the case of the City of Ahmedabad the Ahmedabad Borough Municipality constituted under the Bombay Municipality Boroughs Act, 1925, shall be deemed to be the Corporation, the Standing Committee and the Bus Committee shall be deemed to be the Standing Committee and the Transport Committee respectively and the President and Vice- President of the said Municipality shall be deemed to be the Mayor and Deputy Mayor respectively under this Act and shall exercise the powers and perform the duties conferred and imposed by this Act on the Corporation, the Standing Committee, the Transport Committee, the Mayor and the Deputy Mayor, respectively. (2) The councillors of the Corporation so constituted shall continue in office until the expiry of 2 years from the date of the passing of this Act: ⁸[Provided that the State Government may by notification in the Official Gazette extend the term of office of the councillors for such period, not exceeding in the aggregate two and half years from the date of the passing of this Act, as may be specified in the notification.] ⁹[(3) If the office of any of the said councillors falls vacant after the coming into force of the Bombay Provincial Municipal Corporation (Amendment) Act, 1951, (Bom. XXV III of 1951.) the vacancy shall not be filled up and no act or proceedings of the Corporation shall be questioned on account of any vacancy thereon.]

Corporation to appoint forthwith Standing Committee, Transport Committee, etc.

8. Corporation to appoint forthwith Standing Committee, Transport Committee, etc. - The Corporation constituted under sub-paragraph (1) of paragraph 7 shall forthwith appoint a Standing Committee, a Transport Committee and such Special Committees as it may deem necessary in accordance with the provisions of sections 20, 25 and 30.

Temporary appointment of Commissioner.

9. Temporary appointment of Commissioner - The ¹⁰[State] Government may, pending the appointment of the Commissioner under section 36, appoint for such period as it thinks fit any person to

⁷ This paragraph 6A was inserted by Born. 42 of 1950, s. 2.

⁸ This proviso was added by Bom. 28 of 1951, s. 2 (1) (a).

⁹ This sub-paragraph was substituted for the original by Bom. 28 of 1951, s. 2 (1) (b).

¹⁰ This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

Commissioner to take steps to hold Elections, etc.

act as the Commissioner. The Commissioner so appointed shall receive such monthly salary and allowances as the ¹¹[State] Government may determine and shall exercise all the powers and perform all the functions and duties under this Act as are to be exercised and performed by the Commissioner appointed under section 36.

10. Commissioner to take steps to hold Elections, etc. -(1) The Commissioner shall take steps to prepare the municipal election roll and hold general ward elections in accordance, as far as may be, with the provisions of this Act so as to ensure that the councillors elected at such elections shall assume office immediately on the expiry of the period of two years specified in sub-paragraph (2) of paragraph 7 ¹²[or the period extended under the proviso to the said sub-paragraph (2) of paragraph 7, as the case may be.]

(2) For the purposes of the first elections held under this Act, any person who, if this Act had not come into operation in the City of Ahmedabad, would have been disqualified for being elected a councillor of the Ahmedabad Borough Municipality shall be deemed to be disqualified for being elected and for being a councillor under this Act.

(3) Every person who have immovable property in the city of Ahmedabad which on the date immediately preceding the appointed day was assessed to any tax in the form of a rate on lands and buildings levied by the Ahmedabad Borough Municipality shall be deemed to have the requisite taxation qualification under sub-section (3) of section 8 for the purpose of enrolment in the first municipal election roll.

Chief Officer to vacate office.

11. Chief Officer to vacate office.- The Chief Officer of the Ahmedabad Borough Municipality in office on the date immediately preceding the appointed day shall vacate office on the said day but it shall be competent for the Corporation to appoint him, with effect from the said day, to any appointment under it for which he is in its opinion qualified :

Provided that, unless the Chief officer is so appointed, he shall be given such leave, pension or gratuity as he would have received had he been invalided out of municipal service if this Act had not come into operation in the City.

Savings in respect of Bombay Local Fund Audit Act, 1930

12. Savings in respect of Bombay Local Fund Audit Act, 1930.- The provisions of the Bombay Local Fund Audit Act, 1930, [Bom. XXV of 1960] shall continue to apply in respect of the audit of the accounts of the Ahmedabad Borough Municipality for the period up to the date immediately preceding the appointed day and of all other matters connected with, or arising out of, such audit as if this Act had not come into operation :

Provided that all references in the Bombay Local Fund Audit Act, 1930, Bom. XXV of 1980 to the President of the local authority or to the local authority shall be deemed to be references to the Commissioner.

¹¹ This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

¹² These words, brackets and figures were inserted by Bom. 28 of 1951, s. 2 (2).

**Ahmedabad
Municipal School
Board to be deemed
to be the Municipal
School Board for
the City**

13. Ahmedabad Municipal School Board to be deemed to be the Municipal School Board for the City - The Ahmedabad Municipal School Board in office on the date immediately preceding the appointed day shall be deemed to be the Municipal School Board for the City and shall continue in office until a new School Board is constituted by the nomination and election of members under sub-sections (2) and (5) of section 4 of the Bombay Primary Education Act, 1947, Bom. LXI of 1947 as soon as may be after the first general ward elections of councillors have been held and the councillors have taken office.

[Part III : Special Provisions relating to the City of Poona.] Deleted by the Gujarat Adaptation of Laws (State and Concurrent subject) Order, 1960.

Part IV : Special Provisions relating to other cities.

22. On any local area other than ¹³[the City of Ahmedabad] being constituted to be a city ¹⁴[x x x], the ¹⁵[state] Government may, notwithstanding anything in this Act, by notification in the Official Gazette provide for such City-

(a) for the constitution of the following interim authorities and the exercise of powers and performance of functions and duties by the said authorities ¹⁶[for such period not exceeding ¹⁷[one year] as it thinks fit

:-

- (i) the Corporation,
- (ii) the Standing Committee,
- (iii) the Transport Committee,
- (iv) the Mayor and Deputy Mayor,
- (v) the Commissioner,
- (vi) the Transport Manager ;

(b) the appointment of municipal officers and servants ; and
(e) such other matters as may be necessary for the proper and efficient conduct of the municipal administration of the City.

¹⁸**22A.** (a) Notwithstanding anything contained in this Act the State Government may by order in writing issue to any of the interim authorities constituted under paragraph 22 such direction as may be considered necessary for the proper and efficient conduct of the municipal administration of the city.

(b) Any direction issued by the State Government to any interim authority under sub-paragraph (a), shall be complied with by the interim authority within such period as may be specified in the order under the said sub-paragraph (a).

(c) Where an interim authority fails to comply with a direction issued

¹³ These words were substituted for the words "the cities of Ahmedabad and Poona" by the Gujarat Adaptation of Laws (State and Concurrent Subjects) Order, 1960

¹⁴ "under section 3" words & figures deleted by Guj. 16 of 1993 s. 23 (1).

¹⁵ This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

¹⁶ These words were substituted for the words "for such period" by Guj. 18 of 1984, s.4(2)(a) and then words substituted for the words "two and half year" by Guj. 16 of 1993 s. 22(2).

¹⁷ Same as 16.

¹⁸ Paragraphs 22A and 22B were inserted by Guj. 18 of 1984, s. 4 (2) (b).

by the State Government, the provisions of sub-section (2) of section 448 shall, so far as may be, apply as if for the word "duty" wherever it occurs in the said sub-section (2), the word "direction" had been substituted.

22B. Notwithstanding anything contained in sub-paragraph (a) of paragraph 22, the State Government may-

(1) in the notification referred to in the said paragraph 22 provided for appointment of an Administrator instead of constitution of interim authorities referred to in items (i) to (iv) of sub-paragraph (a) of paragraph 22,

(2) by notification in the Official Gazette provide for appointment of an Administrator on the expiry of the term of interim authorities referred to in items (i) to (iv) of sub-paragraph (a) of the said paragraph 22 and continuation of the interim authorities referred to in items (v) and (vi) of the said paragraph (a) for such period as may be specified in the notification, and the provisions of section 7A shall, so far as maybe apply to the appointment of such Administrator.]

Part V : Power to remove difficulties.

Power to remove difficulties

23. Power to remove difficulties - If any difficulty arises in giving effect to the provisions of this Act or, by reason of anything contained in this Act, to any other enactment for the time being in force, the ¹⁹[State] Government may, as occasion requires, by order do anything which appears to it necessary for the purpose of removing the difficulty:

Provided that no order shall be made under this paragraph after the expiry of one year from the appointed day.

THE SCHEDULE ²⁰[A]

(See section 453.)

²¹[CHAPTER 1.

ELECTION RULES.

Municipal Election Roll.

Municipal Election Roll.

Preparation and revision of list of persons qualified to vote.

1. Preparation and revision of list of persons qualified to vote.

(1) At least eight months before the term of office of the councillors elected at a general election is due to expire under section 6, the commissioner shall prepare & publish in accordance with sub-rule (8) a list of persons appearing to be entitled to be enrolled in the municipal election roll as voters of wards.

(2) The list of voters of wards shall be made in separate lists, called ward lists, one for each ward into which the City is divided containing the names of persons entitled to be enrolled as voters of that ward.

(3) In preparing the ward lists the Commissioner shall enter therein in alphabetical order under the heading of streets, the full names and addresses of the persons who are entitled to be enrolled under the provisions of sub-section (1) of section 8 :

¹⁹ This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

²⁰ This Schedule was re-lettered as Schedule A by Guj. 19 of 1964, s. 27

²¹ Schedule A, Chapter-1 relation to Election Rules, shall be deleted by Guj. 16 of 1993 s. 23 but it will be given for ready Reference..

Provided that where such person is-

- (i) a company, the name of any individual member of such company authorised in that behalf,
- (ii) a firm, the names of all the partners of such firm, registered under the Indian Partnership Act, 1932, IX of 1932.
- (iii) any other association or body of individuals, the name of the individual member of such association or body of individuals authorised by such association or body of individuals, or
- (iv) an undivided Hindu family possessing the requisite business premises or taxation qualification, the names of all adult co-parceners of such family, shall be entered in such lists against the names of such company, firm, association, body of individuals or family, as the case may be.

(4) The Commissioner may, before preparing the list, by notice in writing call upon every owner of a building to furnish him with a list of all tenants who resided in or occupied such building during the qualifying period referred to in section 8.

(5) The Commissioner may also call upon by notice in writing any occupier of any building or other person to furnish such information as he may consider necessary for the preparation of the municipal election roll.

(6) Every person to whom a notice has been issued under sub-rule (4) or (5) shall furnish full and true information within fifteen days from the date of receipt of the notice.

(7) The Commissioner shall verify and scrutinize the particulars furnished under sub-rules (4) and (5) by a house to house inquiry or by taking such other steps as he may consider necessary.

(8) The Commissioner shall publish the list, prepared as aforesaid, by causing printed copy thereof to be fixed for public inspection in a conspicuous position in the chief municipal office and at such other places as the Commissioner, with the approval of the Standing Committee may fix and to be kept so fixed for a period of thirty days. Printed copies thereof shall also be delivered to any person requiring the same on payment of such reasonable fee for each copy as shall from time to time be prescribed by the Commissioner.

(9) The Commissioner shall on or before the date on which the list is published under sub-rule (8) give notice by advertisement in the local newspapers of the publication and of the place at which and the fee for which copies of it may be obtained.

(10) Every person whose name is not in the list so published and who claims to have it inserted therein shall, within thirty days of the publication, give notice in writing of his claim to the Commissioner in such form as the Commissioner may prescribe.

(11) Every person whose name is in the list may object to any other person as not being entitled to have his name retained therein by giving to the Commissioner and also giving to the person objected to, or leaving at his last known place of abode, notice in writing of the objection and of the nature thereof within 30 days of the publication of the list.

(12) If the name of any person is entered as a voter in more than one ward list, he may, by notice in writing, which he shall give to the

Commissioner within thirty days of the publication of the list, choose for which one of those wards he shall be entitled to vote.

(13) The Commissioner shall, within one hundred and five days of the publication of the list under sub-rule (8) revise the list.

(14) The Commissioner shall for this purpose hear the claims and objections which have been duly made as aforesaid in open office, giving three clear days notice of the holding of the inquiry by written notice served upon each claimant and person objecting and upon each person objected to, and also fixed on some conspicuous place in the chief municipal office :

Provided that, if the Commissioner on examination of any claim considers that it may be allowed without further inquiry, notice to such claimant shall not be necessary. A notice which is required to be served under this sub-rule on any person shall be deemed to be served, if sent by post to the address of that person as given by him for the purpose, or as appearing in the list, or if there is no such address, to his last known place or residence.

(15) Within 90 days of the publication of the list under sub-rule (8), the Commissioner shall publish by affixing at some conspicuous place in the chief municipal office and at such other places as may have been fixed under sub-rule (8) a supplementary list containing the names of the claimants who appear to him to be entitled to be enrolled as voters; and shall give notice by advertisement in the local newspapers of the publication of the said list and of the place at which and the fee for which copies of it may be obtained. Within three days from the date of the said notice any person whose name is in the list or in the supplementary list may object to the name of any claimant being inserted in the list upon the ground that such claimant is not entitled to be enrolled as a voter. Such an objection shall be made in the manner provided in sub-rule (11) and shall be disposed of by the Commissioner in the manner provided in sub-rule (14).

(16) The Commissioner shall insert in the list the name of every person who has duly claimed to have his name inserted therein and whose claim is proved to the Commissioner's satisfaction.

(17) The Commissioner shall expunge from the list the name of every person proved to his satisfaction to be dead or not qualified to be enrolled and may correct any clerical error or omission in the list.

(18) Subject as aforesaid, the Commissioner shall retain in the list the name of every person to whom objection has not been duly made.

(19) The Commissioner shall also retain therein the name of every person objected to, unless the objector appears by himself or by some other person duly authorised by him in this behalf in support of the objection.

(20) Where the objector so appears, the Commissioner shall require proof of the qualification of the person objected to and, if, within such reasonable time as the Commissioner, subject to the provision of sub-rule (23), fixes in this behalf, such person's qualification is not proved to his satisfaction, shall expunge his name from the list.

(21) The Commissioner shall not retain the name of one person in more than one ward list. If any person whose name has been entered

in more than one ward list has not chosen as aforesaid, the Commissioner shall determine for which one of those wards he shall be entitled to vote.

(22) The Commissioner shall not enter the name of any individual more than once in any ward list notwithstanding the fact that such individual is entitled to have his name entered in such list in more than one capacity or possesses more than one of the requisite qualifications referred to in section 8.

(23) The Commissioner may adjourn the hearing of any matter under this rule from time to time so that no adjourned hearing be held after the expiry of one hundred and five days from the date of publication of the list under sub-rule (8).

**Appeals against
Commissioner's
orders on revision of
the list by whom to
be heard**

2. Appeals against Commissioner's orders on revision of the list by whom to be heard.

(1) In the event of the Commissioner rejecting any claim, objection or choice duly made under rule I, the claimant or objector or person aggrieved may, at any time within five days after such rejection, apply to the District Judge.

(2) Application under sub-rule (1) shall be heard by an Assistant Judge or Civil Judge or by two or more such Judges appointed in this behalf by the District Judge and every Judge so appointed shall, within twenty-five days after receipt of such application and after such inquiry as he deems necessary, make such order for correcting the list or otherwise as shall seem to him fit, and his order shall be conclusive.

(3) Every Judge holding an inquiry under this rule may summon and enforce the attendance of witnesses and compel them to give evidence as if he were a Civil Court and he may also direct by whom the whole or any part of the costs of any such inquiry shall be paid.

(4) Costs awarded under sub-rule (3) shall be recoverable as if they had been awarded in a suit under the Code of Civil Procedure, 1908.

3. Completion of the Municipal Election Roll.

**Completion of the
Municipal Election
Roll**

(1) When the list prepared as aforesaid has been revised by the Commissioner and corrected in compliance with any order passed in this behalf under rule 2, a printed copy thereof, signed by the Commissioner, shall be the Municipal Election Roll and shall come into operation one hundred and fifty days after the date on which the list was published under sub-rule (8) of rule I and continue in operation for a period of four years, beginning on that day.

(2) The, municipal election roll shall be divided and arranged in the same manner as the list from which it is made up. The Separate ward lists, when completed, as hereinbefore provided, shall be called ward rolls. The ward rolls shall collectively be deemed to constitute the municipal election roll.

(3) Each ward roll shall be conclusive evidence for the purpose of determining whether any person is an elector in the ward to which such roll relates, and every person enrolled in such roll shall be deemed to be entitled to vote at a ward election.

(4) Printed copies of the municipal election roll shall be delivered to any person requiring the same, on payment of such reasonable fee for

each copy as shall from time to time be prescribed by the Commissioner.

(5) If a municipal election roll is not made in due time, the municipal election roll in operation immediately before the time appointed for its preparation shall continue in operation until the new roll is made.

Preparation and revision of list for supplementary election rolls

4. Preparation and revision of list for supplementary election rolls.

(1) Any person whose name is not on the municipal election roll and who claims to be entitled to be enrolled as a voter under the provisions of sub-section (1) of section 8 may on or before such date as the Commissioner may by public notice published in the local newspapers fix in any of the three years next succeeding the date on which the said roll came into operation under the provisions of sub-rule (1) of rule 3, give notice of his claims in writing to the Commissioner in such form as he may prescribe.

(2) The Commissioner shall hear the claims in the manner provided in sub-rule (14) of rule I and shall within sixty days of the date fixed under sub-rule (1) for giving notice published by affixing at some conspicuous place in the chief municipal office a list containing the names of the claimants who appear to him to be entitled to be enrolled as voters, and shall give notice by advertisement in the local newspapers of the publication of the said list and of the place at which and the fee for which copies of it may be obtained.

(3) The said list shall be prepared in the same form as the list mentioned in sub-rules (2) and (3) of rule 1.

(4) Within three days from the date of publication of the said list, any person whose name is on the municipal election roll or in the said list may give notice in writing to the Commissioner objecting to the retention of the name of any person in the said list upon the ground that such person is not entitled to be enrolled as a voter, and shall also in such case give to such person, or leave at his last known place of residence, notice in writing of the objection and the nature thereof.

(5) The Commissioner shall thereafter dispose of all objections made under this section in the manner provided in sub-rule (14) of rule I and within seventy-five days of the date fixed under sub-rule (1) for giving notice shall revise the list prepared as aforesaid in the same manner as the list mentioned in rule I, and for such purposes the procedure prescribed in sub-rules (16), (17), (18), (19), (20), (21) and (22) of rule I and in rule 2 shall be followed so far as may be required.

Completion of supplementary election rolls.

5. Completion of supplementary election rolls. - When the list prepared under rule 4 as aforesaid has been revised by the Commissioner and corrected in accordance with any order passed in that behalf under rule 2, a printed copy thereof, signed by the Commissioner, shall come into operation as a supplementary election roll one hundred and twenty days after the date fixed under sub-rule (1) of rule 4 for giving notice and shall thereafter be deemed to form part of the municipal election roll.

Consolidation of supplementary election rolls

6. Consolidation of supplementary election rolls. - Notwithstanding anything contained in rules 4 and 5, the Commissioner may include in any supplementary election roll made as aforesaid the entries contained in any previous supplementary election roll made since the

making of the last municipal election roll, and to the extent that such entries are included the previous supplementary election roll shall cease to have any operation.

Election of Councillors.

Dates of nominations.

7. Dates of nominations. - (1) The nomination of candidates for general ward elections of councillors shall be fixed by the Commissioner to take place on such days in the three months immediately preceding the date on which the term of office of the councillors elected at the last preceding general elections is due to expire under section 6 as he shall think fit.

(2) The nomination of candidates for elections to fill casual vacancies shall be fixed by the Commissioner to take place on such days as he shall think fit as soon as conveniently may be after the occurrence of the vacancies.

Notice to be given of day fixed for nomination of candidates for ward elections

8. Notice to be given of day fixed for nomination of candidates for ward elections. - Fifteen days at least before the day fixed for the nomination of candidates for a ward election notice thereof shall be given by the Commissioner. Such notice shall be given by advertisement in the Official Gazette and in the local newspapers and by posting placards in conspicuous places in the ward for which such election is to take place.

Provisions regarding nomination of candidates.

9. Provisions regarding nomination of candidates. - (1) Candidates for election at a ward election must be duly nominated in writing in accordance with the provisions hereinafter contained.

(2) With respect to such nominations, subject to sub-rule (3), the following provisions shall have effect, namely :-

- (a) nomination papers shall be in Form A ;
- (b) the Commissioner shall provide printed forms of nomination papers, and any person entitled to vote at the election shall be supplied, at any time within seven days previous to the day fixed for the nomination of candidates and up to four o'clock in the afternoon on such day, with as many such forms as may be required, free of charge;
- (c) each nomination paper must state the name, abode and description of the candidate in full. and be subscribed by two persons entitled to vote at the election as proposer and seconder and must bear the signature of the person nominated in token of his willingness to be so nominated ;
- (d) every nomination paper subscribed and signed as aforesaid must be delivered at the Commissioner's office before five o'clock in the afternoon of the day fixed for the nomination of candidates;
- (e) each candidate must be nominated by a separate nomination paper, but any person entitled to vote at the election may subscribe as many nomination papers as there are vacancies to be filled, but no more;
- (f) the Commissioner shall on receiving a nomination paper enter in the nomination paper its serial number and shall sign thereon a certificate stating the date on which and the hour at which the nomination paper has been delivered to him ;
- (g) if any person subscribes more nomination papers than there are

vacancies to be filled, the nomination papers received after the receipt of the maximum number permissible under clause (e) shall be deemed to be invalid;

(h) if any person nominated -

(i) is not enrolled in the municipal election roll as voter of a ward,

(ii) has not made or caused to be made the deposit referred to in sub-rule (1) of rule 10, or

(iii) is disqualified under any provision of this Act for being a councillor, the Commissioner shall declare such person's nomination invalid;

(i) if there is no valid nomination, it shall be deemed that no councillor has been elected and proceedings for filling the vacancy or vacancies shall be taken under section 18;

(j) if the number of valid nominations is less than that of the vacancies, the persons nominated shall be deemed to be elected, and for the remaining vacancy or vacancies, it shall be deemed that no councillor has been elected, and proceedings for filling such vacancy or vacancies shall be taken under section 18 ;

(k) if the number of valid nominations is the same as that of the vacancies, the persons nominated shall be deemed to be elected ;

(l) if the number of valid nominations exceeds that of the vacancies, the election of councillors shall be made from among the persons nominated, and such election shall be termed "a contested election" :

Provided that if any candidate validly nominated dies or signifies in writing to the Commissioner not later than seven days after the day appointed for the nomination of candidates his intention not to contest the election, then, if the remaining number of valid nominations is less than or the same as that of the vacancies, the remaining candidates validly nominated shall be deemed to be elected :

Provided further that a candidate who has withdrawn his candidature shall not be allowed to cancel the withdrawal or to be re-nominated as a candidate for the same election ;

(m) if. when two or more ward elections are held simultaneously for different wards, any person is deemed, under clause (i) or clause (j), to be elected a councillor for more than one ward, he shall, within twenty-four hours after receipt of written notice thereof from the Commissioner, choose, by writing signed by him and delivered to the Commissioner, or, in his default, the Commissioner shall, when the time for choice has expired, declare for which one of these wards he shall serve; the choice or declaration so made shall be conclusive, and such person's nomination for the ward or wards for which he is not to serve shall be deemed to be null and void;

(n) if. when ward elections are held as aforesaid, any person who is deemed, under clause (i) or clause (j) to be elected a councillor for any one or more wards, has also been duly nominated for any one or more wards for which the number of nominations exceeds that of the vacancies. he shall within twenty-four hours after receipt of written notice thereof from the Commissioner choose, by writing signed by him and delivered to the Commissioner, whether he shall serve for the

ward, or for any one of the wards for which he is elected, or will stand as a candidate at the contested election or elections for the other ward or wards. In his default, the Commissioner shall, when the time for choice has expired, declare that he shall serve for the ward or for some one of the wards for which he is elected, and his nomination for any other ward shall be deemed to be null and void. If such person chooses, by writing as aforesaid, to stand as a candidate at the contested election or elections, his nomination for the ward or wards for which he is elected shall be deemed to be null and void. Any choice or declaration made under this clause shall be conclusive.

(3) No councillor shall be deemed under sub-rule (2) to have been elected for a seat reserved for ²²[members of the Scheduled Casts] in any ward unless he is a ²³[member of a Scheduled Caste] and in respect of any such seat the following further provisions shall apply, namely :-

- (a) if for any vacancy of a seat reserved for ²⁴[members of the Scheduled Castes] there is no validly nominated candidate eligible to fill such seat, it shall be deemed that no councillor has been elected, & proceedings for filling the vacancy shall be taken under section 18 ;
- (b) if for any such vacancies the number of validly nominated candidates so eligible is less than that of the vacancies, such candidates shall be deemed to be elected, and for the remaining vacancy or vacancies it shall be deemed that no councillor has been elected and proceedings for filling such vacancy or vacancies shall be taken under section 18 ;
- (c) if for any such vacancies the number of validly nominated candidates so eligible is equal to that of the vacancies, such candidates shall be deemed to be elected;
- (d) if any candidate validly nominated as eligible dies or signifies in writing to the Commissioner not later than seven days after the date appointed for the nomination of candidates his intention not to contest the election then, if the remaining number of validly nominated candidates so eligible is less than or the same as that of the vacancies, the remaining validly nominated candidates so eligible shall be deemed to be elected.

Deposit by candidates

10. Deposit by candidates. - (1) On or before the date appointed for the nomination of candidates for a ward election, each candidate shall deposit or cause to be deposited with the Commissioner the sum of one hundred rupees in cash or in Government securities of equal value at the market rate of the day, and no candidate shall be deemed to be duly nominated unless such deposit has been made.

(2) The deposit shall be returned if-

- (a) the candidate is declared or is deemed to be duly elected.
- (b) the candidate signifies his intention in writing to the commissioner not later than seven days after the day appointed for the nomination of candidates not to contest the election.
- (c) the nomination of the candidate is declared invalid,

²² These words were substituted for the word "Harijans" by Bom. 53 of 1959, s. 2, Sch

²³ Same as 22.

²⁴ Same as 22.

(d) the candidate dies, after the security of nomination papers and before the commencement of the poll, or

(e) the candidate fails to be elected but secure valid votes in excess of the number specified in sub-rule (4).

(3) The deposit shall be returned to the person by whom it was made, if a candidate dies before the day fixed for the poll, the deposit, if made by him, shall be returned to his legal representative or, if not made by the candidate, shall be returned to the person by whom it was made.

(4) If a candidate is not elected and if the number of valid votes polled by him does not exceed one-eighth of the total number of valid votes polled divided by the number of councillors to be elected in the ward for which the candidate is nominated, the deposit shall be forfeited to the Corporation.

(5) The deposit shall, if it is not forfeited, be returned as soon as may be after the declaration of the result of the election under rule 39 : Provided that if a candidate is duly nominated at a general election in more than one ward, not more than one of the deposits made by him or on his behalf shall be returned and the remainder shall be forfeited to the Corporation.

11. Poll to be taken when a ward election is contested and names of validly nominated candidates to be published.

(1) When a ward election is contested, a poll shall be taken on such date, not less than twenty-one days after the day appointed for the nomination of candidates as the Commissioner may fix. At such poll, the municipal election roll which was in operation on the day appointed for the nomination of candidates shall be deemed to be the roll to which reference must be made for the purposes of the election.

(2) At least three days before the day of the poll, the Commissioner shall cause the names of all persons validly nominated, with their respective abodes and descriptions, to be published in the Official Gazette and in the local newspapers.

12. Provisions respecting contested ward elections. - With respect to the contested ward elections the following provisions shall have effect, namely :-

(a) votes shall be given by ballot and in person; no votes shall be received by proxy:

(b) no votes shall be received for any candidate whose name has not been published by the Commissioner under sub-rule (2) of rule II as having been validly nominated;

(c) no votes shall be received from any person whose name is not enrolled in the ward roll as a voter of the ward for which the election is being held;

(d) when the name in a ward roll is that of a company, firm, association, body of individuals or an undivided Hindu family, all the persons whose names are entered against such company, firm, association, body of individuals or undivided Hindu family in the ward roll shall be entitled to vote;

(e) every elector shall be entitled to give as many votes as there are councilors to be elected at such election for such ward but no elector,

Poll to be taken when a ward election is contested and names of validly nominated candidates to be published

Provisions respecting contested ward elections. - With respect to the contested ward elections the following provisions shall have effect, namely

shall give more than one vote to any one candidate;

(f) in respect of a vacancy or vacancies which is or are reserved for ²⁵[members of the Scheduled Castes] the person or persons not exceeding the number of such vacancies who has or have the greatest number of valid votes from amongst the persons eligible to fill such vacancy or vacancies shall be deemed to be elected, and in respect of vacancies not so reserved the person, or where there are more than one councillors to be elected, the persons not exceeding the number of such vacancies other than any person deemed to be elected in a vacancy reserved for ²⁶[members of the Scheduled Castes] who have the greatest number of valid votes shall be deemed to be elected:

(g) where an equality of votes is found to exist between any candidates, and the addition of a vote would entitle any of these candidates to be declared elected, the determination of the person or persons to whom such additional votes shall be deemed to have been given shall be made by lot to be drawn in the presence of the Commissioner in such manner as he shall determine;

(h) if a candidate is elected councillor for more than one ward, he shall, within three days after receipt of written notice thereof from the Commissioner, choose, by writing signed by him, and delivered to the Commissioner, or in his default the Commissioner shall, when the time for choice has expired, declare for which of the wards he shall serve and the choice or declaration shall be conclusive ;

(i) when any such, choice or declaration has been made, the votes recorded for the candidate aforesaid in any ward for which he is not to serve shall be deemed not to have been given and the candidate, if any, who but for the said votes would have been declared to have been elected for such ward shall be deemed to have been elected for the same;

(j) the Commissioner shall, as soon as may be, declare the result of the poll, specifying the total number of valid votes given for each candidate and shall cause lists to be prepared for each ward specifying the names of all candidates, and the number of valid votes, given to each candidate; in accordance with such rules as the Commissioner may frame for the purpose and on payment of such fee as may be prescribed by him a copy of such list shall be supplied to any candidate of the ward shall be available for inspection to any voter of the ward.

Hours of commencement and close of poll.

Polling stations and presiding officers

Voting in Ward Elections.

13. Hours of commencement and close of poll. - The Commissioner shall fix the hour at which polling shall commence and the hour at which it shall close on the date fixed under rule 11 for taking a poll.

14. Polling stations and presiding officers. - (1) The Commissioner shall select for each ward as many polling stations as he thinks necessary and shall publish, in such manner as he deems sufficient, a list showing the polling stations so selected and "the polling areas for which they have respectively been selected.

²⁵ These words were substituted for the word "Harijans" by Bom.-S 3 of 1959, s. 2, Sch

²⁶ Same as 25.

(2) The Commissioner shall appoint a presiding officer for each polling station and such other persons, hereinafter referred to as polling officer, to assist the presiding officer as he thinks necessary.

(3) Each polling officer may, if so directed by the presiding officer, perform all or any of the duties assigned to a presiding officer under these rules.

(4) If the presiding officer, owing to illness or other unavoidable cause, is obliged to absent himself from a polling station, his duties shall be performed by one of the polling officers, who shall be duly authorised in this behalf by the Commissioner.

Duties of presiding officer.

15. Duties of presiding officer. - (1) The presiding officer shall keep order at the polling station, shall see that the election is fairly conducted, shall regulate the number of electors to be admitted at one time, and shall exclude all other persons except-

(a) the polling officers, the candidates and one agent of each candidate (hereinafter referred to as the polling agent) appointed in writing by the candidate and authorised in this behalf by the Commissioner.

(b) the polling officers or other public servants on duty, and

(c) such other persons as the presiding officer may from time to time admit for the purpose of identifying electors.

(2) The presiding officer shall close the polling station at the hour fixed in that behalf under rule 13, so as to prevent the admission thereto of any elector after that hour.

Removal from polling station for misconduct.

16. Removal from polling station for misconduct. - If any person misconducts himself at a polling station or fails to obey the lawful orders of the presiding officer or the polling officer performing the duties of the presiding officer he may immediately, by order of the presiding officer or such polling officer, be removed from the polling station by any police officer or by any other person authorised in writing by the presiding officer or such polling officer to remove him; and the person so removed shall not unless with the permission of the presiding officer or such polling officer, be allowed again to enter the polling station during the day :

Provided that this power shall not be exercised so as to prevent any elector who is otherwise entitled to vote at any polling station from having an opportunity to voting at such polling station.

Issues of ballot paper

17. Issues of ballot paper. - No ballot paper shall be issued after the closing hour fixed under rule 13, but any elector who has received his ballot paper before that hour shall be allowed a reasonable opportunity to record his vote.

Voting compartment.

18. Voting compartment. - Each polling station shall be furnished with such number of compartments, in which electors can record their votes screened from observation, as the Commissioner thinks necessary.

Supply of election materials & boxes

19. Supply of election materials and boxes. - The Commissioner shall provide at each polling station materials sufficient for the purpose of enabling electors to mark the ballot papers, as many ballot boxes as may be necessary, and copies of the election roll or of such part thereof as contains the names of the electors entitled to vote at such

Sealing of ballot boxes	polling station. 20. Sealing of ballot boxes. - Every ballot box shall be so constructed that the ballot papers can be introduced therein, but cannot be withdrawn therefrom, without the box being unlocked. The presiding officer at any polling station, immediately before the commencement of the poll, shall show the ballot box empty to such persons as may be present in such polling station, so that they may see that it is empty, and shall then lock it up: and place his seal upon it in such manner as to prevent its being opened without breaking such seal, and shall place it in his view for the receipt of ballot papers and keep it so locked and sealed.
Procedure before ballot paper is delivered to elector	21. Procedure before ballot paper is delivered to elector. - Immediately before a ballot paper is delivered to an elector, the number, name and description of the elector, as stated in the election roll, shall be called out, and the number of the elector shall be entered on the counterfoil, and a mark shall be placed in a copy of the election roll against the number of the elector, to denote that he has received a ballot paper, but without showing the particular ballot paper which he has received. On the counterfoil shall be entered the name of the ward and the name or distinctive number of the polling station and the signature or thumb impression of the elector.
Voting	22, Voting. - The elector shall, on receiving the ballot paper, forthwith proceed to one of the compartments in the polling station, and there mark his paper and fold it up so as to conceal his vote, and shall put his ballot paper, so folded up, into the ballot box. Every elector shall vote without undue delay and shall quit the polling station as soon as he has put his ballot paper into the ballot box.
Assistance to elector	23. Assistance to elector. - The presiding officer shall give such assistance as may be required to any elector who is by reason of infirmity or illiteracy unable to vote in the manner prescribed.
Identity of electors	24. Identity of electors. - At any time before a ballot paper is delivered to an elector, the presiding officer or polling may, of his own accord, if he has reason to doubt the identity of the elector or his right to vote at such polling station, and shall, if so required by a candidate or polling agent, put to the elector the following questions :- (1) Are you the person enrolled as follows (reading the whole entry from the roll)? and (2) Have you already voted at the present election in this ward ? and at a general election- (3) Have you already voted at this election in any other ward ? and the elector shall not be supplied with a ballot paper if he refuses to answer any one of the questions and unless he answers the first question in the affirmative, the second question in the negative, and, at a general election, the third question also in the negative.
Form of ballot paper	25. Form of ballot paper. - (1) The ballot paper shall be in Form B. (2) The ballot papers shall be serially numbered, the serial number being printed on the counterfoil and on the back of the ballot paper.
Tendered votes	26. Tendered votes. - If the person representing himself to be a particular elector named on the election roll applies for a ballot paper after another person has voted as such elector, the applicant shall, after

duly answering such questions as the presiding officer may ask, be entitled to mark as ballot paper in the same manner as any other elector. Such ballot paper (hereinafter referred to as a tendered ballot paper) shall, instead of being placed in the ballot box, be given to the presiding officer and endorsed by him with the name of the elector and his number on the election roll and the name of the ward to which the election roll relates, and shall be set aside in a separate packet and shall not be counted by the Commissioner. The name of the elector and his number on the election roll and the name or distinctive number of the polling station to which the election roll relates shall be entered in a list in Form C which shall bear the heading "Tendered Votes List". The person tendering such ballot paper shall sign his name and address therein or, if he is unable to write, affix his thumb impression against the entry in that list.

Challenged votes

27. Challenged votes. - If any polling agent declares and undertakes to prove that any person by applying for a ballot paper has committed the offence of personation, the presiding officer may require such person to enter in the list of challenged votes (which shall be in Form D) his name and address or, if he is unable to write, to affix his thumb impression thereto and may further require such person to produce evidence of identification. If such person, on being questioned in the manner provided in rule 24, answers the First question in the affirmative and the other questions in the negative, he shall be allowed to vote after he has been informed of the penalty for personation. The presiding officer shall make a note of the circumstances and of his decision on the list of challenged votes :

Provided that a deposit of Rs. 20 may be demanded for each such challenge which shall be forfeited if, on inquiry, the challenge is found to be frivolous and not made in good faith.

Spoilt ballot papers

28. Spoilt ballot papers. - An elector who has inadvertently dealt with his ballot paper in such a manner that it cannot conveniently be used as a ballot paper may, on delivering it to the presiding officer and satisfying him of the inadvertence, obtain another ballot paper in place of the spoilt ballot paper, and the latter shall, together with its counterfoil, be marked as cancelled by the presiding officer.

Voting by officers on duty at polling stations

29. Voting by officers on duty at polling stations. - (1) A presiding officer, polling officer or polling agent who is on duty at a polling station at which he is not entitled to vote, shall, if he is certified by the Commissioner to be entitled to vote at the election for the ward in connection with which he is employed or for any other ward, be allowed to record his vote at that polling station. The name of the polling station at which he would otherwise have been entitled to vote shall be entered in the counterfoil of the ballot paper together with his number in the election roll for that ward in which that polling station is situate. A certificate issued under this rule shall be in Form E.
(2) Such ballot paper shall be placed in an envelope and sealed by the presiding officer and returned with the certificate referred to in sub-rule (1) to the Commissioner who shall cause such ballot paper to be included among the valid ballot papers of the appropriate ward.

Despatch of ballot papers	<p>30. Despatch of ballot papers. - The presiding officer of each polling station, as soon as practicable after the close of the poll, shall, in the presence of any candidates or polling agents who may be present, make up into separate parcels and seal with his own seal and the seal of such candidates or agents as may desire to affix their seal :-</p> <p>(1) each ballot box in use at each' polling station unopened but with the key attached:</p> <p>(2) the unused ballot papers;</p> <p>(3) the tendered ballot papers;</p> <p>(4) the spoilt ballot papers;</p> <p>(5) the marked copy of the election roll;</p> <p>(6) the counterfoils of the ballot papers;</p> <p>(7) the tendered votes list; and</p> <p>(8) the list of challenged votes;</p> <p>and shall after endorsing on each packet a description of its contents deliver such packets to the Commissioner.</p>
Statement to be sent to Commissioner with ballot papers	<p>31. Statement to be sent to Commissioner with ballot papers. - The packets shall be accompanied by a statement in Form F made by the presiding officer, showing the number of ballot papers entrusted to him, and accounting for them under the heads of ballot papers in the ballot box, unused, spoilt and tendered ballot papers, and ballot papers dealt with under rule 29.</p>
Postponement of poll; adjournment of poll	<p>32. Postponement of poll; adjournment of poll. - Notwithstanding anything contained in this Act, the Commissioner may, for sufficient cause to be recorded in writing, postpone the date or extend the period fixed for polling. In emergencies such as disturbance of the public peace, the presiding officer may with the previous approval of the Commissioner, close the poll and announce an adjournment of the poll to a subsequent day.</p> <p>The subsequent date to which polling is postponed or adjourned shall be notified in such manner as the Commissioner thinks fit.</p>
Appointment of date, time and place for counting of votes	<p style="text-align: center;">Scrutiny and Counting of Votes and Declaration of Results.</p> <p>33. Appointment of date, time and place for counting of votes. – The Commissioner shall, as soon as may be practicable after the close of the poll, give notice in writing to all candidates of the date, time and place fixed by him for the counting of votes.</p>
Who may be present at the counting of votes	<p>34. Who may be present at the counting of votes. - (1) No person shall be allowed to be present at the counting of votes except the Commissioner and such persons as he may appoint to assist him in counting the votes, the candidates, and one representative of each candidate authorised in writing by the candidate in this behalf.</p> <p>(2) No person shall be appointed to assist in counting the votes who has been employed by or on behalf of any candidate for any purpose whatsoever connected with the election.</p>
Procedure to be followed at the counting of votes	<p>35. Procedure to be followed at the counting of votes. - On the day & at the time appointed under rule 33 the Commissioner shall proceed as follows :</p> <p>(a) the ballot box or boxes relating to each polling station or the envelopes containing the ballot papers, as the case may be, shall be opened one after another and the Commissioner shall take out the ballot papers therefrom, count them or cause them to be counted, and</p>

record the number thereof in a statement; such statement shall not be shown to any candidate or representative of a candidate;

(b) the Commissioner shall then mix together all the ballot papers so taken out and distribute them in convenient bundles to the person appointed to assist in counting the votes;

(c) when the ballot papers have been so distributed, but not before, the Commissioner shall allow the candidates and their representatives reasonable opportunity to inspect, without handling the ballot papers, and shall on every ballot papers which is wholly or partially rejected, endorse the word "rejected" if any candidate or representative present questions the correctness of the rejections, he shall also record on the ballot paper, the grounds for the rejection. No candidate or representative shall be allowed to see the serial number on the back of any ballot paper;

(d) the Commissioner shall, as far as practicable, proceed continuously with the counting of the votes, and shall, during any necessary intervals during which the counting has to be suspended, place the ballot papers, packets, and other documents relating to the election under his own seal and the seals of such candidates or representatives as may desire to affix them, and shall cause adequate precautions to be taken for their safe custody;

(e) when the counting of the votes has been completed, the Commissioner shall, subject to the provisions of rule 12, forthwith declare the result of the election.

Grounds of rejection of ballot paper

36. Grounds of rejection of ballot paper. -(1)A ballot paper shall be rejected if-

- (a) the number of votes recorded thereon exceeds the number of seats to be filled;
- (b) no vote is recorded thereon;
- (c) more than one vote has been recorded against the name of any one candidate;
- (d) it is void for uncertainty;
- (e) it bears any mark by which the elector can be identified.

(2) The decision of the Commissioner as to the validity of a ballot paper shall be final, subject only to reversal on a election claiming the seat.

Verification

37. Verification. - The Commissioner shall not open the sealed packets of the tendered votes, the marked copy of the election roll or the counterfoils of the ballot papers. He shall verify the statement submitted by the presiding officer under rule 31 by comparing it with the number of counted ballot papers and rejected ballot papers, the spoilt ballot papers and the ballot papers dealt with under rule 29, the unused ballot papers in his possession and the tendered votes list, shall then reclose and reseal each packet which has been opened by him, and shall record on each packet a description of its contents and the date of the election to which it refers.

Return

38. Return. - The Commissioner shall then prepare and certify a return setting forth :-

- (1) the result of the verification referred to in rule 37,
- (2) the names of the candidates for whom valid votes have been given,

- (3) the number of valid votes given for each candidate,
 (4) the name of the candidate elected,
 (5) the number of votes declared invalid, and
 (6) the number of tendered votes given, and shall permit any candidate or his representative duly authorised under rule 34 to take a copy or an extract from such return.

Declaration of results of elections

39. Declaration of results of elections. - (1) The result of every election shall be declared by fixing, as soon as may be after the election, in some conspicuous place in the chief municipal office, a notice certifying the names of the persons, if any, elected and, in the case of a contested election, the number of votes recorded for each candidate under the signature of the Commissioner.

(2) The names of the persons elected to be councillors shall be published, as soon as may be, in the Official Gazette.

Disposal of Ballot Papers.

Custody of election papers

40. Custody of election papers. - The Commissioner shall, after declaring the result, retain in his custody the packets and return referred to in rules 37 and 38 and all other documents relating to the election.

Production and inspection of election papers

41. Production and inspection of election papers. - While in the custody of the Commissioner the packets of ballot papers, whether counted, rejected or tendered, of the counterfoils thereof, and of the marked copy of the election roll, shall not be opened and their contents, shall not be inspected or produced except under the order of the Judge, but all other documents relating to the election shall be open to public inspection, subject to such conditions and to the payment of such fee as the Corporation may prescribe; and any person, on compliance with such conditions and on payment of such fee, shall be entitled to obtain a copy or copies thereof or of any part thereof.

Destruction of election papers

42. Destruction of election papers. - The packets referred to in rule 41 and all other documents relating to the election shall be retained for a period of one year, and shall thereafter be destroyed, subject to any directions to the contrary given by the Judge.

General Provisions.

Power of Commissioner or presiding officer to overlook printing or clerical errors in election roll

43. Power of Commissioner or presiding officer to overlook printing or clerical errors in election roll. - If a question arises for the decision of the Commissioner or a presiding officer under these rules whether an entry in the election roll relates to a particular person, the Commissioner or presiding officer, as the case may be, may for reasons to be recorded in writing, decide that the entry does or does not relate to the said person, notwithstanding any clerical or printing errors therein.

Certain powers, etc. not to be delegated by Commissioner

44. Certain powers, etc. not to be delegated by Commissioner. - Notwithstanding anything contained in section 69, it shall not be lawful for the Commissioner to authorise any municipal officer or servant to exercise any of the powers or perform any of the functions conferred or imposed upon or vested in him by rules 3,4(1), 5, 7, 8, 9, 11, 12 and 39.

**Powers of
Commissioner in
case of difficulty**

45. Powers of Commissioner in case of difficulty. - If any difficulty arises as to the holding of any election under this Act, the Commissioner may do anything not inconsistent with the Act or rules which appears to him to be necessary for the proper holding of the election.

**Decisions given by
Commissioner final**

46. Decisions given by Commissioner final. - Subject to the provisions of section 16 and rule 2, all decisions given by the Commissioner under the powers conferred on him by the rules in this Chapter shall be final.

CHAPTER II. PROCEEDINGS OF THE CORPORATION, STANDING COMMITTEE, TRANSPORT COMMITTEE, ETC.

**Proceedings of
the Corporation**

Proceedings of the Corporation

**Provisions
regulating
Corporation's
proceedings**

1. Provisions regulating Corporation's proceedings.

- (a) There shall be in each month at least one ordinary meeting of the Corporation which shall be held not later than the twentieth day of the month;
- (b) the first meeting of the Corporation after general elections shall be held as early as conveniently may be on a day and at a time and place to be fixed by the Commissioner, and if not held on that day shall be held on some subsequent day to be fixed by the Commissioner;
- (c) the day, time and place of meeting shall in every other case be fixed by the Mayor or in the event of the office of Mayor being vacant, or of the death or resignation of the Mayor or of his ceasing to be a councillor, or of his being incapable of acting, by the Deputy Mayor, or failing both the Mayor and the Deputy Mayor, by the Chairman of the Standing Committee;
- (d) the Mayor or, in such event as aforesaid, the Deputy Mayor may, whenever he thinks fit. and shall upon a written requisition signed by not less than one-fourth of the whole number of councillors or by not less than four members of the Standing Committee, call a special meeting, and every meeting of the Corporation shall, except for special reasons to be mentioned in the notice convening the meeting, be held in the chief municipal officer;
- (e) every meeting shall be open to the public, unless a majority of the councillors present thereat decide by a resolution which shall be put by the presiding authority, of his own motion or at the request of any councillor present, without previous discussion, that any inquiry or deliberation pending before the Corporation is such as should be held in private, and provided that the presiding authority may at any time cause any person to be removed who interrupts the proceedings;
- (f) if at any time during a meeting it shall be brought to the notice of the presiding authority that the number of councillors present, inclusive of the presiding authority, falls short of one third of the whole number of councillors, the presiding authority shall adjourn the meeting to some other day, fixing such time and place for the same as he shall think convenient, and the business which remains undisposed of at such meeting shall be disposed of at the adjourned meeting, or if the latter meeting should be again adjourned, at any subsequent

adjourned meeting, whether there be a quorum present thereat or not;
(g) every meeting shall be presided over by the Mayor, if he is present at the time appointed for holding the same, and if the office of Mayor is vacant or if the Mayor is absent, by the Deputy Mayor or, in the absence of the Deputy Mayor, by such one of the councillors present as may be chosen by the meeting to be chairman for the occasion:

(h) at least seven clear days notice shall ordinarily be given of every meeting, other than an adjourned meeting, but in cases of urgency any such meeting may be called, except for the purpose of considering an annual budget estimate, in pursuance of a written requisition signed by not less than four members of the Standing Committee, upon a notice of not less than three clear days; of adjourned meetings such previous notice shall be given as shall be practicable having regard to the period of the adjournment;

(i) every notice of a meeting shall specify the time and place at which such meeting is to be held and the business to be transacted thereat other than questions under section 44 and shall be given by the Municipal Secretary by advertisement in at least one local newspaper having a substantial circulation and, as far as practicable, a copy of such notice shall be sent by ordinary post to the last known address of every councillor;

(j) any councillor who desires at any meeting to bring forward any business, other than any questions under section 44, or to make any substantive proposition which is not already specified in the notice of such meeting shall give written notice of the same to the Municipal Secretary at least three clear days before the day fixed for the meeting; and a supplementary announcement of the business or propositions, of which notice has been so given, shall be given by the said Secretary in local newspaper not later than the day previous to the meeting;

(k) except at a meeting called on requisition of urgency or at the discussion at any meeting of a budget-estimate, no business shall be transacted at any meeting other than the business specified in the notice published under clause (i) and any questions asked under section 44 or urgent business not specified in the said notice which the Standing Committee, Transport Committee or the Commissioner deem it expedient to bring before the meeting and no substantive proposition shall be made or discussed which is not specified in the said notice or in the supplementary announcement, if any, published under clause (j) or which is not in support of the recommendation of the Standing Committee, Transport Committee or Commissioner with reference to any urgent business brought by any of those authorities respectively before the meeting;

Provided that no such urgent business as aforesaid shall be brought before any meeting, unless at least three-fourths of the councillors present at such meeting, such three-fourths being not less than one-fourth of the whole number of councillors, assent to its being brought forward thereat;

(1) at a meeting called on a requisition of urgency and during the discussion at any meeting of a budget estimate, no business shall be transacted and no substantive proposition shall be made or discussed

which does not directly relate to the business for which the urgent meeting was called, or to the budget estimate, as the case may be; and no proposition involving any change in the taxes which the Standing Committee proposes to impose or the fares or charges which the Transport Committee proposes to levy or an increase or decrease of any item of expenditure in a budget-estimate, shall be made or discussed at any meeting at which such budget estimate is under consideration, unless such proposition is specified in the notice of the meeting published under clause (i) or in the supplementary announcement, if any, published under clause (j) or unless, in the case of an adjourned meeting each of the conditions mentioned in the provision to clause (m) has been fulfilled;

(m) any meeting may, with the consent of a majority of the councillors present, be adjourned from time to time to a later hour on the same day or to any Other day, but no business shall be transacted and, except as is hereinafter provided, no proposition shall be discussed at any adjourned meeting other than the business or propositions remaining undisposed of at the meeting from which the adjournment took place: Provided that at any adjourned meeting at which a budget estimate is under consideration a proposition involving any change such as is described in clause (1) may be made and discussed notwithstanding that such proposition is not one remaining undisposed of at the meeting from which the adjournment took place, if each of the following conditions has been fulfilled, namely :-

(i) that written notice of such proposition has been given at the meeting from which the adjournment took place;

(ii) that the adjournment has been for not less than two clear days; and

(iii) that a special announcement of the proposition has been given by the Municipal Secretary (who shall be bound to give such announcement) in a local daily newspaper not later than the day previous to the adjourned meeting;

(n) a minute of the names of the councillors present and of the proceedings at every meeting shall, on the day following the meeting, or as soon thereafter as may be, be drawn up and kept by the Municipal Secretary in a book to be provided for this purpose and shall be signed at, and by the presiding authority of the next ensuing meeting; and the said minute-book shall at all reasonable times be open at the chief municipal office to inspection by any councillor free of charge and by any other person on payment of a fee of eight annas;

(o) every question other than the question whether the Standing Committee, the Transport Committee or Commissioner shall be permitted to bring urgent business before a meeting without notice, shall be decided by a majority of votes of the councillors present and voting on that question, unless otherwise provided in or under this Act, the presiding authority having a second or casting vote when there is an equality of votes;

(p) a declaration by the presiding authority that a proposition has been carried and an entry to that effect in the minute-book shall, unless a

poll be demanded at the time of such declaration by not less than four councillors, be conclusive evidence of the fact, without proof of the number of votes given for or against the proposition;

(q) when a poll is taken, the vote of each councillor present and voting upon the proposition shall be taken by tellers appointed by the presiding authority and the names of the councillors voting respectively for or against the proposition shall be recorded in the minute-book;

(r) no resolution passed by the Corporation shall be modified or cancelled within three months after the passing thereof, except by a resolution supported by not less than one-half of the whole number of councillors or by such larger number of councillors as may be required by this Act in any particular case and passed at a meeting whereof notice shall have been given fulfilling the requirements of clause (h) and setting forth fully the resolution which it is proposed to modify or cancel at such meeting and the motion or proposition for the modification or cancellation of such resolution.

Power to order withdrawal of councillor

2. Power to order withdrawal of councillor.

(1) The presiding authority shall preserve order and may direct any councillor whose conduct is in his opinion grossly disorderly to withdraw immediately from the meeting of the Corporation and such councillor shall do so forthwith and shall absent himself during the remainder of the day's meeting.

(2) If any councillor is ordered to withdraw a second time within fifteen days, the presiding authority may suspend such councillor from attending the meetings of the Corporation for such period not exceeding fifteen days as the presiding authority may fix and the councillor so directed shall absent himself accordingly :

Provided that the presiding authority may remit the period of suspension on apology, being made to his satisfaction by the councillor under suspension :

Provided also that such suspension from the service of the Corporation shall not prevent any councillor from participating in the proceedings of any committee of which he is a member.

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

Proceedings of the Standing Committee

Provisions regulations the proceedings of the Standing Committee

Proceedings of the Standing Committee.

3. Provisions regulations the proceedings of the Standing Committee.

(a) There shall be a meeting of the Standing Committee once a week, and at such other times as shall be found necessary;

(b) the first meeting of each Standing Committee shall be held on a day and at a time to be fixed by the Commissioner, and if not held on that day shall be held on some subsequent day to be fixed by the Commissioner; and every subsequent meeting of the Standing Committee shall be held on such day and at such time as the said Committee from time to time determines;

(c) the Chairman of the Standing Committee shall, upon a written requisition signed by the Commissioner, call a special meeting of the

said Committee within twenty-four hours for the transaction of any business which, in the opinion of the Commissioner, cannot be delayed until the next ordinary meeting of the said Committee:

(d) no business shall be transacted at a meeting of the Standing Committee unless at least five members are present from the beginning to the end of such meeting;

(e) every meeting of the Standing Committee shall be presided over by the Chairman, if the Chairman is present at the time appointed for holding the meeting, and if the Chairman is absent by such one of the members present as may be chosen by the meeting to be chairman for the occasion;

(f) every question shall, except as otherwise provided in this Act, be decided by a majority of votes of the members of the Standing Committee present and voting on that question, the presiding authority having a second or casting vote when there is an equality of votes;

(g) a sub-committee may elect a chairman of its meetings, and if no such chairman is elected or if he is not present at the time appointed for holding any meeting, the members of the sub-committee present shall choose one of its member to be chairman of such meeting;

(h) sub-committees may meet and adjourn as they think proper, but the Chairman of the Standing Committee may, whenever he thinks fit, and shall: upon the written request of not less than two members of a sub-committee, call a special meeting of such sub-committee;

(i) questions at any meeting of a sub-committee shall be decided by a majority of votes of the members present, and in case of an equality of votes, the chairman of the meeting shall have a second or casting vote, but no business shall be transacted at any such meeting unless at least two-thirds of the members of the sub-committee are present from the beginning to the end thereof;

(j) a minute shall be kept by the Municipal Secretary of the names of the members present and of the proceedings at each meeting of the Standing Committee and at each sub-committee's meetings in a book to be provided for this purpose, which shall be signed at, and by the presiding authority of, the next ensuing meeting.

Proceedings of the Transport Committee.

Meetings of Transport Committee.

Proceedings of the Transport Committee.

4. Meetings of Transport Committee.

(a) The Transport Committee shall meet for the despatch of business in the chief municipal office or at such other place as the Corporation may direct;

(b) there shall be a meeting of the Transport Committee once a fortnight and at such other times as shall be found necessary;

(c) the first meeting of the Transport Committee shall be held on a day and at a time to be fixed by the Mayor and, if not held on that day, shall be held on some subsequent day to be fixed by the Mayor; and every subsequent meeting of the Committee shall be held on such day and at such time as the Committee may from time to time determine;

(d) the Chairman of the Transport Committee may, whenever he thinks fit, and shall, upon a written requisition signed by the Commissioner or the Transport Manager, or by not less than three members of the Committee, within forty-eight hours of the receipt by

him of the requisition, call a special meeting of the Committee for the transaction of any business;

(e) no business shall be transacted at a meeting of the Transport Committee unless at least four members are present from the beginning to the end of such meeting;

(f) every meeting of the Transport Committee shall be presided over by the Chairman, if the Chairman is present at the time for holding the meeting, and, if the Chairman is absent, by such one of the members as may be chosen by the meeting to be chairman for the occasion;

(g) every question shall subject to the provisions of this Act, be decided by a majority of votes of the members of the Transport Committee present and voting on that question, the presiding authority having a second or casting vote when there is an equality of votes;

(h) the Transport Committee shall cause to be kept a minute of the names of the members present and of the proceedings at each meeting of the Committee in a book to be provided for this purpose, which shall be signed at, and by the presiding authority of, the next ensuing meeting after confirmation by the Committee at such meeting.

Questions.

Right to ask questions

5. Right to ask questions.

(1) Any question concerning or connected with the administration of this Act or the municipal government of the City may be asked by a councillor subject to the following conditions :-

(a) not less than seven clear days' notice in writing specifying the question shall be given to the Municipal Secretary;

(b) no question shall be asked-

(i) which calls for an expression of opinion or for the solution of an abstract legal question or of a hypothetical proposition;

(ii) which concerns or is connected with, either directly or indirectly, any pending suit or proceedings, in any court of law or before any tribunal in any part of the Dominion of India;

(iii) which relates to the character or conduct of any municipal officer or servant except in his official or public capacity; or

(iv) which is, or by implication may be, defamatory of or which makes or implies a charge of a personal character against any person or community or section of any community.

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

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

(4) Unless otherwise directed by the presiding authority, every question shall be answered by the Commissioner at a meeting of the Corporation.

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

(6) If any question seeks information which is available in any printed record of the Corporation, it shall be sufficient for the Commissioner in

his answer to invite attention to such record.

(7) The Transport Manager shall without unreasonable delay furnish the Commissioner with such information relating to the Transport Undertaking as he may require for the purpose of answering any question under this rule.

CHAPTER III

METHOD OF APPOINTMENT OF CERTAIN MUNICIPAL OFFICERS & SERVANTS & THEIR DUTIES & POWERS.

Method of appointment

I. Method of appointment.

Manner of making appointments

1. Manner of making appointments. - Save in the case of temporary appointments made under sub-section (7) of section 45 and in the case of acting appointments made under section 58 no person shall be appointed to any of the posts the power of appointment to which vests in the Corporation unless he possesses the qualifications prescribed in this behalf under rule 3.

2. Before making an appointment to any post referred to in rule I applications shall be invited for such post by advertisement in the local newspapers and the applications received shall be scrutinised by the Commissioner who shall submit to the Corporation, through a committee if so required by the Corporation, a list arranged in order of preference of such persons out of those who have applied as he considers qualified for the post :

Provided that, if the Corporation is of the opinion that any officer in municipal service possessing the qualifications prescribed under rule 3 is a fit person to be appointed to the post, it may appoint such officer to the post without following the procedure prescribed in this rule.

3. Subject to the provisions of this Act, the Corporation shall from time to time prescribe the qualifications required for each post, the power of appointment to which vests in the Corporation, with the approval of the ²⁷[State] Government who may, in granting such approval, make such modifications in, or additions to, the qualifications prescribed by the Corporation as it deems fit.

4. In the case of appointments made by any authority other than the Corporation no person shall be appointed except in a temporary or provisional capacity for a period not exceeding six months, unless he possesses the qualifications specified in the regulations.

II. Chief Auditor

Chief Auditor

5. (1) The Municipal Chief Auditor shall audit the accounts of the Corporation, as hereinafter provided, with the assistance of the assistant auditors, clerks and servants immediately subordinate to him.

(2) In the discharge of his functions under this rule the Municipal Chief Auditor shall-

(i) audit the accounts of expenditure from the revenue of the Corporation, expenditure on account of loan works and expenditure incurred out of special funds and shall ascertain whether moneys

²⁷ This word was substituted for the word 'Provincial' by the Adaptation of Laws Order, 1950.

shown therein as having been disbursed were legally available for and applicable to, the service or purpose to which they have been applied or charged, and whether the expenditure conforms to the authority which governs it;

(ii) audit the accounts of debt, deposit, sinking funds, advances, suspense and remittance transactions of the Corporation and report upon those accounts and upon the results of varification of the balances relating thereto.

(3) The Municipal Chief Auditor shall examine and audit the statement of accountants relating to the commercial services conducted in any department of the Corporation, including the balance sheets, where such accounts are maintained under the orders of the Corporation, the Standing Committee or the Transport Committee; and shall certify and report upon these accounts.

(4) The Municipal Chief Auditor shall, in consultation with the Standing Committee, and subject to any directions given by the Corporation, determine the form and manner in which his reports on the accounts of the Corporation shall be prepared and shall have authority to call upon any officer of the Corporation to provide any information necessary for the preparation of these reports.

6. (1) The Municipal Chief Auditor may make such queries and observations in relation to any of the accounts of the Corporation which he is required to audit and call for such vouchers, statements, returns and explanations in relation to such accounts as he may think fit.

(2) Every such query or observation as aforesaid shall be promptly taken into consideration by the officer or authority to whom it may be addressed and returned without delay with the necessary vouchers, documents or explanatinos to the Chief Auditor.

(3) The powers of the Municipal Chief Auditor with regard to disapproval of and the procedure with regard to settlement of objections to, expenditure from the revenues of the Corporation shall be such as may be prescribed by regulations.

7. If the Municipal Chief Auditor considers it desirable that the whole or any part of the audit applied to any accounts which he is required to audit shall be conducted in the offices in which these accounts originate, he may require that these accounts, together with all books and documents having relation thereto shall at all convenient times be made available in the said office for inspection.

8. The Municipal Chief Auditor shall have power to require that any books or other documents relating to the accounts he, is required to audit shall be sent for inspection by him:

Provided that if the documents are confidential he shall be responsible for preventing disclosure of their contents.

9. The Municipal Chief Auditor shall have authority to frame rules, and to give directions on all matters relating to audit, particularly in respect of the method and the extent of audit to be applied and the raising and pursuing of objections.

10. Sanctions to expenditure accorded by the Municipal Chief Auditor shall be audited by an officer to be nominated by the Corporation.

CHAPTER IV ESSENTIAL SERVICES

ESSENTIAL SERVICES

Class I

Class I

- (a) Scavenging or cleansing streets or premises,
- (b) maintaining, repairing, cleansing or flushing drains,
- (c) removing or disposing of excrementitious or polluted matter from houses, latrines, privies, urinals or cesspools,
- (d) removing carcasses,
- (e) preventing nuisances generally.

Class II

Class II

- (a) Fire brigade service,
- (b) services in connection with the maintenance or service of any municipal water works, drains, pumping stations or fire hydrant, including—
 - (i) Inspectors,
 - (ii) Sub-Inspectors,
 - (iii) Foremen,
 - (iv) Mechanics,
 - (v) Drivers,
 - (vi) Watchmen,
 - (vii) Labourers,
 - (viii) Workmen,
- (c) Lamp-lighters.

Class III

Class III

- (a) Electric undertaking services,
- (b) transport services.

CHAPTER V. CONTRACTS

I. Mode of executing contracts.

Mode of executing contracts

(1) Every contract entered into by the Commissioner on behalf of the Corporation shall be entered into in such manner and form as would bind the Commissioner if such contract were on his own behalf, and may in the like manner and form be varied or discharged:

Provided that-

- (a) any such contract which would require to be under seal if it were entered into by the Commissioner shall be sealed with the common seal of the Corporation; and
- (b) every contract for the execution of any work or the supply of any materials or goods which will involve an expenditure exceeding five hundred rupees or such higher amount as the Corporation, with the approval of the ²⁸[State] Government, may from time to time prescribe shall be in writing and shall be sealed with the common seal of the Corporation in the manner prescribed in sub-rule (2), unless the contract relates to work which has already been performed or the

²⁸ This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

supply of materials or goods which have already been supplied to the satisfaction of the Commissioner and the Commissioner by order in writing dispenses with the execution of a written instrument.

(2) The common seal of the Corporation, which shall remain in the custody of the Municipal Secretary, shall be affixed in the presence of two members of the Standing Committee to every contract or other instrument required to be under seal and such contract or instrument shall be signed by the said two members of the Standing Committee in token that the same was sealed in their presence. The signatures of the said members shall be distinct from the signatures of any witnesses to the execution of any such contract or instrument.

2. Tenders to be invited for certain contracts.

Tenders to be invited for certain contracts

(1) Except as is hereinafter otherwise provided, the Commissioner or any officer authorised by him in this behalf shall, at least seven days before entering into any contract for the execution of any work or the supply of any materials or goods which will involve an expenditure exceeding three thousand rupees or such higher amount as the Corporation may, with the approval of the ²⁹[State] Government, from time to time prescribe, give notice by advertisement in the local newspapers, inviting tenders for such contract.

(2) The Commissioner shall not be bound to accept any tender which may be made in pursuance of such notice, but may accept, subject to the provision of clause (c) of section 73. any of the tenders so made which appears to him, upon a view of all the circumstances, to be the most advantageous :

Provided that the Standing Committee may authorise the Commissioner, for reasons which shall be recorded in its proceedings, to enter into a contract without inviting tenders as herein provided or without accepting any tender which he may receive after having invited them.

Security when to be taken for performance of contract

3. Security when to be taken for performance of contract.

The Commissioner shall require sufficient security for the due performance of every contract into which he enters under rule 2 and may, in his discretion, require security for the due performance of any other contract into which he enters under this Act.

Application of Chapter to contracts relating to Transport Undertaking

4. Application of Chapter to contracts relating to Transport Undertaking.

The provisions of this Chapter shall, so far as may be, apply to contracts relating to the Transport Undertaking :

Provided that the functions to be performed thereunder by the Standing Committee or the members thereof and the Commissioner shall be performed by the Transport Committee or the members thereof and the Transport Manager, as the case may be.

²⁹ This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

CHAPTER VI SPECIAL FUNDS

1. Constitution of Fines Fund.

Constitution of Fines Fund

Fines collected under section 56 from municipal officers and servants other than those appointed under the provisions of Chapter XX shall be credited to a separate fund to be called "the fines Fund" the proceeds of which shall be expended in promoting the well-being of municipal officers and servants other than those appointed under the provisions of Chapter XX and for the payment of compassionate allowances, in accordance with such directions as the Standing Committee may from time to time give, to the surviving spouse or children, and in the absence of the surviving spouse or children, the parents, brothers and sisters, if any, of such officers and servants who die while in municipal service.

2. Constitution of Welfare Fund.

Constitution of Welfare Fund

Amounts transferred to the Municipal Fund under the provisions of clause (c) of sub-section (I) of section 360 shall be credited to a special fund to be called "the Welfare Fund" and shall be expended in providing such benefits and amenities to municipal officers and servants, including those appointed under the provisions of Chapter XX, and to such members of their families and their dependents as the Standing Committee may from time to time determine.

3. Special fund may be created with the approval of the Corporation.

Special fund may be created with the approval of the Corporation

(1) With the previous approval of the Corporation, all moneys payable from time to time to the credit of the Municipal fund which expressly relate to an object for which it is deemed expedient to create a special fund shall be credited, and all expenditure which expressly relates to such object shall be debited, to a separate heading in the municipal accounts.

(2) With the like approval, a portion of the Municipal Fund may from time to time be credited to a separate heading in the municipal accounts for the purpose of reserving funds for meeting expenditure relating to some specific object for which it is deemed expedient to create a special fund and, when such a fund is created, such expenditure only which expressly relates to such object shall be debited to such special heading.

(3) If the Corporation is at any time of the opinion that the maintenance of a special fund created under this rule is no longer necessary, it may direct that such fund be closed and the unexpended balance, if any, of such fund be appropriated in such manner as it may direct.

4. Institution of Transport Staff Benefit Fund.

Institution of Transport Staff Benefit Fund

Fines collected under section 56 from municipal officers and servants appointed under Chapter XX, donations from passengers and the proceeds of the sale of unclaimed lost property recovered from vehicles of the Transport Undertaking shall be credited to a separate heading in the accounts of the Transport Undertaking to be called the Transport Staff Benefit Fund and the amounts so credited shall be

expended in promoting the well-being of such officers and servants and for the payment of compassionate allowances to the widows of such officers and servants who die While in municipal service and to such other relations of the officers and servants as the Transport Committee may from time to time determine.

5. Other special funds.

Other special funds

(1) With the previous approval of the Corporation, the Transport committee may direct that any moneys payable from time to time to the credit of the Transport Fund which expressly relate to an object for which it is deemed expedient to create a special fund shall be credited, and all expenditure which expressly relates to such object shall be debited, to a separate heading in the accounts of the Transport Undertaking.

(2) With the like approval, a portion of the Transport Fund may from time to time be credited to a separate heading in the accounts of the Transport Undertaking for the purpose of reserving funds for meeting expenditure relating to some specific object for which it is deemed expedient to create a special fund and, when such a fund is created, such expenditure only which expressly relates to such object shall be debited to such special heading.

(3) If the Transport Committee is at any time of the opinion that the maintenance of a special fund created under this rule is no longer necessary, it may, with the sanction of the Corporation, direct that such fund be closed and the unexpended balance, if any, of such fund be appropriated in such manner as it may direct.

CHAPTER VII BUDGETS

1. Classification of budget heads.

Classification of budget heads

The expenditure side of a budget estimate shall be classified under major heads, minor heads, subordinate heads and primary units.

(a) "Major head" means the principal head of accounts corresponding to the different services under which expenditure is classified in the budget estimate, and may be divide into two or more subordinate heads.

(b) "Minor head" means the head of accounts immediately subordinate to a major head under which each major head is classified, and may be further sub-divided into two or more subordinate heads.

(c) "Subordinate head" means the head of accounts immediately subordinate to a minor head under which each minor head is classified and may be further sub-divided into two or more primary units.

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

2. Refluctions or transfers.

Refluctions or transfers

(1) Subject to the provisions of sub-section (1) of section 101, the Corporation may, on the recommendation of the Standing Committee from time to time during an official year, sanction the transfer of any amount from one budget grant to another.

(2) The Standing Committee may at any time during an official year—

(a) Reduce the amount of a budget grant :

(b) sanction the transfer of any amount within a budget grant from one minor head to another or from a subordinate head under one minor head to a subordinate head under another minor head; or

(c) sanction the transfer of any amount exceeding rupees five thousand within a minor head from one subordinate head to another or from one primary unit to another.

(3) The Commissioner may at any time during an official year, sanction the transfer of any amount not exceeding rupees five thousand within a minor head from one subordinate head to another or from one primary unit to another, if such transfer does not involve a recurring liability :

Provided that every transfer of an amount exceeding rupees five hundred made under sub-rule (3) shall be reported forthwith by the Commissioner to the Standing Committee.

(4) When making any transfer under sub-rules (1), (2) and (3), due regard shall be had to all the requirements of this Act.

(5) If any such reduction as is referred to in clause (a) of sub-rule (2) is of an amount exceeding five hundred rupees, the Corporation may pass with regard thereto such order as it may think fit, and it shall be incumbent on the Standing Committee and the Commissioner to give effect to such order.

(6) For the purpose of expenditure from the Transport Fund the provisions of this rule shall apply as if for the words "Standing Committee" the words "Transport Committee" and for the word "Commissioner" the words "Transport Manager" had been substituted.

CHAPTER VIII TAXATION RULES

Notice of transfer, etc. of premises assessable to Property Taxes.

Notice of transfer, etc. of premises assessable to Property Taxes.

1. Notice to be given to Commissioner of all transfers of title of persons primarily liable to payment of property tax.

Notice to be given to Commissioner of all transfers of title of persons primarily liable to payment of property tax

(1) Whenever the title of any persons primarily liable for the payment of property taxes on any premises to or over such premises is transferred the person whose title, is so transferred and the person to whom the same shall be transferred shall, within three months after execution of the instrument of transfer, or after its registration, if it be registered or after the transfer is effected if no instrument be executed give notice of such transfer, in writing to the Commissioner.

(2) In the event of the death of any person primarily liable as aforesaid the person to whom the title of the deceased shall be transferred, as heir or otherwise shall give notice of such transfer to the Commissioner within one year from the death of the deceased.

2. Form of notice.

Form of notice

(1) The notice to be given under rule shall be in such form as the Commissioner may from time to time by public notice specify and shall state clearly and correctly all the particular required by the said form.

(2) On receipt of any such notice, the Commissioner may, if he thinks fit necessary, require the production of the instrument of transfer, if

any or of a copy thereof obtained under section 57 of the Indian Registration Act, 1908, or, in case of a transfer of the title of a deceased person, of any other document constituting evidence of such transfer.[XVI of 1908]

(3) No such notice shall be deemed to be validly given unless the property taxes due at the date of notice in respect of the premises to which it relates have been paid and unless such fee as may from time to time be prescribed by the Standing Committee for acceptance of the notice has been paid.

Liability for payment of property taxes to continue in the absence of any notice of transfer

3. Liability for payment of property taxes to continue in the absence of any notice of transfer.

(1) If any person primarily liable for the payment of a property-tax whose title to or over such premises is transferred fails to give notice of such transfer to the Commissioner, he shall, in addition to any other liability which he incurs through such neglect, continue liable for the payment of all property-taxes from time to time payable in respect of the said premises until he gives such notice, or until the transfer shall have been recorded in the Commissioner's books.

(2) Nothing in this rule shall be held to diminish the liability of the transferee for the said property-taxes, or to affect the prior claim of the Commissioner on the premises conferred by section 141 for the recovery of the property-taxes due thereupon.

Commissioner may call for information from Registrar

4. Commissioner may call for information from Registrar.

(1) On the written request of the Commissioner, the Registrar or Sub-Registrar of the district or sub-district formed for the purposes of the Indian Registration Act, 1908, in which the City is situate shall furnish such particulars regarding the registration of instruments of transfer of title to immovable properties in the City as the Commissioner may from time to time specify.

(2) Such information shall be furnished as soon as may be after the registration of an instrument of transfer is effected or, if the Commissioner so requests, in periodical returns made at such intervals as the Commissioner may fix.

Notice to be given to Commissioner of the erection of a new building, etc

5. Notice to be given to Commissioner of the erection of a new building, etc.

(1) When any new building is erected, or when any building is rebuilt or enlarged, or when any building which has been vacant is reoccupied,³⁰ [or when the user of any building is changed], the person primarily liable for the property taxes assessed on the building shall within fifteen days give notice thereof, in writing, to the Commissioner.

(2) The said period of fifteen days shall be counted from the date of the completion or of the occupation, whichever first occurs, of the building which has been newly erected or rebuilt, or of the enlargement, as the case may be, and in the case of a building which has been vacant, from the date of the reoccupation thereof³¹ [and where the user has been changed from the date of such change].

³⁰ These words were inserted by Guj. 8 of 1968, s. 12 (1) (i).

³¹ These words were inserted, *ibid.*, s. 12 (1) (ii).

Notice to be given to the Commissioner of demolition of removal of a building

6. Notice to be given to the Commissioner of demolition of removal of a building.

(1) When any building or any portion of a building which is liable to the payment of a property-tax is demolished or removed, otherwise than by order of the Commissioner, the person primarily liable for the payment of the said tax shall give notice thereof, in writing, to the Commissioner.

(2) Until such notice is given the person aforesaid shall continue liable to pay every such property tax as he would have been liable to pay in respect of building if the same, or any portion thereof, had not been demolished or removed :

Provided that nothing in this rule shall apply in respect of a building or portion of a building which has fallen down or been burnt down.

³²**7. Rateable value how to be determined.**

Rateable value how to be determined

(1) In respect of industrial premises and in respect of any other premises, which the Commissioner may decide to treat as one property having regard to the nature of the premises and the use or uses to which they are put or are capable of being put the rateable value of the buildings and land comprised in such premises shall be determined premises-wise.

(2) For the purpose of fixing the rateable value, different parts of any premises may be valued according to their use.

(3) In order to fix rateable value of any building or land or premises assessable to a property tax there shall be deducted from the amount of the ³³[annual letting value of such building, land or premises a sum equal to ten per cent. of such annual letting value] and the said deduction shall be in lieu of all allowances for repairs or on any other account whatever.]

Commissioner may call for informations or return from owner or occupier or enter and inspect assessable premises

8. Commissioner may call for informations or return from owner or occupier or enter and inspect assessable premises.

(1) to enable him to determine value of any building or land ³⁴[or premises] and the person primarily liable for the payment of any property tax leviable in respect thereof, the Commissioner may require the owner or occupier of such building or land ³⁵[or premises] or of any portion thereof, to furnish him, within such reasonable period as the Commissioner prescribes in this behalf 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 building or land ³⁶[or premises];

(b) as to the dimensions of such building or land ³⁷[or premises], or of any portion thereof and the rent, if any, obtained for such building or land ³⁸[or premises] or any portion thereof; and

³² Rule 7 was substituted by Guj. 8 of 1968, s. 12 (2).

³³ These words were and were deemed always to have been substituted for the words "annual rent for which such building, land or premises might reasonably be expected to let from year to year a sum equal to ten per cent. of the said annual rent" by Guj. 5 of 1970, s. 12 (i).

³⁴ These words were inserted by Guj. 8 of 1968, s. 12 (3)

³⁵ Same as 34.

³⁶ Same as 34.

³⁷ Same as 34.

³⁸ Same as 34.

- (c) as to the actual cost or other specified details connected with the determination of the value of such building or land ³⁹[or premises].
- (2) Every owner or occupier on 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 to comply with any such requisition or fails to give true information or to make a true return to the best of his knowledge or belief shall, in addition to any penalty to which he may be liable, be precluded from objection to any assessment made by the Commissioner in respect of such building or land ⁴⁰[or premises] of which he is owner or occupier.
- (4) The Commissioner may also, for the purpose aforesaid, make an inspection of any such building or land ⁴¹[or premises].

Assessment—book

Assessment book what to contain

9. Assessment book what to contain.

The Commissioner shall keep a book, to be called "the assessment-book", in which shall be entered every official year—

- (a) a list of all ⁴²[buildings or lands or as the case may be, premises] in the City, distinguishing each either by name or number as he shall think fit and containing such particulars, regarding the location or nature of each as will, in his opinion be sufficient for identification;
- (b) the rateable value of each such ⁴³[building or land or as the case may be, premises] determined in accordance with the provisions of this Act and the rules;
- (c) the name of the person primarily liable for the payment of the property taxes, if any, leviable on each such building or land ⁴⁴[or as the case may be, premises];
- (d) if any such building or land ⁴⁵[or as the case may be, premises] is not liable to be assessed to the general tax, the reasons of such non-liability;
- (e) when the rates of the property-taxes to be levied for the year have been duly fixed by the Corporation ⁴⁶[and either the period] fixed by public notice, as hereinafter provided, or the receipt of complaints against the amount of rateable value entered in any portion of the assessment book has expired, ⁴⁷[or the complaint if any, made against any entry has been disposed of in accordance with the provisions hereinafter contained], the amount at which each building or land ⁴⁸[or premises] entered in such portion of the assessment-book is assessed to each of the property-taxes, if any, leviable therein;

³⁹ These words were inserted by Guj. 8 of 1968, s. 12 (3)

⁴⁰ Same as 39.

⁴¹ Same as 39.

⁴² These words were substituted for the words "buildings and lands" *ibid* s., 12(4)(i).

⁴³ Same as 42.

⁴⁴ These words were inserted, *ibid.*, s. 12 (4) (iii).

⁴⁵ Same as 44.

⁴⁶ These words were substituted for the words 'and the period', *ibid.*, s. 12 (4) (iv) (s).

⁴⁷ These words were substituted for the words and in the case of any such entry which is complaint against, when such complaint has been disposed of in accordance with the provisions hereinafter contained, *ibid.*, s. 12 (4) (iv) (b).

⁴⁸ These words were inserted, *ibid.*, s. 12 (4) (iv) (c). (d)

(f) if under section 134 or 135, a charge is made for water supplied to any building or land ⁴⁹[or premises] by measurement, or the water-tax or charge for water by measurement is compounded for, or if, under section 137, the conservancy tax for any building or land ⁵⁰[or premises] is fixed at a special rate the particulars and amount of such charge, composition or rate;

(g) such other details, if any, as the Commissioner from time to time thinks fit to direct.

The assessment book to be made separately for each ward and in parts if necessary

10. The assessment book to be made separately for each ward and in parts if necessary.

⁵¹[(1) The assessment book may, if the Commissioner thinks fit, be divided into sections with reference to such purposes as the Commissioner may determine and each section may be given a name or number as the Commissioner may determine.]

⁵²[(2) The sections of the assessment-book shall collectively constitute the assessment book.]

Treatment of property which is let to two or more persons in separate occupancies

11. Treatment of property which is let to two or more persons in separate occupancies.

(1) When any building or land ⁵⁰[or premises] is let to two or more persons holding several, the Commissioner may, for the purpose of assessing such building or land ⁵⁰[or premises] to the property taxes, either treat the whole thereof as one property, or, with the written consent of the owner of such building or land ⁵⁰[or premises] treat each several holding therein or any two or more of such several holdings together, or each floor or flat, as a separate property.

(2) When the Commissioner has determined to treat all the several holdings comprised within any one building or land ⁵⁰[or premises] under this section as one property he may, subject to any general conditions which may from time to time be prescribed by the Standing Committee in this behalf, at any time not later than seven days before the first day of any half-year for which an instalment of general tax will be leviable in respect of the said property, sanction a draw-back of one-fifth part of the general tax so leviable.

(3) Every person who applies for a draw back under sub-rule (2) shall furnish to the Commissioner full and correct information regarding the property in respect of which the claim for drawback is made and the several holdings comprised therein in such form and with such particulars as may be required by the Commissioner in accordance with the general conditions prescribed in this behalf by the Standing Committee".

Procedure where name of persons primarily liable for property taxes cannot be ascertained

12. Procedure where name of persons primarily liable for property taxes cannot be ascertained.

(1) When the name of the person primarily liable for the payment of property-taxes in respect of any premises cannot be ascertained it shall

⁴⁹ These words were inserted, *ibid.*, s. 12 (4) (iv) (c). (d)

⁵⁰ These words were inserted, *ibid.* s. 12 (6).

⁵¹ Sub-rule (1) was substituted by Guj. S of 1968, s. 12 (5) (i).

⁵² Sub-rule (2) was substituted, *ibid.*, s. 12 (5) (ii).

be sufficient to designate him in the assessment-book and in any notice which it may be necessary to serve upon the said person under this Act, "the holder" of such premises, without further description.

(2) If, in any such case, any person in occupation of the premises shall refuse to give such true information as may be requisite for determining who is primarily liable as aforesaid, such person shall himself be liable, until such information is obtained, for all property-taxes leviable on the premises of which he is in occupation.

Public notice to be given when valuation of property in any ward has been completed

13. Public notice to be given when valuation of property in any ward has been completed.

(1) When the entries required by clauses (a), (b), (c) and (d) of rule 9 have been completed, as far as practicable, ⁵³[in the assessment-book or any section thereof], the Commissioner shall give public notice thereof and of the place ⁵⁴[where the assessment-book or the section], or a copy of it, may be inspected.

(2) Such public notice shall be given by advertisement in the local newspapers and also by posting placards in conspicuous places ⁵⁵[in the City].

Assessments book to be open to inspection

14. Assessments book to be open to inspection

(1) Every person who reasonably claims to be the owner or occupier of some premises entered in the assessment—book or the agent of any such owner or occupier shall be permitted, free of charge, to inspect and ⁵⁶[to take extracts of any entry from] any portion of the said book which relates to the said premises.

(2) Any person not entitled under sub-rule (1) to inspect and take extracts from any portion of the assessment-book free of charge shall be permitted to do so on payment of such fee as shall from time to time be prescribed in this behalf by the Commissioner, with the approval of the Standing Committee.

Time for filing complaints against valuations to be publicly announced

15. Time for filing complaints against valuations to be publicly announced.

(1) The Commissioner shall, at the time and in the manner prescribed in rule 13, give public notice of a day, not being less than fifteen days from the publication of such notice, on or before which complaints against the amount of any rateable value entered in the ⁵⁷[assessment-book] will be received in his office.

(2) In every case in which any premises have for the first time been entered in the assessment-book as liable to the payment of property-taxes, or in which the rateable value of any premises liable to such payment has been increased, the Commissioner shall, as soon as conveniently may be after the issue of the public notice under sub-rule (1), give a special written notice to the owner or occupier of the said premises specifying the nature of such entry and informing him that

⁵³ These words were substituted for the words "in any ward assessment-book" by Guj. 8 of 1968, s. 12 (7) (i) (a).

⁵⁴ These words were substituted for the words "where the ward assessment-book", *ibid.*, s.12 (7) (i) (b).

⁵⁵ These words were substituted for the words "throughout the ward" *ibid.*, s. 12 (7) (ii).

⁵⁶ These words were substituted for the words "to take extracts from" *ibid.*, s. 12 (8).

⁵⁷ These words were substituted for the words "ward assessment-book" *ibid.*, s. 12 (9).

**Time and manner of
filing complaints
against valuation**

any complaint against the same will be received in his office at any time within fifteen days from the service of the special notice.

16. Time and manner of filing complaints against valuation.

(1) Every complaint against the amount of any rateable value entered in the assessment-book or against the mention of the name of any person as primarily liable for the payment of property taxes ⁵⁸[or against any entry indicating the use of any building or land or premises] or against the treatment of any building or land as liable to be assessed to the general tax must be made by written application to the Commissioner, which shall be left at his office on or before the day or the latest day fixed in this behalf in the public or special notice aforesaid.

(2) Every such application shall set forth briefly but fully the grounds on which the valuation is complained against.

**Notice to
complainants of day
fixed for
investigating their
complaints**

17. Notice to complainants of day fixed for investigating their complaints

The Commissioner shall cause all complaints so received to be registered in a book to be kept for this purpose and shall give notice in writing, to each complainant, of the day, time and place when and whereat his complaint will be investigated.

**Hearing of
complaints**

18. Hearing of complaints.

(1) At the time and place so fixed, the Commissioner shall investigate and dispose of the complaint in the presence of the complainant, if he shall appear, and, if not, in his absence.

(2) For reasonable cause, the Commissioner may from time to time adjourn the investigation.

(3) When the complaint is disposed of, the result thereof shall be noted in the book of complaints kept under rule 17 and any necessary amendment shall be made in accordance with such result in the assessment-book.

**Entries in
assessment-book to
be conclusive
evidence**

⁵⁹[19. Entries in assessment-book to be conclusive evidence.

Entries required by clause (e) of rule 9 shall be made on the disposal of the complaint, if any, and thereupon the entries so made in the assessment-book, subject to such alterations as may thereafter be made therein under rule 5 or 20, shall be conclusive evidence as to the amount of the respective property tax leviable on the respective building, land or premises in the official year to which the assessment-book relates.]

**Assessment-book
may be amended by
the Commissioner
during the official
year**

20. Assessment-book may be amended by the Commissioner during the official year.

(1) Subject to the provisions of sub-rule (2) the Commissioner may upon the representation of any person concerned or upon any other information at any time during the official year to which the assessment-book relates amend the same

(a) by inserting therein the name of any person whose name ought to be so inserted or any premises previously omitted;

(b) by striking out the name of any person not liable to the property-tax

⁵⁸ These words were inserted by Guj. 8 of 1968 s. 12(10).

⁵⁹ Rule 19 was substituted by Guj., 8 of 1968, s. 12 (11).

(c) by increasing or reducing the amount of any rateable value and of the assessment based thereupon;

(d) by altering the assessment on any land or building ⁶⁰[or premises] which has been erroneously valued assessed through fraud, accident or mistake;

(e) by inserting or altering an entry in respect of any building erected, reerected, altered, added to or reconstructed in whole or in part after the preparation of the assessment-book;

(f) by making or cancelling any entry exempting any premises from liability to any property tax.

(2) Where any amendment is made under sub-rule (1) which has the effect of imposing on any person any liability for the payment of property taxes which would not be incurred but for such amendment or which has the effect of increasing the rateable value of any premises as stated in the assessment book, a special written notice as provided in sub-rule (2) of rule 15 shall be given by the Commissioner and, as far as may be, the procedure laid down in rules 16, 17 and 18 shall be followed

(3) Every such amendment shall be deemed to have been made, for the purpose of determining the liability or exemption of the person concerned in accordance with the altered entry, from the earliest day in the current official year when the circumstances justifying the amendment existed.

New assessment-book need not be prepared every official year

21. New assessment-book need not be prepared every official year.

(1) It shall not be necessary to prepare a new assessment-book every official year. Subject to the provisions of sub-rule (2), the Commissioner may adopt the entries in the last preceding year's book with such alterations as he thinks fit, as the entries for each new year : Provided that public notice shall be given in accordance with rules 13 and 15 every year and the provisions of the said rules and of rules 16 to 20, both inclusive, shall be applicable each year.

⁶¹[Provided further that if the Commissioner adopts any entries in the last preceding year's book with or without any alteration, the Commissioner shall, in respect of such adopted entries, give effect to every Final appellate decision under Part III of Chapter XXVI for all official years subsequent to the official year to which such entries have been made by adopting them as aforesaid.]

(2) A new assessment-book shall be prepared at least once in every four years.

Assessment etc., of tax in the event of failure to give notice under rule 5

⁶²[21A. Assessment etc., of tax in the event of failure to give notice under rule 5.

Whenever it is noticed by the Commissioner that a new building has been erected or a building has been rebuilt or enlarged or any building which was vacant has been reoccupied or the user of any building has been changed and that the person primarily liable for the property taxes on such building has failed to give notice as required by sub-rule

⁶⁰ These words were inserted by Guj., 8 of 1968 s. 12(12).

⁶¹ This proviso was added by Guj. 1 of 1979, s. 23 (1).

⁶² Rules 21A and 21B were inserted by Guj. 8 of 1968, s. 12 (13)

(1) of rule 5. the Commissioner may, within a period of one year from the date on which the aforesaid-relevant facts came to his notice, proceed to fix or refix the rateable value of such building and assess or reassess the property taxes on such building in accordance with the provisions of this Act and these rules with reference to the period commencing from the year during which the building was newly erected or the building was rebuilt or enlarged or was reoccupied or the change of user took place and accordingly the taxes so assessed may be levied, collected and recovered and the provisions of this Act and these rules shall so far as may be, apply to such levy, collection and recovery.

Circumstances in which assessment-book may be prepared, completed etc., after the expiry of year which it relates

21B. Circumstances in which assessment-book may be prepared, completed etc., after the expiry of year which it relates.

Nothing in the foregoing provisions of this Chapter shall affect the preparation and completion of the assessment-book or of any part thereof or of any entry therein after the expiry of the year to which it relates, if such preparation or completion was not possible before the expiry of the year on account of any order of a court or any other competent authority, and the levy. collection and recovery of any tax based on such assessment-book, part or as the case may be entry shall not be called in question merely on the ground that the assessment-book, part, or, as the case may be, entry was not prepared or completed during the year to which it related.]

Special provisions regarding Tax on Vehicles, Boats and Animals.

Person responsible for the payment of the tax on vehicles, boats and animals

22. Person responsible for the payment of the tax on vehicles, boats and animals.

(1) The tax on vehicles, boats and animals shall be leviable from the owner of or person having possession or control of any vehicle, boat or animal in respect of which the said tax is leviable :

Provided that in the case of an animal generally used or employed in drawing any vehicle the tax in respect of such animal shall be leviable from the owner of, or the person having possession or control of, such vehicle, whether or not such animal is owned by such owner or person.

(2) For the purposes of this rule, the person in whose name a motor vehicle is for the time being registered under the Motor Vehicles Act, 1939 shall, until the contrary is proved, be presumed to be the owner or person in possession or control of such motor vehicle.

Vehicle, boat and animal tax book to be kept

23. Vehicle, boat and animal tax book to be kept.

(1) The Commissioner shall keep a book, in which shall be entered from time to time-

- (a) a list of the persons liable to pay any tax under rule 22;
- (b) a specification of the vehicles, boats and animals in respect of which the said persons are. respectively, liable to the said tax;
- (c) the amount of tax payable by each such person and the period for which it is payable;
- (d) The particulars of every composition made under section 144.

(2) Any person whose name is entered in the said book, or the agent of any such person, shall be permitted, free of charge, to inspect and take extracts from any portion of the said book which relates to such

person.

(3) Any person not entitled under sub-rule (2) to inspect and take extracts from any portion of the said book. free of charge, shall be permitted to do so on payment of such fee as shall from time to time be prescribed in this behalf by the Commissioner with the approval of the Standing Committee.

Returns from owners of premises and persons liable to the tax

24. Returns from owners of premises and persons liable to the tax.

(1) The owner of any premises let to or occupied by more than one person owning or having possession or control of vehicles, boats and animals liable to the payment of the tax on vehicles, boats and animals shall on or before the first day of April and the first day of October in each year furnish the Commissioner with, a written return signed by such owner of the name and address of each of the said persons, and of the animals, boats and vehicles owned by or in the possession or under the control of each of the said persons kept upon such owner's premises.

(2) Every person who owns or has in his possession a vehicle, boat or animal liable to the payment of the tax on vehicles, boats and animals shall on or before the first day of October in each year or within fifteen days of the receipt of a special notice in this behalf from the Commissioner furnish the Commissioner with a written return, signed by such person and containing such information concerning the vehicle, boat or animal, if any, owned by or in the possession or under the control of such person as the Commissioner from time to time specifies by public notice.

(3) Every such owner or person as is referred to in sub-rule (1) and sub-rule (2) respectively, shall be bound to make a true return to the best of his knowledge or belief, whether or not he is liable to the payment of the tax.

Notice to be given to Commissioner by a person who becomes owner or possessed of a vehicle, boat or animal in respect of which liability arises, etc

25. Notice to be given to Commissioner by a person who becomes owner or possessed of a vehicle, boat or animal in respect of which liability arises, etc.

(1) Every person who becomes the owner or obtains possession or control of any vehicle, boat or animal in respect of which the said tax is leviable shall give notice in writing to the Commissioner within fifteen days after he has become the owner or has obtained possession or control of such vehicle boat or animal, of the fact that he has become the owner or has obtained possession or control of such vehicle, boat or animal, as the case may be.

(2) Every person who ceases to own or have possession or control of any vehicle, boat or animal in respect of which the said tax is leviable shall give notice in writing to the Commissioner of the fact that he has ceased to own or have possession or control of such vehicle, boat or animal. Such person shall in addition to any other penalty to which he may be liable, continue to be liable for the payment of the said tax leviable from time to time in respect of such vehicle, boat or animal until he gives such notice :

Provided that nothing herein contained shall be held to diminish the liability to pay the said tax of the person who becomes the owner or obtains possession or control of such vehicle, boat or animal or affect

the prior claim of the Commissioner on such vehicle, boat or animal for the recovery of any tax due in respect thereof.

Special provisions relating to Octroi and Tolls.

Table of rates of octroi to be affixed on certain places

26. Table of rates of octroi to be affixed on certain places.

The Commissioner shall cause tables of the octroi for the time being leviable, specifying the rates at which and the articles on which the same are leviable to be printed in such language or languages as the Corporation may from time to time specify in this behalf, and to be affixed in a conspicuous position at every place at which the said octroi is levied.

Table of tolls to be affixed in a conspicuous position

27. Table of tolls to be affixed in a conspicuous position.

The Commissioner shall cause a table of the tolls for the time being leviable, specifying the amounts and the terms on which the liability to pay the toll may be compounded by periodical payments, to be printed in such language or languages as the Corporation may from time to time specify in this behalf, and to be affixed in a conspicuous position at every place at which the said tolls are levied.

Power to keep account current with person, firm or public body in lieu of levying octroi on production of goods

28. Power to keep account current with person, firm or public body in lieu of levying octroi on production of goods.

(1) The Commissioner may at any time with the approval of the Standing Committee instead of requiring payment of octroi due from any person, mercantile firm or public body to be made at the time when the goods in respect of which the octroi is leviable are introduced into the City direct that an account-current shall be kept on behalf of the Corporation of the octroi so due from such person, firm or body.

(2) Such account shall be settled at intervals not exceeding one month, and such person, firm or public body shall give such information or details and make such deposit or furnish such security as the Commissioner shall consider sufficient to cover the amounts which may at any time be due from such person, firm, or body in respect of such dues.

(3) Any amount so due at the expiry of any such interval shall be recoverable by distress and sale of the moveable property or attachment and sale of the immovable property of the defaulter as if such amount were a property tax due by the said defaulter.

Power to examine articles liable to octroi

29. Power to examine articles liable to octroi.

(1) A person bringing into or receiving from beyond the limits of the City any goods shall, when required by an officer authorized in this behalf by the Commissioner and so far as may be necessary for ascertaining whether octroi is payable on such goods and the amount of tax chargeable,-

(a) unload and reload all the goods or such of them as may be required by that officer;

(b) permit that officer to inspect examine, weigh, stamp, seal or otherwise mark for purpose of identification such goods;

(c) permit that officer to inspect and examine any animal or vehicle on or in which such goods are loaded:

(d) communicate to that officer any information and exhibit to him any bill, invoice or document of a like nature, which he may possess

relating to such animal or goods: and

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

(2) Every person in charge of such vehicle shall make a full and correct declaration of the goods carried in such vehicle.

(3) If any person bringing into or receiving from beyond the limits of the City any vehicle or package shall refuse on the demand of an officer authorised by the Commissioner in this behalf to permit the officer to inspect the contents of the vehicle or package for the purpose of ascertaining whether it contains anything in respect of which octroi is payable, the officer may cause the vehicle or package to be taken without unnecessary delay before a Magistrate or such officer of the Corporation as the Commissioner appoints in this behalf who shall cause the inspection to be made in his presence.

Collection of taxes.

Property taxes payable half-yearly in advance

30. Property taxes payable half-yearly in advance.

Each of the property-taxes shall be payable in advance in half-yearly instalments on each first day of April and each first day of October.

Tax on vehicles, boats and animals payable in advance

31. Tax on vehicles, boats and animals payable in advance.

(1) The tax on vehicles, boats and animals, including the tax payable under the proviso to clause (f) of sub-section (1) of section 143, shall be paid half-yearly in advance on each First day of April and each first day of October, if in any half-year a vehicle, boat or animal becomes liable to such tax, such tax shall be leviable thereon from the earliest day in the half-year on which such vehicle, boat or animal so becomes liable and the amount of tax leviable for such half-year shall be, if such earliest day occurs :-

(a) in the First two months of such half-year, the whole tax for such half year:

(b) in the third or fourth month of such half-year, two-thirds of the tax for such half-year;

(c) in the last two months of such half-year, one-third of the tax for such half-year, provided that no tax shall be leviable for such half-year if such earliest day occurs within the last twenty days of such half-year.

(2) Notwithstanding anything in sub-rule (1), the Commissioner may, with the previous approval of the Corporation, by public notice declare that the tax payable in respect of such class of vehicles other than motor vehicles or in respect of such animals as are specified in the notice shall be payable yearly in advance on each first day of April and, in the event of such notice being given, if a vehicle or animal affected by such notice becomes liable to the tax during the course of the year, the tax shall be leviable thereon from the earliest day in such year, and the amount of tax leviable for such year shall be, if such earliest day occurs-

(a) in the first quarter of such year, the whole tax for such year ;

(b) in the second quarter of such year, two-thirds of the tax for such year;

(c) in the third quarter of such year, one-half of the tax for such year;

(d) in the last quarter of such year. one-third of the tax for such year:

**Display of tokens
badges or discs on
vehicles liable to tax
on vehicles, boats
and animals**

Provided that no tax shall be levied for such year if such earliest day occurs within the last twenty days of such year.

32. Display of tokens badges or discs on vehicles liable to tax on vehicles, boats and animals.

(1) Every person who pays the tax on vehicles, boats and animals in respect of any vehicle shall be given a token or badge or disc indicating clearly the period for which the tax has been paid and bearing a distinctive number and shall, at all time display such token, badge or disc prominently on such vehicle.

(2) Any vehicle found in the City on which no such token, badge or disc is displayed may, if there is reason to believe that such vehicle is liable to the tax on vehicles, boats and animals and if the owner of such vehicle is not known or cannot be traced, be seized by any municipal officer authorized in this behalf by the Commissioner and detained.

(3) If any person, within one month of the seizure of a vehicle under sub-rule (2) establishes his claim thereto to the satisfaction of the Commissioner, the Commissioner shall order such vehicle to be delivered to such person upon payment by such person of the amount of tax, if any, due and of such amount as the Commissioner may fix as the costs of seizure and detention.

(4) If within the said period of one month the vehicle is not claimed by any person or if no claim made under sub-rule (3) is established to the satisfaction of the Commissioner, the vehicle may be sold by public auction and the proceeds of such sale, after deducting the tax, if any, due and all costs incurred on seizure, detention and sale, shall be delivered to any person who within six months of the sale establishes his claim thereto or, if no such claim is received or established, shall be forfeited to the Corporation.

(5) For every token, badge or disc given under sub-rule (1) a fee shall be payable of such amount as the Commissioner may, with the previous approval of the Standing Committee, prescribe for each kind of token, badge or disc.

**Octroi payable on
demand**

33. Octroi payable on demand.

(1) Octroi shall be payable on demand.

(2) Every person authorised by the Commissioner to demand octroi shall tender to every person on whom the demand is made a bill specifying the goods taxable, the amount claimed, and the rate at which the tax is calculated.

**Tolls payable on
demand**

34. Tolls payable on demand.

(1) Tolls shall be payable on demand.

(2) Every person authorised by the Commissioner to demand tolls shall tender to every person on whom the demand is made a bill showing the amount of the toll and the rate at which it is claimed.

**Collection of octroi
and tolls how to be
effected**

35. Collection of octroi and tolls how to be effected.

Octroi and tolls may be collected under the orders of the Commissioner by municipal officers and servants appointed in this behalf or, if the Commissioner thinks fit, may, with the approval of the Standing Committee, be framed by him for any period not exceeding one year at a time or be collected by or under -the orders of

- any person whom the Commissioner, with the approval of the Standing Committee, appoints to be his agent for this purpose.
- Theatre tax payable in advance**
- 36. Theatre tax payable in advance.**
Theatre Tax shall be payable at the chief municipal office or at such other place or places as the Commissioner may from time to time appoint in this behalf at least twelve hours in advance of the commencement of the performance in respect of which the tax is due by the person responsible for the management of such performance.
- Payment of Theatre Tax for series performances in lump**
- 37. Payment of Theatre Tax for series performances in lump.**
The Commissioner may arrange with any person liable for the payment of Theatre Tax in respect of a series of performances intended to be given of any amusement or entertainment for the payment by such person in one amount for such series extending over not more than one month at a time in lieu of separate payments for each performance.
- Recovery of Theatre Tax in case of default**
- 38. Recovery of Theatre Tax in case of default.**
If the Theatre Tax is not paid in respect of any performance the Commissioner shall, by written notice, call upon the defaulter to pay the amount due within such period as may be specified in the notice and may, if the payment is not made within the specified period, recover the amount by distress and sale of the movable property or attachment and sale of the immovable property of the defaulter as if the amount were a property-tax due by him.
- Presentation of bills for certain taxes**
- 39. Presentation of bills for certain taxes.**
(1) When any property tax or tax on vehicles, boats and animals or any tax declared by or under this Act to be recoverable in the manner provided for a property tax or any instalment of any such tax shall become due, the Commissioner shall, with the least practicable delay, cause to be served on the person liable for the payment thereof a bill for the sum due.
(2) Every such bill shall specify the period for which, and the premises, property, occupation, vehicle, boat, animal or thing in respect of which the tax is charged and shall also give notice of the time within which an appeal may be preferred against such tax and of the consequences of default in payment as herein after provided.
- When one bill may be presented for several claims**
- 40. When one bill may be presented for several claims.**
(1) All the sums due for each period for all or any of the property taxes by any one person on account of one and the same property shall be charged to such person in one bill and shall be recoverable from him in the lump :
Provided that nothing herein contained shall affect the liability of such person to any increased tax to which he may be assessed on account of the said property owing to a revision of the rateable value.
(2) If any one person is liable for all or any of the said taxes on account of more properties than one, it shall be competent to the Commissioner to charge to such person in one or several bills, as he shall think fit, the several sums payable by him on account of such properties :
Provided that if such person, by written notice to the Commissioner, request to be furnished with several bills, the Commissioner shall

comply with such request in respect of all the said taxes for which such person becomes liable after receipt by the Commissioner of the notice.

41. Notice of demand.

Notice of demand

(1) If the amount of tax for which any bill has been setvel as aforesaid is not paid into the municipal office or deposited with the Commissioner as required by sub-section (2) of section 406 within fifteen days from the service thereof, the Commissioner may cause to be served upon the person liable for the payment of the same a notice of demand in form G or to the like effect

(2) For every notice of demand which the Commissioner causes to be served on any person under this section a fee which shall amount to eight annas if the amount of the bill does not exceed one hundred rupees and to eight annas for every hundred rupees or part thereof if the amount of the bill exceeds one hundred rupees shall be payable by the said person and shall be included in the cost of recovery.

42. Distress or attachment.

Distress or attachment

(1) If the person on whom a notice of demand has been served under rule 41 does not within fifteen days from such service pay the sum demanded or show sufficient cause for non-payment of the same to the satisfaction of the Commissioner, and if no appeal ⁶³[is preferred or entertained] against the said tax, as hereinafter provided, such sum, with all costs of the recovery, may be levied under a warrant in Form H or to the like effect, to be issued by the Commissioner, by distress and sale of the movable property of the defaulter or the attachment and sale of the immovable property of the defaulter or, if the defaulter be the occupier of any premises in respect of which a property-tax is due, by distress and sale of any movable property found on the said premises or, if the tax be due in respect of any vehicle, boat or animal by distress and sale of such vehicle, boat or animal in whomsoever's ownership, possession or control, the same may be.

(2) If after the service of the notice of demand the amount of the said tax is paid but the fee for the notice is not paid the sum due on account of the said fee may be levied under a warrant in the Form H (*mutatis mutandis*) to be issued by the Commissioner in the same manner as if such sum were due on account of the tax.

43. Property of defaulter may be distrained or attached whenever found

Property of defaulter may be distrained or attached whenever found

(1) Where any property of a defaulter or any vehicle, boat or animal liable to be distrained or attached is situate within the City the warrant issued under rule 42 shall be addressed to an officer of the Corporation.

(2) Where such property, vehicle, boat or animal is situate outside the City, the warrant shall be addressed to-

(a) the Registrar, Court of Small Causes, ⁶⁴[Ahmedabad], if such property, vehicle, boat or animal is situate in the City of ⁶⁵[Ahmedabad];

⁶³ These words were substituted for the words "is preferred" by Guj. 5 of 1970, s. 12 (ii).

⁶⁴ This wors was substituted for the word "Bombay" by the Gujarat Adaptation of Laws (State and Concurrent Subjects) Order, 1960.

- (b) the Commissioner, if such property, vehicle, boat or animal is situate in a City;
 - (c) the Chief Officer or the Vice-President if such property, vehicle, boat or animal is situate in a municipal borough or municipal district, respectively;
 - (d) the Executive Officer of the Cantonment if such property, vehicle, boat or animal is situate in a cantonment;
 - (e) an officer of Government not lower in rank than a Mahalkari if such property, vehicle, boat or animal is situate elsewhere.
- (3) Any officer to whom a warrant is addressed under sub-rule (2) may endorse such warrant to a subordinate officer.

Warrant how to be executed in case of movable property

44. Warrant how to be executed in case of movable property.

(1) It shall be lawful for the officer to whom a warrant for the distraint and sale of any moveable property issued under rule 42 is addressed or endorsed to break open at any time between sunrise and sunset any outer or inner door or window of any building in order to make any distress directed in the warrant, if he has reasonable ground for believing that such building contains property which is liable to seizure under the warrant, & if, after notifying his authority & purpose & duly demanding admittance, he cannot otherwise obtain admittance :
Provided that such officer shall not enter or break open the door of any apartment appropriated for women, until he has given such women an opportunity to remove.

(2) It shall also be lawful for such officer to distrain, wherever the same may be found, any property of the person named in the said warrant as defaulter, provided that the following property shall not be distrained, namely :-

- (a) the necessary wearing apparel and bedding of the defaulter, his wife and children;
- (b) the tools of artizans;
- (c) if the defaulter is an agriculturist, his implements of husbandry, seedgrain and such cattle as may be necessary to enable the defaulter to earn his livelihood.

45. Warrant how to be executed in case of immovable property.

Warrant how to be executed in case of immovable property

(1) When a warrant is issued under rule 42 for the attachment and sale of immovable property, 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, and declaring that the property will be sold unless the amount due, with the costs of recovery, are paid into the municipal office within five days.

(2) Such order 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 municipal office and also, when the property is land paying revenue to the ⁶⁶[State] Government, in the office of the Collector of the district in which the land is situate.

⁶⁵ Same as 68.

⁶⁶ This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

(3) Any transfer of a charge on the property attached or of 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.

**Inventory and
notice of distress
and sale**

46. Inventory and notice of distress and sale.

The Officer charged with the execution of a warrant of distress shall forthwith make an inventory of the moveable property or vehicles, boats or animals which he seizes under such warrant, and shall at the same time give a written notice in Form I or in a similar form to the person in possession thereof at the time of seizure that the said property or vehicles, boats or animals will be sold as therein mentioned.

47. Sale.

Sale

(1) Where the property seized is subject to speedy and natural decay or when the 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 sum due and the costs of recovery are paid forthwith.

(2) If not sold at once under sub-rule (1) the property distrained or attached or, in the case of immovable property, a sufficient portion thereof may, after the expiry of the period stated in sub-rule (1) of rule 45, or named in the notice served under rule 46 as the case may be, be sold by public auction by order of the Commissioner, unless the warrant is suspended by him or the sum due and the costs of recovery are paid by the defaulter, and the Commissioner shall apply the proceeds or such part thereof as shall be requisite in discharge of the sum due and of the costs of recovery.

(3) The surplus, if any, shall be forthwith credited to the Municipal Fund, but, if the same be claimed by written application to the Commissioner within six months from the date of the sale, a refund thereof shall be made to the person in possession of the property at the time of the seizure or attachment and any surplus not claimed within six months as aforesaid shall be the property of the Corporation

(4) Where the sum due and the costs of recovery are paid by the defaulter before a sale is effected, the property seized shall be returned to him and the attachment, if any, of immovable property shall be deemed to have been removed.

(5) Sales of immovable property under this rule shall be held in the manner laid down in the standing orders.

(6) After sale of the immovable property as aforesaid the Commissioner shall put the person declared to be the purchaser in possession of the same and shall grant him a certificate to the effect that he has purchased the property to which the certificate refers.

(7) It shall be lawful for the Commissioner on behalf of the Corporation to offer a nominal bid in the case of any immovable property put up for sale, provided the previous approval of the Standing Committee is obtained to such bidding.

(8) The Commissioner may direct the removal from the immovable

property by any police officer of any person who obstructs him in any action taken in pursuance of sub-rule (6) and may also use such force as is reasonably necessary to effect entry on the said property.

48. Sale outside City.

Sale outside City

(1) When the warrant is addressed outside 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 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 rule 47 and to exercise the powers and perform the duties of the Commissioner under the said rule in respect of such sale, except the power of suspending the warrant.

(2) 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 the said rule.

49. Special provisions in regard to nonpayment of octroi or toll.

Special provisions in regard to nonpayment of octroi or toll

(1) In the case of non-payment of any octroi or any toll on demand by any person authorised in this behalf by the Commissioner such person may seize any goods on which the octroi is chargeable, or any vehicle or animal on which the toll is chargeable or any part of the burden of such vehicle or animal which is in his opinion of sufficient value to satisfy the demand together with the expenses incidental to the seizure, detention and eventual sale, if necessary, of such animal, goods, vehicle, burden or part thereof, and may detain the same. He shall thereupon give the person in possession of the vehicle, animal or thing seized, a list of the property together with a written notice in Form 1.

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

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

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

(5) The surplus, if any, of the sale proceeds shall be credited to the Municipal Fund, and may, on application made to the Commissioner in writing within six months next after the sale, be paid to the person in whose possession the property was when seized, and if no such application is made, shall become the property of the Corporation.

(6) The expenses incidental to the seizure of any property under this rule shall be determined in such manner as the Commissioner may

Fees for warrants issued, etc	<p>specify in this behalf but shall not in any case exceed ten per cent of the amount of octroi or toll payable.</p> <p>50. Fees for warrants issued, etc. For every warrant issued, distraint or attachment made and for the maintenance of any animal seized fees shall be charged at such rates as the Corporation may from time to time specify with the sanction of the ⁶⁷[State] Government and such fees shall be included in the costs of recovery.</p>
Fees for cost of recovery may be remitted	<p>51. Fees for cost of recovery may be remitted. The Commissioner may, in his discretion, remit the whole or any part of any fee chargeable under rule 41 or 50.</p>
Attachment of rent due	<p>52. Attachment of rent due. (1) Where a bill for any sum due on account of any property-tax is served upon an occupier of premises pursuant to sub-section (1) of section 140, the Commissioner may at the time of service or at any subsequent time cause to be served upon the occupier a notice requiring him to pay to the Corporation any rent due or falling due from him to the person primarily liable for the payment of the said tax to the extent necessary to satisfy the said sum due. (2) Such notice shall operate as an attachment of the said rent until the said sum due on account of property-tax shall have been paid and satisfied, and the occupier shall be entitled to credit in account with the person to whom the said rent is due for any sum paid by him to the Corporation in pursuance of such notice. (3) If the occupier shall fail to pay to the Corporation any rent due or falling due which he has been required to pay in pursuance of a notice served upon him as aforesaid the amount of such rent may be recovered from him by the Corporation as if it were an arrear of property-tax under section 140, provided that sub-section (3) of the said section shall not apply to such recovery.</p>
Summary proceedings may be taken against persons about to leave the City.	<p>53. Summary proceedings may be taken against persons about to leave the City. (1) If the Commissioner shall at any time have reason to believe that any person from whom any sum is due on account of any tax other than octroi or a toll or Theatre Tax is about forthwith to remove from the City, the Commissioner may direct the immediate payment by such person of the sum so due by him and cause a bill for the same to be served on him. (2) If, on service of such bill the said person do not forthwith pay the sum due by him or show cause to the satisfaction of the Commissioner for not doing so the amount shall be leviable by distress and sale in the manner hereinbefore prescribed, except that it shall not be necessary to serve upon the defaulter any notice of demand, and the Commissioner's warrant for distress and sale may be issued and executed without any delay.</p>
Defaulters may be sued for arrears, if necessary	<p>54. Defaulters may be sued for arrears, if necessary. Instead of proceeding against a defaulter by distress, attachment and sale as hereinbefore provided, or after a defaulter shall have been so</p>

⁶⁷ This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

proceeded against unsuccessfully or with only partial success, any sum due or the balance of any sum due. as the case may be. by such defaulter, on account of a tax may be recovered from him by a suit in any Court of competent jurisdiction.

**Special provision
for service of bills
for taxes**

55. Special provision for service of bills for taxes.

Notwithstanding anything contained in section 472,473 and 474, a bill for any municipal tax may be served upon the person liable therefor by sending it by ordinary post, under certificate of posting, in a prepaid letter addressed to such person at his last known abode or place of business in the City, and every bill so sent shall be deemed to have been served on the day following the day upon which the envelope or wrapper containing such bill was put in the post and in proving such service, it shall be sufficient to prove that the envelope or wrapper containing the bill was properly addressed and put in the post under certificate of posting.

Refunds.

**Refund of property
taxes on account of
vacancies**

56. Refund of property taxes on account of vacancies.

(1) When any building or land or any portion of any premises which has been treated as a separate property for the purpose of assessment under any provision of this Act, has been vacant for not less than thirty consecutive days the Commissioner shall, subject to the provisions hereinafter contained, refund the amount of the water tax and conservancy tax, if any, paid for the number of days that such vacancy

(2) When any building or land or any portion of any premises which has been treated as a separate property for the purpose of assessment under any provision of this Act has been vacant for not less than sixty consecutive days the Commissioner shall, subject to the provisions hereinafter contained, refund two-thirds of the amount of the general tax, if any, paid for the number of days that such vacancy lasted :

Provided that no refund of general tax shall be claimable in any case in which the Commissioner has sanctioned a drawback under the provisions of rule 11.

Explanation.-For the purposes of this rule-

- (a) premises shall be deemed to be vacant only if they are unoccupied and unproductive of rent;
- (b) premises shall be deemed to be productive of rent if let to a tenant having a continuing right of occupation thereof, whether they are actually occupied by such tenant or not;
- (c) premises furnished or reserved by the owner for his own occupation whenever required shall be deemed to be occupied, whether they are actually occupied by the owner or not ;
- (d) premises used or intended to be used for the purpose of any industry which is seasonal in character shall not be deemed to be vacant merely on account of their being unoccupied and unproductive of rent during much period or periods of the year in which seasonal operations are normally suspended;
- (e) a vacancy which has continued during the whole of the month of February shall be deemed to have continued for not less than thirty consecutive days.

Refund not claimable unless notice of vacancy is given to Commissioner

57. Refund not claimable unless notice of vacancy is given to Commissioner.

(1) No refund of any property tax shall be claimed from the Commissioner as aforesaid, unless notice in writing of the vacancy shall have been given by the person liable for the tax, or his agent, to the Commissioner.

(2) No refund shall be paid by the Commissioner for any period previous to the day of the delivery of such notice unless the notice is given within seven days of the occurrence of the vacancy, in which case refund shall be paid as from the date of the occurrence of the vacancy.

(3) When a vacancy continues from one period in respect of which property taxes, or any instalment thereof, are recoverable, into the next following period, no refund of any property tax shall be claimable from the Commissioner as aforesaid on account of such continued vacancy, unless notice thereof shall be given to the Commissioner as aforesaid within thirty days from the commencement of the said next following period and such notice of vacancy shall be required notwithstanding that notice of vacancy required to be given under sub-rule (1) was not given until after the expiry of the period in which the vacancy occurred.

Refund of water tax in-admissible unless application for stopping water supply has been made

58. Refund of water tax in-admissible unless application for stopping water supply has been made.

No refund of water-tax shall be claimable in respect of premises with a separate water connection unless a written application shall have been made to the Commissioner to stop the water supply to the vacant premises.

Applications for refund when and how to be made

59. Applications for refund when and how to be made.

It shall be in the discretion of the Commissioner to disallow any claim for refund of any property-tax unless application therefor is made to him in writing within thirty days after the expiry of the period to which the claim relates, accompanied by the bill served on the applicant for the amount of the tax from which the refund is claimed.

Refund of tax on vehicles, boats and animals when and to what extent obtainable

60. Refund of tax on vehicles, boats and animals when and to what extent obtainable.

(1) If the tax leviable on any vehicle, boat or animal in respect of any half year has been paid and if during such half year such vehicle, boat or animal ceases to be kept within the City or if kept outside, ceases to be used in the City or is destroyed or is otherwise rendered unfit for use or if such vehicle or boat has been under repairs or if such animals has been kept in any institution for the reception of infirm or disused animals or is certified by a Veterinary Surgeon to have become unfit for use and has not been used, the person who paid the tax leviable on such vehicle, boat or animal shall, subject to the provisions hereinafter contained, and, on the Commissioner or any officer authorised by him being satisfied in this behalf, be entitled to receive from the Commissioner, if the period in such half year for which such vehicle, boat or animal has not been kept in the City or has not been used, on account of such vehicle, boat or animal being destroyed or rendered unfit for use or on account of such vehicle or boat being under repairs

or such animal being kept in any institution for the reception of infirm or disused animals or such animal having been certified by a Veterinary Surgeon to have become unfit for use, is

- (a) not less than one hundred and seventy days, the full amount of the tax paid,
- (b) not less than one hundred & fifty days, three-fourths of the tax paid,
- (c) not less than one hundred & twenty days, two-thirds of the tax paid,
- (d) not less than ninety days, one-half of the tax paid,
- (e) not less than sixty days, one-third of the tax paid.

No refund of the tax shall be granted if such period is less than sixty days.

(2) When a notice has been given under sub-rule (2) of rule 31, this rule shall apply in respect of vehicles and animals affected by the notice as if for each of the periods specified therein, double the period so specified had been substituted.

Refund not claimable unless notice is given to Commissioner

61. Refund not claimable unless notice is given to Commissioner.

(1) No refund of the tax shall be claimable from the Commissioner under rule 60 unless notice in writing of the occurrence of the circumstances giving rise to such claim or of the commencement of circumstances which may give rise to such claim has been given to the Commissioner by the person who paid the tax or his agent.

(2) If such notice is not received by the Commissioner within three days of the occurrence or commencement of the circumstances as aforesaid, the period previous to the date of the receipt of the notice shall be excluded in computing the period referred to in rule 60. for the purposes of granting any refund.

(3) It shall be in the discretion of the Commissioner to disallow any claim for refund of the tax, unless application claiming such refund is made to him in writing before the expiry of fifteen days after the end of the half year to which the claim relates and is accompanied by the bill served on the applicant under rule 39 for the amount of the tax from which the refund is claimed or, if no bill was served, the official receipt for such amount.

Refund of octroi or toll on export

62. Refund of octroi or toll on export.

Subject to the standing orders, not less than ninety per cent. of the octroi paid on any goods shall be refunded if such goods are exported beyond the limits of the City within six months of payment :

Provided that-

- (a) an application for refund shall be made within one week of the date of exportation:
- (b) the amount due for refund shall not be less than five rupees;
- (c) in the case of goods which have broken bulk, prior intimation has been given to the officer specified in this behalf in the standing orders and the place or places of storage have been reported to him from time to time.

Refunds of Theatre Tax

63. Refunds of Theatre Tax.

(1) The Commissioner shall refund the amount of the Theatre-Tax paid in respect of a particular performance if he is satisfied, on the

evidence placed before him and after such further inquiry, if any, as he may deem necessary-

(a) that such performance did not actually take place and that the amount, if any, collected from intending spectators has been refunded in full; or

(b) that the whole of the net proceeds of such performance are devoted to a public charitable purpose and that the whole of the expenses of such performance do not exceed twenty per cent. of the gross receipts.

(2) It shall be in the discretion of the Commissioner to disallow any claim for refund of the tax unless application claiming such refund is made to him in writing within three days of the day on which the intended performance in respect of which the tax was paid was due to take place or within seven days of the date of the performance, as the case may be.

CHAPTER IX DRAINAGE AND DRAINAGE WORKS

Buildings etc., not to be erected without permission over municipal drains

1. Buildings etc., not to be erected without permission over municipal drains.

(1) Without the written permission of the Commissioner, no building, wall or other structure shall be newly erected, and no street or minor railway shall be constructed over any municipal drain.

(2) If any building, wall or other structure be so erected, or any street or minor railway be so constructed, the Commissioner may remove or otherwise deal with the same as he shall think fit, and the expenses thereby incurred shall be paid by the person offending.

Buildings, etc. not to be erected without permission over any drains

2. Buildings, etc. not to be erected without permission over any drains.

(1) Without the written permission of the Commissioner, no building, wall or other structure shall be newly erected over any drain other than a municipal drain except as may be required under sub-rule (3).

(2) If any building, wall or other structure be so erected, the Commissioner, after giving the offending person ten days, notice of his intention, may remove or otherwise deal with the same as he shall think fit, and the expenses thereby incurred shall be paid by the person offending.

(3) The commissioner may by notice in writing require the owner or occupier of any building or land to which access from a public street cannot be provided except by crossing an open municipal drain, channel, ditch or gutter to provide culverts or coverings over the said drain, channel, ditch or gutter of such form, size and materials and provided with such means of ventilation as may be specified in the said notice.

(4) Every culvert or covering provided in accordance with sub-rule (3) shall be maintained and kept free from obstructions by the said owner or occupier at his expense.

Drains not to pass beneath buildings

3. Drains not to pass beneath buildings.

Except with the written permission of the Commissioner, and in conformity with such conditions as shall be prescribed by the Standing

Provision of
throughs and pipes
to receive water
from roofs of
buildings

Committee generally in this behalf, no drain shall be so constructed as to pass beneath any part of a building.

4. Provision of throughs and pipes to receive water from roofs of buildings.

The Commissioner may, by notice in writing, require the owner of any building in any street to put up and maintain in good condition proper and sufficient throughs and pipes for receiving and carrying the water from the roof and other parts of the building and for discharging the water so that it shall not fall upon any street or damage any street or other property vested in the Corporation.

Drains of Private Streets and Drainage of Premises.

Power to connect
drains of private
street with
municipal drains

5. Power to connect drains of private street with municipal drains.

(a) The owner of a private street before commencing to construct a drain of such street to connect with a municipal drain shall submit to the Commissioner a plan of such street, bearing the signature of a licensed surveyor in token of its having been made by him or under his supervision, and drawn to such a convenient scale as the Commissioner shall require, and there shall be shown on such plan the position, course and dimensions of the proposed drain, with a section or sections thereof, & such other particulars in relation thereto as the Commissioner shall deem necessary & require, and no such drain shall be proceeded with without the approval in writing or contrary to the directions of the Commissioner :-

(b) the drain of such private street shall, at the expense of the owner of the street, be constructed of such size, material and description, and be branched into the municipal drain in such manner and form of communication in all respects, as the Commissioner shall direct:

(c) the Commissioner may, if he thinks fit, construct such part of such drain and such part of the work necessary for branching the same into the municipal drain as shall be in or under any public street or place vesting in the Corporation and, in such case, the expenses incurred by the Commissioner shall be paid by the owner of the private street.

Drainage of courts,
yards and
compounds
appurtenant to, or
giving access to
buildings

6. Drainage of courts, yards and compounds appurtenant to, or giving access to buildings.

If any court, yard or compound appurtenant to, or any passage giving access to, a building is not so formed, flagged, asphalted or paved, or is not provided with such works on, above or below its surface as to allow of the satisfactory drainage of its surface or sub-soil to a proper outfall, the Commissioner may by written notice require the owner of the building to execute such works as may in the opinion of the Commissioner be necessary to remove the defect.

Explanation.-This rule shall also apply in relation to any court, yard, compound or passage which is used in common by the occupiers of two or more buildings but is not a public street.

7. Special provision relating to trade effluent.

Special provision
relating to trade
effluent

(1) No trade effluent shall be discharged from any trade premises into a municipal drain otherwise than in accordance with a written notice, hereinafter referred to as "a trade effluent notice" served on the Commissioner by the owner or occupier of the premises, stating-

(a) the nature or composition of the trade effluent;

(b) the maximum quantity of the trade effluent which it is proposed to discharge in any one day; and

(c) the highest rate at which it is proposed to discharge the trade effluent, and no trade effluent shall be discharged in accordance with such a notice until the expiration of a period of two months, or such less time as may be agreed to by the Commissioner, from the day on which the notice is served on the Commissioner hereinafter referred to as "the initial period".

(2) Where a trade effluent notice in respect of any premises is served on the Commissioner, he may, at any time within the initial period, give to the owner or occupier, as the case may be, of those premises a direction that no trade effluent shall be discharged in pursuance of the notice until a specified date after the end of the initial period: and, in so far as the discharge of any trade effluent in accordance with the trade effluent notice requires the consent of the Commissioner in order to be lawful, the Commissioner may give that consent either unconditionally or subject to such conditions as he thinks fit to impose in respect to-

(a) the drain or drains into which any trade effluent may be discharged in pursuance of the trade effluent notice;

(b) the nature or composition of the trade effluent which may be so discharged;

(c) the maximum quantity of any trade effluent which may be so discharged on any one day, either generally or into a particular drain;

(d) the highest rate at which any trade effluent may be discharged in pursuance of the trade effluent notice, either generally or into a particular drain: and

(e) any other matter with respect to which by-laws may be made under his Act;

but any such condition as aforesaid shall be of no effect if and so far as it is inconsistent with any by-laws so made which are for the time being in force.

8. Position of cesspools.

Position of cesspools

No person shall construct a cesspool-

(a) beneath any part of any building, or within twenty feet, ⁶⁸[of] any lake, tank, reservoir, stream, spring, or well; or

(b) upon any site or 'n any position which has not been approved in writing by the Commissioner.

All drains & cesspools to be properly covered & ventilated.

9. All drains & cesspools to be properly covered & ventilated.

(1) Every drain and cesspool, whether belonging to the Corporation or to any other person, shall be provided with proper traps and coverings and with proper means of ventilation.

(2) The Commissioner may, by written notice, require the owner of any drain or cesspool not belonging to the Corporation to provide and apply to the said drain or cesspool such trap and covering and such means of ventilation as would be provided and applied if such drain or cesspool belonged to the Corporation.

⁶⁸ This word was substituted for the word "or" by Bom. 39 of 1951, s. 3, Second Schedule.

Excrementitious matter not to be passed into cesspool.

10. Excrementitious matter not to be passed into cesspool.

No person shall, except with the permission of the Commissioner, pass or cause or permit to be passed any excrementitious matter into any cesspool made or used under the provisions of this Act or into any drain communicating with any such cesspool.

Power of Commissioner to require adequate water-closet and other accommodation to be made

11. Power of Commissioner to require adequate water-closet and other accommodation to be made.

(1) Where any premises are without a water-closet, or privy, or urinal, or bathing or washing place or if the Commissioner is of opinion that the existing water-closet, or privy, or urinal, or bathing or washing place accommodation, available for the persons occupying or employed in any premises is insufficient, inefficient or on any sanitary grounds objectionable, the Commissioner may, by written notice, require the owner of such premises:-

- (a) to provide such, or such additional, water-closet, privy, urinal or bathing or washing place accommodation as he prescribes;
- (b) to make such structural or other alterations in the existing water-closet, privy, urinal, or bathing or washing place accommodation as he prescribes; or
- (c) to substitute water-closet accommodation for any privy accommodation.

(2) Any requisition under sub-rule (1) may comprise any detail specified in sub-section (2) of section 178.

Power to require privy accommodation to be provided for factories, etc

12. Power to require privy accommodation to be provided for factories, etc.

Where it appears to the Commissioner that any premises are, or are intended to be, used as a market, school or theatre or other place of public resort, or, as a place in which persons exceeding ten in number are employed in any manufacture, trade or business or as workmen or labourers, the Commissioner may, by written notice, require the owner or occupier of the said premises to construct a sufficient number of water-closets or latrines or privies and urinals for the separate use of each sex & to cause the same to be kept in proper order and to be daily cleaned.

Power of Commissioner as to unhealthy privies

13. Power of Commissioner as to unhealthy privies.

Where the Commissioner is of opinion that any privy is likely, by reason of its not being sufficiently detached from any building, to cause injury to the health of any person occupying such building, the Commissioner, with the previous approval of the Standing Committee, may, by written notice, require the owner or occupier of the premises in or on which such privy is situated either :-

- (a) to so close up such privy as to prevent any person using the same, and to provide in lieu thereof such water closet or privy accommodation or such urinal accommodation as the Commissioner may prescribe, or
- (b) to provide between the said privy and any portion of the said building such air-space, open to the sky and situate entirely within the limits of the said premises, as the Commissioner may prescribe.

Provisions as to privies

14. Provisions as to privies.

(1) The owner or occupier of any premises on which there is a privy, shall-

- (a) have between such privy and any building or place used or intended to be used for human habitation or in which any person may be or may be intended to be employed in any manufacture, trade or business, an air-space of at least three feet in width and open to the sky,
- (b) have such privy shut off by a sufficient roof and wall. or fence, from the view of persons dwelling in the neighbourhood or passing by
- (c) unless and except for such period as he shall be permitted by the Commissioner as hereinafter provided to continue any existing door or trapdoor, close up and not keep any door or trap-door in such privy opening on to a street :

Provided that-

- (1) clause (a) shall not be deemed to apply to any privy in existence on the appointed day unless-
 - (i) there is space available on the premises of the owner or occupier for the erection of a new privy conformably to the said clause; and
 - (ii) the existing privy can be removed and a new one erected as aforesaid without destorying any portion of a permanent building other than the existing privy.
- (2) The Commissioner may permit the continuance for such period as he may think fit of any existing door or trap-door in a privy opening on to a street if a nuisance is not thereby created.

15. Provisions as to water-closets.

Provisions as to water-closets

The owner or occupier of any premises on which there is a water-closet shall-

- (a) have such water-closet divided off from any part of a building or place used or intended to be used for human habitation, or in which any person may be or may be intended to be employed in any manufacture, trade or business, by such means as the Commissioner shall deem sufficient;
- (b) have such water-closet in such a position that one of its sides at the least shall be an external wall;
- (c) have the seat of such water-closet placed against an external wall;
- (d) cause such water-closet to be provided with such means of constant ventilation as the Commissioner shall deem adequate, by a window or other adequate in one of the walls of such water-closet opening directly into the external air, or by an air-shaft or by some other suitable method or appliance;
- (e) have such water-closet supplied by a supply-cistern and flushing apparatus and fitted with a soil-pan or receiver and such other appliances of such materials, size and description as the Commissioner shall deem necessary :

Provided always that a cistern from which a water-closet is supplied shall not be used. or be connected with another cistern which is used, for supplying water for any other purpose;

- (f) having flushing cisterns of such materials, size and description supplied with a constant and sufficient supply of water for flushing and cleaning the water-closet as the Commissioner may deem necessary.

Position of privies and water-closets**16. Position of privies and water-closets.**

No person shall build a privy or water-closet in such a position or manner as-

- (a) to be directly over or directly under any room or part of a building other than a privy or water-closet or a bathing place, bath-room or gallery, passage or terrace;
- (b) to be within a distance of twenty feet from any well or from any spring, tank or stream the water whereof is, or is likely to be, used (whether in a natural or manufactured state) for human consumption or domestic purposes or otherwise render the water of any well, spring, tank or stream liable to pollution.

Control over water-closets, etc. in, or accessible from, streets**17. Control over water-closets, etc. in, or accessible from, streets.**

(1) No public water-closet, privy or urinal other than a water-closet, privy or urinal erected within railway premises or erected by the Government shall be erected in or so as to be accessible from, any street without the consent of the Commissioner who may in giving his consent, impose such terms as to the use of the water-closet, privy or urinal and as to its removal at any time, if required by him, as he thinks fit.

(2) The Commissioner may, by written notice require-

- (a) the owner of a water-closet, privy or urinal which has been erected in contravention of sub-rule (1) or the removal of which the Commissioner is entitled to require, to remove it ;
- (b) the owner of a water-closet, privy or urinal which open, on a street and is so placed or constituted as to be a nuisance or offensive to public decency to remove or permanently to close it.

Use of places for bathing or washing clothes or domestic utensils**18. Use of places for bathing or washing clothes or domestic utensils.**

No person shall use or permit to be used as a bathing place, or as a place for washing clothes or domestic utensils, any part of any premises which has not been provided with such floor as the Commissioner considers suitable and with all such appliances and fittings as shall, in the opinion of the Commissioner, be necessary for collecting the rainage thereof and conveying the same therefrom.

Work to be done by licensed plumber : permission to use as drain**19. Work to be done by licensed plumber : permission to use as drain.**

(1) No person other than a licensed plumber shall execute any work described in this Chapter or in Chapter-XII of this Act and no person shall permit any such work to be executed except by a licensed plumber:

Provided that if, in the opinion of the Commissioner, the work is of a trivial nature, he may grant permission in writing for the execution of such work by a person other than a licensed plumber.

(2) Every person who employs a licensed plumber to execute any such work shall, when so required, furnish to the Commissioner the name of such plumber.

(3) Every such person shall, within one month after completion of any such work and before permitting the same-or any portion thereof to be filled in or covered over. deliver or send or cause to be delivered or sent to the Commissioner at his office notice in writing of the completion of such work, accompanied by a certificate in

such form as the Commissioner may from time to time prescribe signed by the licensed plumber by whom the same has been executed, who is hereby required immediately upon completion of the work and upon demand by the person employing him to sign and give such certificate to such person, and shall give to the Commissioner all necessary facilities for the inspection of such work :

Provided that-

- (a) such inspection shall be made within seven days from the date of receipt of the notice of completion, and
- (b) the Commissioner may, within seven days after such inspection, by written intimation addressed to the person from whom the notice of completion was received and delivered at his address as stated in such notice, or, in the absence of such address, affixed to a conspicuous part of the premises in which such work has been executed-
 - (i) give permission for the filling in or covering over of such work; or
 - (ii) require that, before such work is filled in or covered over, it shall be amended to the satisfaction of the Commissioner in any particular respect of which it is not in accord with a requisition previously made by the Commissioner or contravenes some provisions of this Act or of the rules or by laws.

(4) No person shall permit any such work to be used as a drain or part of a drain until-

- (a) the permission referred to in proviso (b) to sub-rule (3) has been received; or
- (b) the Commissioner has failed for fourteen days after receipt of the notice of completion to intimate as aforesaid his refusal of permission for the filling in or covering over of such work.

Manner of erecting shafts or affixing pipes for ventilation of drains or cesspools.

20. Erection of shafts, etc. for ventilation of drains or cesspools.

Any shaft or pipe erected or affixed by the Commissioner for the purposes of ventilating any drain or cesspool under section 175 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 affixed to a wall supporting the eave of a roof, be carried at least five feet higher than such eave;
- (c) be erected or affixed so as to create the least practicable nuisance or inconvenience to the inhabitants of the neighbourhood;
- (d) be removed by the Commissioner to some other place, if at any time the owner of the premises, building or tree upon or to which the same has been erected or affixed is desirous or effecting any change in his property which either cannot be carried out. or cannot without unreasonable inconvenience be carried out, unless the shaft or pipe is removed.

**Erection of shafts,
etc. for ventilation
of drains or
cesspools**

CHAPTER X WATER SUPPLY

Definitions

1. Definitions.

In this Chapter unless there is anything repugnant in the subject or context.-

- (a) "a communication pipe" means a pipe extending from a municipal main up to and including the municipal stop-cock;
- (b) "consumer" means any person who uses or is supplied with water from a municipal water work or on whose application such water is supplied and includes any person liable to the Corporation under the provisions of this Act for the payment of water tax or any sum for the water supplied from a municipal waterwork;
- (c) "consumer's pipe" means a pipe used in connection with the supply of water from any municipal water work and which is not the property of the Corporation;
- (d) "distributing pipe" means any pipe not subject to water pressure from a municipal water main;
- (e) "fitting" includes a pipe, coupling, flange, branch, bend, stop, ferrule, stop tap, bib tap, spring tap, pillar tap, globe tap, ball cock, boiler, pump, meter, hydrant and any other apparatus or article used for the purpose of conveying or storing water supplied by the Corporation;
- (f) "municipal stop cock" means the stop cock which controls the supply of water from a municipal water main;
- (g) "supply pipe" means the pipe extending from a municipal stop cock up to the ball cock of the storage tank, if any, and any pipe subject to pressure from a municipal water main.

Private water-supply.

2. Conditions on which private water supply may be provided.

Conditions on which private water supply may be provided

- (1) Subject to the provisions of sub-rules (2), (3) and (4), supply pipes for conveying to any premises a private supply of water from a municipal water work shall not be connected with such water work except on the written application or with the written assent of the owner of the premises, or of the person primarily liable for the payment of property-taxes on the said premises.
- (2) If it shall appear to the Commissioner that any premises situate within any portion of the City in which a public notice has been given by the Commissioner under clause (b) of sub-section (1) of section 130, are without a supply of pure water obtainable on the premises and adequate to the requirements of the persons usually occupying or employed upon the said premises, the Commissioner may, by written notice, require the owner of the said premises or the person primarily liable for the payment of property-taxes thereon, to obtain a supply adequate as aforesaid from a municipal water works and to provide supply and distributing pipes, cisterns and fittings & do all such works as may in the opinion of the Commissioner be necessary for that purpose.
- (3) If the written assent of the owner of any premises or of the person primarily liable for the payment of property taxes referred to in sub-rule (1) is withheld from a tenant of such premises who applies for such assent, such tenant may appeal to the Commissioner who shall, if he is satisfied that the assent has been unreasonably withheld and if the

provisions of sub-rule (2) are satisfied, give notice as provided therein.
 (4) The Commissioner may refuse to grant a connection under this rule in respect of any premises if he is satisfied that the arrangements for draining waste water from such premises are inadequate or that the supply of water through communication pipes is likely to cause such premises to be in an insanitary condition or to create a nuisance, unless such measures as he may direct are carried out for disposing of the waste water or for preventing the creation of insanitary conditions or a nuisance.

**Make again
renewing connection
with municipal
water works**

3. Make again renewing connection with municipal water works.

- (1) No connection with any municipal water work shall be made or renewed-
- (a) except by municipal officer or servant empowered in that behalf by the Commissioner; and
 - (b) until the certificate specified in sub-rule (4) has been given.
- (2) In every case where a new connection with a municipal water-work is made or an existing connection is renewed all necessary communication pipes and fittings thereon shall be supplied by the Commissioner, and the work of laying and applying such communication-pipes and fitting, shall be executed by municipal agency under the Commissioner's orders, but the cost of making or renewing such connection and of all communication-pipes & fittings so supplied & of all work so executed, shall be paid by the person on whose application or for whose premises the connection is made or renewed.
- (3) Every such new connection or renewed connection with its communication pipes & fittings shall thereafter vest in the Corporation & be maintained at the charge of the Municipal Fund as a municipal water-work.
- (4) All supply and distributing pipes and cisterns and fittings not vesting in the Corporation as aforesaid shall be laid and applied under the supervision and to the satisfaction of municipal officer appointed by the Commissioner in that behalf, who shall give and sign a certificate, free of charge, when such supply and distributing pipes, cisterns and all necessary and when proper and sufficient arrangements have been made for draining off waste water.
- (5) Where any supply or distributing pipe, cistern or such fitting is laid, applied, added to or altered, or any connection is made in contravention of this rule the Commissioner may remove such supply or distributing pipe, cistern, fitting or connection, or additions or alterations, thereto, and make good such pipe, cistern, fitting or connection: & the owner & occupier of cistern or fitting has been laid, applied, added to or altered or such connection has been made, shall be jointly and severally liable to pay the expenses incurred by the Commissioner in so doing.

4. Commissioner May take charge of private connection.

**Commissioner May
take charge of
private connection**

- (1) The Commissioner may, by agreement with a consumer, take charge on behalf of the Corporation of all or any of the consumer's pipes and fittings:
 Provided that if any of such pipes or fittings are communication-pipes or fittings only not vesting in the Corporation, the Commissioner may, if he thinks fit, take charge of the same without such agreement.

(2) Any consumer's pipes and fittings, of which the Commissioner takes charge under this rule, shall thereafter vest in the Corporation and be maintained at the charge of the Municipal Fund as a municipal water-work.

Power of Commissioner to alter position of connections

5. Power of Commissioner to alter position of connections.

The Commissioner may, if at any time he deems it expedient to alter the position of an existing connection with any municipal water-work, or of any consumer's pipe or fitting thereof, and after giving to the owner of such connection, pipe or fitting not less than four days previous notice of his intention so to do, cause the said connection, pipe or fitting to be moved to such other position as he thinks fit and relaid and applied or others to be laid and applied in lieu thereof, in such position as he may direct; and in every such case all such work shall be carried out at the expense of the Municipal Fund and such new connection, pipe and fitting shall thereafter vest in the Corporation and be maintained at the charge of the Municipal Fund as a municipal water-work.

Provisions as to cisterns and other fittings, etc. to be used for connections with water-work

6. Provisions as to cisterns and other fittings, etc. to be used for connections with water-work.

(1) The commissioner may, whenever it shall appear to him to be necessary, by written notice require the owner of any premises furnished with a private water supply from any municipal water-work to provide such premises, within a reasonable period which shall be prescribed in the said notice, with cisterns and fittings of such size, material, quality and description and placed in such position and with such safe and easy means of access as he thinks fit.

(2) The Commissioner may also in the like manner require the owner of any premises to provide such safe and easy means of access as he thinks fit to any existing cistern which on an examination under rule II is found to be not easily accessible.

(3) The Commissioner may, whenever it shall appear to him necessary or expedient to remove any cistern from any premises furnished with a private water supply, by written notice require the owner of such premises to remove such cistern with all fittings connected therewith from such premises within a period prescribed in the notice.

(4) The Commissioner shall also from time to time prescribe the size, materials, quality, description and position of the pipes and fittings to be employed for the purpose of any connection with, or of any communication from, any municipal water-work and no such connection or communication shall be made by any person otherwise than as so prescribed.

(5) The Commissioner shall likewise prescribe the size, material, quality and description of the pipes, cisterns and fittings to be employed for the purpose of replacing any pipes, cisterns and fittings found on an examination under rule II to be so defective that they cannot be effectively repaired.

(6) If any connection or communication other than that prescribed in sub-rule (4) is found in or upon any premises it shall be presumed, until the contrary is proved, that such connection or communication was made by or under the direction of or with the permission of the

owner of such premises.

(7) The Commissioner may issue orders providing for the stamping by municipal agency of all pipes, taps, cocks, fittings and materials to be employed for the purposes of any connection or communication with any municipal waterwork and such orders may provide for the payment of a fee for such stamping and prohibit the use in any of the said connections or communications of any pipes, taps, cocks, fittings or materials other than those so stamped.

Provision for keeping cisterns locked

7. Provision for keeping cisterns locked.

(1) The Commissioner may, by written notice, require the owner of any premises furnished with a cistern or in respect of which the Commissioner has required a cistern to be furnished, to provide such cistern with a lock and key of such pattern, material and quality as the Commissioner shall in such notice prescribe and may in like manner require any lock or key found to be defective on an inspection under rule 11 to be replaced.

(2) Every cistern so provided with a lock shall be kept permanently locked and the key shall then be delivered to the Commissioner.

Communication pipes to be kept in efficient repair by owner or occupier of premises

8. Communication pipes to be kept in efficient repair by owner or occupier of premises.

(1) It shall be incumbent on the owner or occupier of any premises to which a private water-supply is furnished from any municipal water-work, to keep in a thoroughly clean condition and to maintain and keep in efficient repair every supply and distributing pipe conveying water from the said water-work to such premises and every meter for measuring water, not being a municipal meter, and every cistern and fitting in or connected with any such pipe, so as effectually to prevent the water from running to waste.

(2) When an occupier of any premises is served with a notice under sub-rule (2) of rule 11 he may, after giving to the person to whom he is responsible for the payment of his rent three days' notice in writing himself have the repairs executed and in such event he shall, unless the terms of the tenancy otherwise expressly provide, be entitled to deduct from any rent due or to become due by him to such person the actual expenses incurred by him in complying with the notice served under sub-rule (2) of rule 11.

Provision of meters when water supplied by measurement

9. Provision of meters when water supplied by measurement.

(1) Where water is supplied by measurement, the Commissioner may either provide a meter and charge the consumer for the same such rent as shall from time to time be prescribed in this behalf by the Standing Committee or may permit the consumer to provide a meter of his own of such size, material and description as the Commissioner shall approve for this purpose.

(2) The Commissioner shall at all times keep all meters and other instruments for measuring water, let by him for hire to any person, in proper order for correctly registering the supply of water, and in default of his so doing such person shall not be liable to pay rent for the same during such time as such default continues.

(3) (a) Any consumer to whom a meter is let out on hire under sub-rule (1) may apply in writing to the Commissioner at any time to have

the meter tested and every such application shall be accompanied by such fee as the Commissioner may from time to time prescribe.

(b) Upon receipt of such application and fee the Commissioner shall forthwith issue a notice to the consumer prescribing the time and place for testing such meter and shall cause such meter to be tested at such time and place.

(c) If upon such test such meter is found to be incorrect by more than two per cent, the fee paid by the consumer shall be repaid to him and the Commissioner shall cause steps to be taken forthwith for the repair or replacement of the meter.

10. Register of meter to be evidence.

Register of meter to be evidence

Where water is supplied by measurement, the register of the meter or other instrument for measuring water shall be prima facie evidence of the quantity consumed.

Inspection.

11. Commissioner, etc. may inspect premises in order to examine meter, communication pipes, etc.

Commissioner, etc. may inspect premises in order to examine meter, communication pipes, etc

(1) The Commissioner may make an inspection of any premises to which a private water supply is furnished by the Corporation, in order-

(a) to remove, test, examine and replace any meter for measuring water;

(b) to examine any supply or distributing pipe, cistern, lock or Fitting; or

(c) to see if there be any waste or misuse of water.

(2) The Commissioner may by written notice, require the owner or occupier of the premises to remedy any defect which shall be found to exist in or to clean any such meter, not being a municipal meter let to him for hire, or any such supply or distributing pipe, cistern, lock or fitting.

Cutting off private water-supply.

12. Power to cut off private water-supply or to turn off water.

Power to cut off private water-supply or to turn off water

(1) The Commissioner may cut off the connection between any municipal water-work and any premises to which a private water-supply is furnished by the Corporation or turn off the water from such premises in any of the following cases namely :-

(a) in default of payment of any instalment of water-tax or of any sum due for water or hire of meter or expenses of any work done under or by virtue of the provisions of rule 3,9 or 17 within one month after a notice of demand for such tax or sum has been duly served;

(b) if the owner of the premises neglects within the period prescribed in this behalf in any notice given under sub-rule (1), (2) or (3) of rule 6 or under rule 7, to comply with any requisition made to him by the Commissioner regarding the provision of any cistern, fitting, lock or key or any means of access to such cistern or the removal of any cistern;

(c) if the owner or occupier of the premises fails, within the period prescribed in this behalf in any notice given under sub-rule (2) of rule 11, to comply with the terms of such notice or fails to use articles of the kind prescribed under sub-rule (5) of rule 6;

(d) if after receipt of a written notice from the Commissioner

requiring him to refrain from so doing, the owner or occupier of the premises continues :-

- (i) to use the water, or to permit the same to be used, in contravention of any by-law or of any condition prescribed under subsection (2) of section 134 or under any other provision of this Act;
- (ii) when payment for the water is made not by measurement to permit any person not residing on premises in respect of which water-tax is paid or payment for the water supplied is made according to the size of the connection to carry away from such owner's or occupier's premises water derived from the municipal water-work;
- (e) if the owner or occupier of the premises wilfully or negligently injures or damages any meter, pipe, cistern or fitting or lock thereof in such premises;
- (f) if the owner or occupier of the premises fails to comply with any requisition made on him by the Commissioner under sub-rule (2) of rule 18 to furnish the name of the licensed plumber;
- (g) if the premises are declared to be unfit for human habitation under the provisions of this Act;
- (h) if excessive waste of water is taking place within any premises on account of damage to water-mains caused by accident or otherwise;
- (i) if any communication pipes or fittings have been laid, applied, added to or altered in contravention of the provisions of rule 6 :

Provided that-

- (i) in any case under clause (a) the Commissioner shall not take action unless not less than one month previously a copy of the notice of demand in respect of the tax or sum has been affixed to a conspicuous part of the premises ;
- (ii) in any case falling under clause (b), the Commissioner shall not take action unless not less than fifteen days previously a copy of the notice under sub-rule (1), (2) or (3) of rule 6, or under rule 7, as the case may be, has been affixed to a conspicuous part of the premises;
- (iii) in other cases the Commissioner shall not take action unless written notice of not less than twenty-four hours has been given to the owner or occupier of the premises.

(2) The expense of cutting off the connection or of turning of the water in any such case as aforesaid shall be paid by the owner or occupier of the premises

(3) If in any case under clause (a) of sub-rule (1) the tax or sum due is paid within the period stipulated therein by any person or persons in occupation of the premises other than the persons primarily liable for the same, such person or persons shall be entitled to credit therefor in account with the person primarily liable and shall be entitled, without prejudice to any other remedy for recovery, to deduct the amount paid from any rent payable to the person primarily liable.

**Prohibition of fraud
in respect of meters**

13. Prohibition of fraud in respect of meters.

- (1) No person shall fraudulently (a) alter the index to any meter or prevent any meter from duly registering the quantity of water supplied;
- (b) abstract or use water before it has been registered by a meter set up

for the purpose of measuring the same.

(2) The existence of artificial means under the control of the consumer for causing any such alteration, prevention, abstraction or use shall be evidence that the consumer has fraudulently affected the same.

General Provisions.

Prohibition of wilful or neglectful acts relating to water works

14. Prohibition of wilful or neglectful acts relating to water works.

No person shall wilfully or negligently-

(a) injure or suffer to be injured any meter belonging to the Corporation or any of the fittings of any such meter;

(b) break, injure or open any lock, seal, cock, valve, pipe, work, engine, cistern or fitting appertaining to any municipal water-work;

(c) flush or draw off the water from any such water-work, thereby causing such water to be wasted;

(d) do any act or suffer any act to be done whereby the water in, or derived from, any municipal water-work shall be wasted;

(e) obstruct, divert or in any way injure or alter any water-main or duct;

(f) except with the permission of the Commissioner, open, break, injure or tamper with any lock furnished under the provisions of this Act;

(g) foul or pollute or otherwise render unfit for human consumption the water contained in any municipal water-work.

Compensation to be payable by offenders against rule 12 or 14

15. Compensation to be payable by offenders against rule 12 or 14.

Compensation shall be paid by the offender for any damage which the Corporation sustains by reason of any contravention of rule 13 or rule 14.

What persons to be liable for offences under certain provisions of this Act

16. What persons to be liable for offences under certain provisions of this Act.

If it shall be shown that an offence against some provision of this Act or against some rule or by-law relating to water-supply has occurred on any premises to which a private supply of water is furnished by the Corporation, the owner, the person primarily liable for the payment of water tax and occupier of the said premises shall be jointly and severally liable for the same.

Commissioner may execute works under this Chapter without allowing option to persons concerned of executing the same

17. Commissioner may execute works under this Chapter without allowing option to persons concerned of executing the same

(1) The Commissioner may, if he thinks fit, cause any work described in this Chapter to be executed or any cistern to be supplied with a lock and key by municipal or other agency under his own orders, without first of all giving the person by whom the same would otherwise have to be executed or supplied the option of doing or supplying the same.

(2) The expenses of any work so done or of supplying such lock and key shall be paid by the person aforesaid, unless the Corporation shall, by a general or special order or resolution, sanction, as it is hereby empowered to sanction, the execution of such work or the supply of such lock and key at the charge of the Municipal Fund.

Work under this Chapter to be done by licensed plumber

18. Work under this Chapter to be done by licensed plumber.

No person other than a licensed plumber shall execute any work described in this Chapter, other than the provision of a lock and key and no person shall permit any such work to be executed except by a licensed plumber.

(2) Every person who employs a licensed plumber to execute any such work shall, when so required, furnish to the Commissioner the name of such plumber.

(3) Where any person causes or permits any pipe, cistern or fitting or other work necessary for conveying a private supply of water from a municipal water-work into any premises to be laid, applied or executed in contravention of sub-rule (1), he shall in addition to being liable to the penalty prescribed for such contravention, not be entitled to an independent or branch connection until the defects, if any, in such pipe, cistern, fitting or work are removed to the satisfaction of the Commissioner.

CHAPTER XI STREETS.

1. Sky-signs.

1. Interpretation of sky-sign.

(1) For the purposes of section 244 the expression "sky-sign" means any word, letter, model, sign, device or representation in the nature of an advertisement, announcement or direction, supported on or attached to any post, pole, standard frame-work or other support, wholly or in part upon or over any land, building, or structure which, or any part of which sky-sign, shall be visible against the sky from some point in any street and includes all and every part of any such post, pole, standard frame-work or other support. It shall also include any ballon, parachute, or other similar device employed wholly or in part for the purposes of any advertisement, announcement or direction upon or over any land, building or structure or upon or over any street.

(2) A sky-sign shall not include-

(a) any flagstaff, pole, vane or weathercock, unless adapted or used wholly or in part for the purpose of any advertisement, announcement or direction;

(b) any sign, or any board, frame or other contrivance securely fixed to or on the top of the wall or parapet of any building, or on the cornice or blocking course of any wall, or to be the ridge of a roof: Provided that such board, frame or other contrivance be of one continuous face and not open work, and do not extend in height more than three feet above any part of the wall, or parapet or ridge to, against, or on which it is fixed or supported;

(c) any word, letter, model, sign, device, or representation as afore-said relating exclusively to the business of a railway administration, and placed wholly upon or over any railway, railway station, yard, platform or station approach belonging to a railway administration and so placed that it cannot fall into any street or public place;

(d) any notice of land or buildings to be sold. or let. placed upon such land or buildings.

Interpretation of sky-sign

II. Naming or Numbering of Streets and Numbering of ⁶⁹[Premises].

Naming or numbering of streets, and numbering of [premises]

2. Naming or numbering of streets, and numbering of ⁷⁰[premises].

(1) The Commissioner may, from time to time-

(a) with the sanction of the Corporation, determine the name or number by which any street or any public place vested in the Corporation shall be known;

(b) cause to be put up or painted on a conspicuous part of any house at or near each end, corner or entrance to such street and at intervals along such street or on some convenient part of such street, the name or number of such street as so determined;

(c) cause to be put up or painted suitable signs or boards indicating the name of any public place vested in the Corporation;

(d) determine the number or sub-number by which any premises or part of such premises shall be known;

⁷¹(e) by written notice require the owner of any premises or part thereof either to put up by means of a metal plate a number or sub-number on such premises or part thereof in such position and manner as may be specified in such notice, or to signify in writing his desire that such work shall be executed under the orders of the Commissioner ;]

Explanation.-The provisions of this sub-rule shall apply to the renewal of the name or number of any street or public place or the number or sub-number of any premises, or part thereof, or the obliteration or defacement of such name or number as it applies to the putting up or painting of such name or number for the first time.

(2) (a) No person shall, without the written permission of the Commissioner or without other lawful authority, destroy, remove, deface or in any way injure or alter any such name or number or sub-number ⁷²[or allow or cause any metal plate bearing any number or sub-number to fall into disrepair or otherwise become illegible or put up or paint any name or put up any number or sub-number different from that put up or painted by order of the Commissioner];

(b) No person shall without the written permission of the Commissioner put up or affix any notice or board or advertisement within twelve inches of any name or number of a street or of a number or of a sub-number of any premises or part thereof, and the Commissioner may cause any such notice, board or advertisement which is affixed or put up without his permission to be removed and the expenses thereof shall be payable by such person.

⁷³(c) If any person contravenes the provisions of paragraph (a) or (b), he shall on conviction, be punished with fine which may extend to twenty rupees.]

(3) Where a number or sub-number is put up ⁷⁴***** on any premises

⁶⁹ This word was substituted for the words "houses" by Bom. 22 of 1956, s. 8(2)(e).

⁷⁰ This word was substituted for the words "houses" by Bom. 22 of 1956, s. 8(2)(e).

⁷¹ This paragraph was substituted for the original, *ibid.*, s. 8(2) (a).

⁷² This portion was substituted for the words beginning with the words "or put up or paint any name" and ending with the words "by order of the Commissioner", *ibid.*, s. 8(2) (b) (i).

⁷³ This paragraph was inserted by Bom. 22 of 1956. s. 8(2) (b) (ii).

or part thereof under the orders of the Commissioner in accordance with paragraph (e) of sub-rule (1), the expenses of such work shall be payable by the ⁷⁵[owner of the premises or part thereof, as the case may be] at such rate as the Commissioner may from time to time fix. ⁷⁶[Explanation.-In this rule "premises" does not include lands which are not built upon nor does it include only verandahs, fixed platforms, plinths, door steps, walls, compound walls, fencing or the like.]

III. Provisions concerning Private Streets.

3. Information which may be called for from persons giving notice under section 217.

Information which may be called for from persons giving notice under section 217

For the purposes of section 218 the Commissioner may call for from the person giving notice under section 217 all or any of the following documents :-

- (i) correct plans and sections in duplicate of the proposed private street, which shall be drawn to a horizontal scale of not less than one and a half inches to ten feet and shall show thereon the level of the present surface of the ground above some known fixed datum near the same, the level and rate of inclination of the intended new street, the level and inclination of the streets with which it is intended to be connected, and the proportions of the width which are proposed to be laid out as carriage-way and foot-way respectively;
- (ii) a specification with detailed description of the materials to be employed in the construction of the said street and its footpaths; -
- (iii) a plan showing the intended lines of drainage of such street and of the buildings proposed to be erected and the intended size, depth, and inclination of each drain, and the details of the arrangement proposed for the ventilation of the drains;
- (iv) a plan showing each building plot with its dimensions and area and showing open spaces with their dimensions ;
- (v) a scheme accompanied by plans and sections for the laying out into streets, plots and open spaces of the other land of such persons or of so much of such other land as the Commissioner shall consider necessary.

CHAPTER XII

BUILDINGS REGULATIONS AND BUILDING LOANS

Additional information and the attendance of the person who gave the notice may be required

1. Additional information and the attendance of the person who gave the notice may be required.

(1) If the notice given and the documents furnished under section 253 or section 254 do not supply all the information which the Commissioner deems necessary to enable him to deal satisfactorily with the case, the Commissioner may, at any time within thirty days after receipt of the said documents, by written notice, require the production of such further particulars and details as he deems necessary.

(2) At any time within the said period the Commissioner may also by

⁷⁴ The words "or painted" were deleted, *ibid.*, s. 8(2)(c) (i).

⁷⁵ These words were substituted for the words "owner of the premises", *ibid.*, s. 8(2)(c)(ii).

⁷⁶ This explanation was added, *ibid.*, s. 8(2)(d).

written notice require the person who has given the notice to open for inspection any portion or portions of the intended foundations or any portion of the intended foundations or walls of an existing building.

Forms of Notices.

Printed forms of notice to be supplied to the public

2. Printed forms of notice to be supplied to the public.

The Commissioner shall cause printed forms of notices for the purpose of section 253 or 254 or to be delivered to any person requiring the same on payment of such fee for each form as shall from time to time be prescribed in this behalf by the Commissioner with the approval of the Standing Committee.

When building or work may be proceeded with

3. When building or work may be proceeded with.

If within thirty days after receipt of any notice under section 253 or 254, or further information, if any, called for under rule I, the Commissioner does not issue an order under sub-rule (1) or sub-rule (2) of rule 5 or fails to intimate in writing to the person who has given the said notice his disapproval of the building which the said person proposes to erect, or of the work which he proposes to execute; or if, within the said period, the Commissioner signifies in writing to the said person his approval of the said building or work; the said person may, subject to the provisions of sub-rule (3) and (4) of rule 5, at any time within one year from the date of the delivery of the notice to the Commissioner, proceed with the said building or work in accordance with his intention as described in the notice or in any of the documents aforesaid, but not so as to contravene any of the provisions of this Act or any rule or by-law.

Building or work which is disapproved by the Commissioner may be proceeded with subject to terms or shall not be proceeded with

4. Building or work which is disapproved by the Commissioner may be proceeded with subject to terms or shall not be proceeded with.

(1) If the Commissioner disapproves of any building or work of which notice has been given as aforesaid or of any portion or detail thereof, by reason that the same will contravene some provision of this Act or some rule or by-law or will be unsafe, he shall within thirty days of the receipt of the notice or of the plan, section, description or further information, if any, called for under rule I by a written notice intimate to the person who gave the notice first hereinbefore in this rule mentioned, his said disapproval and the reason for the same and prescribe terms subject to which the building or work may be proceeded with, or intimate that the work shall not be proceeded with.

(2) The person who gave the notice concerning any such building or work may proceed with the same, if expressly permitted to do so, subject to the terms prescribed as aforesaid but not otherwise, at any time within one year from the date of receipt by him under sub-rule (1) of the written notice containing express permission to do so in this behalf, but not so as to contravene any of the provisions of this Act or any rule or by-law.

Power to the Commissioner to withhold disposal of plans in certain circumstances

5. Power to the Commissioner to withhold disposal of plans in certain circumstances.

(1) Notwithstanding anything contained in rules 3 and 4, if in any case it appears to the Commissioner that public improvements, which may render necessary the acquisition of the site of any building or work or

any part of such site, are desirable and expedient, he may by order in writing direct that no further action should be taken in pursuance of a notice given under section 253 or section 254 for a period not exceeding three months from the date of such notice.

(2) The Commissioner may issue a like order if in any case it appears to him that any site as aforesaid is likely to be affected by any of the following, namely :-

- (a) prescribing a regular line of a public street;
- (b) prescribing a fresh line in substitution of the existing regular line of a public street ;
- (c) extending or altering a public street ;
- (d) any scheme for widening or modifying a private street.

(3) If, within the said period of three months, the public improvements referred to in sub-rule (1) or any of the matters referred to in sub-rule (2) have been given final effect so as to have the result referred to in sub-rule (1) or sub-rule (2), the notice given under section 253 or section 254 shall be deemed to have lapsed.

(4) In any case not covered by sub-rule (3), the notice given under section 253 or section 254 shall be deemed to have been renewed as on the date on which the period of three months mentioned in sub-rule (1) expired.

When work may be commenced

6. When work may be commenced.

(1) No person shall commence to erect a new building or to execute any such work as is described in section 254-

(a) until he has given notice of his intention, as hereinbefore required, to erect such a building or execute such work and the Commissioner has either intimated his approval of such building or work or failed to intimate his disapproval thereof within the period prescribed in this behalf in rule 3 or 4 :

Provided that the provisions of rule 5 shall be taken into accounts in computing such period;

(b) until he has given notice to the City Engineer of the proposed date of commencement:

Provided that if the commencement does not take place within seven clear days of the date so notified, the notice shall be deemed not to have been given;

(c) until he has made such sanitary arrangements as the Commissioner may require for the workmen employed on the work;

(d) after the expiry of the period of one year prescribed in rules 3 and 4 respectively for proceeding with the same, or after the expiry of the period of one year from the date of the suspension or stoppage of such work when it is once commenced.

(2) If the person who is entitled under rule 3 or 4 to proceed with any building or work, fails so to do within the period of one year prescribed in the said rules, respectively, for proceeding with the same, he may at any subsequent time give fresh notice of his intention to erect such building or execute such work; and thereupon the provisions hereinbefore contained shall apply as if such fresh notice were a first notice of such person's intention.

Provisions as to building which are to be newly erected

Provisions as to structure, materials, etc.

7. Provisions as to building which are to be newly erected.

With respect to buildings which are to be newly erected the following provisions in addition to the provisions of the by-laws for the time being in force shall have effect, namely :-

(a) the erection of any such building on either side of a new street may be disapproved by the Commissioner, unless and until such new street has been levelled, metalled or paved, sewered and drained to the satisfaction of the Commissioner ;

(b) the erection of any such building in any part of the City in which the position and the direction of the streets likely to be required in future have not yet been laid down or determined or in which it is deemed expedient to lay out a public street under section 205, shall, with the assent of the Standing Committee, be disapproved by the Commissioner, unless the site proposed for such building is, in the opinion of the Commissioner, such as, with reference to the position occupied by the buildings, if any, already existing in the neighbourhood, will admit of the construction in the future of one or more new streets convenient for the occupiers of all the buildings in the neighbourhood and for the purposes of drainage, water supply and ventilation:

Provided that any person whose building is so disapproved may, by written notice to the Commissioner, require that the position and direction of the future street or of the proposed public street under section 205 in the vicinity of his intended building be forthwith laid down and determined and if such requisition be not complied with within six months from the date thereof, may, subject to all other provisions of this Act and the rules applicable thereto, proceed with the erection of the building;

(c) the erection of any such building in any part of the City may be disapproved by the Commissioner if such building or any portion thereof comes within the line of any street the position and direction of which has been laid down by the Commissioner, with the approval of the Standing Committee, but which has not been actually constructed, or within the regular line of a new public street or of the extension of an existing public street which the Commissioner has been authorized to lay out under section 205;

(d) the foundation of any such building shall not be constructed on any site which has been filled, up with, or has been used as a place for depositing, excrementitious matter or the carcasses of dead animals or other filthy or offensive matter, until such matter shall have been properly removed or rendered innocuous to the satisfaction of the Commissioner ;

(e) the sub-soil of the site of a building shall, whenever the dampness or position of the site renders the precaution necessary, be effectually drained and the Commissioner may require such measures to be taken as will effectually protect the building from damp arising from the sub-soil.

Provision of sufficient means of egress

8. Provision of sufficient means of egress.

(1) Where the Commissioner is of opinion that the means of egress

from any building are insufficient to allow of safe exit in the event of fire, or are by any cause rendered inadequate he may, by written notice, require the owner or occupier of the building to alter or reconstruct any existing staircase, lobby, passage, or landing in such manner and with such materials or to provide such additional or emergency staircase or exits as he may prescribe.

(2) Every staircase, landing or common passage of every building on each floor shall be kept free from obstruction and, no person shall permit any article to remain in any staircase, landing or common passage of any building in such a manner as may impede the passage of persons into, through and out of the said building.

(3) The existence of any article in any such staircase, landing or a common passage in any building shall be prima facie evidence that it was placed or permitted to remain therein by the owner or occupier of the building.

Inspection and occupation of buildings after completion.

Inspection and occupation of buildings after completion

9. Inspection and occupation of buildings after completion.

For the purpose of section 263-

(a) inspection shall be commenced within seven days from the date of receipt of the notice of completion, and

(b) the Commissioner may, within seven days from the date of commencement of such inspection, by written intimation addressed to the person from whom the notice of completion was received, and delivered at his address as stated in such notice, or in the absence of such address, affixed to a conspicuous part of the building to which such notice relates :-

(i) give permission for the occupation of such building or for the use of the building or part thereof affected by such work, or

(u) refuse such permission in case such building has been erected or such work executed so as to contravene any provisions of this Act or of the rules or by-laws, or

(iii) refuse such permission until a private street or other means of access to such building fixed and determined under section 220 has been properly constructed and approved by the Commissioner ;

(iv) refuse such permission unless the site of the building, or adjacent sites, as the case may be, are properly cleansed by the removal of all surplus building materials, debris, earth, rubbish and the tools used for building purposes.

10. Building not to be converted to other purposes without permission of Commissioner.

Building not to be converted to other purposes without permission of Commissioner

No person shall, without the written permission of the Commissioner or otherwise than in conformity with the terms of such permission-

(a) use or permit to be used for human habitation any part of a building not originally constructed or authorised to be used for that purpose;

(b) convert into, or use, or permit to be used, as a chaw\ or building intended to form a range of separate rooms for lodgers, a building not originally designed or authorised to be so used;

(c) use or permit to be used any building or part of a building originally constructed or authorised to be used for human habitation as a godown, warehouse, workshop, factory, stable, motor-garage, shop, stall, market or bazaar;

(d) make any alteration or cause any alteration to be made in an existing building originally constructed or authorised to be used for human habitation for the purposes of using it or causing it to be used as a godown, warehouse, workshop, workplace, factory, stable, motor-garage, shop, stall, market or bazaar;

(e) use or permit to be used as a godown, warehouse, workshop, workplace, factory, stable, motor-garage, shop, stall, market or bazaar any building or part of a building not originally constructed or authorized to be used for any such purpose respectively.

Explanation :- “*Chawl*” shall mean a building consisting of two or more tenements having common sanitary and other amenities. If any question arises whether any building is a chawl, the decision of the Commissioner shall be final.

Alteration in buildings causing in fringement of any rule or by-law not to be carried out

11. Alteration in buildings causing in fringement of any rule or by-law not to be carried out.

No person shall make any alteration whatsoever in an existing building if the result of such alteration is that the requirements of this Act or of the rules or by-laws are contravened, notwithstanding that such alteration in itself does not require the permission or sanction of any authority under this Act.

Roofs and external walls of buildings not to be of inflammable materials

12. Roofs and external walls of buildings not to be of inflammable materials.

(1) No external wall and no covering of a roof built or renewed- since the appointed day shall, except with the written permission of the Commissioner, consist of wood, cloth, canvas, grass, leaves, mats or any other inflammable material.

(2) If any external wall or covering of a roof is or has been, before the appointed day constructed of any such material, the Commissioner may, by written notice, require the owner or occupier of the building to which such wall or roof appertains to remove such wall or covering.

(3) Where permission is given under sub-rule (1) or where any wall or roof is not required to be removed under sub-rule (2) the

Staircase, etc., to be lighted an night

Commissioner may by order in writing requires such precautions to be taken as he may specify against danger from fire.

13. Staircase, etc., to be lighted an night.

Where any staircase, passage or private court of or in a building divided into two or more separate tenements or the spaces near or leading to latrines or urinals or washing places therein are without any means of lighting at night time and of extinguishing such light or if the Commissioner is of opinion that the existing means of lighting a staircase, passage or private court of or in any such building or the spaces near or leading to latrines or urinals or washing places therein available for the persons occupying or employed in such building or the means of extinguishing any such light are insufficient the

commissioner ⁷⁷[may, at the request of the occupants of such building or of his own motion, by written notice, require the owner] of such building -

- (a) to provide, fit up and maintain such or such additional means of lighting the staircase, passage or private court or the spaces near or leading to latrines or urinals or washing places as he may prescribe and keep them lighted until such time as he may specify in the notice;
- (b) to provide the necessary lamps, brackets and the necessary supply of gas, electricity or any other means of lighting and all means of extinguishing any lights, which he is required to provide;
- (c) to substitute for any existing means of lighting and extinguishing lights such other means of lighting or extinguishing lights, as he may prescribe.

Power of Commissioner to make certain provisions in building referred to in rule 13

⁷⁸**[13A. Power of Commissioner to make certain provisions in building referred to in rule 13.**

Notwithstanding anything contained in rule 13, in the case of a building to which rule 13 applies, the Commissioner may, at the request of the occupants of such building, make provisions in such building for all or any of the matters specified in clauses (a), (b) and (c) of rule 13, from the fund of the Corporation and recover the whole of the expenses incurred by him in making any such provision or such part thereof as he thinks proper, from the occupants of such building as he may determine :

Provided that the Commissioner shall not commence any work connected with the making of such provision until the occupants of the building have deposited with the Commissioner such amount as he may direct.]

14. Inspection of buildings by day or by night.

Inspection of buildings by day or by night

Any municipal officer or servant authorised by the Commissioner in this behalf may at any time between sunrise and sunset or up to 10 p.m. by night without notice enter any building for the purpose of ascertaining whether there is any contravention of the terms of any notice given under rule 13.

Building Loans.

15. Power of Commissioner to make advances for the purposes of increasing housing accommodation.

Power of Commissioner to make advances for the purposes of increasing housing accommodation

(1) Subject to the provisions of this Act, the Commissioner may, with previous sanction of the Standing Committee, advance loans to persons or bodies of persons-

- (a) constructing or altering or undertaking to construct or alter buildings intended for the poorer sections of the community,
- (b) carrying out or undertaking to carry out repairs to such buildings in cases where the Commissioner considers that, having regard to the cost of those repairs or the financial position of the applicant, it is reasonable to give such assistance.

(2) Persons or bodies of persons desiring assistance by way of such advances may make an application to the Commissioner in such form

⁷⁷ These words were substituted for the words "may, by written notice, require the owner" by Guj. 1 of 1979, s. 23 (2) (i).

⁷⁸ Rule 13A was inserted, by Guj. 1 of 1979.. S. 23 (2) (ii).

as may be prescribed for a loan to be advanced by way of a mortgage on the security of the building to be so constructed, altered or repaired, and the Commissioner may after making such inquiry as he thinks necessary, and subject to the conditions mentioned in sub-rule (3) and such other conditions as the Corporation may prescribe advance such loan.

(3) Every such loan shall be subject to the following among other conditions :

- (a) that the building in respect of which the loan is to be advanced will when the construction, alteration or repair has been completed be in all respects fit for human habitation and shall be used wholly or mainly for residential purposes;
- (b) that the period within which the loan shall be repayable shall not exceed thirty years from the date of the completion of the construction, alteration or repair of the building;
- (c) that the amount of the loan shall not exceed sixty per cent. of the cost of the construction, alteration or repair of the building (including out-houses and other works, if any, connected therewith) irrespective of the period of repayment;
- (d) that the aggregate amount of the loan shall not exceed ten thousand rupees in the case of any one person or body of persons;
- (e) that the amount of the loan with interest thereon shall be secured by a mortgage of the building (including outhouses and other works, if any, connected therewith) together with the site on which they are erected in favour of the Corporation containing such covenants and conditions as may be prescribed;
- (f) that where the property intended to be mortgaged includes a leasehold interest, no loan shall be made unless that interest is a term of years absolute whereof a period of not less than ten years in excess of the period for repayment of the loan remains unexpired at the date of the loan.

⁷⁹[Assistance to Housing Associations.

15A. Power of Commissioner to promote and assist housing association

**Power of
Commissioner to
promote and assist
housing association**

- (1) The Commissioner, for the purpose of section 284F may with the previous approval of the Standing Committee promote formation or extension of or, subject to the provisions of this Act, assist a housing association.
- (2) Where a housing association is desirous of erecting dwellings for the poorer classes, the Commissioner may for this purpose with the previous approval of the Standing Committee acquire land with a view to selling or leasing it to the association and the provisions of section 284K shall apply to such acquisition.
- (3) The Commissioner may, for the assistance of a housing association with the previous approval of the Standing Committee, make grants or loans to the association on such terms & subject to such conditions as to rate of interest an repayment or otherwise & on such security as the Standing Committee may stipulate, or give grants to the association.

⁷⁹ This heading and rule 15A were inserted by Guj. 19 of 1964, s. 27 (i)

Explanation.- For the purpose of this rule "a housing association" means society including a co-operative housing society or body of trustees or a company established, for the purpose of or amongst whose objects or powers are include constructing, improving or managing or facilitating or encouraging construction or improvement of, houses for the poorer classes, being a society, body of trustees company not trading for profit.]

CHAPTER XII POWERS OF FIRE-BRIGADE OFFICERS

Powers of fire- brigade officers at a fire

1. Powers of fire-brigade officers at a fire.

On the occasion of a fire the Chief or any other officer in charge of the fire-brigade may do all or any of the following acts :—

- (a) remove, or order any fireman or other officer or person under his command to remove any persons who interfere by their presence with the operations of the fire-brigade ;
- (b) take generally any measures that appear expedient for the protection of life and property, with power, by himself or by the persons under his command, to break into or through or take possession of, or pull down any premises for the purpose of putting an end to or limiting the spread of such fire, doing as little damage as possible;
- (c) cause the water to be shut off from the mains and pipes of any area in order to give a greater supply and pressure of water in the area in which the fire has occurred and utilize the water of any stream, tank, cistern, well or tank available for the purpose of extinguishing or limiting the spread of such fire ;
- (d) close any street or passage in or near the site of the fire;
- (e) give orders for the rendering of such assistance as he may deem advisable by the person in charge of any fire engine ;
- (f) use any premises for the passage of any house or other appliance;
- (g) take generally any measures that may appear necessary or expedient for the protection of life or property.

CHAPTER XIV SANITARY PROVISIONS Scavenging and Cleansing.

Duty of owners and occupiers to collect and deposit dust, etc

1. Duty of owners and occupiers to collect and deposit dust, etc :

(1) It shall be incumbent on the owners and occupiers of all premises to cause all dust, ashes refuse, rubbish and trade refuse to be collected from their respective premises and to be deposited at such times in such manner and with such precautions as the Commissioner by public notice, from time to time determines in the public receptacle, depot or place provided or appointed under section 292 for the temporary deposit or final disposal thereof:

Provided that the Commissioner may, if he thinks fit, by written notice require the occupier and owner of any premises or either of them to cause all dust, ashes, refuse and rubbish, but not trade refuse, to be

collected daily, or otherwise periodically from the said premises and deposited temporarily upon any place forming the part of the said premises which the commissioner appoints in this behalf, and it shall be incumbent on the said occupier and owner or either of them to cause the said matters to be collected and deposited accordingly.

(2) It shall be incumbent on the owners of all premises to provide receptacles of a size and material to be prescribed by the Commissioner in such number and retained in such positions as the Commissioner may from time to time by written notice direct for the collection therein of all dust, ashes, refuse, rubbish and trade refuse to be collected from such premises and to keep such receptacles at all times in good repair and condition.

(3) It shall also be incumbent on the owners and occupiers or either of them of all premises, when required by the Commissioner by written notice so to do, to employ servants for the purpose of carrying out and complying with the requirements of sub-rule (1).

Collection and removal of excrementitious and polluted matter when to be provided for by occupiers

2. Collection and removal of excrementitious and polluted matter when to be provided for by occupiers :

It shall be incumbent on the occupier of any premises situate in any portion of the city for which the Commissioner has not given a public notice under clause (a) of sub-section (1) of section 131 and in which there is not a water closet or privy connected with a municipal drain, to cause all excrementitious and polluted matter accumulating upon his premises to be collected and to be conveyed to the nearest receptable or depot provided for this purpose, under clause (d) of section 292, at such times in such vehicle or vessel by such route and with such precautions, as the Commissioner by public notice from time to time specifies.

Prohibition of failure to remove refuse, etc. when bound to do so

3. Prohibition of failure to remove refuse, etc. when bound to do so.

No person -

(a) who is bound under rule 1 or rule 2, to cause the removal of dust, ashes, refuse, rubbish and trade refuse or of excrementitious or polluted matter, shall allow the same to accumulate on his premises for more than twenty four hours or shall keep the same otherwise than in a proper receptable or neglect to cause the same to be removed to the depot, receptable or place provided or appointed for the purpose;

(b) Shall remove any dust, ashes, refuse, rubbish or trade refuse or any excrementitious or polluted matter, otherwise than in conformity with the requirements of any public or written notice for the time being in force under rule 1 or use for the removal of any excrementitious or polluted matter any vehicle or vessel not having a covering proper for preventing the escape of any portion of the contents thereof or of the stench therefrom ;

(c) Shall, whilst engaged in the removal of any dust, ashes, refuse, rubbish or trade refuse or of any excrementitious or polluted matter, fail forth with thoroughly to sweep and cleanse the spot in any street upon which during removal, any portion thereof may fall and entirely to remove the sweepings;

(d) Shall place or set down in any street any vehicle or vessel for the

removal of excrementitious or polluted matter, or suffer the same to remain in any street for any greater length of time than is reasonably necessary;

(e) Shall throw or place any dust, ashes, refuse, rubbish, or trade refuse or any excrementitious or polluted matter, on any street, or in any place not provided or appointed for this purpose under section 292 or rule 1;

(f) Who is the owner or occupier of any building or land, shall allow any filthy 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 privy- receptable or other receptable or place for the deposit of filthy matter or rubbish on his premises to be in such a state as to be offensive or injurious to health.

Presumption as to offender under [clause (e)] of rule 3

4. Presumption as to offender under ⁸⁰[clause (e)] of rule 3 :
If it shall in any case be shown that dust, ashes, refuse, rubbish or trade refuse or any excrementitious or polluted matter, has or have been thrown or placed in any street or place, in contravention of ⁸¹[clause(e)] of rule 3 from some building or land, it shall be presumed, until the contrary is proved, that the said offence has been committed by the occupier of the said building or land.

Removal of rubbish and filth accumulating in large quantities on premises

5. Removal of rubbish and filth accumulating in large quantities on premises.

(1) If any person who is bound under rule I to cause the collection and deposit of dust, ashes, refuse, rubbish and trade refuse or under rule 2 to cause the collection and removal of excrementitious and polluted matter shall allow the same to accumulate on his premises for more than twenty four hour or shall keep the same otherwise than in a proper receptable or shall neglect to cause the same to be removed to the receptable, depot or place provided or appointed for the purpose, the Commissioner, may, in addition to the institution of any proceeding provided for in this Act. by written notice require such person to collect forthwith all such dust, ashes, refuse, rubbish and trade refuse or excrementitious or polluted matter accumulated thereon and remove the same forthwith in the manner and to the place provided by or under this Act.

(2) If such person shall fail to comply with the notice given under sub-rule (1), the Commissioner may cause the dust, ashes, refuse, rubbish, and trade refuse or excrementitious or polluted matter, accumulated in such premises to be removed and such charges as the Commissioner may, with the sanction of the Standing Committee, fix shall be paid by such person towards the cost of removal.

Contract with owner or occupier for removal of rubbish or filth

6. Contract with owner or occupier for removal of rubbish or filth :

The commissioner may contract with the owner OJ occupier of any premises to remove rubbish or filth from such premises in such terms as to time, and period or removal and other matters as may seem suitable to the Commissioner, and on payment of fees at such rate as the Corporation may determine.

⁸⁰ This word, brackets and letter were substituted for the word, brackets and letter "clause (c)" by Bom. 39 of 1951, s. 3, Second Schedule.

⁸¹ Same as 84.

⁸²[6A. (1) It shall be incumbent on the owner of a private street to take measure for securing the daily surface cleaning of such street and the removal of the sweeping therefrom.

(2) If in respect of any private street it appears to the Commissioner that the daily surface cleaning thereof is being neglected, the Commissioner may, in addition to the institution of any proceeding provided for in this Act, by written notice require the owner thereof to cause the street to be cleaned.

(3) If the owner shall fail to comply with the notice given under sub rule (2), the Commissioner may cause the surface of the street to be cleaned and such charge as the Commissioner may with the sanction of the Standing Committee fix shall be paid by the owner towards the cost of cleansing the surface of the street.

(4) The Commissioner may with the sanction of the Standing Committee contract with the owner of a private street to daily cleanse the surface of the street on such terms as to time, payment of charges therefor and other matters as may seem suitable to the Commissioner.]

Inspection and Sanitary Regulation of Premises

Removal of building materials from any premises may be required

7. Removal of building materials from any premises may be required :

If it shall appear, to the Commissioner that any tiles, stones, rafters, building materials, or debris of building materials are stored or collected in or upon any premises without the written permission of the Commissioner in such quantity or bulk or in such a way as to constitute a harbourage or breeding place for rats or other vermin or otherwise a source of danger or nuisance to the occupiers of the said premises or to persons residing in the neighbourhood thereof, the Commissioner may, by written notice, require the owner of such premises, or the owner of the materials or debris so stored or collected therein, to remove or dispose of the same or to take such order with the same, as shall in the opinion of the Commissioner be necessary or expedient to abate the nuisance or prevent a recurrence thereof.

Measures against rate etc. may be required in respect of premises used for storage of goods

8. Measures against rate etc. may be required in respect of premises used for storage of goods:

Where it appears to the Commissioner that any building or part thereof, used for the storage of goods is used in such manner as to afford harbourage to rats, mice, or other animals susceptible to plague or other vermin, he may require the owner or occupier by written notice to take such steps for the destruction of the rats, mice or other animals or other vermin as are specified in the notice or to carry out such works as will render the walls and floors of such building or part of a building proof against such infestation.

Abandoned or unoccupied premises

9. Abandoned or unoccupied premises.

If any premises, by reason of abandonment or disputed ownership of any other reason, remain untenanted or unoccupied and thereby become a resort of disorderly persons or, in the opinion of the Commissioner, a nuisance, the Commissioner, after such inquiry as he deems necessary, may give written notice to the owner of such

⁸² Rule 6A was inserted by Guj.19 of 1964, s. 27 (ii).

premises, if he be known and resident within the City, or to any person who is known or believed to claim to be the owner, if such person is resident within the City, and shall also affix a copy of the said notice on some conspicuous part of the said premises, requiring all persons having any right of property or interest therein to take such order with the said premises as shall in the opinion of the Commissioner be necessary to prevent the same from being resorted to as aforesaid or from continuing to be a nuisance.

**Neglected premises
or private streets**

10. Neglected premises or private streets.

(1) If it shall appear to the Commissioner that any premises are overgrown with rank and noisome vegetation or trees or undergrowth injurious to health or offensive to neighbouring inhabitants or are otherwise in an unwholesome or filthy condition or, by reason of their not being properly enclosed, are resorted to by the public for purposes of nature, or are otherwise a nuisance to the neighbouring inhabitants, the Commissioner may by written notice, require the owner or occupier of such premises to cleanse, clear or enclose the same or, with the approval of the Standing Committee, may require him to take such other order with the same as the Commissioner thinks necessary.

(2) If it shall appear to the Commissioner that any private street is overgrown with rank and noisome vegetation or is otherwise in an unwholesome or filthy condition the Commissioner may by written notice require the owners of the several premises fronting or adjoining the said street or abutting thereon to cleanse or clear the same, or with the approval of the Standing Committee require them to take such other order with the same as the Commissioner may think necessary : Provided that nothing herein contained shall affect the provisions of section -290.

(3) In so far as the unwholesome or filthy condition of such premises or such street or such nuisance as above mentioned is caused by the discharge from or by any defect in the municipal drains or appliances connected therewith, it shall be incumbent on the Commissioner to cleanse such premises or such street.

**Nuisance arising
from defective roof
or from dampness
rising through
ground floor surface
or through walls**

11. Nuisance arising from defective roof or from dampness rising through ground floor surface or through walls.

(1) If it shall appear to the Commissioner that any building or any part of a building is in such a state as to constitute a nuisance or to be likely to give rise to one by reason of rain water leaking from its roof or any part or its roof, or by reason of dampness rising through its ground floor surface or through its walls, the Commissioner may, by notice in writing, require the owner of such buildings to abate the nuisance or to prevent its recurrence within the time and by taking the measures and doing the acts to be specified in the notice.

(2) If at any time thereafter the Commissioner is of opinion that such a nuisance may recur he may, notwithstanding that the original nuisance may have been abated by the owner of the building under sub-rule (1), give a further notice in writing to the said owner requiring him to abate the probable recurrence of the nuisance within the time and in the manner specified in the notice.

(3) If the owner of the building by whose act, default or sufferance

such nuisance has arisen or continues is unknown or cannot be found, the Commissioner may take such measures or cause such work to be executed or such things to be done, as shall in his opinion be necessary to abate such nuisance and to prevent its recurrence.

Power of Commissioner to call for statement of accommodation

12. Power of Commissioner to call for statement of accommodation.

(1) The owner of a building shall, within a period of seven days after receipt of a written notice from the Commissioner, sign and give a certificate of the following particulars with respect to such building or any part thereof :-

- (a) the total number of rooms in the building,
- (b) the length, breadth and height of each room, and
- (c) the name of the person to whom he has let the building or each part of the building occupied as a separate tenement.

(2) The occupier of a building or of any part of a building occupied as a separate tenement shall, on like notice, and within the like period, sign and give a certificate of the following particulars with respect to such building or part of such building as aforesaid which is in his occupation :-

- (a) the total number of persons dwelling in the building or any part of it,
- (b) the manner of use of each room by day and by night, and
- (c) the number, sex and age of the occupants of each room used for sleeping.

13. Nuisance caused by smoke of kitchens in dwelling houses.

Nuisance caused by smoke of kitchens in dwelling houses

(1) If at any time it shall appear to the Commissioner that any chimney of a kitchen in a dwelling house is in such a state as to constitute a nuisance by reason of smoke emitted from it, the Commissioner may by notice in writing require the owner of such building to abate the nuisance or to prevent its recurrence within the time and by taking the measures and doing the acts to be specified in the notice.

(2) If at any time it shall appear to the Commissioner that in any dwelling house the smoke from the kitchen constitutes a nuisance for want of provision of any chimney the Commissioner may by notice in writing require the owner to take such measures and do such acts for abating the nuisance as may be specified in the notice.

(3) If the owner of the building by whose act, default or sufferance such nuisance has arisen or continues is unknown or cannot be found, the Commissioner may take such measures or cause such work to be executed or such things to be done as shall in his opinion be necessary to abate such nuisance and to prevent its recurrence.

14. Abatement of nuisance from dust, smoke, etc.

Abatement of nuisance from dust, smoke, etc

If in the opinion of the Commissioner the storage, dumping or deposit in any building or land of coal, charcoal, ashes, cinders, gunny bags, wool, cotton, or any material, or the shifting, breaking, cutting or burning of such coal, charcoal, ashes, cinders or material subjecting the same to any process causes or is likely to cause nuisance to the inhabitants in the neighbourhood of such building or land, by the emanation of dust, floating particles, smoke, unwholesome smell or noise or otherwise, he may, by notice, require the owner or occupier

**Filling in of pools,
etc. which are a
nuisance**

of such building or land to take such steps as may be specified in the notice for the abatement of such nuisance.

15. Filling in of pools, etc. which are a nuisance.

(1) For the purpose of this rule, a nuisance shall include-

- (a) any pool, swamp, ditch, tank, well, pond, quarry-hole, drain, water course or any collection of water;
- (b) any cistern or other receptacle for water or any article or thing capable of collecting rain water during the monsoon season, whether within or outside a building;
- (c) any land on which water accumulates or is likely to accumulate; or
- (d) any premises or any part of any premises occupied, or unoccupied or under construction, reconstruction or demolition, which in the opinion of the Commissioner is, or is likely to become, a breeding place of mosquitoes or which is, in any other respect, a nuisance as defined in clause (40) of section 2.

(2) The Commissioner may, by notice in writing, require the person by whose act, default or sufferance a nuisance arises, exists or continues, or is likely to arise, and the owner, lessee and occupier of the land, building or premises on which the nuisance arises, exists or continues or is likely to arise or any one or more of such person, owner, lessee, and occupier, to remove, discontinue or abate the nuisance by taking such measures and by executing such work in such manner and within such period of time as the Commissioner shall prescribe in such notice.

(3) The Commissioner may also by any notice under sub-rule (2) or by another notice, served on such person, owner, lessee and occupier, or on any one or more of them, require them, or any one or more of them to take all steps requisite or necessary to prevent a recurrence of the nuisance and may, if he thinks it desirable, specify any work to be executed or measures to be carried out for that purpose and may serve any such further notice notwithstanding that the nuisance may have been abated or removed if he considers that it is likely to recur :
Provided that if at any time within four months from the date of the service of any such notice, the nuisance recurs through the failure of the person or persons upon whom such notice has been served to comply with the requirements contained in such notice, such person or persons shall be liable without any further notice to the penalties provided for offences under this rule.

(4) Where the nuisance arises or exists or is likely to arise or recur in connection with the construction, reconstruction, or demolition of any premises, or any part of any premises, the Commissioner may, in addition to serving any notice or any one or more of the persons mentioned in sub-rule (2), serve any such notice on any architect, surveyor, contractor or other person employed to carry out such work of construction, reconstruction or demolition and also on any sub-contractor employed by such contractor or other person, or any one or more of such contractor, person and sub-contractor.

(5) The Commissioner may, by notice in writing, require any person, owner, lessee and occupier, or any one or more of them, to provide, a

ladder or ladders (either fixed or moveable) for the purpose of inspection of roof gutters by the municipal staff, if such gutters in any premises are likely to become a breeding place of mosquitoes due to the accumulation of water.

(6) If any person who, by a requisition made under sub-rule (2) or sub-rule (3), is required to fill up, cover over or drain off a well, delivers to the Commissioner, within the time prescribed for compliance therewith, written objections to such requisition, the Commissioner shall report such objections to the Standing Committee and shall make further inquiry into the case, and he shall not institute any prosecution under section 481 for failure to comply with such requisition except with the approval of the Standing Committee, but the Commissioner may nevertheless, if he deems the execution of the work called for by such requisition to be of urgent importance, preceded in accordance with section 479 and, pending the Standing Committee's disposal of the question whether the said well shall be permanently filled up, covered over or otherwise dealt with, may cause such well to be securely covered over so as to prevent the ingrees of mosquitoes, and in every such case the Commissioner shall determine, with the approval of the Standing Committee, whether the expenses of any work already done as aforesaid shall be paid by such person, or by the Commissioner out of the Municipal Fund or shall be hared, and, if so, in what proportions.

Permission for new well, etc

16. Permission for new well, etc.

(1) No new well, tank, pond, cistern or fountain shall be dug or constructed without the previous permission in writing of the Commissioner.

(2) If any such work is begun or completed without such permission, the Commissioner may either-

(a) by written notice require the owner or other person who has done such work to fill up or demolish such work in such manner as the Commissioner shall prescribe, or

(b) grant written permission to retain such work, but such permission shall not exempt such owner from proceedings for contravening the provisions of sub-rule (1).

Precautions in case of dangerous tanks, wells, holes, etc

17. Precautions in case of dangerous tanks, wells, holes, etc.

(1) If the Commissioner is of opinion that any tank, pond, well, hole, stream, dam, bank or other place is, for want of sufficient, repair, protection or enclosure, dangerous to passersby, or to persons living in the neighbourhood, he may by written notice require the owner to fill in, remove, repair, protect or enclose the same so as to prevent any danger therefrom.

(2) If in the opinion of the Commissioner immediate action is necessary he may himself, before giving such notice or before the period of notice expires, take such temporary measures as he thinks fit to prevent danger and the cost of doing so shall be paid by the owner.

Power to order cleansing of insanitary private water-course, spring, tanki, well, etc. used for drinking

18. Power to order cleansing of insanitary private water-course, spring, tanki, well, etc. used for drinking.

(1) The Commissioner may by written notice require the owner of, or person having control over, any private watercourse, spring, tank, well

or other place the water of which is used for drinking, bathing or washing clothes to keep the same in good repair, to cleanse it in such manner as the Commissioner may direct and to protect it from pollution caused by surface drainage or other matter in such manner as may be provided in the notice.

(2) If the water of any private tank, well, or other place which is used for drinking, bathing or washing clothes, as the case may be, is proved to the satisfaction of the Commissioner to be unfit for that purpose, the Commissioner may by notice require the owner or person having control thereof to-

- (a) refrain from using or permitting the use of such water, or
- (b) close or fill up such place or enclose it with a substantial wall or fence.

Duty of Commissioner in respect of public well or receptacle of stagnant water

19. Duty of Commissioner in respect of public well or receptacle of stagnant water.

If it appears to the Commissioner that any public well or receptacle of stagnant water is likely to be injurious to health or offensive to the neighbourhood, he shall cause the same to be cleansed, drained, or filled up.

Dangerous quarrying may be stopped

20. Dangerous quarrying may be stopped.

If, in the opinion of the Commissioner, the working of any quarry, or the removal of stone, earth or other material from any place, is dangerous to persons residing in or having lawful access to the neighbourhood thereof or creates or is likely to create a nuisance, the Commissioner may, with the approval of the Standing Committee, by written notice require the owner of the said quarry or place to discontinue working the same or to discontinue removing stone, earth or other material from such place, or to take such order with such quarry or place as he shall deem necessary for the purpose of preventing danger or of abating the nuisance arising or likely to arise therefrom.

Removal and trimming of trees, shrub and hedges

21. Removal and trimming of trees, shrub and hedges.

(1) If, in the opinion of the Commissioner-

- (a) any hedge is at any time insufficiently cut or trimmed or overgrown with prickly-pear or other rank vegetation;
- (b) any tree or shrub has fallen or is likely to fall to the danger of public safety or overhangs or obstructs any street or street light to the inconvenience or danger of passangers therein;
- (c) any tree situated within any premises has fallen or if any such tree or any branch or fruit thereof is likely to fall and is in any way dangerous to any person occupying, resorting to or passing by such premises or to any structure or place in the neighbourhood thereof; or
- (d) any tree situated within any premises causes or is likely to cause inconvenience or nuisance to any person occupying such premises or any neighbouring premises, the Commissioner may, by written notice, require the owner or occupier of the land on which such hedge, tree or shrub is or has been growing-
 - (i) to cut down such hedge to a height not exceeding four feet and to a width not exceeding three feet, and to remove any such prickly-pear or other rank vegetation therefrom; or

(ii) to remove, cut, lop or trim such tree or shrub or remove the fruit thereof, as the case may be.

(2) In any case falling under clause (b) or (c) of sub-rule (1) the Commissioner may, if for the public safety it shall appear to him necessary so to do, cause any tree or shrub to be removed, cut, lopped or trimmed or cause any fruit thereof to be removed or cause a part of a street to be fenced off or cause any other measures which he deemes necessary to arrest the danger to be taken without previously giving the said owner or occupier notice as aforesaid, and the expense thereof shall, nevertheless be paid by the owner or occupier.

Keeping and Destruction of Animals.

Prohibitions as to keeping animals

22. Prohibitions as to keeping animals.

(1) No person shall-

(a) without the written permission of the Commissioner or otherwise than in conformity with the terms of such permission keep or allow to be kept in any part of the City any swine, horses, cattle, goats, sheep, donkeys or such other four-footed animals as the Commissioner may, from time to time. by public notice directed;

(b) feed any animal, or suffer or permit any animal, to be fed or to feed, with or upon excrementitious matter, dung, stable refuse or other filthy matter;

(c) keep any animal or bird on his premises so as to be a nuisance or so as to be dangerous.

(2) The Commissioner may-

(a) specify in the written permission the limit of the number of animals to be kept on particular premises, or

(b) refuse to give or renew permission if he shall be of opinion that the keeping of the animals on any premises is or is likely to be a nuisance or danger to any person or objectionable on sanitary grounds.

(3) Any swine found straying may be forthwith destroyed and the carcass thereof disposed of as the Commissioner shall direct, and no claim shall lie for compensation for any swine so destroyed.

(4) The Commissioner shall make provision for affixing marks for purpose of identification on animals in respect of which permission is granted under sub-rule (1).

Tethering animals in excess of permitted number prohibited

23. Tethering animals in excess of permitted number prohibited.

No person shall tether any animal or cause or permit the same to be tethered beyond the limit authorised by any permission granted under rule 22 or allow any animal to stray at any place in any part of the City.

Stabling animals or storing grain in dwelling house may be prohibited

24. Stabling animals or storing grain in dwelling house may be prohibited.

Where a building or any portion thereof is used or intended to be used for human habitation and any portion of such building is used for any of the following purposes, namely :-

(a) for keeping any horse, cow, buffalo, bullock, goat, sheep or donkey, or

(b) as a godown or place for the storage, in connection with wholesale trade of grain, seed or groceries, the Commissioner may, if it shall appear to him necessary for sanitary reasons to do so, by written

notice require the owner or occupier of such building to discontinue the use of such building for any such purpose :

Provided that the Commissioner may permit such use subject to such conditions as he may think fit to prescribe.

Regulation of Factories, Trades, etc.

25. New factories.

New factories

(1) Every application for permission under section 313 shall be in writing and shall give such information and be accompanied by such plans as may be prescribed by by-laws.

(2) The Commissioner may, as soon as may be after the receipt of the application

(a) grant the permission applied for either absolutely or subject to such conditions as he thinks fit to impose, provided the location of such factory, work-shop, work-place or bakery is not contrary to any requirement of this Act or any rule, by-law, regulation or standing order, or

(b) refuse to give such permission if he shall be of opinion that the establishment of such factory, work-shop, work-place or bakery in the proposed position is objectionable by reasons of the density of the population in the neighbourhood thereof, or will be for any reason a nuisance to the inhabitants of the neighbourhood.

(3) If any written permission for the establishment of a factory, work-shop, work-place or bakery granted under sub-rule (2) be revoked by the Commissioner in the exercise of his power under sub-section (3) of section 386, no person shall continue or resume the working or use of such factory, workshop, workplace or bakery until, such written permission is renewed or a fresh written permission is granted by the Commissioner.

Furnaces used in trade or manufacture to consume their own smoke

26. Furnaces used in trade or manufacture to consume their own smoke.

(1) The Commissioner may by public notice direct that every furnace employed or to be employed for the purpose of any trade or manufacture shall be so constructed, supplemented or altered as to consume its own smoke as far as may be practicable.

(2) No person shall after such direction-

(a) use or permit to be used any furnace employed for the purpose of any trade or manufacture, which does not, so far as practicable, consume its own smoke; or

(b) so negligently use or permit to be used any such furnace as that it shall not, as far as practicable, consume its own smoke.

(3) Nothing in this rule shall be deemed to apply to a locomotive engine used for the purpose of traffic upon any railway or for the repair of streets.

(4) Any person who contravenes the provisions of this rule, whether he be the owner or occupier of the premises in which the furnace is situated or the agent or some person employed by the owner or occupier for managing the same. shall be punished with fine which may extend, on a first conviction, to one hundred rupees and, on a second or subsequent conviction to a sum amounting to double the amount of the fine imposed on the last preceding conviction.

Sanitary regulation of factories, etc**27. Sanitary regulation of factories, etc.**

(1) Whenever it shall appear to the Commissioner-

(a) that any factory, work-shop, or work-place, or any building or place in which steam, water, electrical or mechanical power is employed or any bakery is not kept in a cleanly state or is not ventilated in such a manner as to render harmless, as far as practicable, any gas, vapour, soot, dust or other impurity generated in the course of the work carried on therein, which is a nuisance or is so over crowded while work is carried on as to be dangerous or injurious to the health of the persons employed therein: or

(b) that any engine, mill-gearing, hoist or other machinery therein is so fixed or so insecurely fenced as to be dangerous to life or limb, the Commissioner may, by written notice, require the owner of such factory, work-shop, work-place or other building or place or bakery to take such order for putting and maintaining the same in a cleanly state, or for ventilating the same, or for preventing the same from being over crowded or for preventing dangerous to life or limb from any engine, mill gearing, hoist or other machinery therein, as he shall think fit.

(2) Nothing in this rule shall be deemed to affect any provision of the Indian Boilers Act, 1923, and nothing in this section which relates to fixing or fencing of any engine, mill-gearing, hoist or other machinery shall apply to any factory to which the provisions of the Factories Act, 1948, are applicable.

Prohibition of use of steam-whistle or steam trumpet without permission of the Commissioner**28. Prohibition of use of steam-whistle or steam trumpet without permission of the Commissioner.**

(1) No person shall, without the written permission of the Commissioner, use or employ in any factory or any other place, any whistle, trumpet, siren or horn, worked by steam, compressed air, electricity or other mechanical means for the purpose of summoning or dismissing workmen or persons employed.

(2) The Commissioner may at any time revoke any permission which he has given for the use of any such instrument as aforesaid, on giving one month's notice to the person using the same :

Provided that nothing in sub-rule (2) shall be deemed to require one month's notice to be given by the Commissioner, if he suspends or revokes any such permission for any reason specified in sub-section (3) of section 386.

Commissioner may issue directions for abatement of nuisance caused by steam or other power**29. Commissioner may issue directions for abatement of nuisance caused by steam or other power.**

(1) If, in any factory, work-shop, work-place or any building or place in which steam, water, electrical or mechanical power is used, nuisance is in the opinion of the Commissioner caused by the particular kind of fuel used or by the noise or vibration created, or in any other manner, he may issue such directions as he thinks fit for the abatement of the nuisance within a reasonable time to be specified for the purpose.

(2) If there has been wilful default in complying with such directions or if abatement is found impracticable, the Commissioner may-

(a) prohibit the use of the particular kind of fuel; or

(b) prohibit the working of the factory, work-shop or work-place

altogether until such directions have been carried out or between the hours of 6 p.m. and 6 a.m. or during any particular time or times between such hours.

Prohibition of Corruption of Water by Chemicals, etc.

Power of Inspection

30. Power of Inspection.

(a) The Commissioner may, after giving not less than twenty-four hours' previous notice in writing to the owner or to the person who has the management or control of any works, pipes, or conduits connected with any such manufacture or trade as is referred to in section 376, lay open and examine the said works, pipes or conduits.

(b) If upon such examination, it appears that section 314 has been contravened by reason of anything contained in or proceeding from the said works, pipes or conduits, the expenses of such laying open and examination, and of any measure which the Commissioner shall, in his discretion, require to be adopted for the discontinuance of 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 said section has been contravened.

(c) If it appears that there has been no contravention of the said section, the said expenses and compensation for any damage occasioned by the said laying open and examination, shall be paid by the Commissioner.

Power of Commissioner to require owner or occupier of factory, etc. to discontinue the use of such factory

31. Power of Commissioner to require owner or occupier of factory, etc. to discontinue the use of such factory.

Whenever it shall appear to the Commissioner that any factory, workshop, work-place or any building, or any place in which steam, water or mechanical or electrical power is employed or any bakery is or is likely to become by reason of the employment of such power or by noise or by any gas, vapour, smoke, vibration, dust or other impurity generated in the course of the work carried on in such place or by any other cause, a nuisance or danger to the life, health or property of persons in the neighbourhood he may by written notice require the owner or occupier of such factory, work-shop, work-place, building or place or bakery to discontinue the use thereof for any of the purposes that may be specified in such notice.

Regulation of washing of clothes by washermen and provision of washing places

32. Regulation of washing of clothes by washermen and provision of washing places.

(1) 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 shall appoint for this purpose.

(2) When any such prohibition has been made, neither the owner of the premises shall permit the washing of clothes nor any person who is by calling a washerman shall wash clothes at any place not appointed for this purpose by the Commissioner, except for such person himself or for the owner or occupier of such place.

(3) The Commissioner shall provided suitable places for the exercise by washermen of their calling and may require payment of such fees for the use of any such place as shall from time to time be determined by the Commissioner, with the approval of the Standing Committee

Information to be given of the existence of dangerous disease

Prevention of the spread of dangerous diseases.

33. Information to be given of the existence of dangerous disease.

(1) In the event of any person within the City, other than an in-patient in a public hospital, being attacked with a dangerous disease-

- (a) every medical practitioner or person openly and usually practising the medical profession, who in the course of such practice becomes cognizant of the fact, and
- (b) the occupier of the building in which the person so attacked may be residing or, if the occupier is himself the person attacked, then every adult member of the household, and
- (c) every person in charge of or in attendance on any person so attacked, shall as soon as he becomes cognizant of the fact, forthwith report the same, or cause a report thereof to be made to the Medical Officer of Health:

Provided that no person shall be bound to make such report or to cause such report to be made, if such report has been so made.

(2) Information to be given of animal suffering from a contagious or infectious disease.

The owner or person in whose custody any animal may be which is suffering from an infectious or contagious disease shall, as soon as he becomes cognizant of the fact, report the same, or cause a report thereof to be made, to the Medical Officer of Health:

Provided that no person shall be bound to make such report or to cause such report to be made, if such report has been so made.

Prohibition of use for drinking of water likely to cause dangerous disease

34. Prohibition of use for drinking of water likely to cause dangerous disease.

(1) If it shall appear to the Commissioner that the water in any well, tank or other place is likely to endanger or cause the spread of any dangerous disease, he may, by public notice, prohibit the removal or use of the said water.

(2) No person shall remove or use any water in respect of which any such public notice has been issued.

Power to order removal to hospital

35. Power to order removal to hospital.

(1) The Commissioner or any police officer empowered by him in this behalf may, on a certificate signed by the Medical Officer of Health or by any duly qualified medical practitioner, direct or cause the removal of any person who is suffering from a dangerous disease and who is, in the opinion of such Medical Officer of Health or other medical practitioner, without proper lodging or accommodation, or is lodged in a building occupied by more than one family, or whose circumstances are such that proper precautions to prevent the spread of infection cannot be taken or that such precautions are not being taken, to any hospital or place at which patients suffering from the said disease are received for medical treatment.

(2) The person, if any, who has charge of a person in respect of whom an order is made under sub-rule (1) shall obey such order.

(3) No person who is removed to a hospital or place under sub-rule (1) shall leave, or be removed from, such hospital or place except with the permission of the officer in charge thereof.

Power to order detention in hospital of infected person without proper lodging to return to

36. Power to order detention in hospital of infected person without proper lodging to return to.

(1) Where a magistrate, not being a magistrate of the third class, is satisfied on the application of the Medical Officer of Health that the inmate of a public hospital who is suffering from a dangerous disease would not, on leaving the hospital, be provided with lodging or accommodation in which proper precautions could be taken to prevent the spread of the disease by him, the magistrate, may order him to be detained in the hospital at the cost of the Corporation.

(2) An order made under sub-section (1) may direct detention for a period specified in the order, but the magistrate may extend a period so specified as often as it appears to him to be necessary so to do.

(3) Any person who leaves a hospital contrary to an order under sub-rule (1) may, in addition to any penalty which may be imposed for such contravention, be ordered by the Court to be taken back to the hospital.

(4) An order under this rule may be directed, in the case of an order for a person's detention, to the officer in charge of the hospital and, in the case of an order made under sub-rule (3), to the Medical Officer of Health and the officer in charge of the hospital or institution, and the Medical Officer of Health may do, or authorise, all acts necessary for giving effect to the order.

Disinfection of buildings

37. Disinfection of buildings.

If the Commissioner is of opinion that the cleansing or disinfecting of a building or of a part of a building or of any article therein likely to retain infection, would tend to prevent or check the spread of any dangerous disease, he may cause such building or part thereof or article therein to be cleansed or disinfected at the charge of the Municipal Fund and may cause such building to be vacated for such period as he deems necessary for such purpose :

Provided that if in the opinion of the Commissioner, the owner or occupier is able effectually to carry out such cleansing or disinfection, the Commissioner may cause the said building or part of the building or article likely to retain infection to be cleansed or disinfected by and at the charge of the owner or occupier thereof.

Place for disinfection may be provided

38. Place for disinfection may be provided.

(1) The Commissioner may provided a place, with all necessary apparatus and attendance, for the disinfection of clothing, bedding or other articles which have become infected, and in his discretion may have articles brought to such place for disinfection, disinfected on payment of such fees as he shall from time to time fix, with the approval of the Standing Committee, in this behalf or in any case in which he thinks fit, free of charge.

Also for washing infected articles.

(2) The Commissioner may, from time to time, by public notice appoint a place at which clothing, bedding or other articles which have been exposed to infection from any dangerous disease may be washed; and no person shall wash any such articles at any place not so appointed without having previously disinfected the same.

Exposure of persons and articles liable to convey dangerous disease prohibited

39. Exposure of persons and articles liable to convey dangerous disease prohibited

(1) No person knowing that he is suffering from a dangerous disease shall expose other person to the risk of infection by his presence or conduct in any street, public place, place of entertainments or assembly, school, club, place of religious worship, hotel, inn, dharmshala, lodging house, eating house, factory, shop, market or other place of public resort.

(2) No person having the care of a person whom he knows to be suffering from a dangerous disease, shall cause or permit that person to export other persons to the risk of infection by his presence or conduct in any such place as aforesaid.

(3) No person shall give, lend, sell, transuit or expose without previous disinfection any clothing, bedding or rags which he knows to have been exposed to infection from any such disease or any other article which he knows to have been so exposed and which is liable to carry such infection : Provided that a person shall not incur any liability under this rule by transmitting with proper precautions, any article for the purpose of having it disinfected.

(4) No person shall place or cause to be placed in a dustbin or other receptacle for the deposit of refuse any matter which he knows to have been exposed to infection from a dangerous disease and which has not been disinfected.

Person suffering from dangerous disease not to carry on occupation of danger

40. Person suffering from dangerous disease not to carry on occupation of danger.

No person knowing that he is suffering from a dangerous disease shall engage in or carry on any trade, business or occupation which he cannot engaged in or carry on without risk of spreading the disease.

Explanation.- For the purposes of this rule, making, carrying or offering for sale or taking part in the business of making, carrying or offering for sale any article of food or drink for human consumption and any other trade, business or occupation which may from time to time be specified by public notice by the Medical Officer of Health shall be deemed to be a trade, occupation or business in which a person suffering from a dangerous disease cannot engage in or carry on without risk of spreading the disease.

Conveyances for persons suffering from a dangerous disease

41. Conveyances for persons suffering from a dangerous disease.

The Commissioner may provide and maintain a suitable conveyance or suitable conveyances for the free carriage of persons suffering from a dangerous disease &, when such provision is made, may by public notice prohibit the conveyance of such persons in all or any public conveyances.

Provisions as to use of public conveyance by persons suffering from dangerous disease

42. Provisions as to use of public conveyance by persons suffering from dangerous disease.

(1) No person who knows that he is suffering from a dangerous disease shall- :

(a) enter any public conveyance used for the conveyance of persons at separate fares; or

(b) where no notice has been issued by the Commissioner under rule 41 enter any other public conveyance without previously notifying the owner or driver thereof that he is so suffering.

(2) No person having the care of a person whom he knows to be suffering from a dangerous disease shall permit that person to be carried-

(a) in any public conveyance used for the conveyance of persons at separate fares: or

(b) where no notice has been issued by the Commissioner under rule 41 in any other public conveyance without previously informing the owner or driver thereof that person is so suffering.

(3) A person who contravenes any of the provisions of this rule shall, in addition to any other penalty to which he may be subject, be ordered by the Court to pay to any person concerned with the conveyance as owner, driver or conductor thereof a sum sufficient to cover any loss and expense incurred by him in connection with the disinfection of the conveyance.

Duty of owner, etc. of public conveyance in regard to cases of dangerous disease

43. Duty of owner, etc. of public conveyance in regard to cases of dangerous disease.

(1) The owner, driver or conductor of a public conveyance used for the conveyance of passengers at separate fares shall not convey therein a person whom he knows to be suffering from a dangerous disease.

(2) The owner or driver of any other public conveyance, notwithstanding that no notice has been issued by the Commissioner under rule 41, may refuse to convey therein any person suffering from a dangerous disease until he has been paid a sum sufficient to cover any loss and expense which will be incurred by him in connection with the disinfection of the conveyance.

(3) If a person suffering from a dangerous disease is conveyed in a public conveyance, the person in charge thereof shall, as soon as practicable and before permitting any other person to enter the conveyance, cause the conveyance to be disinfected.

Provision as to the letting of houses or rooms in hotel after recent case of a dangerous disease

44. Provision as to the letting of houses or rooms in hotel after recent case of a dangerous disease.

(1) No person who-

(a) is concerned in the letting of a house or part of a house, or in showing a house or part of a house with a view to its being let; or

(b) has recently ceased to occupy a house or part of a house, shall if questioned by any person negotiating for the hire of the house, or any part thereof, as to whether there is, or has been within the preceding six weeks, in any part of the house a person suffering from a dangerous disease, knowingly make a false answer to that question.

(2) No person shall let any house or part of a house in which a person has to his knowledge been suffering from a dangerous disease without having the house, and all articles therein liable to retain infection, disinfected to the satisfaction of the Medical Officer of Health or of some other registered medical practitioner, as testified by a certificate signed by him.

(3) No owner or manager of a hotel, lodging house, serai or dharamashala, shall allow a room therein in which any person has to his knowledge been suffering from a dangerous disease to be occupied by any other person before the room and all articles therein liable to retain infection have been disinfected to the satisfaction of the

Medical Officer of Health or of some other registered medical practitioner, as testified by a certificate signed by him.

45. Child liable to convey dangerous disease may be ordered not to attend school.

Child liable to convey dangerous disease may be ordered not to attend school

A person having the care of a child who is, or who has been, suffering from, or has been exposed to infection of, a dangerous disease, shall not, after receiving notice from the Medical Officer of Health that the child is not to be sent to school, permit the child to attend school, until he has obtained from the Medical Officer of Health a certificate, for which no charge shall be made, that in his opinion the child may attend school without undue risk of communicating the disease to others.

Infected clothes not to be sent to laundry, etc

46. Infected clothes not to be sent to laundry, etc.

(1) A person shall not send or take to any washerman or to any laundry or place set apart for the exercise by washermen of their calling or to any public water-course, tank or well for the purposes of being washed, or to any place for the purposes of being cleaned, any article which he knows to have been exposed to infection from a dangerous disease unless that article has been disinfected by, or to the satisfaction of, the Medical Officer of Health or a registered medical practitioner or is sent with proper precautions to a laundry for the purpose of disinfection, with notice that it has been exposed to infection.

(2) The occupier of any building in which a person is suffering from a dangerous disease shall, if required by the Medical Officer of Health, furnish to him the address of any washerman to whom or any laundry or other place to which articles from the house have been, or will be, sent during the continuance of the disease for the purpose of being washed or cleaned.

Power to prohibit home work on premises where dangerous disease exists.

47. Power to prohibit home work on premises where dangerous disease exists.

(1) If a case of a dangerous disease occurs in any place then, whether the person suffering from the disease has been removed from the place or not the Medical Officer of Health may make an order forbidding any work to which this rule applies to be given out to any person living or working in that place or in such part thereof as may be specified in the order, and any order so made may be served on the occupier of any factory or other place from which it is given out, or on any contractor employed by any such occupier.

(2) An order under sub-rule (1) may be expressed to operate for a specified time or until the place or any part thereof specified in the order have been disinfected to the satisfaction of the Medical Officer of Health, or may be expressed to lie inoperative so long as any other reasonable precautions specified in the order are taken.

(3) This rule applies to the making, cleansing, wishing, altering, ornamenting, finishing or repairing of wearing apparel and any work incidental thereto, and to such other classes of work as may from time to time by public notice be specified by the Commissioner.

Provisions as to library books

48. Provisions as to library books.

(1) A person who knows that he is suffering from a dangerous disease shall not take any book, or cause any book to be taken for his use, or use any book taken, from any public or circulating library.

(2) A person shall not permit any book which has been taken from a public or circulating library, and is under his control, to be used by any person whom he knows to be suffering from a dangerous disease.

(3) If a book taken from a public or circulating library is to the knowledge of the person who has so taken it exposed to infection from a dangerous disease, he shall not return the book to the library but shall give notice to the person in charge thereof that it has been so exposed to infection.

(4) On receiving a notice under sub-rule (3) the person in charge of the library shall cause the book to be disinfected and returned to the library or shall cause it to be destroyed.

Person ceasing to occupy house to disclose to owner any recent case of dangerous disease and to disinfect

49. Person ceasing to occupy house to disclose to owner any recent case of dangerous disease and to disinfect.

(1) Every person who ceases to occupy a house or part of a house in which to his knowledge a person has within six weeks previously been suffering from a dangerous disease shall-

(a) have the house, or the part of the house, and all articles therein liable to retain infection disinfected to the satisfaction of the Medical Officer of Health or some other registered medical practitioner, as testified by a certificate signed by him;

(b) give to the owner of the house or the part of the house, notice of the previous existence of the disease; and

(c) on being questioned by the owner as to whether within the preceding six weeks there has been therein any person suffering from any dangerous disease, give a true and correct answer to such question.

(2) The Medical Officer of Health shall give notice of the provisions of this rule to the occupier and also to the owner of an house in which he is aware that there is a person suffering from a dangerous disease.

Avoidance of contact with body of person who suffered from dangerous disease

50. Avoidance of contact with body of person who suffered from dangerous disease.

Every person having the charge or control of any place in which is lying the body of a person who has died while suffering from a dangerous disease shall take such steps as may be reasonably practicable to prevent person coming unnecessarily into contact with, or proximity to the body.

Disposal of dead bodies in certain cases

51. Disposal of dead bodies in certain cases.

(1) No person shall, without the written sanction of the Medical Officer of Health, retain in any place, other than a public mortuary, for more than twelve hours the body of any person who has died while suffering from a dangerous disease.

(2) If any such body, not being a body kept in a public mortuary, remains undisposed of for more than twelve hours without sanction as aforesaid or if the dead body of any person is retained in any building so as to endanger the health of the inmates thereof or of an adjoining or neighbouring building, a magistrate may on the application of the Commissioner, order the body to be removed and disposed of within a specified time and, on such order being made, unless the relatives or

friends of the deceased person undertake to, and do, cause the body to be disposed of within the time specified in the order, the Commissioner shall cause the body to be disposed of. Any expenses reasonably incurred by the Commissioner in so doing shall be paid by any person legally liable to pay the expenses of the disposal of the body unless the Commissioner waives recovery on the ground of poverty.

Restrictions in certain cases on removal of persons dying in hospital

52. Restrictions in certain cases on removal of persons dying in hospital.

(1) If any person dies in a hospital or other place appointed for the accommodation of the sick, while suffering from a dangerous disease, and the Medical Officer of Health or some other registered medical practitioner certifies that in his opinion it is desirable, in order to prevent the spread of infection, that the body should not be removed from the hospital or place except for the purpose of being taken direct to a mortuary or to a place set apart for the disposal of the dead, it shall not be lawful for any person to remove the body from the hospital or place except for such a purpose.

(2) In such case as aforesaid, when the body is removed for the purpose of disposal from the hospital or other place or any mortuary to which it has been taken, it shall forthwith be taken direct to some place set apart for the disposal of the dead and there disposed of.

Special measures to check outbreak of dangerous diseases.

Special measures

53. Special measures.

(1) The special measures to be taken and temporary regulations to be made by the Commissioner under section 319 may include any of the following matters, namely :-

- (a) the evacuation of an infected building used as a dwelling or of any part thereof by the person or persons residing whether habitually or temporarily therein, provided sufficient accommodation for all persons affected is available, or is proved elsewhere;
- (b) compulsory vaccination or preventive inoculation of person entering, residing, in or leaving specified areas;
- (c) the examination by a medical officer of persons and, if necessary, the disinfection of the clothing, bedding or other articles suspected of being infected belonging to persons either arriving from outside a specified area or residing in any building adjacent to any infected building in that area, the recording of the addresses of such persons, and the daily presentation of such persons for medical examination at a specified time and place, for a period not exceeding ten days;
- (d) the prohibition either generally, or by special order in any individual case, of assemblages consisting of any number of persons exceeding fifty, in any place, whether public or private, or in any circumstances; or for any purpose;
- (e) the closure for a period to be specified of any theatre, cinema-house or other place of entertainment;
- (f) the closure, by a written notice to the authorities in charge of a school, of such school for such period as is specified in the notice;
- (g) restrictions on the movements of persons exposed to infection

from a dangerous disease or likely to infect other persons with any such disease;

(h) restrictions on the export from, or import into, or transport within a specified area of any goods or articles exposed to, and likely to retain, infection from a dangerous disease or likely to infect persons with any such disease, or the destruction of any such goods or articles;

(i) the examination, unloading and disinfection, if necessary, at any place within or outside the City, of any consignment of grain or other food-stuffs, cotton or clothing exported from, or imported into, the City by road or rail;

(j) closure of all or any existing markets and bazaars and appointment of special places where markets or bazaars may be held.

(2) When any regulation is in force, requiring compulsory vaccination or inoculation, any person who, or child in whose care, is sought to be vaccinated or inoculated in pursuance of the regulation may declare before a magistrate exercising not less than second class powers that he believes that such vaccination or inoculation will be injurious to his health or the health of the child, as the case may be, and the magistrate may, after giving notice to the Medical Officer of Health and after hearing any representation made by him or on his behalf, exempt such person or child from vaccination or inoculation on condition that the person aforesaid and the members of his family submit to isolation of such description and for such period and to such further restrictions, if any, as may be directed by the magistrate.

(3) The Commissioner may in his discretion give compensation to any person who sustains substantial loss by the destruction of any property under any provision of or any regulation made in accordance with this rule, but, except as allowed by the Commissioner, no claim for compensation shall lie for any loss or damage caused by the exercise of the powers specified therein.

CHAPTER XV. MARKETS AND SLAUGHTER HOUSES

1. Provisions regarding approaches & environs of private markets.

(1) The Commissioner may -

(a) define or determine the limits of any private market or declare what portions of such market shall be made part of the existing approaches, streets, passages and ways to and in such market; and

(b) after hearing the owner or occupier of such market, by written notice require such owner or occupier to-

(i) lay out, construct, alter, clear, widen, pave, drain and light, to the satisfaction of the Commissioner, such approaches, streets, passages and ways to or in such market;

(ii) provide such conveniences for the use of persons resorting to such market; and

(iii) provide adequate ventilation and lighting of the market-building or any portion thereof, including shops and stalls, as the Commissioner may think fit.

(2) The Commissioner may, by written notice, require such owner or

**Provisions
regarding
approaches and
environs of private
markets**

**Provisions for
requiring private
market building and
slaughter houses to
be properly paved
and drained**

occupier to maintain in proper order the approaches, streets, passages and ways to and in such market and such other conveniences as are provided for the use of persons resorting thereto.

2. Provisions for requiring private market building and slaughter houses to be properly paved and drained.

The Commissioner may, by written notice, require the owner, farmer or occupier of any private market or slaughter-house, to cause-

- (a) the whole or any portion of the floor of the market-building, market-place or slaughter-house to be raised or paved with dressed stone or other suitable material;
- (b) such drains to be made in or from the market-building, market-place or slaughter-house, of such material, size and description, at such level and with such outfall, as to the Commissioner may appear necessary;
- (c) a supply of water to be provided for keeping such market-building, market-place or slaughter-house in a clean and wholesome state;
- (d) any shop, stall, shed, standing or other structure, in any private market to be altered or improved, in such manner as the Commissioner may consider necessary;
- (e) any privy, water-closet or urinal or any other sanitary arrangement to be constructed or made at such site and in such manner as the Commissioner may deem necessary and expedient; and
- (f) any other measures to be taken necessary, in his opinion in the interest of public health or sanitation.

**CHAPTER XVI
TRANSPORT UNDERTAKING**

Fares and Charges.

Fares and Charges.

1. Exhibition of list of fares and charges. A printed list of all the fares and charges levied for the time being in such language or languages as the Corporation may from time to time specify in this behalf shall be exhibited in a conspicuous place inside each vehicle used by the Transport Undertaking for the conveyance of the public.

2. The fares and charges shall be paid to such persons, at such places upon or near the prescribed route of the transport service, and in such manner and under such regulations, as the Transport Committee shall, by notice to be annexed to the list of fares, prescribe.

**CHAPTER XVII.
VITAL STATISTICS**

**Forms of Certificate
of Death**

Forms of Certificate of Death.

Forms to be provided.

For the purpose of section 369 the Commissioner shall provide printed forms of the certificates of death and any duly qualified medical practitioner resident in the City shall be supplied, on application, with such forms free of charge.

CHAPTER XVIII

Articles for keeping which and trades and occupations for which Licences are needed

Articles for keeping which and trades and occupations for which Licences are needed

PART I.

Articles which shall not be kept without a licence in or upon any premises.

Dynamite.
Blasting powder.
Fulminate of mercury-
Gun-cotton.
Nitro-glycerine.
Phosphorus.

PART II

Articles which shall not be kept without a Licence, in or upon any premises in quantities exceeding at any one time the maximum quantities hereunder set opposite such article respectively:-

Articles	Maximum quantity which may be kept, at any one time without a licence
Bidi leaves	4 cwts.
Camphor	1/2 cwt.
Celluloid	4 cwts.
Celluloid goods	.4 cwts.
Cinematograph films	20 Ibs.
Copra	4 cwts.
Cotton refuse and waste	4 cwts.
Cotton seed	12 cwts.
Dry leaves (Pataveli, etc.)	4 cwts.
Gun-powder	5 Ibs.
Matches for lighting	5 gross boxes.
Methylated spirit and Denatured spirit	10 gallons.
Paints	5 cwts.
Old paper (waste) including old newspapers, periodicals, magazines, etc. kept for sale or for other than domestic use.	4 cwts.
Petroleum as defined in the Petroleum Act, 1934	10 gallons.
Oil (other sorts)	20 gallons.
"Oil-seeds" other than cotton seed	1 ton.
Sulphur	1/2 cwt.
Tar, pitch, dammer or bitumen	1/2 cwt.
Turpentine	10 gallons.
Varnish	40 cwts.

PART III

Articles which shall not be kept without a licence for sale or for other than domestic use in or upon any premises irrespective of the quantity kept at any one time or in quantities exceeding at any one time the maximum quantities hereunder set opposite such article respectively:-

Articles	Maximum quantity which may be kept, at any one time without a licence
Bamboos	10 cwts.
Bones	
Coconut Fibre	
Charcoal	
Coal	
Coke	
Fat	
Firewood	
Fireworks	
Fish (dried)	10 cwts.
Grass (dry)	
Gunny bags	
Hair	
Hay and fodder	
Hemp	
Hessian cloth (Gunny bag cloth)	
Hides (dried)	
Hides (raw)	
Hoofs	
Horns	
Khokas or wooden boxes or barrels (manufacturing and storing)	
Rags	10 cwts.
Skins	
Timber	
Wool (raw)	3 cwts.

PART IV**Trades or operations connected with trade which shall not be carried on in or upon any premises without a Licence.**

Trades or operations connected with trade which shall not be carried on in or upon any premises without a Licence

Baking or preparing for human consumption (for other than domestic use) bread, biscuits or other articles made of flour.

Casting metals.

Condiments manufacturing.

Dyeing cloth or yarn, in indigo or other colour.

Electro-plating.

Keeping of eating-houses.

Keeping of sweetmeat shops except in premises already licenced as a eating-house.

Keeping of hair dressing saloons or barbers' shops.
 Tanning, pressing or packing hides or skins whether raw or dried.
 Manufacturing, packing, pressing, cleaning, cleansing, melting or preparing by any process whatever any of the following articles :-
 Aerated water.
 Bones.
 Bricks or tiles.
 Catgut.
 Cotton or cotton refuse or cotton seed.
 Compressed coal.
 Dammer.
 Dynamite.
 Fat.
 Fireworks.
 Ice, ice candies, ice fruit, or ice cream.
 Lime.
 Matches for lighting.
 Paper.
 Rubber goods.
 Snuff.
 Soap.
 Sugar, sugar candy.
 Tar.
 Vegetable Oil.

CHAPTER XIX PENALTIES

PENALTIES

Certain offences punishable with fine.

1. Certain offences punishable with fine.

Whoever-

- (a) contravenes any provision of any of the rules, sub-rules and clauses mentioned in the first column of the following table or any regulation made thereunder; or
 (b) fails to comply with any requisition lawfully made upon him under any of the said rules, sub-rules or clauses, shall be punished, for each such offence, with fine which may extend to the amount mentioned in that behalf in the second column of the said table.

Rule, sub-rule or clause	Fine which may be imposed
Chapter VIII	
1, 2 (2), 5, 25	Fifty rupees.
29 (1). 29 (2)	One hundred rupees.
Chapter IX	
2 (3). 2 (4). 4, 9 (2), II (1), 14 (1), 15, 17 (1), 18, 19 (2), 19 (3)	Fifty rupees.
1(1), 2 (1), 5 (a), 6, 10, 17 (2)	One hundred rupees.
2. 7 (1), 7 (2), 8, 12, 13, 16, 19 (1), 19 (4)	Two hundred rupees.

Rule, sub-rule or clause	Fine which may be imposed
Chapter X	
3 (1). 6, 7, 11 (2), 18 (2)	Fifty rupees.
2 (2), 2 (3), 8 (1), 13, 14	One hundred rupees
2 (1), 3 (1), 18(1)	Two hundred rupees
Chapter XI	
288(1)(e), 288(2).	Twenty rupees
Chapter XII	
12 (1), 12 (2), 12 (3)	Ten rupees.
8 (2), 13.	Fifty rupees
8 (1).	One hundred rupees
11	Two hundred rupees.
10	Five hundred rupees.
6(1).	One thousand rupees
Chapter XIV	
1,2. 13(1). 13 (2), 32 (2)	Twenty rupees.
3, 5 (1). 7, 10, 11 (1), 11(2), 14,	Fifty rupees.
17, 18(1), 21(1), 24, 28(1) 34(2),	
41, 48 (1), 48 (2), 48 (3), 48 (4).	
8, 18 (2), 22(1), 23, 33 (1), 35	One hundred rupees.
(2), 35 (3), 56, 38 (2), 39 (1), 39	
(2), 39 (4), 40, 44, 45, 46(2), 49	
(1), 42 (1), 42 (2), 50, 51 (1)	
12, 15, 29 (1), 34 (2), 46 (1), 52	Two hundred rupees.
(1), 52 (2)	
16 (1), 16 (2), 27 (1), 47.	Two hundred and Fifty rupees
20, 29 (2), 31, 39 (3), 43(1),	Five hundred rupees.
43(3), 44(2), 44(3)	
25(3).	One thousand rupees
Chapter XV	
1 (1) (b) , 1 (2), 2	Two hundred rupees

2. Continuing offences.

Continuing offences

Whoever, after being convicted of-

- (a) contravening any provision of any of the rules, sub-rules and clauses mentioned in the first column of the following table or any regulation made thereunder; or
- (b) failing to comply with any requisition lawfully made upon him under any of the said sections, sub-sections or clauses, continues to contravene the said provisions or to neglect to comply with the said requisition, or fails to remove or rectify any work or thing done in contravention of the said provision, as the case may be, shall be punished, for each day that he continues so to offend, with fine which may extend to the amount mentioned in that behalf in the second column of the said table.

Rule, sub-rule or clause	Daily Fine which may be imposed
Chapter IX	
2(3), 2(4), 4, 9(2). 11(1), 14(1), 15, 17(1).	Five rupees
1(1), 2(1), 3, 5(a), 6, 10, 17(2). 18, 19(2), 19(3).	Ten rupees
12,13.	Twenty rupees
7(1). 7(2). 19(1), 19(4)	Fifty rupees.
Chapter X	
7, 11(2), 18(2)	Five rupees
6, 8(1)	Ten Rupees
18(1)	Fifty Rupees
Chapter XI	
288(1)(e),288(2)(b)	Five rupees
Chapter XII	
12(2), 12(3)	Five rupees
8(2), 13	Ten rupees
8(1)	Twenty rupees
6(1), 10	One hundred rupees
Chapter XIV	
7, 8, 13(1), 13(2), 21(1), 32(2)	Five rupees
1, 2, 3, 5(1), 8,14,17,18(1),28(1)	Ten rupees
11(1), 11(2), 15, 22(1)	Fifteen rupees
12, 16(2), 18(2), 23, 24	Twenty rupees
29(1), 40, 45, 47	Fifty rupees
20, 27(1), 29(2),31	One hundred rupees
25(3)	Five hundred rupees
Chapter XV	
2	Fifty rupees

⁸³[SCHEDULE B**Validity and date of operation of certain orders****Validity and date of operation of certain orders**

1. So soon as may be after a compulsory acquisition order or a clearance order has been confirmed by the State Government, the Commissioner shall publish simultaneously in the Official Gazette and in three or more newspapers circulating within the City. a notice stating that the order has been confirmed, and naming a place where a copy of the order as confirmed and of the plan referred to therein may be seen at all reasonable hours.
2. Any person aggrieved by such an order as aforesaid, or by the State Government's approval of a re-development plan or of a new plan may, within six weeks after the publication of notice of confirmation of the order, or of the approval of the plan. prefer an appeal in the City of Ahmedabad to a Judge of the City Civil Court, Ahmedabad and elsewhere of the District Court whose decision shall be final.
3. Where any such appeal is duly made, the Court-
 - (i) may be interim order suspend the operation of the order or the approval of the plan, either generally or in so far as it affects any property of the appellant until the final determination of the appeal; and
 - (ii) if satisfied upon hearing of the appeal that the order or the approval of the plan. is not within the powers of this Act or that the interests of the appellant have been substantially prejudiced by any requirement of this Act not having been complied with, may quash the order, or the approval of the plan, either generally or in so far as it affects any property of the appellant.
4. Subject to the provisions of the last preceding clause the order, or the approval of the plan, shall become operative at the expiration of six weeks from the date on which notice of confirmation of the order or of the approval of the plan is published in accordance with the provisions of this Act.
5. So soon as may be after a compulsory acquisition order or a clearance order has become operative the Commissioner shall serve a copy thereof on every person on whom a notice was served by him of his intention to submit the order to the State Government for confirmation.

SCHEDULE C**Compulsory acquisition orders****Compulsory acquisition orders**

1. A compulsory acquisition order shall describe by reference to a plan the land to which it applies.
2. Before submitting the order to the State Government, the Commissioner shall-
 - (a) publish simultaneously in the Official Gazette and in three or more newspapers circulating within the City, a notice stating the fact of such an order having been made and describing the area comprised therein and naming a place where a copy of the order and of the plan referred to therein may be seen at all reasonable hours; and
 - (b) serve on. every person whose name appears in the

⁸³ Schedules B, C and D were inserted by Guj. 19 of 1964, s. 28.

Commissioner's assessment book as primarily liable for the payment of the property taxes leviable under this Act on any land or building to which the order relates a notice stating the effect of the order and that it is about to be submitted to the State Government for confirmation and specifying the time (being not less than twenty-one days) within which objections thereto can be made to the Commissioner.

3. Upon compliance with the foregoing provisions with respect to the publication and service of notices of the compulsory acquisition order, the Commissioner shall submit to the Standing Committee any objections received under clause 2 of this Schedule and any suggestions he may wish to make in that respect.

4. The Standing Committee shall after consideration of any such objections and suggestions make such modifications in respect of the order as it may think fit and the Commissioner shall thereafter submit the order as modified by the Standing Committee to the State Government for confirmation.

SCHEDULE D

(See section 284-O.)

1. Constitution and powers of compensation Tribunal.

Constitution of Tribunal

(1) The Tribunal shall consist of a President and two assessors.

(2) The President of the Tribunal shall be such Judge of a Court as may, after consultation with the High Court, be selected by the State Government.

(3) The assessors shall be appointed by the State Government.

(4) Each assessor of the Tribunal shall receive such remuneration as the State Government may determine. The remuneration shall be paid by the Corporation to the President of the Tribunal for distribution.

2. Rules of procedure to be made by State Government.

(1) The State Government may, by notification in the Official Gazette, make rules, not inconsistent with the Code of Civil Procedure, 1908, [V of 1908]. for the conduct of business by Tribunals established under this Act.

(2) All such rules shall be subject to the conditions of previous publication.

3. Award of Tribunal how to be determined.

(1) For the purpose of determining the award to be made by the Tribunal under the Land Acquisition Act-

(a) if there be any disagreement as to the measurement of land or the amount of compensation or costs to be allowed or the determination of betterment charges, the opinion of the majority of the members of the Tribunal shall prevail;

(b) questions relating to the determination of the persons to whom the compensation is payable, or the apportionment of compensation, may be tried and decided in the absence of the assessors, if the President of the Tribunal considers their presence unnecessary; and, when so tried and decided, the decision of the President shall be deemed to be the decision of the Tribunal;

(c) notwithstanding anything contained in the foregoing clauses (a) and

Constitution and powers of compensation Tribunal

Rules of procedure to be made by State Government

Award of Tribunal how to be determined

(b), the decisions on all questions of law and procedure shall rest solely with the President of the Tribunal.

(2) The President of the Tribunal may by the same means and (so far as may be) in the same manner as is provided in the case of a Civil Court under the Code of Civil Procedure, 1908, [V of 1908]. obtain proof of facts by affidavits, summon, witnesses and enforce their attendance, compel the production of documents and issue commissions for the examination of witnesses.

(3) Proceedings before the Tribunal shall be deemed to be the judicial proceeding within the meaning of sections 193 and 228 of the Indian Penal Code [XLV of 1860.].
