

ANDAMAN AND NICOBAR ADMINISTRATION
SECRETARIAT
NOTIFICATION

EXTRAORDINARY

Port Blair, dated the 8th December, 1994
No. 139/94/F.No.6-9-/94-Legal-III- The following Regulation published in the Gazette of India. Extraordinary Part-II section I No. 45 dated 23rd May, 1994 is hereby re-produced below for the information of General Public.

(1) The Andaman and Nicobar Islands (Municipal) Regulation-1994

Sd/-
(Abdul Waseem)
Assistant Secretary (Law)

MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS
(Legislative Department)

New Delhi, the dated 23rd May, 1994/Jyaistha
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THE ANDAMAN AND NICOBAR ISLANDS (MUNICIPAL), REGULATION, 1994

No. 5 of 1994

Promulgated by the President in the Forty -fifth year of the Republic of India

A Regulation to provide for the constitution of Municipalities in the Andaman and Nicobar Islands and to define and regulate the Andaman and Nicobar Islands (Administration) Regulation, 1979.

In exercise of the powers conferred by article 240 of the Constitution, The President is pleased to promulgate the following Regulation made by him:-

**CHAPTER-I
PRELIMINARY**

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| <p>1. (1) This Regulation may be called the Andaman & Nicobar Islands (Municipal)Regulation, 1994</p> <p style="padding-left: 40px;">(2) It extends to the whole of the territory of the Andaman & Nicobar Islands.</p> <p style="padding-left: 40px;">(3) It shall come into force at once.</p> | <p>Short title
extent and
commence
ment.</p> |
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Definitions

2. In this Regulation, unless there is something repugnant in the subject or context-

(1) "Administrator" means the Lieutenant Governor of the Andaman & Nicobar Islands appointed by the President under article 239 of the Constitution:

(2) "Building" means a house, hut shed or other roofed structure for whatsoever purpose, and of whatsoever material constructed, and every part thereof, and includes a wall and a well, but does not include a tent or other such portable and merely temporary shelter; and "part of building" includes any wall, under-ground room or passage, veranda, fixed platform plinth staircase, or doors-steps attached to, or within the compound of, an existing building or constructed of ground which is to be the site or compound of a projected building;

(3) "bye law" means bye law made at a special meeting of a municipality in exercise of a power conferred by this Regulation.

(4) "Casual vacancy" means a vacancy occurring otherwise than by flux of time in the office of a member of the Municipality or any other elective office and casual election means an election held to fill a casual vacancy;

(5) "Deputy Commissioner' means the Deputy Commissioner of the Andaman & Nicobar Islands and includes any other officer specially appointed by the Administrator to perform all or any of the functions of the Deputy Commissioner under this Regulation in relation to a Municipality;

(6) "district" means the district of Andaman & Nicobar Islands;

(7) "District Judge" means the District Judge of the Andaman and Nicobar Islands;

(8)"drain" includes a sewer, pipe, ditch, channel or any other device for carrying off sullage, sewage, polluted water, rain water or sub-soil water together with pail-depots, traps, sinks, cisterns flush-tanks and other fittings appertaining thereto;

(9)"Election Commission" means the Election commission of the Union territory referred to in section 32;

(10)"Election Commissioner" means the Election Commissioner of the Union territory referred to in section 32;

(11) "explosive" has to meaning given to in clause (1) of section 4 of the Explosives Act, 1884; 4 of 1884.

(12) "Factory" means a factory as defined in the Factories Act, 1948; 63 of 1948.

(13) "filth" includes sewage, dung, dirt, swill, putrid and puterfying substances and all offensive matter;

(14) "Government" means the Government of Union Territory of the Andaman and Nicobar Islands;

(15) "Joint Committee" means a Joint committee constituted under section 19;

(16) "infectious or contagious disease" includes cholera, leprosy enteric fever, small pox, and tuberculosis, diphtheria, plague, influenza and any other epidemic, endemic or infectious disease which the Administrator may, by notification, declare to be an infectious or contagious disease for the purposes of this Regulation;

(17) "inhabitant" in relation to a municipal area means any person ordinarily residing or carrying on business or owing or occupying immovable property herein, and in case of any dispute, means ay person declared by the Deputy Commissioner to be an inhabitant;

(18) "land" includes land which is being build upon or is build upon or covered with water benefits to arrive out of land attached.

to the earth, or permanently adjacent to anything attached to the earth and drives created by the law or any street;

(19) "layout" means a layout formed by an individual or body of persons, whether incorporated or not;

(20) "Licensed plumber" "Licensed surveyor", licensed architect". Licensed engineer" and "licensed structural designer" respectively means a person licensed by the municipality as plumber surveyor, architect, engineer or structural designer under this Regulation;

(21) "lodging house" includes a collection of building or a building or part of a building used for the accommodation of travelers;

(22) "major road" means any surfaced, that is to say metalled and motorable public street not constructed by or on behalf of a municipality out of the municipal fund, which may be declared by the Administrator to be maintainable by the Andaman Public Works department;

(23) "market" includes any place where persons assemble for the sale of, or for the purpose exposing for sale, livestock, food for live- stock, meat, fish, fruit, vegetables, flowers,, animals intended for human food or any other articles of human food whatsoever with or without the consent of the owner of such place, notwithstanding that there may be no common regulation of the concourse of buyers and sellers and whether or not any control is exercised over the business of or the persons frequenting the market by the owner of the place, or any other person;

(24) "member" means a member of a Municipality;

(25) "municipal area" means any area declared under section 3 to be a municipal area;

(26) "notification" means a notification published in the Official Gazette and the expression "notified" shall be construed accordingly. ;

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

(28) "Occupier" includes an owner in actual occupation of his own land or building and any person for the time being paying or liable to pay to the owner of any land or building the rent or any portion of the rent payable in respect thereof; and in chapter VII includes a hotel keeper, a lodging house and any owner whose premises are let to more than own tenant;

(29) "Offensive matter" includes animals carcasses. Dung, dirt and putrid or putrefying substances other than sewage;

(30) "Officer" in relation to a Municipality means a person holding an office created or continued by or under this Regulation.

but does not include a member as such;

(31) "Official Gazette" means the Andaman and Nicobar Islands Gazette;

(32) "Owner" includes the person for the time being holding the license , permit or grant under the Andaman and Nicobar Islands (Land Tenure) Regulation, 1926 in respect of any land also the person for the time being receiving the rent of any land or building , whether on his own account or as agent or trustee for any person or society or for any religious charitable purpose or who would so receive the same if the land or building were let to a tenant;

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(33) "petroleum" means petroleum as defined in clause (a) of section 2 of the petroleum act, 1934;

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

(35) "premises" includes messages, buildings and lands to any tenure whether open or enclosed, whether built upon or not and whether public or private;

(36) "prescribed" means prescribed by rules made under this Regulation;

(37) "private street" means any street road square court alley. Passage or riding path, which is not a public street but does not include a path way made by the owner or the premises on his own land to secure access to or the convenient use of such premises;

(38) "Public Health Officer" means the Public Health Officer of the Municipality appointed under section 24;

(39) "public place" means a place in a municipal area not being private property, which is open to the use or enjoyment of the public;

(40) "public street: means any street in a municipal area which---

i). has, with the consent, express or implied of the owner of the site thereof, been levelled, paved, metalled, channelized, sewerred or repaired out of municipal or other public funds.

ii). Under the provisions of this Regulation becomes, or is declared by the Municipality to be a public street;

(41) "rateable value" means the value of any building or land fixed in accordance with the provisions of this Regulation and the rules for the purpose of assessment to property tax;

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

(43) "rule" means a rule made in exercise of a power conferred by this Regulation;

(44) "servant " in relation to a Municipality means any persons on the pay and service of the Municipality;

(45) "sewage" means a night soil and other contents of latrines, urinals, cesspools or drains and polluted water from sinks, bathrooms stables, cattle sheds and other like places and includes trade effluents and discharges from manufactories of all kinds;

(46) "Sewer" means a closed conduit for carrying of sewage, offensive matter, polluted water, waste water or sub soil -water;

(47)"street" means any road, bridge, foot-way lane, square alley or passage in a municipal area along which the public or any portion of the public has a right to pass and includes, the drains, quarters on either side, and the land up to the defined boundary of any abutting property, notwithstanding the projection over such land of any verandah or other superstructure;

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

(49) "sub- committee" means a Sub- committee" established under section 18;

(50) "tax" includes rate, fee or cess levied or imposed by a Municipality under any of the provisions of this Regulation;

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

(52) "trade premises" means any premises used for intended to be used for carrying on any trade or industry;

(53) "trade refuse" means the refuse of any trade or industry;

(54) " Union territory" means the Union territory of the Andaman and Nicobar Islands;

(55) "Vehicle" includes a bicycle , tricycle and motor car and every other wheeled conveyance which is used or is capable of being used on public street; and

(56) "water works" includes all lakes, tanks, streams, cisterns, springs, pumps, wells, reservoirs, aqua ducts, cuts, sluices, mains, pipes, culverts, engines, hydrants, standpipes, conducts, and all machinery, lands, buildings, bridges and a things for supplying or used for supplying water.

CHAPTER II MUNICIPAL AREAS

Declaration of
municipal
areas.

3. (1) Subject to the provisions contained in sub- section (2) the Administrator may, by notification, declare any area within the district to be a municipal area, and may, by like notification , extend contract or otherwise alter the limits of any municipal area, or may declare that any such area shall, from a date specified by him to be a municipal area.

Provided that no such notification shall be issued unless-

(i) a draft of the proposed notification together with a notice specifying the date after which that draft and the objections and suggestions of the persons likely to be affected thereby, will be taken into consideration by the Administrator has been previously published and posted at the office of the Deputy Commissioner and one or more conspicuous places within or adjacent to the area concerned; and

(ii) The objection and suggestion of the persons likely to be affected by the proposed notification received in writing within the date so specified, have been taken into consideration by the Administrator and have been found by him to be insufficient or invalid.

(2) No notification under sub- section (1) shall be issued in respect of---

(a) any place which has been declared by the Central Government under section 3 of the Cantonments Act, 1924 to be a Cantonment for the purposes of that Act, or

(b) any area not having an average population of five hundred inhabitants to a square mile calculated in accordance with the latest official censuses;

Provided that the Administrator may, having regard to the population of the area, the density of the population therein, the revenue generated for local Administration, the percentage of employment in non- agricultural activities, the economic importance, or such other factors as he may deem fit, specify, by notification, any such municipal area as an area for establishing a Nagar Panchayat or Municipal council, as the case may be.

4. When, by reason of a notification under section 3 the limits of a municipal area are extended to include therein any other area, such other areas, shall thereby become subject to this regulation and all notifications rules, bye-laws orders, directions, issued or made there under and in force throughout the municipal area, save in so far as the Administrator may otherwise, by notification direct.

Effect of including other area in Municipal area.

5. (1) When, by reason of a notification under section 3 of the limits of a municipal area are contracted to exclude there from any area forming part thereof. If the area so excluded is immediately placed under the control of some other local authority such portion of the Municipal fund and property vesting in the Municipality and such portion of the liabilities of the Municipality as the Administrator may direct. Shall be transferred to that other local authority, or, if the area so excluded is not immediately placed under the control of any other local authority such portion of the Municipal fund and property vesting on the Municipality shall vest in the Government, and such portion of the liabilities of the Municipalities shall be transferred by the Government, as the Administrator may direct.

Effect of excluding area from municipal area.

(2) When, by reason of a notification under section 3 any municipal area ceases to be a municipal area then, if the area comprised herein in immediately placed under the control of some other local authority, the Municipal Fund and property vesting in the Municipality shall vest in, and the liabilities of the Municipality shall be transferred to. Such other local authority, or, if the area is not immediately placed under the control of another local authority such fund and property shall vest in the Government and the liabilities of the Municipalities shall be transferred to the Government.

6. All property vested in the Government under section 5, shall be applied under the orders of the Administrator in the first place to discharging the liabilities imposed on the Government under that section and in the second place for the promotion of the safety health, welfare or convenience of the inhabitants of the area which has ceased to be, or as the case may be, to be the part, of the municipal area.

Application of property vested in Government

CHAPTER III

MUNICIPAL AUTHORITIES, OFFICERS AND SERVANTS

7. The Administrator shall by notification in the Official Gazette, Constitute for every municipal area a Municipality.

Construction of Municipalities

8. Every Municipality constituted under section 7 shall be a body corporate having perpetual succession and a common seal and shall, subject to such restrictions and conditions imposed by or under this Regulation or under any

Municipality to be a body corporate

other for the time being and shall have power to acquire, hold, administer and transfer property both movable and immovable and to enter into contract and shall by the said name sue or to be sued.

9. (1) save as provided in sub-section (2), all seats in a Municipality shall be filled by persons chosen by direct election from the territorial constituencies in the municipal area and for this purpose each municipal area shall be divided by the Election Commission into territorial constituencies to be known as 'wards' in such manner that the ratio between the population of each ward and the number of seats allotted to it shall, so far as practicable, be the same throughout the municipal area;

Composition
of
Municipalities.

Provided that the total number of such members shall not be less than ten and not more than twenty five

(2) The following persons shall be represented in a Municipality, namely:--

(a) not more than three persons who are not less than 25 years of age and who have special knowledge or experience in municipal

Administration to be nominated by the Administrator:

Provided that the persons nominated under this clause shall not have the right to vote in the meetings of the Municipality:

(b) The member of the house of the people representing the constituency which comprises wholly or partly, the municipal area.

(3) Seats shall be reserved for the Scheduled Tribes, the number of such seats being determined by the Administrator, by order to be published in the Official Gazette and the number of seats so reserved shall bear, as nearly as may be, the same proportion to the total number of seats to be filled by direct election in that Municipality as the population of Scheduled Tribes in the municipal area bears to the total population of that area and such seats shall be allotted by rotation to different wards in the Municipality.

(4) Seats shall be reserved for women belonging the Scheduled Tribes amongst the seats reserved for the Scheduled Tribes, the number of such seats being determined by the Administrator, by order to be published on the Official Gazette which shall not be less than one-third of the total number of seats reserved for the Scheduled Tribes.

(5) seats being determined by the Administrator by Seats shall be reserved for women, the number of such order published in the Official Gazette which shall be not less than one-third of the total number of seats and such seats shall be allotted by rotation to different wards in such manner in this Administrator may, by order published in the official Gazette, direct in this behalf.

Duration of Municipality

10. (1) Every Municipality, unless sooner dissolved, under any law for the time being in force, shall continue for five years, from the date appointed for its first meeting and no longer.

(2) Notwithstanding anything contained in sub-section (1), the elected and nominated members of the board functioning immediately before the coming into force of this Regulation shall continue to be members till the expiration of the term prescribed under section 9 or the Andaman and Nicobar Islands (Municipal Boards) Regulation, 1957 as it stood before its repeal.

(3) an election to constitute a Municipality shall be completed:---

(a) before the expiry of its duration specified in sub-section(1);

(b) before the expiration of a period of six months from the date of its dissolution.

Provided that where the remainder of the period for which the dissolved Municipality would have continued, is less than six months, it shall not be necessary to hold any election under this sub-section for constituting the Municipality for such period.

(4) A Municipality before the expiration of its duration shall continue only for the remainder of the period for which the dissolved municipality would have continued under sub-section (1) had it not been so dissolved.

Resignation of members.

11. (1) A member may resign his membership, in writing under his hand addressed to the Chairperson and a seat shall become vacant on its acceptance by him.

(2) A person nominated by the administrator under clause (a) of sub-section (2) of section 9 may resign in writing under his hand addressed to the Administrator, through the Chairperson, and he shall cease to represent in the Municipality on the acceptance of his resignation by the Administrator.

(3) If for a period of sixty days a member or a person nominated by the administrator under clause (a) of sub-section (2) of section 9, is without permission of the Municipality absent from all meetings thereof the Municipality may declare his seat vacant.

Provided that in computing the said period of sixty days no account shall be taken or any period during which the Municipality is adjourned for more than four consecutive days;

Provided further that he shall be eligible for re-election, if otherwise qualified.

(4) If a member becomes subject to any of the disqualifications mentioned in sub-section (1) or sub-section (2) of section 12, his seat shall thereupon become vacant;

Disqualification
membership.

12. (1) A person shall be disqualified for being chosen as, and for being a member by the Administrator under clause (a) or sub-section (2) of section 9, -----

(a) If he holds any office or profit under the Government of India or the Government of any states or Union Territory in the First Schedule to the Constitution other than an Office declared by Parliament or the Legislature of that state or that Union Territory by law, not to be disqualified its holders;

(b) If he is of unsound mind and stands so declared by a competent court;

(c) If he is and discharged insolvent;

(d) if he is not a citizen of India, or has voluntarily acquired the citizenship of a foreign state or is under any acknowledgement of allegiance or adherence to a foreign state;

(e) If he has been convicted by a criminal court for-----

(i) an offence punishable under the Protection of Civil Rights Act, 1957 unless a period of six years has elapsed from the date of such conviction;

Provided that a disqualification under this clause shall not, in the case of a person who on the date of the conviction a member, take effect until three months have elapsed from that date or if within that period an appeal or

application for revision is brought in respect of the conviction until that appeal or application is disposed by the court;

(ii) any other offence and sentenced to imprisonment for a term exceeding six months, unless a period of one year has elapsed since the expiry of the sentence;

(f) if he has directly or indirectly any share or interest in any work done for the Municipality or in any contract or employment, with, by, or, on behalf of, the Municipality;

Provided that no person shall be deemed to have a share or interest in any such work contract or employment by reason only of his-

(i) having a share in any company or firm which may contract with or be employed by or on behalf of the Municipality may be inserted, or

(ii) having a share or interest in any newspaper in which any advertisement relating to be affairs of the Municipality may be inserted, or

(iii) having a share or interest in any lease, sale exchange or purchase of immovable property or any agreement for the same, or

(iv) having a share or interest in the occasional sale to the Municipality to a value not exceeding two thousand rupees in any one financial year, of any article in which trades;

(g) if he has been dismissed from the service under Government for corruption or disloyalty to the state from service any Municipality for corruption unless a period of three years has elapsed since is dismissal;

(h) if he is so disqualified by or under any law made by Parliament for being chosen as, or for being , a member of either House of Parliament;

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

Explanation;- For the purposes of this sub-section a person shall not be deemed to hold an office of profit under the Government of India or the Government that he is a Minister either for the Union or for such State or in any Union Territory or that he is a member of the House of the people

(2) A person shall be disqualified for being a member if he is disqualified for being a member of either House of Parliament under the Tenth Schedule to the constitution

(3) No person in the service of Government shall be eligible for being elected as a member.

(4) If a question arises as to whether a member of Municipality has become subject to any disqualification mentioned in sub-section (1) or sub-section (1) of section 21 the question shall be referred for the decision of the Administrator and his decision shall be final.

(5) Before giving any decision on any such question, the Administrator shall obtain the opinion of the Election Commission and shall act according to such opinion.

13. (1) Vacancy occurring by reason of the death, resignation, removal or voidance of the election of an elected member shall be filled at a casual election; Filling casual vacancies

Provided that in the case of a seat reserved for scheduled tribes, a person shall not be so qualified unless he is a member of a Scheduled Tribe;

Provided further that in the case of seat reserve for woman no person other than a woman shall be qualified to be chosen as a member.

(2) In the case of a casual vacancy in the office of a nominated person, the Administrator may nominate another person in his place.

Election of
Chair-
person

(3) No election to fill casual vacancy shall be held if the vacancy occurs within six months before the expiry of the duration of the Municipality efflux of time of the term of office of the members.

14. (1) As soon as may be after its constitution, every Municipality shall, at a special meeting, elect one of its members, from among themselves, to be the Chairperson of the Municipality.

(2) The term of office of a Chairperson shall be one year from the date of his election or the residue of the term of the Municipality, whichever is less.

(3) The office of the Chairperson shall be reserved for the first year of the Municipality in favour of a member who is a woman.

(4) On the occurrence of any vacancy in the office of the chairperson or the Vice Chairperson, the Municipality shall within one month of the Occurrence of such vacancy elect one of its members as Chairperson or vice- Chairperson as the case may be.

(5) If the vacancy be a casual vacancy in the office of the Chairperson and is reserved for a woman, the vacancy shall be filled by electing one of the members from amongst women.

Election of
Vice-
chairperson.

15. Every Municipality shall, at a special meeting, elect one or two of its members to be the Vice- Chairperson regulate the precedence of the Vice Chairpersons.

Term of
Office of Vice
– Chairperson

16. (1) The term of office if a Vice - Chairperson shall be one year from the date of his election as such or till he ceases to be a member of Municipality whichever is earlier.

Resignation or
removal of
chairperson or
Vice-
Chairperson

(2) A Vice- Chair person whose term of office has expired, shall, if otherwise qualified, be eligible for being re- elected, as such.

17. (1) The Chairperson may resign his office by writing under his hand addressed to the Administrator and the Vice- Chairperson may resign his office by writing under his hand addressed to the Chairperson.

(2) Every resignation under sub-section (1) shall take effect from the date of its acceptance by the Administrator in the case of the Chairperson and by Municipality in the case of a Vice-Chairperson.

(3) The Chairperson or the Vice - Chairperson shall vacate his office if he ceases to be a member.

(4) Every Chairperson or Vice-Chairperson of the Municipality may be removed from his office if a resolution of the Municipality expressing want of confidence in him is passed by a majority of the total members present at a meeting specially convened for the purpose:

Provided that no such resolution shall be moved unless,–

(a) A notice of the intention to move the resolution has been given within such period as may be prescribed and signed by a majority of one-third members of the Municipality, and

(b) it contain a proposal for election of a new Chairperson or Vice-Chairperson of the Municipality.

(5) At any meeting of the Municipality, while any resolution for removal of the Chairperson from his office is under consideration, the Chairperson, or while any resolution for removal of the Vice-Chairperson from his office is under consideration, the Vice-Chairperson, shall not, though he is present, preside.

(6) The meeting shall be presided over by the Vice-Chairperson if the motion is against the Chairperson and by the Chairperson if the motion is against the Vice-Chairperson.

(7) At any meeting of the Municipality, while any resolution for electing a successor to the office of the Chairperson is under consideration, the candidate to the office of the Chairperson, or while any resolution for electing a successor to the office of the Vice-Chairperson is under consideration, the candidate to the office of the Vice-Chairperson, shall not, though he is present, preside.

(8) The Chairperson or Vice-Chairperson shall have right to speak in, and otherwise to take part in the proceeding of such meeting of, Municipality while any resolution for removal from his office is under consideration in the Municipality and shall be entitled to vote only in the first instance on such resolution or on any other matter during such proceeding but not in the case of an equality of votes.

(9) The provisions of sub-sections (6), (7) and (8) shall apply *mutatis mutandis* to the person contesting in the election for the post of Chairperson or Vice-Chairperson of the Municipality.

(10) The procedure to be followed for such a special meeting shall be such as may be prescribed.

C. Sub- Committees

Appointment
Of Sub-
Committees.

18. (1) There shall be the following Sub - committees in the Municipality, namely:-

- (a) sub- committee for finance, taxation and account.
- (b) sub- committee for public health and Sanitation.
- (c) sub- committee for works, town planning and improvement.
- (d) sub- committee for water works.
- (e) sub- committee for education and social justice.

(2) Each Sub- committee shall consist of five members of the Municipality elected at its first meeting after the general election and at the first meeting in the same month in each succeeding year according to the principal of proportionate representation by means of the single transferable vote.

(3) The Chairperson and the Vice- Chairperson shall be ex-office members of all the Sub -Committees but they shall not have the right to vote.

(4) The term of office of the members of the sub- committees shall be one year from the date of their election;

Provided that a person shall cease to be a member of the sub-committee if he ceases to be a member of the Municipality or if he absents himself without the permission of the sub- committee for three consecutive meeting of the sub- committees.

(7) Where a casual vacancy occurs in the membership of a sub- committee it shall be filled by the Municipality by the election of another member. The persons so elected shall hold office only so long as the person in whose place he is elected would, but for occurrence or vacancy have held.

(6) A member of sub- committee may resign his office at any time by notice in writing addressed to the Chairperson of the sub- committee and delivered to him and such resignation shall take effect from the date on which it is accepted.

(7) Each sub- committee shall elect one of its members as Chairperson.

(8) The Chairperson of the sub- committee shall hold office until a successor is elected but shall be eligible for re- election.

(9) Notwithstanding the provisions of sub-section (6) the Chairperson shall vacate his office when he ceases to be a member of the sub- committee.

(10) If any casual vacancy occurs in the office of the Chairperson the sub- committee concerned shall, after the occurrence of such vacancy elect one of the members to fill such vacancy and every persons so elected shall continue in office so long as the person in whose place he is elected would, but for the occurrence of the vacancy have hold.

D. Joint Committee

19. A. Municipality may occur with any other Municipality, or with more than one Municipality in constituting a joint committee for any purpose Joint Committee.

in which they are jointly interested and in delegating to any such joint committee any power which might be exercised by either or any of the Municipality concerned.

Provided that no joint committee shall be appointed in pursuance of such occurrence without the previous approval of the Administrator.

E. Oath of Allegiance

20. (1) Notwithstanding anything contained in the Oath Act, 1969 every person who is elected to be a member of nominated under clause (a) of sub-section (2) of section 9 shall before taking his seat, make at the meeting of the Municipality, an oath or affirmation of his allegiance to the constitution in the following form namely:- Oath or affirmation by members.

"I..... having being elected a member or nominated under clause (a) of sub-section (2) of section 9 swear in the name of God solemnly affirm that I will bear true faith and allegiance to the Constitution of India, and that I will faithfully discharge the duties upon which I am about to enter".

(2) any person who having being elected as a member or nominated under clause (a) of sub-section (2) of section 9 fails to make in three months of the date on which his term of office commences or at one of the first three meetings held after the said date, whichever is later, the oath or affirmation laid down in sub-section (1), shall cease to hold his office and his seat shall be deemed to have become vacant.

(8) Any person who has been elected as a member or nominated under clause (a) of sub-section (2) of section 9 shall not take his seat and meeting of the Municipality or do any act as such member unless he has made the oath, or affirmation as laid down in sub-section (1).

(9)

(4) Notwithstanding anything contained in sub-section (3) a Chairperson, Vice - Chairperson of the Sub-Committee, who has not made the oath or affirmation as a member shall not be entitled to act as such Chairperson, vice- Chairperson, or member.

F. Declaration of assets etc.

Declaration of assets.

21. (1) Every member shall, not later than thirty days after making and subscribing the oath or affirmation under sub-section (1) of seat on 20 and before the last day of the same month in each succeeding year file with the Chairperson a declaration such form as may be prescribed of all the assets owned by him and any member of his family and such declaration shall from part of the records of the Municipality.

(2) A person shall be disqualified for being a member:-

(a) if he fails to file a declaration referred to in sub- section (1) or

(b) if he files a declaration under that sub-section which is either false or which he knows or believes to be false.

Explanation--- For the purpose of this section "family" means a spouse and dependent children of the member.

G. Officers and Servants

Secretary of the Municipality.

22. Every Municipality shall have a Secretary who shall be a whole time employee of the Municipality and shall be appointed by the Administrator.

Remuneration payable to Secretary

23. The pay, allowance and other condition of service of the Secretary shall be such as may be prescribed.

Appointment of Public Health Officer and Engineers

24. (1) A Municipality may, by special resolution and if so required by the Administrator, self appoint a Public Health Officer, as Engineer or a Water - work or Electrical Engineer.

(2) Each such appointment and the salary another conditions attaching thereto shall be subject to the approval of the Administrator.

(3) If a Municipality when required by the Administrator to do so fails within the reasonable time to appoint him and any officer so appointed shall be deemed to have been appointed by the Municipality.

Pension leave allowances and

25. (1) if an officer or servant of a Municipality is a person in the service of Government, the Municipality shall,-----

Provident
fund

(a) If his services are wholly lent to it, contribute to his pension, gratuity and leave allowance in accordance with the rules for the time being governing his conditions of service under Government; and

(b) if it devotes a part of his time to the performance of duties on behalf of a Municipality, contribute to his pension, gratuity and leave allowances in such proportion as may be determined by the Administrator.

(2) In case of an officer or servant of the Municipality who is not a Government official the municipality may subject to such condition as the Administrator may by rules prescribe, grant him leave, absents or acting allowance and,-----

(a) grant him gratuity on retirement; or

(b) established and maintain a provident or annuity fund and compel him to contribute thereto of; of

(c) where such a fund has not being established or where such fund has been established but he has been contributing there to for less than be whole of his service grant him a pension or gratuity or purchase or arrange for annuity for him on his retirement.

(3) If the sanction of the Administrator, a Municipality may grant a compassionate gratuity or grant or arrange for the purchase of an annuity to any Officer or servant injured otherwise than by reason of his own default in the execution of his duty or where such injury results in his death, to the widow, children or other relatives dependent on him.

(4) Where an Officer or servant dies in circumstances other than those referred to in sub- section (3), the Municipality may, with the sanction of the Administrator, grant a compassionate gratuity to the widow, children or other relatives dependent on him.

(5) A Pension, gratuity, or annuity shall not exceed the sum to which under any rule or general or special order made by the Central Government, such officer or servant or his family should be entitled if the service had been service under Government.

(6) Nothing in this Regulation shall be deemed to prohibit the establishment of provident fund for officer and servants of the Municipality at such rates and under such conditions as the Municipality may, by -laws fix and apportion for such performance.

26. (1) If the person serving or having served under a Municipality has been or transferred from or to the service of Government or is partly employed by the Government and partly by the Municipality, the Municipality shall contribute to his pension and leave allowances to such extent as may be required by any rules made by the Government concerned in this behalf.

Pension etc., in case of service partly under Government and partly under Municipality.

(2) The Municipality shall not, say with the consent of the Administrator dispense with the services of any person employed as aforesaid without giving the Administrator six months previous notice.

27. (1) Without prejudice to the provisions of any law for the time being in force, the following penalties may, for good reasons, be imposed upon any officer or employee of the Municipality,—

Punishment dismissal etc., of the public Health Officer and Engineer.

(a) minor penalties -

- (i) censure;
- (ii) withholding of promotion;
- (iii) recovery from his pay of the whole or part of any pecuniary loss caused by him to the Municipality by negligence or breach of orders;
- (iv) withholding of increments of pay;

(b) major penalties —

- (i) reduction to a lower post on a fixed pay or a time scale or to a lower stage in a time scale;
- (ii) removal from the service, which does not disqualify from future employment;
- (iii) dismissal from the service, which ordinarily disqualifies from future employment.

(2) The major penalties mentioned in clause (b) of sub-section

(1) may be imposed on an officer or employee of the Municipality by the authority competent to make the appointment of the officer or employee:

Provided that the minor penalties mentioned in clause (a) of sub-section (1) may be imposed by the Secretary (Urban Development), Andaman & Nicobar Administration:

Provided further that suspension of an officer or employee pending inquiry into the allegations against such officer or employee shall not be deemed to be a penalty and shall be ordered only by the authority competent to make appointment to the post held by such officer or employee.

(3) No officer or employee shall be imposed major penalties mentioned in clause (b) of sub-section (1) unless he has been given a reasonable opportunity of showing cause against such penalties:

Provided that this sub-section shall not apply where a person is reduced, removed or dismissed on the ground of conduct which has led to his conviction on a criminal charge.

(4) An appeal against any order imposing any penalty mentioned in sub-section (1) may be made —

(i) in case if an order imposing any minor penalty mentioned in clause (a) of sub-section (1), to the Secretary (UD), A&N Administration;

(ii) in case if an order imposing any major penalty mentioned in clause (b) of sub-section (1), to the Administrator.

(5) No such appeal may be entertained if not preferred within one month from the date of receipt of the order appealed against by the officer or employee concerned

(6) The appellate authority referred to in sub-section (4), within six months of the date of the order passed, may at any time, either on his or its own motion or otherwise, call for the records of any inquiry and revise any order made for reduction to a lower post or rank or removal or dismissal from the service, and may-

(i) confirm, modify, reduce, enhance or set aside the order; or

(ii) remit the case to the authority which made the order to or any other authority directing such authority to make such further enquiry as he or it may consider proper in the circumstances of the case; or

(iii) pass such orders as he or it may deem fit.

(7) The Administrator may, at any time, either on his own motion or otherwise, review any order passed under this section, when any new material or evidence which could not be produced or was not available at the time of passing the order under review and which has the effect of changing the nature of the case, has come, or has been brought, to his notice."

28. Subject to the provisions to the regulations and the rules and bye-laws made there under a Municipality may employ such other officers and servants belonging too group (c) &(d) category of the efficient execution of its duties and may assign to such officers and servants such pay and allowance as thinks fit;

Employment of Other Officers and servants.

Provided that such appointment should not exceed that the sanctioned strength as per the budget approved by the Administrator.

29 No suit shall be maintainable against any officer or servant of a Municipality or any member, or any person action under the direction of such officer, servant or member in respect of anything a good faith done under the Regulation or any rule or bye- law made there under.

Protection of action taken in good faith.

Provided that every such person shall be liable for the loss, waste or misapplication of any money or other property belonging to the Municipality if such loss, waste or misapplication is direct consequence of the neglect or misconduct in the discharge of his duties under this Regulation; and a suit for compensation for the same may be instituted against him by the Municipality with sanction of the Deputy Commissioner or the Administrator.

30. Every member and every Municipal Officer and Servant shall be deemed to be public servant within the meaning of section 21 of the Indian Penal Code.

Municipal Officers to be public servants.

31. If any Municipal Officer or servant knowingly acquires, directly or indirectly, by himself or by partner or employer or servant, any share or interest in any work done for the Municipality or in any contract or employment with, by or behalf of the Municipality he shall be deemed to have committed an offence under section 168 of the Indian Penal code;

Penalty for acquisition by Municipal officer or servant of interest in contract or work.

Provided that no person shall, by reason or being a share- holder in, or a member of, any company, they held to be interested in any contract entered in to between such company and the Municipality.

CHAPTER-III-A

Establishment,
term of office
and conditions
of service of
Ombudsman.

31A (1) The Administrator shall, by notification in the Official Gazette, establish an authority to be known as the Ombudsman for making investigations and inquiries, in respect of charges on any action involving corruption or maladministration or irregularities in the discharge of administrative functions by the member under this Regulation.

(2) The Ombudsman shall consist of one member to be appointed by the Administrator, on the recommendation of a committee referred to in sub-section (4).

(3) The Ombudsman shall not be a Government employee.

(4) The Committee referred to in sub-section (2) shall comprise of the following, namely: -

- (a) Secretary (Urban Development), Andaman and Nicobar Administration;
- (b) a retired District Judge;
- (c) a retired civil employee who has held a post in the Central Government or State Government not below the rank of a Joint Secretary to the Government of India;
- (d) two persons of impeccable integrity from the civil society nominated by the Administrator.

(5) A person appointed to be the Ombudsman shall, before he/she enter upon his/her office, make and subscribe before the Administrator or any other officer appointed in that behalf by him, an oath or affirmation according to the form set out below: -

'I, A.B. having been appointed as the Ombudsman for the _____ Municipality under the Andaman and Nicobar Islands **(Municipal)** Regulation, 1994, do swear in the name of God/Solemnly affirm that I will bear true faith and allegiance to the Constitution of India and I will duly and faithfully and to the best of my ability, knowledge and judgment perform the duties of my office without fear or favor, affection or ill-will'.

(6) The Ombudsman shall hold office for a term of three years from the date on which he enters upon his office:

Provided that -

- (a) the Ombudsman may, by writing under his hand addressed to the Administrator, resign his office;
and
- (b) the person appointed as Ombudsman may be removed from his office in the manner provided in section 31B.

(7) The salary and allowance payable to, and the other terms and conditions of service of, the Ombudsman shall be such as may be prescribed.

(8) On expiry of his term of office as Ombudsman, he shall not be eligible for re-appointment as Ombudsman or for further appointment to any office under the Government or in any corporation, company, society or university by or under the control of the Government.

31B. (1) Ombudsman may be removed from his office, by an order of the Administrator, on the ground of proved misbehavior or incapacity. Removal of Ombudsman.

(2) The procedure for the removal of the Ombudsman under sub-section (1) and for the investigation and proof of the misbehaviour or incapacity of the Ombudsman shall be such as may be prescribed by the rules made by the Government.

31C. (1) The Government may, in consultation with the Ombudsman provide such officers and staff to assist the Ombudsman in the discharge of its functions under this Regulation. Staff of Ombudsman.

(2) The salaries, allowances and other conditions of the service of the officers and staff provided to the Ombudsman shall be such as may be prescribed.

(3) The Ombudsman may require the assistance of any officer of any Government Department in order to ascertain the veracity of an allegation under investigation and such officer shall be bound to render such assistance in addition and without detriment, to his official duties.

(4) The Ombudsman may utilize the services of any person having experience and expertise in any particular subject in deciding the questions before it.

Functions of Ombudsman.

31D. (1) The Ombudsman shall perform all or any of the following functions, namely: -

- (i) investigate into any allegation contained in a complaint or on a reference from the Government, or that has come to the notice of the Ombudsman;
- (ii) inquire into any complaint in which corruption or maladministration of a member or a Municipality is alleged;
- (iii) pass an order on the allegation in the following manner, namely:

- (a) where the irregularity involves a criminal offence committed by a member of the Municipality, the matter shall be referred to the appropriate authority for investigation;
- (b) where the irregularity causes loss or inconvenience to a citizen, direct the Municipality to give him compensation and to reimburse the loss from the person responsible for the irregularity;
- (c) where the irregularity involves loss or waste or misuse of the fund of the Municipality, realize such loss from those who are responsible for such irregularity; and
- (d) where the irregularity is due to omission or inaction, cause to supply the omission and to rectify the mistake.

(2) In addition to the functions enumerated in sub-section(1), the Ombudsman may pass interim order restraining the Municipality from doing anything detrimental to the interest of the complainant if it is

satisfied that much loss or injury will be caused to the complainant due to the alleged act.

(3) The Ombudsman may, if it is of the opinion that the irregularity involved corrupt practice for personal gain, by an order, impose penalty in addition to compensation.

Powers of Ombudsman.

31E. (1) The Ombudsman shall, for the purpose of any investigation or inquiry under this Regulation, have the same powers as are vested in a civil court while trying a suit under the Code of Civil Procedure, 1908 in respect of the following matters, namely: -

5 of 1908.

- (a) summoning and enforcing the attendance of any witness and examining him;
- (b) requiring the discovery and production of any document;
- (c) receiving evidence on affidavits;
- (d) requisitioning any public records, or copy thereof from any court or office;
- (e) issuing commissions for the examination of witness;
- (f) such other powers as may be prescribed by rules made by the Government.

(2) Where the Ombudsman finds that the allegation contained in a complaint is without any substance or trivial in nature, it may be order direct the complainant to pay to the opposite party so much of the amount specified in the order by way of cost.

(3) Where the allegation contained in a complainant is about the loss or waste or misapplication of the fund of the Municipality or in respect of the loss or inconvenience caused to a citizen, the Ombudsman may, during inquiry, collect evidence, determine the loss and direct in its order the amount to be realized from the person responsible.

(4) If the amount paid as per the order passed by the Ombudsman under sub-section (2) or sub-section is not paid within the period specified by it, the same shall be recoverable as if it were an arrears of land revenue.

31F. The Government may, at the request of the Ombudsman make available the services of officers and employees of the Government including police personnel to assist the Ombudsman in the conduct of investigation and inquiry, and in respect of such functions, such officer or employee shall be deemed to be the officer or employee of the Ombudsman.

Service of Government Departments.

31G. (1) The Ombudsman may, accordance with the provisions of this Regulation, enquire into any complaint filed before it under this Regulation.

(2) Notwithstanding anything contained in this Regulation, the Government may refer any allegation of corruption or maladministration against a Municipality or a member of the Municipality which is within

Investigation.

its knowledge or brought to its notice, to the Ombudsman and the Ombudsman a member of Municipality shall enquire into it as if it was a complaint filed under this Regulation.

(3) The Ombudsman may, on receipt of a complaint, conduct an investigation in the matter and where there is prima facie case it may conduct a detailed enquiry.

(4) The Ombudsman shall not investigate or inquiry into matters relating to,-

(a) any matter in respect of which a formal and public enquiry has been ordered by Government;

(b) any matter in respect of which a remedy is available from the Court for Municipality;

(c) any matter in respect of which an enquiry has been ordered under the Commission of Inquiries Act, 1952 or any matter pending before a Court; 60 of 1952.

(d) any complaint filed after the expiry of three years from the date on which the matter complained against have taken place:

Provided that the Ombudsman may entertain such complaint if the complainant satisfies that he had sufficient reason for not filing the complaint within the specified period.

Inquiry.

31H. (1) After an investigation, if the Ombudsman is satisfied that –

(a) the complaint is frivolous or vexatious or is not made in good faith; or

(b) there is no sufficient ground to initiate proceedings; or

(c) other remedies are available to the complainant and it would be more beneficial for the complainant to avail of such remedies in view of the circumstances of the case,

it may dispose of the complaint as rejected after recording its findings stating the reason therefore, and communicate the same to the complainant.

(2) If the Ombudsman is of the opinion that there is a prima facie case against a member or Municipality complained of, it shall record its findings to this effect and sent notices of the proposed inquiry to the complainant and to the opposite party.

(3) The Ombudsman shall, subject to the provisions of this Regulation and the rules made there under, have power to regulate its procedure by fixing the time and place of sitting.

(4) In any proceeding before the Ombudsman, no legal practitioner shall be permitted to represent any person, unless the Ombudsman permits, by an order, a person to be represented by a legal practitioner for reasons to be recorded.

Existing cases to be transferred to Ombudsman.

31-I. (1) Notwithstanding anything contained in any other law for the time being in force, any proceedings relating to a member or Municipality which is pending before any authority under this Regulation before the establishment of the Ombudsman under subsection (1) of section 31A, shall, on such establishment, be transferred to the Ombudsman and the Ombudsman shall decide the cases in accordance with the provisions of this Regulation.

(2) All cases, with regard to the loss, wastage and misappropriation of any land of the Local Self Government Institution, pending before the Government or any other authority shall be transferred to the Ombudsman and the Ombudsman shall dispose of the cases in accordance with the provisions of this Regulation.

31J. (1) If, after an investigation or inquiry, the Ombudsman finds that there is a prima facie case against the accused involving a criminal offence, the Ombudsman may refer the complaint and the findings to a competent authority with recommendation to initiate prosecution.

Initiation of prosecution.

(2) The authority responsible for initiating such prosecution shall conduct a detailed enquiry if necessary and charge a case.

31K. (1) The Ombudsman may consider and dispose of complaints other than those involving criminal offences, in the following manner, namely:

Disposal of complaints.

- (i) award of compensation to a citizen in case of loss or grievance;
- (ii) order the recovery of loss caused to the Municipality from the person responsible;
- (iii) order the supply of omission or rectification of defects due to inaction;
- (iv) order the recovery of loss from the accused failing which, order realization through revenue recovery proceedings;
- (v) order other necessary remedial measures considering the facts and circumstances of the case.

(2) Where the Ombudsman finds that the procedure or practice regarding the administration of the Municipality gives room for complaint, it may give suggestions to the Government or the Municipality relating to the measures for avoiding the recurrence of such complaint.

(3) The Ombudsman shall give annually a detailed report regarding the performance of its functions under this Regulation to the Government.

Procedure to be prescribed.

31L.(1) The Government may make rules to carry out the provision of this Chapter.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:-

- (a) the salary and allowances payable to, and other terms and conditions of service of, the Ombudsman under sub-section (7) of section 31A;
- (b) the procedure for the removal of the Ombudsman and investigation of proof of the misbehavior or incapacity under sub-section (2) of section 31B;
- (c) the salary and allowances payable to, and other terms and conditions of service of, the officers and staff provided to the Ombudsman under sub-section (2) of section 31 C; and any other matter which is required to be, or may be, prescribed.

CHAPTER IV

ELECTIONS

- A. Municipal Wards, Electoral Rolls, Voters and Candidates for Election.

Superintendence, direction and control of election.

32. (1) The Superintendence, direction and control of the preparation of electoral Rolls for, and the conduct of, all elections to the Municipalities shall be vested in the Election Commission appointed under section 185 of the Andaman and Nicobar Islands (Panchayats) Regulation, 1994, and the Election Commissioner appointed under the section shall be deemed to be the election Commissioner for the purposes of this Regulation.

(2) The Administrator shall when so requested by the Election Commission make available to that commission such staffs which the administrator considers necessary for discharge of the function conferred of the Election Commission by sub-section (1).

(3) Notwithstanding anything contained in this Regulation or the rules made there under, the giving or recording of vote by Electronic Voting Machine may be adopted in such ward or wards of the Municipality as the Election Commission may, having regard to the circumstances of each case, specify.

Explanation. – For the purposes of this section, “Electronic Voting Machine” means any machine or apparatus whether operated electronically or otherwise, used for giving or recording of vote and any reference to a ballot box or ballot paper in this Regulation or the rules made there under shall, save as otherwise provided, be construed as including a reference to such Electronic Voting Machine wherever such Electronic Voting Machine is used at any election.’

Municipal
wards

33. (1) For the purposes of Election to a Municipality every Municipal area shall be divided into single member wards in such manner that the population of each ward shall, so far as practicable be the same throughout the Municipal area.

(2) The Election Commission shall, by order Published in the Official Gazette determine----

(a) the number of wards;

(b) the extent of each ward;

(c) the wards in which seats shall be reserved for Scheduled Tribes;

(d) the wards in which seats shall be reserved for woman; and

(e) the manner in which seats reserved for Scheduled Tribes and woman shall be rotated.

(3) For every municipal ward their shall be electoral roll which shall be prepared and published every year under the Superintendence direction and control of the Election Commission on and shall contain such particulars in respect of the voters as the Election commission may from time to time direct;

Provided that the Election Commission may, by notification direct that no new Electoral Roll for any Municipal ward shall be prepared and published in any particular year, and that the Electoral roll previously published shall continue to be valid until the new Electoral Roll is published.

Qualifications
for registration
as voter for
candidates in
election.

34. (1) A person shall not deem to be a voter of a Municipal ward unless he is registered as such in the Electoral Roll for that ward.

(2) Subject to the provisions of this Regulation and of any other law for the time being in force, every person who-----

(a) Is a Citizen of India,

(b) has attained in the age of 18 years on the first day of January of the year for which the Electoral Roll is being prepared, and

(c) has the requisite qualification in respect of residence shall be entitled to be so registered as a voter in the Electoral Roll for a Municipal ward ;

Provided that no person shall be entitled to be so registered if he-----

(i) is of unsound mind and stands so declared by a competent court; or

(ii) is for the time being disqualified for voting under the provisions of section 42 or any other law relating to corrupt practice and other offences in connection with elections;

Provided further that no person shall be entitled to be so registered, the Electoral Roll for more than such ward in a Municipal area or more than once in any electoral Roll.

(3) For the purpose of sub-section(2), a person shall be deemed to requisite qualifications-----

(a) in respect of residence, if he has ordinary resided in a dwelling (other than as an inmate or a patient in a prison or a hospital) in the Municipal ward concerned, for a period of not less than twelve months immediately preceding the 1st day of January of the year which the electoral roll is being prepared;

(b) in respect of business premises, if he occupies any business premises in the Municipal ward concerned, for a period of not less than twelve months immediately preceding the 1st day of January of the year for which the electoral roll is being prepared; and

(c) in respect of taxation, if he owns within the limits of the Municipal ward concerned immovable property which is assessed to any Municipal tax on the 1st day of April of the year immediately preceding the year of which the electoral roll is being prepared.

(4) Every person who is a voter of a Municipal ward within a municipal area and who for a period of not less than six months commencing from the 1st day of January of the year during which an election is to be held has been residing in the Municipal areas shall, subject to the provisions of this Regulation and any other law for the time being in force, be qualified to be a candidate for election as a member of the Municipality in that municipal area;

provided that no person shall be qualified to be a candidate for election as a member of a Municipality if he has not attained the age 21 years.

B. Election Petitions

35. (1) The election of any person as a member may be questioned by election petition on the ground----- Power to question election

(a) that such person has committed during or in respect of the elections any corrupt practice as here in after defined;

(b) that such person was declared to be elected by reason of the improper rejection or admission of one or more votes or that, for any other reason, he was not duly elected by a majority voting of lawful votes; or

(c) that such person was disqualified for being elected as a member under any of the provisions of this Regulation.

(2) The election of any person as a member shall not be questioned----

(a) on the round hat the name of any person qualified to vote has been omitted from all the name of any person not qualified to vote has been inserted in, the elector roll or rolls; or

(c) on the ground of any non-compliance with this Regulation or any rule, or of any mistake in the forms required there by or of any error irregularity or informality on the part of the officer or officers charged with carrying out this Regulation or any rule,. Unless such non- compliance, mistake, error irregularity or informality has materially affected the result of the elections.

36. A person shall be deemed to have committed a corrupt practice who directly or indirectly, by himself or by any other person---

Definition of "Corrupt practice".

(i) Induces or attempts to induce by fraud, international misrepresentation, coercion threat of injury, any voter to give or to refrain from giving a vote in favour of any candidate;

(ii) with a view to inducing any voter to give or to refrain from giving a vote in favour of any candidate, offers or gives any money, or valuable consideration or any place or consideration or any place or valuable consideration or any place or employment, or holds out any promise of individual advantage or profit to any person;

(iii) gives or procures the giving of a vote in the name of a voter who is not the person giving such vote;

45 of 1860

(iv) abets (within the meaning of the Indian Penal Code) the doing of any of the acts specified in clause (i), (ii) or (iii); or

43 of 1951

(v) Commits any of the practice specified in section 123 of the Representation of the People Act, 1951.

EXPLANATION: A "promise of individual advantage or profit to any person" includes a promise for the benefit of the person himself, or of any one in whom he is interested, but does not include a promise to vote for or against any particular municipal measure.

37. (1) an election petition or any application relating to the hearing of an election petition shall be presented to the district judge within seven days from the date on which the result of the election was notified and shall be specified the ground or grounds on which the election is questioned, and shall contain a summary of the circumstance alleged to justify the election is questioned on such grounds.

(2) The petition may be presented by the candidates in whose favour votes have been record and who claims in the petition to be declared elected in place of the person those election is questioned, or by ten or more voters of the Municipal area.

(3)The person whose election is questioned and there the petitioner claims that any other candidate shall be declared elected in place of such person, every unsuccessful candidate who has polled more votes than such other candidate, shall be made a respondent to the petition.

Recrimiratory proceedings in election disputes.

38. Any respondent may give evidence to prove that any person in respect of whom he claim is made that such person be declared elected in his place or in priority to him, should not be declared so elected, in the same manner as if he had presented a petition against the election such person.

Forms and presentation of election petition.

Procedure for hearing election petitions.

39. (1) Save as otherwise provide by this Regulation or by any rule made their under, the procedure, provided in the Code of Civil Procedure, 1908, in regard to suits shall in so far as it may be applicable, be followed in the hearing of election petitions by the District Judge:

Provided that-----

(a) two or more parsons whose election is called in question may be respondents to the same petition and their case may be tried at the same time, and any two or more election petitions may be heard together; but so far as is consistent with such joint trail of hearing, the petition shall be deemed to the a separate petition against each respondent;

(b) the District Judges shall not be required to record or have recorded the evidence in full, but shall make a memorandum of the evidence sufficient in his opinion for the purpose of deciding the case;

(c) The District judge may, at any stage of the proceedings, require the petitioner to give security of further security for the payment of all costs incurred or likely to be incurred by any respondent; and

(d) the District judge for the purpose of deciding any issue, shall only be bound to require the production of or to receive such evidence, oral or documentary as he may consider necessary.

(2) An order for the payment of costs, or an order for the realization of security bond for costs passed by the District judge shall be executed in the same manner as if the amount to be recovered was an arrear of land revenue.

Finding of
District Judge.

40. (1) If the District judge after making such inquiry as he thinks necessary, finds in respect of any person whose election is called in question by petition, that his election was valid, the petition shall be dismissed against such person with costs.

(2) If the District Judge finds that the election of any person was invalid, he shall either---

(a) declare a casual vacancy to have arisen, or

(b) declare another candidate to have been duly elected. Which even course appears, in the particular circumstances of the case, to be more appropriate; and in either case the District Judge may award costs in his direction.

(3) In the event of the District judge declaring a casual vacancy to have arisen, he shall direct the Municipality to take proceedings, for filling the vacancy.

Avoidance of
election.

41. (1) Notwithstanding anything contained in section 39, if the District judge, in the course of hearing an election petition, is of the opinion that the evidence discloses that corrupt practices at the election proceedings in question, have prevailed to such an extent as to render it advisable to set aside the whole of election proceedings, he shall pass a conditional order to this effect and give notice thereof to every candidate declared elected who has not already been made a party in the case, calling upon such candidate to show cause why such conditional order should not be made final.

(2) Thereupon every such candidate may appear and show cause, any may have re-called for the purpose of putting question to him, any witness who has appeared in the case.

(3) The District Judge shall thereafter either cancel the conditional order or make it absolute in which case he shall direct the Municipality to take measures for holding fresh election proceedings.

Disqualification for corrupt practice.

42. The District Judge may declare any candidate found to have committed any corrupt practice to be ineligible for being a member, or for being appointed or retained in any office or place in the gift or at the disposal of the Municipality or for being registered as a voter, for such period not exceeding five years as the District Judge may determine.

C. Election Rules

Conduct of elections and related matters.

43. The Administrator after consultation with the election Commission may, by notification, make rules consistent with the Regulation, for the purpose of regulating all or any of the following matters namely:-

- a) the preparation and revision of electoral rolls and the adjudication of claims to be registered as voters and objections to registration;
- b) the nomination of candidates;
- c) the dates, time and manner of holding elections, general or casual;
- d) the number of representatives proper for each ward and reservation of seats for women;
- e) any other matter relating to elections or election petitions in respect makes no provision or insufficient provision; and
- f) any other matter necessary for securing the due constitution of Municipalities.

CHAPTER V

A. Duties and powers of Municipal Authorities

Duties and powers of municipality.

44. Subject to such exceptions and conditions as the Administrator may from time, make and impose, it shall be the duty of every Municipality to make reasonable provision within the municipal area for—

- a) urban planning including town planning;
- b) regulation of land use and construction of buildings;
- c) planning for economic and social development;
- d) roads and bridges;
- e) water supply for domestic industrial and commercial purposes;
- f) public health, sanitation conservancy and solid waste management;
- g) fire services;
- h) urban forestry, protection of environment and promotion of ecological aspects;
- i) safeguarding the interest of weaker sections of the society, including the handicapped and mentally retarded;
- j) slum development improvement and up gradation;
- k) urban poverty alleviation;
- l) provision of urban amenities and facilities such as parks, gardens playgrounds;
- m) promotion of cultural, educational and aesthetic aspects;
- n) burials and burial grounds; cremations, cremation grounds and electric crematoriums;
- cattle pounds, prevention of cruelty to animals;
- o) vital statistics including registrations of births and deaths;
- p) public amenities including street lighting, parking lots, bus stops and public conveniences;
- r). securing or removing dangerous buildings or places;
- s). constructing, altering and maintaining public streets other major roads other than culverts, markets, slaughter-house, latrines, privies, urinals, drains drainage-work and sewerage-work subject, to the direction and general control of the Public work Department;
- t). maintaining the developing the value of property vested in, or entrusted to, the management of the Municipality;
- u). preparing such returns, statements and reports as the Administrator may require the Municipality to submit; and
- v). fulfilling any obligation imposed upon it by law.

45 (1) The Administrator may direct that the Municipality shall make provision for any of the following matters within the municipal area, subject to any exceptions and conditions that may be laid down by the Administrator Namely :-

Discretionary functions of Municipality

, namely:--

- a) reclaiming unhealthy localities;
- b) taking of census and registration of vital statistics;
- c) making arrangements for the confinement of destruction of stray dogs;
- d) securing, or assisting the securing of, suitable places for the carrying on of any dangerous or offensive trade or manufacture;
- e) establishing and managing ponds and performing such functions and of the State Government and the Magistrate of the District as may be transferred to the Municipality under section 31 of the cattle Trespass Act, 1871.
- f) Holding fairs and exhibitions and arranging entertainments functions and public receptions, with the previous approval of the Administrator; and
- g) Adopting any measure, other than a measure specified in section 42 or in this sub-section likely to promote the public safety health of convenience.

(2) A Municipality may, with the previous approval of the Administrator, make provisions for the extension beyond the limit of the Municipal area of the benefits of the Municipal undertaking.

(3). A Municipality may also make provision within or beyond the limits of the Municipal area for the doing of anything whereon expenditure is declared by the Administrator or by the Municipality with the sanction of the Administrator or by the Municipality with the sanction of the Administrator, to be an appropriate charge on the Municipal Fund.

46. (1) Municipality may, subject to the provisions of sections 63 by bye-law, empower a sub-committee of the Chairperson, any member or the Secretary of the Municipality to exercise and perform subject to such conditions, restrictions and limitations as may be imposed by the Municipality all or any of the powers and duties conferred or imposed on the Municipality by any of the provisions of this Regulation. Delegation of powers of Municipality

(2). Any bye-law made under sub-section (1) may provide that any order passed in the exercise of the powers or performance of the duties so delegated shall, within such time as may be therein prescribed, be subject to appeal to, or revision by, the Municipality.

B. Duties of Chairperson and Vice Chairperson

47. it shall be the duty of the Chairperson of a Municipality,---

(a) unless prevented by reasonable cause, to convince and preside at all meetings of the Municipality and to control in accordance with the bye-laws made in this behalf, the transaction of business threat;

Duties of Chairperson.

(b) subject to the provisions of this Regulation, the Chairperson shall have general powers of inspection and may call any record of the Municipality from the Secretary and the same shall be made available to him and shall be returned by him with in fifteen days from the date they are made available to him..

(c) the Chairperson shall not be eligible to be elected as chairperson of any sub-committee;

(d) if the Chairperson is, at the time of his elections as Chairperson, the Chairperson of an elected member of a sub-committee he shall cease to hold office as such chairperson or member of such committee.

(e) if any vacancy occurs in the office the chairperson of any sub-committee, the Chairperson shall convent a meeting of such sub-committee for the election of another chairperson.

(f) to perform such other duties as are required for or may be imposed upon him by or under this Regulation.

48. (1) it shall be the duty of the Vice Chairperson present—

Duties of Vice Chairperson.

(a) to perform, during the continuous absence of the Chairperson from the city for more than eight days or in incapacitated for more than eight days or during a vacancy in the office of the Chairperson, the duties of the Chairperson described in section 45; and

(b) to perform such other duties as are required of or may be imposed upon him by or under this Regulation.

(2). A Vice Chairperson performing of the duties of the Chairperson in the circumstances stated in clause (a) of sub-section (1) shall have all the powers conferred on the Chairperson by or under this Regulation.

C. EMERGENCY POWERS

49. (1) In case of emergency, the Chairperson of a Municipality may direct the execution of any work or the doing of any act which the municipality is empowered to execute or do; and the immediate execution or doing of which is, in his opinion, necessary for the preservation of the valuable property or for the safety of the public, and may also direct that the expense of executing such work or doing such act shall be paid from the Municipal Fund.

Provided that every direction given under this section shall be reported to the Municipality at its next following meeting.

(2). The Chairperson shall not act under this section in contravention of any express order of the Municipality.

(3). The Chairperson may, prohibit, until the matter has been considered by the Municipality, the doing of any act which is, in his opinion, undesirable in the public interest, provided that the act is one which the municipality has power to prohibit.

(4). No direction given under this section shall be questioned in any court on the ground that the case was not one of emergency.

50. (1) The sub-committee for taxation and finance shall deal with all matter relating to finance, taxation, accounts and audit and all other matter not specifically assigned to the sub-committee for public health or the sub-committee for works which are required to be dealt with by or under this Regulation.

(2) The standing committee for public health shall deal with all matter relating to public health and sanitation. The sub-committee for works shall deal with all matter relating to public works, town planning and improvement.

(3) The Municipality shall, by bye-laws framed for the purpose, determine the powers and duties of each sub-committee, not specially provided for in this Regulation and may, by bye-laws, provide for a conference of two or more sub-committees or for the appointment out of such committee of a joint committee for any purpose in respect of which they may be jointly interested.

Functions of
Sub-
Committees

(4) The sub-committee for taxation and finance, in addition to the powers and duties assigned to it under the bye-laws—

(a) shall supervise the utilization of the budget grants;

(b) shall assist to the accounts of the Municipality, and may require the Secretary to furnish any clarification which it considers to be necessary as to the receipts and expenditures of the Municipal Fund;

(c) may conduct a monthly audit of the Municipal accounts and shall be bound to check the monthly abstract of receipts and disbursements for the preceding months as furnished by the Secretary;

(d) may, subject to the approval of the Municipality, write off the amount of any loss, or depreciation caused to the Municipality property which appears to the committee to be irrecoverable;

Provided that where the amount of any such loss or depreciation exceeds rupees one thousand, or shall not be written off except with the previous sanction of the Municipality.

(10) The Municipality shall sanction such staff as may reasonably be required by the sub-committees to discharge their respective functions.

51. (1) Wherever it is provided by the Regulation or any other law for the time being in force that the Secretary may take action subject to the approval, sanction, consent or concurrence of a sub-committee, the sub-committee may, by resolution in writing, authorize in him to take action in anticipation of its approval, sanction, consent or concurrence subject to such condition, if any as may be specified in such resolution. Delegation of powers to Secretary by Sub-Committees

(2) Whenever the Secretary, in pursuance of such resolution, takes any action in anticipation of the approval, sanction, consent or concurrence of a sub-committee, he shall forthwith inform the committee of the action so taken.

52. (1) Subject, whenever it is in this Regulation Expressly so directed, to the approval or sanction of the Municipality or the sub-committee consent and subject also to all other restriction, limitation and condition imposed by this Regulation or by any other law for the time being in force which imposes any duty or congers any power on the Municipality shall vest in the Secretary, who shall also—

Functions of
the
Secretary.

(a) perform all the duties and exercise all the powers specifically imposed or conferred upon him by or under this Regulation or by any other law for the time being in force;

(b) in any emergency take such immediate action for the service or safety of the public or the protection of the property of the Municipality as the emergency shall appear to him to justify or to require, notwithstanding that such action cannot be taken under this Regulation without the sanction, approval or authority of some other municipal authority or of the Administration;

Provided that the Secretary shall report forthwith to the sub-committee concerned and to the Municipality the action he has taken and the reasons for taking the same and the amount of cost, if any , incurred or likely to be incurred in consequence of such action which is not covered by a current budget grant under the provisions of this Regulation.

(2) Any powers, duties and functions conferred or imposed upon or vested in the Municipality by any other law for the time being in force shall subject to the Provisions or such law, be exercised performed or Discharged by the Secretary.

(3) All correspondence relating to any matter dealt with, by or under this Regulation or Under any other law between the Municipality and the Government or other authority shall be conducted by the Secretary and the Secretary shall send copies of such correspondence to the Chairperson.

4) The Secretary shall exercise all the powers of the Head of the Department as per the provisions of the General Financial Rules in respect of the Departments of Andaman and Nicobar Administration.

Delegation of Secretary's ordinary powers. 53. Subject to the rules made under the Regulation, the Secretary may delegate to any officer of the Municipality subordinate to him any of his powers other than the powers under clause (b) of sub-section (1) of section 52.

Custody of records. 54. The Secretary shall be responsible for the custody of all records of the Municipality including all papers and documents connected with the proceedings of the Municipality sub-committee and other committees.

CHAPTER VI TRANSACTION OF MUNICIPAL BUSINESS

A. Meetings

Ordinary and special meetings. 55. (1) Every Municipality shall meet for the transaction of business at least once in every month at such time as may fixed by the bye-laws.

(2) The Chairperson may, whenever he thinks fit, and shall, on a requisition made in writing in this behalf by not less than one-fifth of the members, convene, an ordinary or a special meeting at any other time.

(3) Every meeting of the Municipality shall be either ordinary or special.

Quorum. (4) Any business of the Municipality may be transacted at an ordinary meeting unless required by this Regulation or the rules made there under to be transacted at a special meeting.

56 (1) The quorum necessary for the transaction of business at a special meeting of Municipality shall be one-half of the number of elected members serving for the time being, but shall not be less than three.

(2) The quorum necessary for the transaction of business at an ordinary meeting of Municipality shall be one-third of the number of members serving for the time being, but shall not be less than three.

(3) If at any ordinary or special meeting a quorum is not present the Chairperson shall adjourn the meeting to such other day as he may think fit, and that the business which would have been brought before the original meeting if there has been a quorum present, shall be brought before, and transacted at the adjourn meeting whether there be a quorum present there at or not.

Chairperson meeting.

57. (1) At every meeting of a Municipality, the Chairperson, if present, shall preside.

(2) If the Chairperson is not present, his place shall be taken by the Vice-Chairperson then the Senior Vice Chairperson and if he too is absent by the Junior Vice-Chairperson.

(3) If there be no Chairperson or Vice-Chairperson present such one of members as the members present may elect, shall preside as Chairperson.

Vote of majority decisive

58. Save as otherwise provided by this Regulation or any rule, all questions which come at meeting of the Municipality, shall be decided by a majority of the votes of the members present, the Chairperson of the meeting, in case of an equality of votes, having a second or casting votes.

59. Any meeting of a Municipality may, with the consent of a majority of the members present there at, be adjourned to some other time and business left indisposed of at such meeting shall be carried over with priority to the adjourned meeting.

Adjournment of meeting.

60. No resolution of a Municipality shall be modified or cancelled within six months after the passing thereof—

Cancellation of

(a) Unless previous notice has been given to the members setting forth fully the resolution it is proposed to modify or cancelled and the motion or proposition for its modification or cancellation; and

resolutions.

(b) Otherwise than by a resolution supported by not less than one-half of the total number of members serving at the time.

61. (1) Minutes of the proceedings at each meeting of the Municipality shall be drawn up and recorded in a book to be kept for the purpose shall be signed by the Chairperson of the meeting or of the next ensuing meeting, shall be published in such manner as the Administrator may direct, and shall, at all reasonable times and without charge, be open to inspection by any inhabitant of the Municipal area.

Minutes of the meeting.

(2) A copy of every resolution passed at any meeting of a Municipality shall, within ten days from the date of the meeting, be forwarded to the Deputy Commissioner.

62. A Municipality may make bye-laws consistence with this Regulation and with the rules made there under to provide for all or any of the following matter, namely—

Bye-law
for conduct
of business.

- a) The time and place of its meeting;
- b) The manner in which notice of ordinary and special meetings and adjourned meeting shall be given;
- c) the conduct of proceedings of meetings and adjournment of meetings;
- d) the custody of the common seal and the purposes for which it shall be used;
- e) The procedure of sub-committees appointed under section 18 the filling of casual vacancies therein, the number necessary to form a quorum at meetings thereof, and other matters relating to such committees;
- f) the person by whom receipts may be granted on behalf of the Municipality for money received under this Regulation.
- g) The appointment, duties, executive powers, leave, suspension and removal of its officers and servants; and
- h) All other similar matters.

B. Contracts and Conveyances

63. (1) A Municipality may, subject to the provisions of this Regulation, delegate to one or more of its members or to the Secretary of the Municipality the power of entering on its behalf into any particular contract whereof the value or amount does not exceed two hundred rupees or into any class of such contracts.

Authority to
Contract.

(2) No contract by or on behalf of a Municipality whereof the value or amount exceeds two hundred rupees, shall be entered into until it has been sanctioned at a meeting of the Municipality.

64. (1) Every contract made by or on behalf of a Municipality whereof the value of amount exceed one hundred rupees shall be in writing and shall be signed by two members, of whom the Chairperson or a Vice-Chairperson shall be one and countersigned by the Secretary.

Mode of
executing
contracts
and transfer
property.

Provided that when the powers of entering into any contract on behalf the Municipality has been delegated under section 63, the signature or signatures of the members or members (or the signature of the Secretary) to whom the power has been delegated shall be sufficient.

(2) Every transfer of immovable property belonging to a Municipality other than a lease for a term not exceeding one year shall be made by an instrument in writing, executed by the Chairperson or a Vice-Chairperson and by at least two members of the Municipality whose execution thereof shall be attested by the Secretary.

(3) No contract or transfer executed otherwise than in conformity with the provisions of this section shall be binding on a Municipality.

C. MUNICIPAL BUDGET

Budget.

65. (1) Every Municipality shall have prepared and laid before it, at a meeting to be held in every year before such date as is fixed by rules in this behalf, a complete account of the actual and expected receipts and expenditure for the year ending on the thirty first day of March next following such date, together with a budget estimate of the income and the expenditure of the Municipality for the year commencing on the first day of April next following.

(2) The Municipality shall at such meeting decide upon the appropriations and the ways and means contained in the budget estimate and by special resolution, sanction a budget which shall be submitted to the Administrator.

(3) The Municipality may vary or alter from time to time as circumstances may render desirable, by special resolution, the budget sanctioned under sub-section (2).

Revised budget.

66. As soon as may be after the first day of October, a revised budget for the year shall be framed and such revised budget shall so far as may be subject to all the provisions applicable to a budget made under section 65.

Special provisions as to budget.

67. (1) In framing a budget the Municipality shall provide for the maintenance of such minimum closing balance (if any) as the Administrator may by order in writing prescribe.

(2) Notwithstanding anything contained in this Regulation the budget of the Municipality shall be subject to the sanction of the Administrator and that the power to vary or to alter the budget under sub-section (3) of section 65 shall be subject to such conditions as may be imposed by the Administrator.

Expenditure
not to exceed
budget
allotment.

68. (1) Where a budget has been passed, the Municipality shall not incur any expenditure under any of the heads of the budget, other than a head providing for the refund of taxes, in excess of the amount passed under that head, without making provision for such excess by the variation or alteration of the budget.

(2) Where any expenditure under any head providing for the refund of taxes is incurred in excess of the amount passed under that head, provision shall be made without delay for such expenditure by the variation or alteration of the budget.

CHAPTER VII

MUNICIPAL FINANCE, PROPERTY AND TAXATION

A. MUNICIPAL FINANCE

Municipal
Fund.

69. (1) There shall be formed for each Municipality a fund to be called the Municipal Fund, and there shall be placed to the credit thereof,

(a) the proceeds of all taxes, fines (other than the fines imposed by a court), penalties and fees levied under this Regulation;

(b) all sums received by, or on behalf of, the Municipality under this Regulation;

(c) all sums transferred to or carried to the credit of the Municipality under any of the provisions of the Regulations or any other law for the time being in force;

(d) all rents and profits, accruing from property vested in the Municipality or managed by it; and

(e) all sums assigned to the Fund by the Administrator or by any other authority and all sums contributed thereto by any committee, authority or private person.

(2) The Municipal Fund shall vest in Municipality, and the balance at its credit shall be kept in the State Bank of India, or with the previous sanction of the Administrator in any Scheduled bank has defined in the Reserve Bank of India Act, 1934;

Provided that any portion of such balance may, with the previous sanction of the Administrator be kept in the Post Office Saving Bank or be invested in such Government Securities as may be approved by the Administrator;

Provided further that such sum, not exceeding an amount specified in this behalf by the Administrator as is required for day to day expenses of a Municipality may be kept by the Municipality at the Municipal Office in safe custody.

70. The Central Government may, by notification declared that all fines and any other sums recovered from person convicted of offences committed within the Municipal are against this Regulation or any rule of bye-laws made there under, or against any other law for the time being in force, shall be carried to the credit of the Municipality of that area. Certain sums may be carried to credit of Municipality.

71. (1) The Municipal Fund shall be charged with the payment of expenses on— Application of Municipal Funds

(i) fulfillment of any liability or obligation arising from trusts legally imposed upon on accepted by the Municipality;

(ii) the municipal establishment including such subscriptions and contributions as are payable by the Municipality under this Regulation and the rules made there under,

(iii) auditing the accounts of the Municipality;

(iv) such other matter as may be specified by the Administrator from time to time.

(2) Subject to the charges specified in sub section (1) and to such rules as may be made by the Administrator with respect to the priority to be given to the several duties of the Municipality, the Municipal fund shall be applicable to the payment of expenses incurred for the purposes of any object or duty which is to be or may be undertaken by the Municipality in accordance will the provisions of this Regulation.

72. (1) The Finance Commission constituted under section 186 of the Andaman and Nicobar Islands (Panchayats) Regulation 1994, shall review the financial position of the Municipalities and make recommendations to the President as to ,--

Construction of Finance Commission.

(a)the principles which should govern,--

(i) the determination of taxes, duties, tolls and fees which may assigned to or appropriated by the Municipalities;

(ii) the grants-in-aids to the Municipalities from the consolidated Fund of India:

(b)

he measures needed to improve the financial positions of the Municipalities;

(c)any other matter referred to the Finance Commission by the President in the interest of sound finances of the Municipalities.

73. (1) Subject to the provisions of this Regulation, or any rule or bye-law made there under, every Municipality shall keep and maintain a detailed account of its receipts and expenditure.

Accounts and audit.

(2) The accounts of receipts and expenditure kept and maintained by a Municipality shall be examined and audited in such manner the Administrator by rules prescribed in this behalf.

B. MUNICIPAL PROPERTY

74. (1) Subject to any special reservation made; or to any special any conditions imposed, by the Administrator, all property of the nature hereafter in this section, specified and situated within, or, where expressly so provided beyond any municipal area, shall vest in and be under the control of the Municipality and shall be held and applied by it for the purposes of this Regulation, that is to say--

Property vested in Municipality.

a) all public markets, slaughter-houses and other buildings of every description (whether within or beyond the municipal area) which have been constructed or are maintained out of the Municipal Fund.

b) all public streams, tanks, well, springs and works, (whether within or beyond the Municipal area) for the supply storage or distribution of water for public purposes within the Municipal area, and all bridges, building, engines, materials and things connected there with or appertaining there to and any adjacent land (not being private property) appertaining to any public tank or well;

c) all public sewers and drains, and all sewers, drains culverts and water courses in alongside, or under any street and all works materials and things appertaining thereto;

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

e) all public lamps, lamp posts and apparatus connected there with or appertaining thereto;

f) all land or other property, within beyond the municipal area, transferred to the municipality by the Central Government or acquired by gift, purchase or otherwise for local public purposes and;

g) All public streets (other than major roads) not being open spaces or lands owned by Government and the pavements stones and other materials thereof, and also all trees erections, materials, implements and things provided for such streets.

(2) Where any immovable property is transferred otherwise than by sale by the Central Government to a Municipality for public purposes, it shall be deemed to be a condition of such transfer unless specially provided to the contrary, that should the property be at any time resumed by or under the authority of the Central Government, the compensation payable therefore shall , not withstanding anything to the contrary in any law for the time being in force, in no case exceed the amount, if any, paid to the Central Government for the transfer, together

With the cost or the present value, whichever is less, of any buildings erected or other works executed on the land by the Municipality.

Management
Public
Institutions

75. (1) The management, control and administration of every public Institution maintained out of Municipal Fund vest in the Municipality.
(2) When any public institution has been placed under the direction, management and control of a Municipality all property endowments and funds belonging there to shall be held by the Municipality in trust for the purposes to which such property, endowments and funds were lawfully applicable at the time when the institution was so placed:

Provided that the extent of the independent authority of the municipality in respect of any such institution may be defined by the Administrator.

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

Acquisition of
land

76. When any land, whether within or without the limits of municipal area is required for the purposes of this Regulation, the Administrator may, at the request of the Municipality, take suitable steps under the provision of any law for the time being in force, to make such land available to the Municipality and on payment by the Municipality of all such charges as may be determined by the Administrator the land shall vest in the Municipality.

EXPLANATION:- When any land is required for a new street or for the improvement of an existing street or for the improvement of an existing street the Municipality may request for, in addition to the land to be occupied by the street, the land necessary for the sites of the buildings to be erected on both sides of the street, and such land shall be deemed to be required for the purposes of this Regulation.

Transfer of
property
vesting in
Municipality

77. (1) A Municipality may, subject to rules made in this behalf by the Administrator, transfer by sale, mortgage, lease, gift, exchange or otherwise any property vested in not being property held by it on any trust the terms of which are inconsistent with the right so to transfer.

Saving of Act 9
of 1914

(2) Notwithstanding anything contained in sub-section (1) a Municipality may, with the sanction of the Administrator, transfer to Government any property vesting in the Municipality under section 74 or section 75 but not so as to affect any trust or public rights subjects to which the property is held.

78. Nothing in this Regulation shall affect the provisions of the local Authorities Loans Act. 1914.

C. MUNICIPAL TAXATION

Definition of
"annual value"

79. For the Purposes of this Regulation "annual value" means—

(a) in the case of land the gross annual rent at which it may reasonably be expected to left from year to year

Provided that in the case or land assessed to land-revenue of which the land-revenue has been wholly or in part exempted or remitted the Administrator may direct that the annual value shall be deemed to be double the amount of the land-revenue for the time being assessed on the land, whether such assessment is leviable or not, the part exempted or remitted, double the amount which , but for such exemption or remission, would have been leviable :

b) in the case of any house or building the gross annual rent at which such house or building, together with its appurtenances and any furniture that may be let for use or enjoyment therewith, may reasonably be expected to left from year to year the subject to the following deduction, namely :-

i. such deduction not exceeding twenty per centum of the gross annual rent as the Municipality may consider a reasonable allowances on account of the furniture let with the house or building.

ii. a deduction of ten per centum of the balance of the gross annual rent after allowing the deduction (if any), under sub-clause (i) for cost of repairs and for all other expenses necessary to maintain the building in a state to command such gross annual rent :

iii. Where land is et with a building, such deduction, not exceeding twenty per centum of the gross annual rent, as the Municipality may consider reasonable on account of the actual

expenditure, (if any) annually incurred by the owner on the upkeep of the land in a state to command such gross annual rent;

(C) in the case of any house or building the gross annual rent of which cannot be determined under clauses (b) five per centum of the sum obtained by adding the estimated present cost of erecting the building less such amount as the Municipality may deem reasonable to be deducted on account of depreciation (if any) to the estimated market value of the bite and any land appertaining to the house of building :-

Provided that ----

(i) in the calculation of the annual value of any premises, no account shall be taken of any machinery thereon; and

(ii) where, in the opinion of the Municipality, the annual value of any building would by reason of exceptional circumstances be excessive, if calculated accordance with the foregoing provisions of this section, the Municipality may fix the annual value as such less amount as appears to it equitable

Explanation I.--- For the purpose of clause(b), it is immaterial whether the house or building and the furniture and the land let for use or enjoyment therewith, are let by the same contractor by different contracts and if by different contract, whether such contracts are made simultaneously or at different times.

Explanation II.—The expression “gross annual rent” does not include any tax payable by the owner in respect of which the owner and tenant have agreed that it shall be paid by the tenant.

80. (1) Subject to such general or special orders as the Administrator may make, a Municipality may in the manner provided by this Regulation impose any of the following taxes in the whole or any part of the municipal area, namely :----- Taxes which May be imposed

(a) a tax on building or lands or both payable by the owner, not exceeding, ----

(i) ten per centum of the annual value; or

(ii) fifty paise per square meter of the ground area per annum; or

(iii) rupees three per running foot of frontage in streets and bazaars per annum.

(b) a tax on persons practicing any profession or art or carrying on any trade or calling within the Municipal area;

Provided that the total amount of such tax payable by any one person, shall not exceed two hundred and fifty rupees per annum.

(C) a tax, payable by the owner, on all or any class of vehicles, all or any class of animals or dogs. When the vehicles, animals or dogs, as the case may be, are kept within the municipal area ;

(d) a tax of the nature of a toll on vehicles and animals used for riding, driving, draught or burden and entering the municipal area ;

Provided that ---

(i) no tax shall be levied in respect of any vehicle or animal for which a tax is paid under clause (c) ;

(ii) any Owner of such vehicle or animal may compound for the tax by paying the corresponding tax under clause (C) if such tax is in force in the municipal area.

(e) an octroi or a terminal tax on animals or dogs or goods brought into or sent out of the Municipal area.

Provided that no tax under this clause shall be imposed except with the previous sanction of the Administrator to the proposal for the imposition thereof ;

(f) a tax to meet the cost of constructing or maintaining works for supply of water to the municipal area payable by the occupier or, if there be no occupier, by the owner, on the annual value of such buildings or lands are as so situated that their occupiers can benefit by the works ;

Provided that the rate of tax payable by any such occupier of owner as the case may be, shall be determined having regards among other considerations, to the distance of the building or lands from the nearest point at which the water can be delivered from the works to their level ;

Provided further that no such tax shall be leviable in respect ; of building or lands which assessed to the general water-rate or the special water-rate as hereinafter provided;

(g) a general water-rate payable by the inhabitants of the municipal area or a special water-rate for water supplied by the Municipality under section 102 which may be assessed in any form including that of charges for such supply;

Provided that no such rate shall exceed that limit or limits prescribed by the Administrator from time to time ;

(h) a lighting rate not exceeding three per centum of the annual value of holding ;

Provided that such rate shall not be levied in an area where lighting arrangement have not been made ;

(h) rates for general conservancy or houses scavenging on such scale terms and conditions as may be approved by the Administrator or from time to time;

(j) a tax on advertisement ;

(k) a fee for grant of permission to erect a building other than a hut;

(l) a fee for parking of busses, lorries, taxis and other vehicles where parking facilities or terminus for busses, lorries, taxis and other vehicles are provided by the municipality; and

(m) any other tax which may be authorized by the Administrator.

(2) Notwithstanding anything contained in this Regulation or any other law for the time being in force, the property belonging to government shall be exempt from all taxes mentioned in clauses (a),(c), (d), (e), (f) and (h) of sub-section (1).

(3) Notwithstanding anything contained in this Regulation, all taxes, rates, fees, or cess which were being lawfully levied before the commencement of this Regulation shall, until some other provision is made under this Regulation, continue to be levied and collected in the same manner in which they were being levied and collected before such commencement.

Procedure in 81. (1) Every Municipality shall before imposing any tax, observe the imposing taxes. procedure prescribed in this section.

(2) The Municipality shall, by a resolution passed at a special meeting frame proposal specifying the following particulars, namely :--

- (a) the nature of the tax having regard to the provisions of section 80 ;
- (b) the persons or class of persons on whom, and the description of property or other taxable things or the circumstances in respect of which , the tax is proposed to be levied ;
- (c) the amount or scale of the tax ;
- (d) the rules regulating the levy of the tax; and
- (e) any other matter which the Administrator may by general or special order require to be specified.

(3) The Municipality shall publish the proposals in such manner as may be prescribed by the Administrator and shall also publish a notice inviting the objections and suggestions in writing of the persons likely to be affected by such proposals, within a period of not less than one month of the date of such publication.

(4) After the expiry of the period referred to in sub section (3), The Municipality shall at a special meeting, take into consideration the objections and suggestions of the aforesaid persons received (if any) and shall then either confirm its resolution referred to in sub-section (2) with or without modification, amendment or alteration, or abandon such resolution.

(5) When a resolution has been confirmed by the Municipality under sub-section (4), it shall be presented to the Administrator who may---

- (a) give his approval to the resolution after making any change its form which appears to him to be necessary ; or
- (b) refuse to give his approval to the resolution ; or
- (c) return the resolution to the Municipality for reconsideration in the light of such as may be made by him.

- (6) If the Administrator gives his approval to his resolution, he shall notify the resolution together with any rules which he may make under section 203 in respect of the tax and shall also specify a date, not earlier than three months from the date of such notification, from which the tax shall come into force and be levied;

Provided that a tax leviable by the year shall not come into force except on the first day of January, April, July or October in any year and if it comes into force on any day other than the first day of April, it shall be leviable by the quarter till the first day of April then next ensuing.

- (7) When the Administrator refuses to give his approval to a resolution, it shall be returned to the Municipality.
- (8) When the Administration returns a resolution to the Municipality, the Municipality may either abandon such resolution or may, after reconsideration, amend, alter or vary such resolution ; and the resolution so amended, altered or varied shall be presented to the Administrator and be disposed of by him in the manner provided in sub-section (5)
- (9) The procedure prescribed in this section shall apply to any proposal to increase or decrease the amount of, to extend or curtail the scope or effect of any tax.
- (10) A notification under sub-section (6) in respect of a tax shall be conclusive evidence that such tax has been imposed in accordance with the provisions of this Regulation.
82. Notwithstanding anything contained in this Regulation, if at any time it appears to the Administrator on a complaint that any tax imposed under this Regulation is unfair in its incidence, or that the levy thereof or of any part thereof is injurious to the interest of the general public, he may require the Municipality to take within a specified period, measures to remove the objection indicated by him ; and, if within that period, the requirement is not complied with to the satisfaction of the Administrator, he may by notification suspend the levy of such tax, or of such part thereof, as the case may be, until the objection has been removed.
- Power of Administrator to suspend tax

83. (1) Every Municipality shall cause an assessment list of all buildings and lands on which any tax is imposed to be prepared. Containing---
- Preparation and publication of assessment list
- (a) The name of the street or muhalla in which the property is situated ;
 - (b) a description of the property sufficient for the identification thereof;
 - (c) the names of the owner and occupier if known ;
 - (d) The annual value and the particulars on which the annual value is based; and
 - (e) The amount of the tax assessed thereon by the Municipality.
- (2) When the assessment list has been completed the Municipality shall give public notice thereof, and of the places where the list of a copy thereof may be inspected; and every person claiming to be either the owner or the occupier of the property included in this list, and any authorized agent of such person shall be at liberty to inspect the list and to make extracts there from without charge.
- 84.(1) The Municipality shall, at the time of the publication of the assessment list, give public notice of a time, not less than one month thereafter, when it will proceed to revise the valuation and assessment and in all cases in which any immovable property is for the first time assessed, or the assessment thereof is increased it shall also give notice thereof to the owner or the occupier of the property.
- Disposal of objection
- (2) Every objection to a valuation or assessment shall be in writing setting forth the grounds on which the value on or assessment is disputed and shall be left at the office of the Municipality before the time fixed in the note
- (3) The Municipality, or such sub-committee or officer of the Municipality or of Govt. as it may by special resolution appoint in this behalf, shall consider every objection duly made and shall, after giving the objection an opportunity of being heard in support thereof either in person or by duly authorized agent, disposed it of and make such consequential amendment (if any) as is necessary in the assessment list.

85. (1) When the Municipality or the sub-committee or the officer appointed in that behalf under sub-section (3) of section 84, has disposed of the objections and made the necessary amendments in assessment list in the manner prescribed in that sub-section, the Chairperson or the members of the sub-committee or the officer as aforesaid, as the case may be, shall authenticate it and at the same time certify that no valid objection has been made to the valuation and assessment contained in the list except in the cases in which amendments have been entered therein; and, subject to such amendments as may thereafter be duly made, the tax so assessed shall be deemed to be the tax for the year commencing on the first day of April next ensuing and, in the case of a tax imposed for the first time for the period between the date on which the tax comes into forces and such first day of April.

Authentication
Of list.

(2) The list when so authenticated shall be deposited in the office of the Municipality and shall there be open during office hours to all owners or occupiers of the property included therein or the authorized agents of such persons, and a public notice that it is so open shall forthwith be published.

Further
amendments
of assessment
list and annual
revision

86. (1) The Municipality may, after giving notice to any person affected by the amendment of a time not less than one month from the date of service, at which the amendment is to be made, at anytime amend the list by inserting the name of any person whose name ought to have been or ought to be inserted, or by altering the assessment on any property which has been erroneously valued or assessed through fraud, accident or mistake, whether on the part of the Municipality or of the assessed or, where in the case of a tax payable by the occupier a change in the tenancy has taken place by altering the name of occupier.

(2) Any person interested in any such amendment may tender an objection to the Municipality in writing before the time fixed in the notice, and shall be allowed an opportunity of being heard in support of the same in person, or by authorized agent, as he may think fit.

(3) It shall be in the discretion of the Municipality to prepare a new assessment list every year, or to adopt the valuation and assessment contain in the list for any year, with such alteration as may in particular cases, be deemed necessary, as the valuation and assessment for the year following giving to persons affected by such alteration the same notice of the valuation and assessment as if a new assessment as if a new assessment list had been prepared.

Notice to be given to Municipality of all transfer of title of persons primarily liable to payment of property tax.

87. (1) Whenever the title to or over any building or land of any person primarily liable for the payment of property taxes on such property is transferred the transfer shall, within three month of the registration of the deed of transfer if it is registered, or if it is not registered within three months of its execution, or if no instrument is executed within three months of the actual transfer, give notice in writing of such transfer to the Municipality.

(2) Every person primarily liable for the payment of tax on any immovable property who transfers his title to or over such property within giving notice of such transfer to the Municipality as aforesaid, shall, in addition to any other liability which he occurs through such neglect, continue to be liable for the payment of all such taxes from time to time payable in respect of the said property until it gives such notice, or until the transfer shall have been recorded in the Municipalities books.

(3) Nothing in this section shall be held to diminish the liability of the transferee for the said taxes or to affect the prior claim of the Municipality for the recovery of the taxes due on any immovable property.

Remission of tax on unoccupied immovable property

88. (1) When any property assessed to a tax under clause (a), (g) or (i) sub-section (1) of section 80 which is payable by the year or by installment, has remained unoccupied unproductive of rent throughout the year or the period in respect of which any installment is payable the Municipality shall remit the amount of the tax or of the installment, as the case may be:

Provided that no such remission shall be granted unless notice in circumstances under which it is claimed has been given to the Municipality within the first month after the expiry of the period in respect of it is so claimed.

(2) When any such property as aforesaid -----

(a) as not been occupied or productive of rent for any period of not less than ninety consecutive days ; or

(b) consist of separate tenements, one or more of which has or have not been occupier or productive of rent for any such period as aforesaid ; or

(c) is wholly or in greater part demolished or destroyed by fire or otherwise,

the Municipality may remit such portion (if any) of the tax or installment as it may think equitable, but the portion so remitted shall not in any case falling only under clauses (a) exceed one half of the tax or the installment as the case may be.

(3) The burden of proving the facts entitling any person to claim relief under the section shall lie upon him.

(4) For the purposes of the section neither the presence of a caretaker nor the mere retention in an otherwise unoccupied dwelling house of the furniture habitually used in it shall constitute occupation of the house.

(5) For the purposes of this section a house shall be deemed to be productive of rent if let to a tenant who has continuing right of occupation thereof, whether it is actually occupied by such tenant or not.

89. (1) When any sum is due on account of a tax payable under this regulation in respect of any immovable property by the owner thereof the Municipality shall cause a bill for the amount stating the property and the period for which the charge is made, to be delivered to the person liable to pay the same.

Recovery of property taxes payable by owner.

(2) If the bill is not paid within ten days from the delivery thereof the Municipality may cause a notice of demand to be served on the person liable to pay the same and if he does not within seven days from the service of the notice pay the sum due with any fee liable for the notice or show sufficient cause for non-payment the sum due with the fee, shall be deemed to be an arrear of tax.

(3) The amount of every such arrear shall, subject to any claim on behalf of government, be a first charge on the property in respect of which it is payable, and shall besides been recoverable in any other manner provided by this regulation, be recoverable on application made in this behalf by the Municipality to the collector, as if the property were an estate assessed to land-revenue and the arrear were and arrear of such revenue due thereon ;

Provided that nothing in this sub-section shall authorize the arrest of a defaulter.

(4) If any tax or sum liable under this regulation from the owner is recovered from the occupier, such occupier shall, in the absence of any contract to the contrary, be entitled to recover the same from the owner may deduct the same from the rent then or thereafter due by him to the owner.

90. (1) Every person bringing or receiving within the octroi or terminal tax limits of Municipal area any article on which octroi or terminal tax is payable shall when required by an officer duly authorized by the Municipality in this behalf and so far as may be necessary ascertaining the amount of tax chargeable----

Power to examine article liable to octroi or terminal tax and to search

(a) Permit that officer to inspect examine, weigh or otherwise deal with the article ; and

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

(2) If any person bringing or receiving within the octroi or terminal tax limits of a Municipal area a conveyance of packing on which octroi or terminal tax is or is believed to be liable, refuses on the demand of an officer authorized by the Municipality in the behalf, to permit the officer to inspect, weigh or otherwise examine the contents of the conveyance or package for the purpose of ascertaining whether it contains any articles in respect of which octroi or terminal tax is payable, or refuses to communicate to that officer any information or to exhibit to him any bill invoice or document of a like nature, which he may possess relating to the article, or with the intention of defrauding the Municipality, communicates any such information which is false or exhibits any such bill, invoice or document of a like nature which is false, forged or fraudulent, he shall be punishable with fine which may extent to rupees fifty.

(3) Any such person may demand that the conveyance or package of both, as the case may be, shall be taken without unnecessary delay before a member or the secretary or Magistrate, who shall cause the inspection to be made in his presence.

91. If goods passing the octroi or terminal tax boundary of a Municipal area liable to the payment of octroi or terminal tax, than every person who, with intension to defraud the municipality, introduces or attempts to introduce within the said octroi or terminal tax boundary any such goods upon which payment of the octroi or terminal tax due on such introduction has neither been made nor tendered or causes abets such introduction shall be punishable with fine which may extend either to ten times the value of such octroi or terminal tax, or the fifty rupees, whichever amount is greater.

Penalty for evasion of octroi or terminal tax.

92. (1) In the case of non-payment of any octroi or terminal tax on demand the officer empowered to collect the same may seize any article on which the octroi or terminal tax chargeable, or any part of its burden of sufficient value to satisfy the demand under the cover of a seizure memo in presence of witness. A copy thereof be handed over to the concerned person of the after obtaining his acknowledgement on the body of original seizure memo.

Summary Recovery of Octroi or terminal Tax.

(2) The Municipality, after the lapse of five days from the seizure and after the issue of a proclamation fixing the timing and place of sale, may cause any property so seize, or so much thereof as may be necessary to be sold by public auction to satisfy the demand and the expenses occasioned by the seizure, custody and sale thereof, unless the damage and expenses are in the meantime paid;

Provided that, by order of the Chairperson or a Vice-Chairperson, articles or perishable nature which cannot be kept for five days without serious risks of damage, may be sold after the lapse of such shorter time as he may, having regard to the nature of the articles, think proper.

Appeal against taxation

93 (1) An appeal against the assessment or levy of or against the refusal to refund any tax under this regulation shall lie to the Administrator or such officer may be empowered by him in this behalf

(2) If, on the hearing of an appeal under this section, any question as to the liability to, or the principle of assessment of a tax arises, on which the officer hearing the appeal entertains reasonable doubt, he may either of his on motion or on the application of any person interested, draw of a statement of the facts of the case and the point on which doubt is entertained, and refer the statement which on opinion on the point for the decision of the Administrator.

(3) On a reference being made under sub-section (2), the sub-sequent proceedings in the case shall be, as nearly as may be, in conformity with the rules relating to references to the High Court contained in section 113 of the code of Civil Procedure, 1908 an order XLVI in the first schedule to that code.

(4) In every appeal, the costs shall be in the discretion of the officer deciding the appeal.

(5) Costs awarded under this section to a Municipality shall be recoverable by the Municipality as if there were arrears of a tax due from the appellant.

(6) If a Municipality fails to pay any costs awarded to an appellant within 10 days after the date of the order for payment thereof, the officer awarding the costs may order the person having custody of the balance of the Municipal Fund to pay the amount.

Limitation

94. No appeal shall be entertained under section 93 unless the appellant has paid all other municipal taxes due from him to the Municipality up to the date of such appeal, and unless it has been preferred –

(a) Where it refers to a tax on any land or building, within one month of the publication of the notice prescribed by section 85 or sub-section (3) of section 86 or of the date of the final order under section 86, as the case may be; or

(b) where it refers to any other tax, within one month of the date on which a demand was made therefore ;

Provided that an appeal may be entertained after the expiry of the period referred to in clause (a) or clause (b), as the case may be if the appellant satisfies the officer before whom the appeal is preferred that he had sufficient cause for not presenting the appeal within that period.

95. No assessment and no charge of the demand of any tax made under this Regulation, shall be impeached or affected by reason of any mistake the name, residence, place of business or occupation of any person liable to pay the tax, or in the description of any property or thing liable to the tax, or of any mistake in the amount of assessment or tax, or by reason of any clerical error or other defect of form; and it shall be enough in any such tax on property or any assessment of value for the purpose of any such assessment of value for the purpose of any such tax if the property taxed or assessed is necessary to name the owner or occupier thereof.

96. (1) A Municipality may exempt, in whole or in part, for any period not exceeding one year, from the payment of any tax, any person who by reason of poverty is in its opinion, unable to pay the same, and may renew the such exemption as often as may be necessary.

(2) A Municipality, by a resolution passed at a special meeting may-----

(a) Provide that any person or all persons may be allowed to compound for any tax imposed under clause (e) of sub-section (1) of section 80 ; or

(b) subject to the control of the Administrator ----

(i) abolish suspend or reduce in amount any tax imposed under section 80 ; or

(ii) for a special reasons exempt in whole or in part from the payment of any such tax any person or class of persons or any property or description of property.

(3) The Administrator may be order in writing exempt in whole or in part from the payment of any such tax any person or class of persons or any property or description of property.

97. (1) Every person shall on the demand of an officer duly authorized by the Municipality in this behalf furnish such information as may be necessary in order to ascertain whether such person is able to pay any municipal tax; and every hotel or lodging – house keeper or Secretary of a residential club shall also on demand made as aforesaid furnished a list of all persons residing in such hotel., lodging- house or club.

(2) If any person so called upon to furnish such information omits to do so or furnishes information which is untrue he shall be punishable with fine, which may extent to one hundred rupees.

98. Subject to the provisions of sub- section (6) of section 81 and od sub- section (1) of section 85, any tax imposed under this chapter and payable periodically shall be payable on such dates and in such installments (if any) as the Municipality may direct. Taxes when payable

99. No objection shall be taken to valuation or assessment, nor shall the liability of any person to be assessed or taxed be questioned, in any other manner or by any other authority than is provided in this Regulation. Taxation not to be questioned except under Regulation

100. No refund of any tax shall be claimable by any person otherwise than is accordance with the provisions of this Regulations and the rules. Refund

CHAPTER VIII

Public Health and Safety

A.

Water Supply

101. (1) In a municipal area in which a general water- rate is levied clause (g) of sub- section (1) of section 80 the Municipality shall, and in any other case a Provision of water

(2) Municipality may, provide a supply of drinking water within the Municipal area and shall cause such tanks, reservoirs engines, pipes, tape and other works as any be necessary for the said purpose, to be without the Municipal area and shall erect sufficient standpipes or other conveniences for the gratuitous supply of water t the public.

(2) The Municipality shall, as far as possible, make adequate provision to ensure that such supply is continuous thought out the year, and that the water is at all times pure and fit for human consumption. Supply of water

(102). (1) A Municipality may, on application by the owner or occupier of any building, arrange for supplying water from the nearest main to the same for domestic purpose, in such quantities as it thinks reasonable and may, if it considers necessary, limit the amount of water to be so supplies.

Explanation :---- A supply of water for domestic purpose shall not be demand to include a supply-----

- (a) for any trade, manufacture or business;
- (b) for gardens or for purposes of irrigation;
- (c) for building purposes;
- (d) for fountains, swimming baths, or for any ornamental or mechanical purposes;
- (e) for animals, were they are kept for sale or hire for the sale of their produce or any preparation there from;
- (f) for watering roads or paths.

(2) A Municipality may with the sanction of the sub-committee supply water for any purpose other than a domestic purpose on receiving a application specifying the purpose for which the supply is required and the quantity likely to be consumed.

Provided that the Municipality may withdraw such supply at any time if it should appear necessary to do so in order to maintain a sufficient supply of water for domestic purpose.

(3) For all water supply under this section, payment shall be made t the Municipality at such special rate or rates as may be prescribed under clause (g) of sub- section (1) of section 80.

Making
connection
with municipal
water works

(103) Where water is to be supplied under section 102, all necessary communication pipes and fitting shall be supplied by the Municipality and the working of laying and applying a such communication pipes and fittings shall be executed by the Municipal agency under the orders of the Municipality.

Provided that the cost of making any such connection and all communication pipes and fitting so supplied and of all work so executed shall be paid by the owner or the person making the application for water supply;

Provided further that the Municipality may, if it thinks fir, provide a meter and charge rent for same, or may require the owner or applicant to provide a meter of such size, material and description as it may approve.

obligation of owner or occupier and power of the Municipality to cut off water supply

104. (1) Any owner or occupier of any building or land in or on which water supplied under this Regulation is misused due to negligence or other circumstance under this control or is used without permission in excess of the quantity fixed under section 102 or in which the pipes, mains or other works are out of repair to such an extent as to pass waste of water, shall if he has knowledge thereof, be bound to give notice to such officer as the Municipality may appoint in this behalf.

(2) if any person whose premises are supplied with water neglect to pay the water rates or any sum payable in respect of the water supplied under this Regulation, or to give notice as provided under sub-section (1) or willfully or negligently misuses or causes waste of water the Municipality may, after giving him such notice as it deems reasonable in the circumstance cut off the supply of water from his premises.

B. Protection from fire

Equipment for rendering assistance in extinguishing fire

105. A Municipality may equip itself with such implement, appliances and other materials as it may think necessary for rendering assistance in extinguishing fires and protecting life and property when fires occur.

Power of certain persons for suppression of fire.

106. (1) On the occasion of a fire in a municipal area, any Magistrate the secretary or any member of the Municipality or any member of a fire-brigade then and there directing the operations of men belonging to the brigade or any police officer directed by a Magistrate may-----

(a) remove or order the removal of any person who by his presence interferes with or impedes the operations for extinguishing the fire or for saving life or property

(b) close any street or passage in or near which any fire is burning;

(c) for the purpose of extinguishing the fire, break into or through or pull down any premises, or cause any premises, to be broken into or through or to be pulled down or used for the passage of houses or other appliances;

(d) cause mains and pipes to be shut off so as to give greater pressure of water in or near the place where the fire has occurred;

(e) call on the persons in charge of any fire engine to render such assistance as may be possible; and

(f) generally, take such measures as may appear necessary for the preservation of life or property.

(2) When any Government building is endangered by fire, the officers of the public works Department for the time being in charge of the building may exercise the powers conferred on a Magistrate by sub-section (1).

(3) No person shall be liable to pay damages for any act done by him in good faith under this section.

(4) Any damage done in the exercise of power conferred or a duty imposed by this section shall be deemed to be damaged by fire within the meaning of any policy insurance against fire.

(5) The powers conferred by this section shall be subject to any conditions of restrictions which may be imposed by the Administrator.

C. Drains and Privies.

Powers of the Municipality in respect of drains, privies etc..

107. (1) A Municipality may by notice require the owner of any building or land in the municipal area---

(a) to provide move or remove any drain privy, latrine, urinal cesspool or other receptacle for filth or refuse or provide any additional drains privies latrines urinals cesspools or other receptacles as aforesaid which should in its opinion be provided for the building or land in such manner and of such pattern as the Municipality may direct;

(b) to have any privy, latrine or urinal provided with some shut out by a sufficient roof, wall or fences from the view of persons passing by or dwelling in the neighborhood may direct any door or trap-door of a privy latrine or urinal opening on to any street or road; or

(c) to close, demolish, repair, alter or put in good order any drain, privy latrines, urinal cesspool or receptacle for any filth or refuse.

(2) A Municipality may by notice require any person who constructs in the municipal area any new drain privy latrine cesspool or receptacle for fifth or refuse without its permission in writing or contrary to its directions or to the revisions of this Regulation or of any bye- laws or who constructs rebuilding or opens any drain privy latrine urinal cesspool or receptacle for fifth or refuse which it has ordered to be demolished or closed or not to be made to demolish the drains, privy latrine urinal cesspool or receptacle or to make such alteration therein as it thinks fit.

Removal of latrines, etc, near any source of water supply

Improperly discharging sewage and making or altering drains without authority

(3) A Municipality may by notice require any person who without its permission in writing newly erects or rebuilds any building over any sewer drain, culvert, water – course or water-pipe vested in the Municipality to pull down or otherwise deal with the same as it may think fit.

108. (1) A Municipality may by notice require the owner or occupier of any land on which any drain, privy latrine, urinal cesspool or other receptacle for fifth or refuse for the time being exists within fifty feet or any spring, well , tank, reservoir or other source from which water is or may be derived for public use to remove or close the same within one week from the service of much notice.

(2) Whoever without the permission of the Municipality fails to comply with the requirement of the notice referred to in subsection (1) shall be liable to pay fine which may extend to such amount as may be notified by the Government and with a further fine not exceeding such amount as may be notified by the Government shall be substituted.

109. Whoever without the permission of the Municipality-

(a) Causes or knowingly or negligently the water on any sink, sewer or cesspool or any other offensive matter to flow, drain or be put upon any street or public place or into any sewer or drain, not after for the purpose , shall be punishable with fine which may extend to twenty rupees.

(b) makes or causes to be made, or alters r causes to be altered any drain leading into any sewer or drain vested in the Municipality shall be punishable with fine which any extend to fifty rupees.

A. Laying and connecting pipes, sewers and the like

110. (1) A Municipality may lay or carry any main pipe drain, sewer or channel of any kind for the purpose of carrying out establishing or maintaining any system of water supply drainage or sewerage through, across under or over any road or street or any place laid out or intending as a road or a street or after giving not less than fourteen days notice in writing to the owner or occupier in to through across under or over any land or building situated within the municipal area, and may at all times t all acts and thinks which may be necessary or expedient for repairing or maintaining any such main, pipes, drain, sewer or channel as the case may be in an effective state for the purpose for which the same may be used or intended to be used;

Power to lay or carry mains, pipes, drains or sewers for water supply

Provided that no nuisance or interference with the rights of the owner or occupier to the enjoyment of such land or building, shall be created by any such operation to any larger extent than what is absolutely necessary for the proper execution of the work;

Provided further that no such operation into through, across under or over any major road or Government building or land, shall be carried out except with the permission in writing of the public works Department.

Provided also that reasonable compensation shall be paid to the owner or occupier for any damage at the time sustained by him on account of or direct occasioned by the carrying out of any such operation;

connection main etc.

111. (1) No person shall, without the permission of the Municipality at any time make r cause to be made any connection or communication with any main pipe, drain sewer, or channel constructed or maintained by or vested in a Municipality for any purpose whatsoever.

(2) A Municipality may prescribe the size of the feerules to be used for the supply of water and may establish meters or other appliances for the purpose of testing the quantity of quality of any water supplied to the premises or any person or to or for the use of any person or business.

(3) The ferrules, communication pipes, connection, meters, stand- pipes and all fittings thereon or connected therewith leading from mains, pipes, drains, sewers or channels in to any building or land and the pipes fittings and

works inside any such building or within the limit of any such land, shall in all cases be executed subject to the inspection by and to the satisfaction of the Municipality.

(4) Municipality may fix the fees to be charged for the establishment by or through its agency for communication from and connections with mains of pipes for the supply of water and may levy such fees.

B. Disposal of surface water

Troughs and pipes for rain water

112. (1) The Municipality by notice require the owner any building or land to put and keep in good condition proper through and pipes for receiving and carrying the water including the rain water from the building or land and for discharging the same so as not to inconvenience persons passing along the street.

(2) For the purpose of efficiently draining any building or land in the municipal are a Municipality may by notice in writing-----

(a) require any court-yard or passage between two or buildings to be paved with such materials and in such manner as may be approved by it; and

(b) require such paying to be kept in proper repair.

C. Bathing and Washing places.

Bathing and washing places.

113. (1) A Municipality may set apart suitable places in the municipal area for the purpose of bathing and may specify the times at which and the sex of the person by whom persons such places may be used and may also set apart suitable places for washi8ng animals or clothes or for any other purposes connected with the health cleanliness or comfort f the inhabitants of the municipal area; and any public notice prohibit the bathing or washing of animal or clothes in any public place not so set apart or at times or by persons other than those specified and any other act by which water in public places may be rendered foul or unfit for use and may charge fees for the use of such places by any specified class or classes of persons or by the public generally.

(2) A Municipal may fix by notice place at which articles or clothing, bedding or other articles which have been exposed to infection shall be washed and no persons shall wash any such articles at any place in the Municipal area not so fixed.

A. Cleaning

Removal and deposit offensive matter.

114. A Municipality may fix places within or with the approval of the Deputy Commissioner beyond the limits of the Municipal area for the deposit of refuse rubbish or offensive matter of any kind or for the disposal of the dead bodies of animals and may by public notice give directions as to the time manner and conditions at in and under which such rubbish offensive matter or dead bodies of any animals may be removed along any street and deposited at such places.

Failure remove offensive matter.

115. Whoever being the owner of occupier of any building or land in a municipal area, keeps or knowingly or negligently allows to be kept or more than twenty four hours or otherwise than in some proper receptacle or pit any dirt dung bones ashes night – soil or filth or any noxious or offensive matter in or upon such building or land or suffer any such receptacle or pit to be in a filthy or noxious state or neglects to employ proper means to cleanse and purify the same shall be liable to pay fine which may extend to such amount as may be notified by the Government.

Penalty for nuisance.

116. Whoever commits or permits any servants or for member of his house hold or any person under his control to whom the provisions of section 82, section 83 or the Indian Panel Code or applicable to commit a nuisance upon any street or into any public sewer or drain or any drain communicating therewith shall be liable to pay fine which may extend to such amount as may be notified by the Government.

B. House Cleaning

Definition of house cleaning

117. For the purpose of this Regulation house – cleaning means the removal of filth rubbish odour or other offensive matter from a privy latrine, urinal, cesspool or other common receptacle for such matter in or pertaining to a building including its appurtenances .

Undertaking of house cleaning by Municipality.

118. (1) It shall be the duty of every Municipality to make such arrangements in to maintain a system of such servants for house-cleaning as it may deem fit.

(2) The Municipality shall charge such rate or rates for house-cleaning as may be prescribed under clause (i) of sub-section (1) of section 80.

(3) Any servant of a Municipality who is employed in house-cleaning may at all reasonable time do all things necessary for the proper performance of any house-cleaning undertaken by the Municipality.

Disposal of
dead
animals

(4) All matter removed by the servants of a Municipality in the course of house-cleaning shall belong to the Municipality.

119. (1) Whenever any animal in the charge of any person in a municipal area dies otherwise than by slaughter the person in charge thereof shall within twenty four hours either----

(a) convey the carcasses to a place (if any) fixed by the Municipality under section 114 for the disposal of the dead bodies of animals if not such place has been fixed to some suitable at least one mile beyond the limits of the municipal area; or

(b) give notice of the death to the Municipality whereupon the Municipality shall cause the carcasses to be disposed of.

(2) In respect of the disposal of the dead bodied of an animal under clause (b) of sub-section (b) the Municipality may change such fees as it may by public notice prescribe in this behalf.

(3) For the purpose of this section animal means and includes horned cattle, elephants, camels, horses, ponies, asses, mules, deer, sheep, goats, swine and other large animals.

(4) Any person who fails to comply with the provisions of sub-section () shall be liable to pay fine which may extend to such amount as may be notified by the Government.

A. Slaughter Place

120. A Municipality may with the approval of the Deputy Commissioner, appoint premises for the slaughter of animals for sale or of any specified disruption of such animals and may with the like approval grant license for the use of such premises or if they belong to the Municipality charge rent or fees of the use of the same.

Place for
slaughter of
animals for
sale.

121. (1) Where a Municipality has appointed any premises under section 120 no person shall slaughter any animal for sale at any other place within the municipal area.

Animals to be slaughtered for sale at authorized places only.

(2) Any person who contravenes the provision of Sub-section (1) shall be liable to pay fine which may extend to such amount as may be notified by the Government.

J. Food

122. A Municipality may regulate by bye-laws the keeping of any place in the municipal area as a hotel, restaurant, lodging house, t-stall, bakery, confectionary or aerated water factory, or as market of shop for the sale of fruit, vegetables, Sweetmeats, milk, animals, meats, fish, eggs, fowls, or anything intended for human food, and such bye-laws may prohibit the keeping of any places for any such purpose save under and in accordance with the condition of a license granted in that behalf by the municipality.

Control of sale of food

123. Whoever, feeds or allows to be red any deleterious substance filth or refuse of any kind any animal which is kept, or is intending to be used. For the supply of milk or food to the inhabitants of a municipal area. Shall be a liable to pay fine which may extend to such amount as may be notified by the Government.

Penalty for feeding Animals on deleterious

K. Dangerous diseases

124. Whoever ---

(a) being the owner or occupier of any dwelling other than a public hospital in a municipal area, and being cognizant of the existence or any infectious or contagious disease therein; or

Information to be given on infectious or contagious diseases

(b) being the person in charge of, or in attendance on any person suffering from any such disease in such dwelling and being cognizant of the existence of such disease therein,

fails to give information to such officer as the Municipality may prescribe in this behalf, or gives false information respecting the existence of such disease, shall be liable to pay fine which may extend to such amount as may be notified by the Government.

Provided that a person such as is referred to in clause (b) shall not be punishable if he had reasonable cause to believe that the information had been or would be duly given by a person such as is referred to in clause (a).

Disinfection of building and articles,

125. (1) If a Municipality is of opinion that the cleansing or disinfecting of a building in the municipal area or any part thereof, or of any article therein, which is likely to retain infection will tend to prevent or check the spread of any disease, or is otherwise necessary it may, after giving a notice to the owner or occupier, cause the same to be cleansed or disinfected in such manner as it may deem fit.

(2) shall be liable to pay fine which may extend to such amount as may be notified by the Government

Provision of places and appliances for disinfection.

126. In any municipal area, the Municipality may—

(a) provide proper places with all necessary attendants and apparatus. For the disinfection of conveyances, clothing, bedding or other articles which have been exposed to infection;

(b) cause conveyance, clothing, bedding or other articles brought for disinfection to be disinfected free of charge or subject to such charges as may be approved by it; or

(c) direct any clothing, bedding, or other articles likely to retain infection to be destroyed:

Provided that the Municipality shall give compensation for any article destroyed under their section.

Penalty for acts done by persons suffering from certain disorders

127. Whoever, while suffering from an infectious, contagious or loathsome disease or disorder,

(a) Makes or offers for sale any article of food or drink for human consumption or any medicine or drug ; or

(b) Willfully touches any such article, medicine or drug, when exposed or sale by others, or

(c) Takes any part in the business of washing or carrying soiled cloths, shall be liable to pay fine which may extend to such amount as may be notified by the Government

Prohibition by Municipality or use of unwholesome water

128. If a Municipality, on the report of the Senior Medical Officer or Health Officer or Health Officer, considers that the water in any well, tank or other places in the municipal area likely, if used for drinking, to generate or cause the spread of any dangerous disease, it may---

(a) by public notice prohibit the removal or use of such water - for drinking;

(b) by notice require the owner or person having control of such well, tank or place to take such steps as may be specified in the notice to prevent the public from having access to or using such water ; or

(c) take such steps as it may , on the advice of the Senior Medical Officer or Health Officer, consider expedient to prevent the generation or spread of any such disease.

L. Burial and Burning – Places

Appointment of places as burial or burning grounds

129. (1) A Municipality shall with the previous approval of the Senior Medical officer, by public notice, appoint places which shall be used as burial or burning-ground, and shall also define the limits of such places.

(2) No burial or burning-ground, whether public or private, shall be made or formed in a municipal area or within one mile thereof without the permission in writing of the Municipality.

(3) No person shall, without the permission of the Municipality, bury or burn. Or cause or permit to be buried or burnt, any corpse at any place in the municipal area except a place appointed by the Municipality as a burial or burning ground.

(4) Whoever contravenes the provisions of sub-section (2) or sub-section (3). Shall be punishable with fine which may extend to fifty rupees.

Control over removal of corpses

130.(1) A Municipality may, by public notice, prescribe routes for the removal of corpses to burial or burning –grounds.

(2) Whoever carries a Corpse along a route prohibited by the Municipality, or in a manner likely to cause annoyance to public, shall be liable to pay a fine which may extend to such amount as may be notified by the Government

M. Dangerous to insanitary Building and Places

131. If any building, tank reservoir, pool expression or excavation Depression or excavation in a municipal area, is, for want of sufficient repair, protection or enclosure, dangerous to the persons dwelling or working therein or in the neighborhood thereof or to persons passing by, the Municipality shall forthwith take at the expense of the owner, any steps which it thinks necessary for the purpose of averting imminent danger
- Powers to require building wells, tanks, etc., to be secured.
132. If in any municipal area any building, wall or structure or anything affixed thereto or any bank or tree, is deemed by the Municipality to be in a ruinous state or in any way dangerous, the Municipality, may, by notice require the owner thereof forthwith either to remove the same or to cause such repairs to be made to be building, wall structure or bank as the Municipality may consider necessary for the public safety, and, if the requirement of such notice is not complied with, at the expense of the owner, any steps which at thinks necessary for the purpose of averting imminent danger.
- Powers to require building wells, tanks, etc., to be secured.
133. If the owner or occupier of any building or land in a municipal area suffers the same to be in a filthy or unwholesome state the Municipality may be notice require him within twenty-four hours to cleanse the same or otherwise put it in a proper state and thereafter to keep it in a clean and proper state and if it appears to the Municipality to be necessary for sanitary purposes to do so it may at any time by notice, direct the occupier of any building in the municipal area to lime-wash or otherwise cleanse that building inside or outside in such manner and within such period as may be specified in the notice.
- Powers to order removal or repair of buildings etc. in dangerous state
134. A Municipality may, by notice, require the owner or occupier of any land in the municipal area to clear away and remove there from any thick vegetation or undergrowth which may appear to the Municipality to be injurious to health or offensive to persons residing in the neighborhood.
- Powers to order cleansing of filthybuilding or land

135. A Municipality may, by notice, require the owner or occupier of any land in the owner of occupier of any land in the municipal area to out or trim within three days the hedges growing thereon and boarding on any branches of trees growing thereon which overhang any street and obstruct the same or cause danger or which so overhang any well then or other source from which water is derived for public use as to be likely to pollute the water thereof.

Power to requires hedges and trees to be trimmed.

136. If the Senior Medical Officer certifies that the cultivation of any description of crop or the use of any kind of manures or the irrigation of land in any specified manner

Prohibition of cultivation, use of manure on irrigation injurious to health

a) In any place within the limits of the municipal area is injurious or facilities practices which are injurious to the health of person dwelling in the neighborhood or

b) in any place within or beyond the limits of the municipal area, is likely to contaminate the water-supply of the municipal area or otherwise renders it unfit for drinking purposes. The Municipality may with the approval of the Administrator, by public notice, prohibit the cultivation of such crop the use of such manure, or the use of the method of irrigation so reported to be injurious or impose such conditions with respect thereto as may prevent such injury or contamination:

Provided that when on any lend to which such notice applies the act prohibited been practiced during the five years immediately preceding the notice in the ordinary course or husbandry compensation shall be paid from the Municipal Fund to all persons interested therein for any damage caused to them by the effect of such notice.

N. Dangerous or offensive trades

137. (1) No place within a municipal area shall be used ---

- (a) For melting tallow or fat:
- (b) for boiling or drying bones offal or blood:
- (c) as a soap-house, oil-boiling-house, tannery, or barber 'S shop:
- (d) as a brick-field, brick-kiln, pottery or lime kiln:
- (e) as any other manufactory, engine-house or place or Business from which offensive or unwholesome smell noises, fumes or smoke arise

Regulation as offensive and dangerous trades

(f) as a yard or depot for trade in hay, straw thatching grass, dry leaves

Wood charcoal, or coal of other dangerously inflammable materials: or

(g) as a store-house for any explosive or for petroleum or any inflammable oil for sprit.

Except under a license granted by the Municipality which shall be renewable annually.

(2) The license shall not be withheld unless the Municipality considers that the business which is intended to be established or maintained would be the cause of annoyance, offence or danger to persons residing in frequenting, the immediate neighborhood or that for general reasons the establishment of such busile in the locality is undesirable.

(3) The Municipality may charge fees according to a scale to be fixed by bye-laws for such licenses and may impose such conditions in respect thereof as it may think necessary.

(4) Whoever, without, a license or in contravention of the condition of any such license, use any place for any such purpose as is specified in this section shall be liable to pay fine which may extend to such amount as may be notified by the Government and in the case of continuing offence, with a further fine which may extend to such amount as may be notified by the Government.

Penalty for negligence in currying blasting cutting timber or building

138. Whoever in a municipal area quarries, blasts cuts timber or carries on building operations in such manner as to cause or to be likely to cause danger to person passing by or dwelling or working in the neighborhood shall be liable to pay fine which may extend to such amount as may notified by the Government.

Provision of Police protection at fairs

139. The Administrator or may provide special protection on the occasion of an fair, agricultural show or industrial exhibition managed by a Municipality or for the purpose of guarding houses in a municipal area evacuated on account of epidemic and the Municipality shall pay such charges in respect of such protection as the Administrator may determine in his behalf.

Power to levy fees at Fairs 140. A Municipality may, levy fees, not exceeding such amounts as the Administrator may fix in this behalf, by notification, on persons Attending fair on which the Municipality incur expenditure and on persons exposing goods for sale or playing any occupation for gain.

P. brothals

Powers disorderly houses and prostitutes 141. (1) A Municipality may, by notice, prohibit in any specified part of the municipal area ---

(a) the keeping of a brothel : or

(b) the residence of a public prostitute.

(2) Whoever fails to comply with a notice issued under subsection (1) shall be punishable with imprisonment for a term which may extend to eight days or with fine which may extend to such amount as may be notified by the Government and in the case of continuing failure, with a further fine which may extend to such amount as may be notified by the Government

powers to close down brothels 142. On the complaint of the Municipality of three or more inhabitants of a municipal area that a house in the municipal area is used as a brothel, or by directly persons of any description , or the annoyance of the respectable inhabitants of the vicinity, or that any such house is used as a brothel in the neighborhood of any educational institution, boarding-house or any educational institution, boarding-house or place of Worship, any Magistrate of the First Class having jurisdiction in the place Where the house is situated, may summon the owner or tenant of the of the house, and on being satisfied that the house is soused and that it is source of annoyance of inference to the neighbors, or that it is in the neighborhood of any educational institution, boarding-house or place of Worship, way order the owner or tenant to discontinue such use of its and if such owner or tenant fails to comply with order within five days, the Magistrate may impose upon him at Which the house has been so used. Q. Animals

143. (1) A Municipality may-----

(a) authorize any person-----

Disposal of mad and stray dogs and other animals (1)To destroy or cause to be destroyed or to confine or cause to be confined for such period as the Municipality may direct any dog or other animal found in the municipal area suffering or

reasonably suspected to be suffering from rabies or bitten by any dog or Other animal suffering or suspected as aforesaid:

(ii) to continuous, or cause to be confined any dogs found wandering about streets of public places without collars or other marks distinguishing them as private property:

(b) charge a fee for any dog confined under sub-clause (ii) of clause (a) and destroy or otherwise dispose of any such dog if the dog is not claimed and the fee not paid within one week:

(c) by public notice issue a temporary or standing order that any dogs without collars or other marks distinguishing them as private property found straying on the street or beyond the enclosures of the houses of the owners of such dogs may be destroyed and destroy or cause them to be destroyed accordingly.

(2) No damages shall be payable in respect of any dog or other animal destroyed or otherwise disposed of under this section.

144. Whoever, in a municipal area, keep any swine in disregard of any orders which the municipality may give to prevent them for becoming a nuisance or keeps any other animal so as to be injurious to the health of the inhabitants to the health of the inhabitants or of animals or so animals or so to become a nuisance, shall be liable to pay fine which may extend to such amount as may be notified by the Government and in the case of continuing offence, with further fine which may extend to such amount as may be notified by the Government.

Penalty for keeping animal so as to be injurious to health

R. Other Nuisances

145. Whoever. In contravention of any general or special prohibition issued by a Municipality without the permission of the Municipality beats a drum or tom-tom, blows a horn or trumpet of beats or sounds any brass or other instrument or utensil, shall be liable to pay fine which may extend to such amount as may be notified by the Government..

Penalty for beating drum .etc.

Explanation:- In the case of an offence under this section committed by a band, each individual member of such band shall be so fined.

146. Whoever in a municipal area. Discharges firs arm or let's off fireworks fire balloons or detonator, or engages in any game in such a manner as to cause or be likely to cause danger

Penalty for discharging fire arms etc

to person passing by or dwelling in the neighborhood or risk of injury to property shall be liable to pay fine which may extend to such amount as may be notified by the Government.

147. A Municipality may, where it appears to it to be necessary For the prevention of danger to life or property, by public notice, Prohibit the sacking or collecting of timber, wood, dry grass, straw Or other inflammable materials or the placing of mats or thatched huts of the lighting of a fire in any place, or within any limits in the municipal area which may be specified in the notice:

Prohibition of collecting inflammable materials etc.

Provided that no such notice shall be issued except with the previous approval of the Deputy Commissioner.

CHAPTER IX
STREETS

148. A Municipality may with the previous approval of the Administrator

Power Streets

(a) Close temporarily any public street or any part thereof for any public purpose:

(b) Divert discontinue to close permanently any public street other than a major road : or

(c) Sell its interest in the land forming a public street other than a major road or any part thereof, if not required for the purposes of this regulation.

149. A Municipality may grant permission in writing for the temporary occupation of any street or land vested in it for this purpose of depositing any building materials or making any temporary excavation therein or erection thereon. Subject to such condition as it may prescribe for the safety or convenience of persons passing by or dwelling or working in the neighborhood may charge fees for such permission.

Power of permitting temporary of streets, etc.

Provided that in the case of major road no such permission shall be granted except with the previous approval of the public works Department.

B. Encroachments and Obstructions

Penalty For altering obstructing.or

150. (1) Whoever without the written permission of the Municipality builds or erects any immovable encroachment upon the ground level of any street or on a sewer drain or water course in a municipal area, or builds or makes

Encroaching upon streets

Any immovable overhanging structure projecting into a street at a point above the said ground level shall be liable to pay fine which may extend to such amount as may be notified by the Government

(2) The Municipality may by notice, require the owner or occupier of any building to remove or after such immovable encroachment or over hanging structures as aforesaid and so compensation shall be claimable in respect of such removal or affixation.

Removal of projection and obstructions in streets.

151. (1) Whoever in a municipal area, without the written permission of the Municipality

(a) places in front of any movable encroachment upon the ground level of any street or over or on any sewer, drain or water course or erects any movable overhanging structure projecting into the street at a point above the said ground level: or

(b) takes up or after the pavement or other materials or the fences or posts of any street or other article or merchandise or any street : or

(c) deposits building materials, goods or other article or merchandise or any street : or

(d) makes any hold or excavation in or under any street, or removes materials from beneath any street so as to cause risk of subsidence

Shall be punishable with fine which may extend to fifty rupees.

(2) The Municipality may---

(i) summarily remove or cause to be removed by the police any such movable encroachments or overhanging structures and any such materials goods or articles of merchandise: and

(ii) take action summarily to restore the street to the condition it was in before any such alteration, excavation or damage.

Was in expenses of such restoration shall be recoverable from the offender.

Explanation;--- For the purposes of this section movable encroachment includes a seat or settle. And movable overhanging structure includes an awning or any material.

Removal of Projections

152. In case to which the provisions of section 150 or section 151 do not apply the Municipality may, subject to the payment of

and payment of Compensation Reasonable compensation by notice require the owner or occupier of any building in the municipal area to remove or alter any balcony projection, structure or verandah overhanging any street or projecting into or encroaching on any street, or any drain sewer or aqueduct therein.

Power to regulate line of buildings in streets. 153. (1) If any building or part of a building projects beyond the regular line of a street, either existing or determined on for the future, or beyond the front of the building on either sidethereof, the Municipality may when ever such building or part has been either entirely or in greater part taken down or has fallen down by notice, require such building or part when being be rebuilt to be set back to or towards the said regular line or the front of the adjoining building: and the portion of the land added to the street by such setting back shall become part of the street and shall vest in the Municipality. Provided that the Municipality shall make full compensation to the owner for any damage which he may sustain in consequence of his building or any part thereof being set back.

(2) The Municipality may on such terms as it thinks fit allow any building to be set forward for the improvement of the line of that street.

(3) The provisions of this section shall apply to the rounding off of dangerous or in convenient street corners.

C. Miscellaneous provisions as to streets

Power to attach brackets for lamps on houses. 154. A Municipality may attach to the outside of any building in the municipal area brackets for lamps in such manner as not to occasion any injury to such building or other inconvenience.

155. Whoever, without being authorized by the Municipality, defaces or disturbs any municipal direction post or lamp or extinguishes any municipal light in any public place shall be liable to pay fine which may extend to such amount as may be notified by the Government. Penalty destroying direction post, lamp-post etc.

156. whoever without the consent of the owner or occupier of other person for the time being in-charge affixes any posting bill notice placard or other paper or means of advertisement against or upon any building wall tree board fence or pole in municipal area or writes upon soil def or marks any such building wall free board fence or Penalty for bill-sticking Without per-mission

Pole with chalk or paint or in any other way whatsoever shall be liable to pay fine which may extend to such amount as may be notified by the Government

157. (1) A municipality may cause a name to be given to any street and a name -plate to be affixed on any building therein is such place as it may think fit and may also cause numbers to be fixed to buildings in the municipal area. Names to Streets and numbers to buildings.

(2) Whoever destroys pulls down or defaces any name or numbers affixed to any street or building under this section or puts up any different name or number from that put up by other of the Municipality shall be liable to pay fine which may extend to such amount as may be notified by the Government.

D. Street Nuisance

158. Whoever without the permission of the municipality pickets animals or collects carts on any street or uses any street as a halting place for vehicles or animals of any description or as a place or encampment or causes or permits animals to stray therein shall be liable to pay fine which may extend to such amount as may be notified by the Government Penalty for Picketing animals andcollecting carts.

159. Whoever between such hours as may be prescribed by bye-laws drives or propels in any streets any vehicles which is not properly supplied with light shall be punishable with fine which may extend to twenty rupees. shall be liable to pay fine which may extend to such amount as may be notified by the Government Penalty for driving vehicles without properlights.

160. (1) Whoever in a street ----
 (a) Exposes goods for sale so as to cause obstruction :
 (b) Negligently lets loose any animal or suffers any ferocious dog to be at large without a muzzle or sets on or runs any dogs or any animals to attack worry or put in a fear any person or cattle:
 (c) Beggars importunately for alms or exposes or exhibits with the object or exciting charity or of exhorting alms any sores wounds bodily ailment or deformity;
 (d) Willfully and indecently exposes his person or commits a nuisance by easing himself or omits to prevent any child under his care or custody from committing such nuisance; or
 (e) Is found drunk and incapable of taking care of himself or shall be liable to pay fine which may extend to such amount as may be notified by the Government Penalty forCertain offences.

(2) Whoever cruelly beats ill-treats tortures or drives rides or otherwise uses any animals in an unfit state to be driven, ridden or used shall be punishable with imprisonment which may extend to eight days or with fine which may extend to **ten thousand rupees** or with both.

(3) Provisions of this section shall be in addition to and not derogation of any other law for the time being in force.

CHAPTER

Building

161. For the purpose of this Chapter a person is said to re-erect a building who makes any material alteration or enlargement of a building or any part thereof. Definitions

Explanation :- An alteration in a building shall be deemed to be material if it :-

(a) Affects or is likely to affect pre judicially the stability or safety of the building or the condition of the building in respect of drainage, ventilation, sanitation or hygiene or

(b) Increase or diminishes the height or cubical capacity of or area covered by the building or reduces the cubical capacity of any room in the building below the minimum prescribed in any bye-law or

(c) Converts into a place for human habitation a building or part of a building originally constructed for other purposes, or

(d) involves the addition of any rooms out-houses or other structures to any building or

(e) involves the constructions in a wall adjoining any land not belonging to the owner of the wall of a door opening on to such land, or

(f) is in alteration of any kind which has been declared by any bye-laws to be a material alteration.

Prohibition
of building
with- out
sanction

162. (1) No person shall erect or re-erect or commence to erect re-erect any building in a municipal area without the sanction of the Municipality.

(2) Every persons who intends to erect or re-erect any building shall give notice in writing to the Municipality of such intention

(3) The Municipality may, by bye-laws:-

(a) Prescribed the manner in which notice of the intention to erect or re-erect a building shall be given to the Municipality ; and

(b) Require that with every such notice there shall be furnished a site plan of the land on which it is intended to erect or re-erect such building and a plan and specification of the building of such character and with such details as the bye-laws may require in respect of all or any of the following matter: namely:-

(i) The free passage or way to be left in front of the building:

(ii) The space to be left about the building of secure free circulation of air and to facilitate scavenging and for the prevention of fire.

(iii) Ventilation and the provision and position of drains , privies, latrines, urinals or cesspools:

(iv) the level and with of the foundation , the level of the lowest floor and the stability of the structure and

(v) the line of frontage with neighboring building, if the building abuts on a street .

(4) Where bye-laws have been framed under this section, on notice under sub-section (2) shall be valid until the information if any required by such bye-laws has been furnished to the satisfaction of the Municipality.

Power to make bye-laws as to mode of construction of building

163. A Municipality may by bye-laws, regulate in respect of the erection or re-erection of any building within the municipal area or any part thereof :-

(a) the materials and method of construction to be used for external and party walls , roofs, floors, fire-places and chimneys.

(b) the materials and method of construction and position of fire-place chimneys , drains privies urinals and cesspools.

(c) the height and slope of the roof above the uppermost floor upon which human beings are to live or cooking operation are to be carried on:

(d) the ventilation and the space to be left about the building to secure the free circulation of air and for the prevention of fire.

- (e) the line of frontage where the building abuts on a street:-
- (f) the number and height of the storey's of which the building may consists : and
- (g) the means to be provided for egress from the building in case of fire.

Special provision for cases where bye-laws have not been made.

164. In any case in which no bye-laws have been made under sub-section (3) of section 162 the Municipality may , within fourteen days of the receipts of the notice referred to in sub-section (2) of that section, require a person who has given such notice to furnish, within one week of the receipt by him of the requisition, information on all or any of the matters as to which bye-laws might have been made and in such case the notice shall not be valid until such information has been furnished.

Dispensation from bye-laws

165. A Municipality may, by resolution dispense with the observance of any or all of the bye-laws made under sub-section (3) of Section 162 in regard to the erection or re-erection of any building specified in the resolution.

Provided that no such resolution shall be proposed except with the previous sanction of the Administrator.

166. Within one month after the receipt of the notice required by powers sub-section 162 the Municipality may refuse to sanction the building or may sanction it either absolutely or such modifications as it thinks fit in respect of all or any of the matters specified in sub-section (3) of that section and the person erecting or re-erecting any such building shall comply with the sanction of the Municipality , Municipality as granted in every particular:

Powers refuse sanction to build

Provided that if the Municipality neglects or omits, for two months after the receipt of a valid notice to make and deliver to the person who has given such notice an order of sanction or refusal in respect thereof , it shall be deemed to have sanctioned the proposed building absolutely.

Explanation:- The Municipality mat refuse to sanction the erection or re-erection or any building either or grounds affecting the particular building or in pursuance of a general scheme sanctioned by the Administrator restricting the erection or re-erection of building or any class of buildings within

Specified limits for the prevention of overcrowding or in the interest of the residents within such limits or for any other public purposes and sanction may also be refused in any case in which there is any dispute between the Municipality and the applicant as the land on which is it proposed to erect the building until such dispute is decided.

167. Every sanction for the erection or re-erection of a building which is given or deemed to have given by a Municipality shall remain in force for one year only from the date of such sanction and if the erection or re-erection of the building is not commenced within the said period of one year , the sanction shall be deemed to have lapsed;

Lapse of
sanction to
build

Provided that such lapse shall not bar any subsequent application fresh sanction under the forgoing provisions of this Regulation.

168. If the erection or re-erection of a building is begun or continued :-

Penalty for
Building
without
Sanction.

(a) without sanction an required by sub-section (1) of section 162 or

(b) without notice as required by sub-section (2) of section 162 or

(c) after sanction has been refused or

(d) in contravention of the terms of any sanction granted or

(e) after the sanction has lapsed or

(f) any contravention of any bye-law made under section 163 the Municipality may by notice to be delivered within a reasonable time require the building to be altered or demolished as it thinks necessary within a space of thirty days from the date of services of such notice:

Provided that no such notice shall issue in respect of the contravention of any bye-law the observance of which has been dispensed with under section 165.

Provided further that the Municipality pay instead of requiring the alteration or demolition of any such building accept by way of compensation such sum as it thinks reasonable.

169. (1) No compensation shall be claimable by an owner for any damage which he may sustain consequence of a refusal to sanction this erection of any building. Compensation for damage in respect of erection

(2) The Municipality shall make full compensation to the owner of any damage which may sustain in consequence of a refusal to sanction the re-erection of any building: or re-erections

Provided that the Municipality shall not be liable to make any compensation in respect of a refusal to sanction there erection of a building which for a period of three years or more immediately preceding such refusal has not existence or has been unfit for human habitation.

CHAPTER XI

GENERAL PROVISIONS

A Power of entry and Inspection

170. Any person authorized by the Municipality in this behalf may:- Power of entry for purposes of valuation or taxation

(a) after giving twenty-four hours notice to the occupier or if there be no occupier to the owner of any building or land in a Municipal area at any time between sunrise and sunset enter inspect and measure the building or land for the purpose of valuation : and

(b) enter and inspect any stable coach- house or other place where-in there is reason to believe that there is any vehicle or animal liable to tax in under this Regulation or for which a license has not been duly taken out.

Power to inspect drains privies and cesspools

171. (1) Any person authorized by the Municipality in this behalf may, enter between sunrise and sunset any building or land in a Municipal area and inspect any drain, privy, latrine, urinal cesspool, cable, wire pipe, sewer or channel therein or thereon and cause the ground to be opened where such person thinks fit for the purpose of preventing or removing any nuisance arising from the drain privy, urinal, latrine cesspool, cable wire, pipe, sewer or channel.

(2) If on such inspection it appears that the opening of the ground was necessary for the prevention or removal of a nuisance and expenses thereby incurred shall be paid by the owner or occupier or the land or building but if it is found that no nuisance exists or but for such opening would have arisen the ground or portion

of any building drain or other work (if any) opened injured or removed for the purpose of such inspection shall be filled in reinstated and made by the Municipality.

(3) No building other than a latrine urinal or privy shall be entered under this section until six hours notice in writing has been given to the occupier of the building by the Municipality or by the person authorized by the Municipality to make the entry.

Power to inspect buildings sanitary purposes.

172. Any person authorized by the Municipality in this behalf may after giving three hours notice to the occupier or if there be no occupier to the owner of any building in Municipal area enter and inspect it at any time between sunrise and sunset where such inspection appears necessary for sanitary reasons:

Provided that if the building to be inspected is a stable for horses or a house or such for cows or other cattle previous notice shall not be required before inspections.

General powers of entry on buildings or land.

173. Any person authorized by the Municipality in this behalf may after giving twenty four hours notice to the occupier or if there be no occupier to the owner of any building or land in a Municipal area at any time between sunrise and sunset:-

(a) enter and survey or take levels or measurements on the building or land:-

(b) enter the building or land for the purpose of examining works under construction or of ascertaining the course of sewers or drains or of executing or repairing any work which the Municipality is by this Regulation empowered to execute or to maintain :or

(c) enter the buildings or land for the purpose of inspecting or repairing water or other of inspecting or repairing water or other installation or for taking readings of meters connected therewith.

Power to inspect places for illicit slaughter of animals.

174. If there are reasonable grounds for believing that any animal has been or is being or about to be slaughtered for sale in a Municipal area in any place or premises not appointed for such purpose under section 120 or in contravention of any bye-law the Municipality by any person authorized by it in this behalf may at all reasonable times enter into and inspect any such place or premises.

Power of entry for purposes of preventing spread of disease 175. Any person authorized by the Municipality in this behalf may at any time between sunrise and sunset enter any building or premises situated in a Municipal area in which any infections of contagious disease is reputed of suspected to exist for the purposes of inspecting such building or premises.

General provisions 176. A Municipality may authorize person to exercise the power of entry conferred by the foregoing sections of this chapter either generally in regard to all buildings and lands or particularly in regard to specified buildings or lands or classes of buildings or lands.

(2) when any building used as human dwelling is entered under this Regulation due regards shall be paid to the special and religious sentiments of the occupiers and before any apartment in the actual a occupancy of any woman who according to custom does not appear in public is entered under this Regulation notice shall be given to her that she is at liberty to withdraw and every reasonable facility shall be afforded to her for withdrawing.

Reason able time for compliance with notice etc. to be fixed. 177. when any notice under this Regulation requires any act to be done which no time is fixed by this Regulation it shall fix reasonable time for doing the same.

Authentication, service & validity of notices. 178. (1) Every notice issued by a Municipality under this Regulation shall be in writing, signed by the chairperson , a vice chairperson , the Secretary or of any other person specially authorized by the Municipality in that behalf and may be served on the person to whom it is addressed or delivered or left at this usual place abode or business with some adult male members or servant of his family, or if it cannot be so served, may be affixed to some conspicuous part of his place of abode or business.

(2) when the place of abode or business of the persons to whom the notice is addressed is not within the limits of the Municipal area, the notice may be served by posting it addressed to his usual place of abode.

(3) if the owner of any property has no place of abode or business within the Municipal area, every such notice addressed to him as such owner, may be served on the occupier.

(4) when the place of abode or business of the occupier of any property is not known every notice addressed to him as such occupier, may be served by affixing it to some conspicuous part of the property.

(5) No notice issued by the Municipality under this Regulation shall be invalid for defect of form.

179. Whenever it is provided by or under this Regulation that the notice may be given to the owner or occupier of any land or building and the owner and occupier are different persons such notice shall be given to that one of them who is primarily liable to comply with such notice, and in case of doubt to both of them:

Service of notice etc. when owner and occupier are different persons.

Provided that in any such case, where there is no owner resident within the Municipal area, the delivery of such notice to the occupier shall be sufficient.

180. When any notice is by or under this Regulation, required to be given to or served on the owner or occupier of any property and he is unknown, it may be given or served.

Mode of giving notice to owner or occupier of property

(a) by delivering a written notice to some person on the property or if there is no person on the property to whom it can be delivered, by affixing it to some conspicuous part of the property or

(b) by posting a pre-paid letter containing a written notice and addressed by the description or the "owner" or "occupier" of the property (naming it) in respect of which the notice is given without further name or description.

181. Every public notice given by a Municipal under this Regulation shall be published by proclamation or in such other manner as the Administrator may direct.

Publication public notices

182. Whoever disobeys any lawful direction given or prohibition imposed by a Municipality by public notice under this Regulation or any written notice lawfully issued by it there under, or fails to comply with the condition subject to which any permission was given by the Municipality to him there under shall if the disobedience or failure is not an offence punishable under any other section, be punishable.

Penalty for disobedience of Municipality

With fine which may extend to fifty rupees and in the case of continuing disobedience of failure with a further fine which may extend to fine which may extend is fifty rupees and the cash of continuing disobedience of failure with a further fine which may extend to five rupees for every subsequent day during which disobedience or failure continues:

Provided that when the notice fixes a time within which a certain act to be done and no time is specified by or under this Regulation, no penalty shall be incurred by reason of such disobedience or failure if, in the opening of the court trying the case, the time so fixed was not a reasonable time.

183. wherever the terms of any notice issued this Regulation have not been complied with the Municipality may after six hours, further notice cause the act to be done by its officers.

Power in event of non-compliance with notice etc.

184. Any person willfully obstructing the Municipality or any officer of servant of a Municipality or any authorized by a Municipality in the exercises of any power conferred by or under this Regulation, shall be punishable with fine which may extend to fifty rupees.

Penalty obstructing Municipality

185. (1) Where , under this Regulation, the owner or occupier of any property is required by a Municipality to execute any work and default has been made in complying with the requirement and the Municipality has executed the work the Municipality may recover the cost of the work from the person in default.

Recovery of cost of execution

(2)Where any money recoverable by the Municipality under this section is payable by the owner o f the property, it shall be a charge there on and shall be recoverable as if it were a tax levied by the Municipality on the property.

C. Payment of compensation by Municipality

Payment of compensation by Municipality

186. (1) A Municipality may make compensation out of the Municipal Fund to any person sustaining any damage by reason of the exercise of any of the powers vested in it or its officers or servants under this Regulation, and shall make such compensation where the damage was caused by its negligence of its officers or servants and the person sustaining the damage was not himself in default in the matter in respect of which the power was exercised.

(2) If any dispute arises regarding the amount of any compensation which the Municipality is required by this Regulation to pay for injury to any building or land it shall be settled in such manner as the parties may agree. or in default or agreement in the manner provided by the land Acquisition Act 1894 with reference to the acquisition and payment of compensation for land public purpose so as the provisions of that Act can be made applicable

D. Appeals from orders, etc. of Municipality

Appeals from orders of Municipality

187. (1) Any person aggrieved :-

(a) by the refusal of a Municipality under section 166 to sanction the erection or re-erection of a building : or

(b) by a notice from a Municipality under section 168 requiring the alteration or demolition of a building:

may appeal within thirty days from the date of such notice or refusal to such officer as the Administrator may appoint in this behalf or failing such appointment to the Deputy Commissioner but no such notice or refusal shall be liable to be called in question otherwise than by such appeal.

(2) The appellate authority may if it thinks fit extend the period allowed by sub-section (1) for appeal.

being the notice or refusal appealed from shall be final.

Provided that the notice or refusal shall not be modified or set aside until the appellant and the Municipality have had a reasonable opportunity of being heard.

Prosecution to be suspended in certain cases

188. when any order of a kind referred to in section 182 or section 185 is subject to appeal and an appeal with has being instituted against it all proceedings to enforce such order & all prosecutions for any contravention thereof or non-compliance there with shall be suspended pending the decision of the appeal and if such order is set aside on appeal, disobedience thereto shall not be deemed to be an offence.

E. Offences and prosecutions

Power and duties of police in respect of offences against Regulation

189. (1) Every police officer shall give immediate information to the Municipality of any offence made punishable by or under this Regulation and shall be bound to assist all members, officers & servants of the Municipality in the exercise of their lawful authority.

(2) Any police officers may , without an order from a magistrate and without a warrant arrest any person committing in his view any offence made punishable by or under this Regulation if :-

(a) the name and address of such person are unknown to such officers and

(b) such person declines to give his name and address or there is reason to doubt the accuracy of the name and address, if given.

(3) A person arrested under this section may be detained until his name and address have being correctly ascertained:

Provided that no person so arrested shall be detained for a longer than may be necessary for bringing him before a magistrate and that such period shall not exceed twenty-four hours except under the order of a magistrate for his detention .

Authority for prosecutions 190. Unless otherwise expressly provided no Courts all take cognizance of any offences made punishable by or under this Regulation except on the complaint of or upon information received from the Municipality or some person authorized by the Municipality in this behalf.

Power to compound offences. 191. (1) A Municipality or any of its officers authorized in this behalf may accept from any person against whom a reasonable suspicion exist that he has committed an offence made punishable by or under this Regulation a sum of money by way of composition for such offence.

(2) On payment of such sum of money, the suspected person if in custody shall be discharged and no further proceeding shall be taken against him in regard to offence or alleged offence so compounded for.

(3) Sums paid by way of composition under this section shall be credited to the Municipal Fund.

192. No Judge or Magistrate shall be deemed to be a party to or personally Regulation or any other law, within the meaning of section 479 of the Codes of Criminal Procedure 1973, by reason only that he is a member of the Municipality by the order or under the authority of which such prosecution has been instituted. Members not to be disqualified from trying

193. where any person is convicted of any offence made punishable by or under this Regulation the Magistrate may direct that such cost of the prosecution and such compensation for any damage which may have been caused to any municipal property in the commission of such offence shall be paid by such person and any sum so ordered to be paid shall be recoverable as if it were a fine and credited to the Municipal Fund.

Power of Magistrate to order payment of costs and damages

F. Suits

194. No. suits shall be instituted against a Municipality or against any member, officer or servant of a Municipality in respect of any act purporting to be done in its or his official capacity until the expiration of one month next after notice in writing has been in the case of a Municipality delivered or left at its office and in the case of an office or place or abode stating the cause of action and the name and place of abode of the intending plaintiff.

Suits against Municipality or its officers.

Provided that nothing in this section applied to any suit instituted under section 54 of the specific Relief Act. 1877.

G. Recovery of Municipal Claims

195. (1) Any tax rate, cess or fee (other than a school fee) and any costs damages or compensation or other monies payable or claimable or recoverable by a Municipality under this Regulation or any rule or bye-law may after a demand has been made therefore in the manner prescribed by rules made by administrator be recovered on application to the Collector of the district as arrears of land –revenue that is to say by the distress and sale of any movable property or by attachment of immovable property belonging to such person.

Recovery of taxes and other claims

Provided that nothing in this section shall prevent the Municipality in its discretion from suing for the amount payable in any competent Civil Court.

(2) If any property movable or immovable is sold under the provisions of this Regulation and there is after payment of the amount due to the Municipality any surplus from the sale proceeds such surplus shall if the owner of the property sold claims it within six months from the date of the sale be paid to him by the Municipality but

If no such claim is preferred within such time. The said surplus shall be credited to the Municipal Fund, and so suit shall lie for the recovery thereof.

(3) no distress attachment of sale made or held under this Regulation shall be deemed unlawful, nor shall any person making or holding the same be deemed to be trespasser on account of any error, defect or want of form in any bill, notice, schedule, form, notice of demand warrant of distress of attachment inventory or other proceeding relating thereto if the provisions of this Regulation have been in substance and effect complied with :

Provided that any person aggrieved by any irregularity may recover satisfaction for any damage sustained by him arising there from.

CHAPTER XI

DISTRICT PLANNING COMMITTEE

196. (1) There shall be constituted for all the districts in the Union territory a District planning Committee to consolidate the plans prepared by the Panchayats. Municipalities and the tribal administrative bodies in the areas notified under sub-section (1) of section 3 of the Andaman and Nicobar Islands (Protect of Aboriginal Tribal) Regulation, 1956, and to prepare a draft development plan for the Union territory. District planning Committee

(2) The District Planning Committee shall consist of :-

(a) the Adhyaksha of the Zilla Parishad who shall be the Chairperson

(b) the Chairperson of the Municipality:

(c) the Member of Parliament for the Union Territory:

(d) such number of persons not less than four-fifths of the total number of members of the Committee as may be specified by the Administrator shall be elected by and from amongst the elected members of Zilla Parishad and the Municipality in proportion to the ratio between the population of the Zilla Parishad and of the Municipalities in the districts including such number of persons chosen in such manner as the Administrator may by order published in the official Gazette determine from among the following namely:-

- (i) six persons from among the tribal residents in the Car Nicobar tehsil:
- (ii) four persons from the tribal residents in the Nancowry tehsil
(Excluding Great Nicobar)
- (e) one person belonging to any of the Scheduled Tribes of the Andamanese, Onges or Shompens to be nominated by the Administrator :
- (f) secretary to the Union territory in-charge of Planning:
- (g) secretary to the Union territory in-charge of Finance:
- (h) secretary to the Union territory in-charge of local self –government:
- (i) The Chief Executive Officer of the Zilla Parishad Secretary –ex- officio.
- (3) the District Planning Committee shall prepare a draft Development Plan:-
 - (a) having regard to
 - (i) matters of common interest between the Panchayats, Municipalities reserved area, Municipal area and other areas including spatial planning sharing of water and other physical and natural resources, integrated development of infrastructure and environmental conservation ;
 - (ii) the extent and type of available resources whether financial or otherwise;
 - (b) Consult such institutions and organizations as the Administrator may be order specify.
- (5) The Chairperson of the District Planning Committee shall forward the Development plan as recommended by such committee to the Administrator.

CHAPTER XII

CONTROL

CONROL BY THE ADMINISTRATOR

Power of Administrator over Municipality 197. (1) the Administrator and the Deputy Commissioner acting under the orders of the Administrator shall be bound to require that the proceedings of Municipality shall be in conformity with the law for the time being in force.

(2) the Administrator may exercise all powers necessary for the performance of this duty and may, among other things by order in writing annual or modify any proceedings of a Municipality which he may consider not to be in conformity with law.

(3) The Deputy Commissioner may for the same purpose exercise such power as may be conferred upon him by the Administrator.

Power to
cancel or
suspend any
resolution
passed or
issued or
license or
permission

198. The Administrator may by order in writing :-

- (i) Suspend or cancel any resolution passed or issued or license or permission granted or
- (ii) prohibit the doing of any act which is about to be done or is being done in pursuance or under colour of this Regulation if in his opinion
 - (a) Such resolution order license permission or act has not been legally passed issued granted or authorized or
 - (b) Such resolution, order, license permission or act is in excess of the powers conferred by this Regulation or any other law or
 - (c) The execution of such resolution or order, the continuance in force of such license or permission or the doing of such act is likely to cause danger to human life, health or safety or is likely to lead to a riot or an affray.

Provided that the Administrator shall before taking action under this section on any of the grounds referred to in clauses (a) and (b) give the authority or person concerned as opportunity for an explanation.

199. (1) If in the opinion of a Administrator, the Municipality persistently makes default in the performance of the duties imposed on it by or under this Regulation or exceeds or abuses its powers the Administrator may by an order published, together with a statement or reasons therefore in the official Gazette dissolve the Municipality: Dissolution
of the
Municipality

Provided that the municipality shall be given a reasonable opportunity of being heard before its dissolution.

(2) when the Municipality is dissolved by an order under sub-section (1) :-

(a) all members shall on the date of the dissolution vacate their office as such members and the persons referred to in clause (a) of sub-section(2) of section 9 shall cease to be represented in the Municipality:

(b) during the period of dissolution of the Municipality all powers and duties conferred and imposed upon the Municipality by or under this Regulation or any other law shall be exercised and performed by such officer or authority as the Administration may appoint in that behalf :
and

(c) all property and rights vested in the Municipality shall unit it is reconstituted vest in the Government.

200. If any dispute for the decision of which this Regulation does not otherwise provide arises between two or more Municipality or between any Municipality and any other authority, the matter shall be referred to the Administrator whose decision shall be final. Disputes between Municipality

CHAPTER XIII

BYE-LAW AND RULES

A. Bye –laws

201. A Municipality may be bye-laws:-

(a) render licenses necessary for the proprietors or drivers of vehicles or animal kept or plying for hire with the limits of the Municipal area and fix the fees payable for such licenses and the conditions on which they shall be granted and may be removed and may by such conditions provide among other things for a minimum breadth for wheel tyres for a minimum diameter of the wheels: General bye-laws

(b) limit the rates which may be demanded for the hire of any carriage, cart or other conveyance or of animals hired to carry loads or persons or for the services of persons hired to carry loads to be carried by such conveyances animals or persons when hired within the municipal area for a period not exceeding twenty four hours:

(c) provide for the proper registration of births marriages and deaths and for the taking of a census.

(d) fix and from time to time vary the number of persons who may occupy a building which is let in loading or occupied by members of more than one family or which is suitable within such congested areas as may be specified in the bye-laws and provide:-

(i) for the registration and inspection of each such building:

(ii) for promoting cleanliness and ventilation in such buildings:

(iii) for the notices to be given and the precautions to be taken in the case of any information of contagious disease breaking out in such buildings:

(iv) in the case of hotel, sarais lodging-houses and residential clubs for the maintenance of registers in such form as the Municipality may prescribe of visitors and lodgers and

(v) generally for the proper regulation of such buildings:

(e) Provide:-

(i) for the inspection and proper regulation of encamping grounds, pounds, serais, hotels, restaurant, lodging houses, tea-stalls confectioneries bakeries aerated -water factories, ice-factories, dhobieghats, flourmills and slaughter houses.

(ii) for the inspection and proper regulation or municipal markets for the preparation and exhibition of a list current prices and for fixing the fees rents and other charges to be levied in such markets:

(iii) for the holding of fairs and industrial exhibitions within the municipal area or under of the control of the Municipality and for the collection of fees under section 140:

(iv) for controlling and regulating the use and management of burial and burning -grounds: and

(v) for the supervision regulation and protection from pollution of public wells, tanks springs or other sources from which water is or without the municipal area.

(f) Require and regulate the appointment by owner of building or land in the municipal area who are resident in the municipal area of persons residing within or near the municipal area to act their agents for all or any of the purposes of this Regulation:

(g) Where the collection of a terminal tax has been sanctioned fix terminal tax limits for the purpose of collecting the some and prescribe routes by which goods, animals or dogs which are subject to such terminal tax may be brought into the municipal area:

(h) Render licenses necessary for using premises as stables cow-houses, or houses or enclosures for sheep or goats: and otherwise regulate keeping of animals within the municipal area:

(i) In any municipal area where a reasonable number of slaughter houses has been provided or licensed by the Municipality control regulate or

Prohibit the admission within the municipal area for the purpose of sale of the flesh (other than cured or reserved meat) of any cattle, sheep, goat or swine slaughtered at any slaughter-house or place not maintained or licensed under this Regulation and provide for the seizure, destruction or disposal otherwise of any flesh brought within the municipal limits in contravention of any such bye-laws:

(j) prohibit the letting of off fire-arms, fireworks, fire balloons or detonators except :-

(i) with the permission of the Municipality or of an officer of the Municipality empowered to give such permission:

(ii) subject to such conditions as the Municipality may impose and

(iii) on payment of such fees (if any) as may at any time have been fixed by the Municipality in that behalf:

(k) regulate the making and use of connection or communications between private houses and premises and mains or service cables, wires, pipes, drains, sewers and other channels established or maintained by the Municipality under any of the provisions of this Regulation:

(l) regulate the posting of bills and advertisements and the position, size, shape and style of name-boards, sign-board and sign-posts:

(m) provide for and regulate the construction and maintenance of boundary walls, hedges and fences hereafter erected or re-erected so as to be on a public street or upon property vested in the Municipality.

(n) Regulate or prohibit any description or traffic in the streets:

(o) Prohibit the storage of more than a fixed maximum quantity of any explosive petroleum spirit, naphtha or other inflammable material in any building not licensed under section 137:

(p) Provide for the seizure and confiscation of ownerless animals straying within the municipal area:

(q) Provide for the registration of all or any specified classes of dogs and in particular and without prejudice to the generally of the foregoing:-

(i) provide for the imposition of an annual fee for such registration:

(ii) require that every registered dog shall wear a collar to which shall be attached a medal token to be issued by the Municipality :and

(iii) provide that any dog not registered and not bearing such token may it found in any public place be detained at a place to be set apart for the purpose and shall be liable to be destroyed or otherwise disposed of after such period as may be specified in the bye-law : or

(r) Generally provide for any matter which may be authorized by the Administrator:

Provisions
Relating to
bye-laws

202. (1) Any power to make bye-laws conferred by this Regulation is conferred subject to the bye-laws being made after previous publication:

(2) In making any bye-laws the Municipality may direct that breach thereto shall be punishable with fine which may extend to fifty rupees and on the case of a continuing breach with a further fine which may extend to five rupees for every subsequent day during which the breach continues:

Provided that in lieu of or in addition to inflicting such fine the Magistrate may require the offender to remedy the mischief so far as if within his power:

(3) No bye-law shall come into force until it has been confirmed by the Administrator and published in such manner as the Administrator may describe in this behalf.

(4) The Administrator may in confirming a bye-law make any change in its form which appears to him to be necessary.

(5) The Administrator may cancel his confirmation of any such bye-law and thereupon the bye-law shall cease to have effect.

(6) A copy of all bye-laws shall be kept at the office of the Municipality and shall be open during office hours without charge to the inspection of any inhabitant of the municipal area.

(7) Copies of all such bye-laws shall be kept at the said office for sale to the public at a price not exceeding five rupees.

B. Forms and Rules

203. (1) The Administrator may prescribe forms for any proceeding of Municipalities for which he considers that form should be provided and may subject to the condition of previous publication by notification make rules to carry out the provisions of this Regulation. Forms and rules

(2) In particular and without prejudice to the generally of the foregoing power such rules may provide for all or any of the following matters namely:-

(a) The qualifications request in the case of person appointed by a Municipality to offices requiring professional skill :

(b) The authority on which money may be paid from the Municipal Fund, and management and regulation of Provident Funds (if any) established under section 25:

(c) The custody and use of implements appliances and other materials kept by Municipality under section 105 :

(d) the procedure to be observed for the appointment , punishment or dismissal of officers and servants of Municipality and as to appeals from order of appointments, punishments or dismissal :

(e) the condition on which property may be acquired by a Municipality or on which property vested in a Municipality may be transferred by sale , mortgage, lease, exchange or otherwise:

(f) the preparation of plans and estimates for works to be partly or wholly constructed at the expense of Municipalities and the persons by whom, and the conditions subject to which such plans and estimates are to be sanctioned:

(g) the assessment and collection and the composition, refund or the limiting of refunds of taxes imposed under this Regulation and the prevention of evasion of the same : and the fees payable for notice of demand:

(h) the conditions on which a Municipality may receive goods into a bonded – warehouse and the agreements to be signed by traders or other wishing to deposit goods therein.

(i) the accounts to be kept by Municipalities the conditions on which such account are to be open to inspection by inhabitants paying any tax under this Regulation, the manner in which such accounts are to be audited and published and the power of the auditors in respect of disallowances and surcharge:

(j) the returns statements and reports to be submitted by Municipalities:

(k) the language in which business of Municipalities shall be transacted, proceeding recorded and notices issued:

(l) the publication of public notices:

(m) the regulation of the proceedings of Municipalities and persons empowered to accept composition under section 191 for alleged offences:

(n) the maintenance , control and regulation of water works and supply of water:

(o) generally the guidance of Municipalities and public officer in carrying the purposes of this Regulation : and

(p) the intermediate office or offices (if any) through which correspondence between Municipalities or members and the Administrator or the Deputy Commissioner shall pass:

(q) the powers to be exercised by the Deputy Commissioner under section 97.

(r) Any other matter which has to be or may be provided.

(3) In making such rules the Administrator may direct that a breach or any provisions thereof shall be liable to pay fine which may extend to such amount as may be notified by the Government

(4) A rule may be general for all Municipal areas or for all municipal areas not expressly excepted from its operation or may be special for the whole or any part of one or more municipal areas as the Administrator may direct.

Laying of rules and bye-laws before parliament 204. Every rule and every bye-law made under this Regulation shall be laid as soon as may be after is made before each House of Parliament while it is in session or a total period of thirty days which may be comprised in one session or in two or more successive session and if before the expiry of the session immediately following the session or the successive sessions as aforesaid both Houses agree for making any modification in the rule or bye-law or both houses agree that the rule or bye-law should not be made. The rule bye-law shall thereafter have effect only in modified from or be of no effect as the case may be so however that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rules or bye-law.

CHAPTER XIV

SUPPLEMENTARY

Vacancies and irregularities not to invalidate proceedings. 205. No act done or proceeding taken under this Regulation shall be questioned on the ground merely of the existence of any vacancy in any Municipality, Sub-committee or joint committee or on account of any defect or irregularity not affecting the merits of the case.

Proof of Municipal records 206. (1) A copy of any receipt application plan , notice entry in a register or other document in the possession of a Municipality shall if duly certified by the keeper thereof or other person authorized by bye-laws in this behalf be received as evidence of the existence of the entry or document and of the matters of transaction therein recorded in every case where and to the same extent as the original entry or document would if produced have been admissible to prove such matters or transactions.

(2) No officer or servant of a Municipality shall in any legal proceedings to which the Municipality is not a party be required to produce any register or document the contents of which can be proved under subsection (1) by a certified copy or to appear as a witness to prove the matters or transactions recorded therein unless by order of the Court made for a special cause.

- Amendment of regulation 1 of 1994 207. In section (1) of the Andaman and Nicobar Islands (Panchayats) Regulation in Sub-section (2) for the words "The Andaman and Nicobar Islands (Municipal Boards) Regulation, 1957" the words "The Andaman and Nicobar Islands (Municipal) Regulation , 1994" shall be substituted.
- Power to remove difficulties 208. (1) If any difficulty arises in giving effect to the provisions of this Regulation, the Administrator may by order published in the official Gazette make such provisions not inconsistent with the provisions of this Regulation as appears to him to be necessary or expedient for removing of that difficulty:
- Provided that no such order shall be made after the expiration of two years from the commencement of this Regulation.
- (2) Every order made under this section shall as soon as may be after it is made aid before each House of Parliament.
- Repeal of Regulation 4 of 1979. 209. (1) The Andaman and Nicobar Islands (Administrator) Regulation, 1979 is hereby repealed:
- Provided that the Pradesh Council existing immediately before the commencement of this Regulation shall cease to exist on the date till immediately before the date fixed under section 150 of the Andaman and Nicobar Islands (Panchayats) Regulation 1994.
- Repeal and savings. 210. (1) The Andaman and Nicobar Islands (Municipal Boards) Regulation, 1957 is hereby repealed.
- (2) The repeal of the said Regulation shall not effect:-
1. the previous operations of the said Regulation or any other done or suffered there under :or
 2. Any right, privilege, obligation or liability acquired, accrued or incurred under the said Regulation : or
 3. Any penalty , forfeiture or punishment incurred in respect of any offence committed against the said Regulation: or
- (a) Any investigation, legal proceeding or remedy in respect of which such right , privilege obligation, liability, forfeiture or punishment as aforesaid on any such investigation legal proceeding or remedy may be instituted continued or enforced any such penalty, forfeiture or punishable may be imposed as if this Regulation had not been promulgated.

SCHEDULE -I

[See section 12(2)]

Provisions as to disqualification on ground of defection

1. 1. Disqualification on ground of defection.— (1) Subject to the provisions of paragraph 2, a member of the Municipality belonging to any political party shall be disqualified for being a member of the Municipality —

- (a) if he has voluntarily given up his membership of such political party; or
- (b) if he votes or abstains from voting in the Municipality contrary to any direction issued by the political party to which he belongs or by any person or authority authorized by it in this behalf, without obtaining, in either case, the prior permission of such political party, person or authority and such voting or abstention has not been condoned by such political party, person or authority within fifteen days from the date of such voting or abstention.

Explanation.— For the purposes of this sub- paragraph, a Member of the Municipality shall be deemed to belong to the political party, if any, by which he was set up as a candidate for election as such a Member.

(2) A Member of the Municipality who has been elected as such otherwise than as a candidate set up by any political party shall be disqualified for being a Member of the Municipality if he joins any political party after such election.

(3) Notwithstanding anything contained in sub-paragraphs (1) and (2), a person who, on the commencement of the Andaman and Nicobar Islands (Municipal) Regulation, 1994 is a Member of the Municipality shall,—

- (i) where he was a member of a political party immediately before such commencement, be deemed, for the purpose of sub-paragraph (1) of this paragraph, to have been elected as a Member of such Municipality as a candidate set up by such political party;
- (ii) in any other case, be deemed to be a Member of the Municipality who has been elected as such otherwise than as a candidate set up by any political party for the purpose of sub-paragraph (2) of this paragraph.

2. Disqualification on ground of defection not to apply in case of merger.— (1) A Member of the Municipality shall not be disqualified under sub-paragraph (1) of paragraph 1 where his original political party merges with another political party and he claims that he and any other Members of his original political party-

(a) have become members of such other political party or, as the case may be, of a new political party formed by such merger; or

(b) have not accepted the merger and opted to function as a separate group, and from the time of such merger, such other political party or new political party or group, as the case may be, shall be deemed to be the political party to which he belongs for the purposes of sub-paragraph (1) of paragraph 1 and to be his original political party for the purposes of this sub-paragraph.

(2) For the purposes of sub-paragraph (1), the merger of the original political party of a Member of the Municipality shall be deemed to have taken place if, and only if, not less than two-thirds of the Members of such political party in the Municipality concerned have agreed to such merger.

3. Decision on question as to disqualification on ground of defection.— (1) If any question arises as to whether a Member of the Municipality has become subject to disqualification under this Schedule, the question shall be referred to the Administrator and the decision of the Administrator thereon shall be final.

(2) Before giving any decision on any such question referred under sub-paragraph (1), the Administrator shall obtain the opinion of the Election Commission referred to in section 32.

4. Rules.— The Administrator may make rules for giving effect to the provisions of this Schedule, and in particular and without prejudice to the generality of the foregoing powers, such rules may provide for-

(a) the maintenance of registers or other records as to the political parties, if any, to which different Members of the Municipality belong;

(b) the report which the leader of a political party in relation to a Member of the Municipality shall furnish with regard to any condonation of the nature referred to in clause (b) of sub-paragraph (1) of paragraph 1 in respect of such Member, the time within which and the authority to which such report shall be furnished;

(c) the report, which a political party, shall furnish with regard to admission to such political party of any Member of the Municipality and the officer of the Municipality to which such report shall be furnished; and

(d) the procedure for deciding any question referred to in paragraph 3 including the procedure for any inquiry which may be made for the purpose of deciding such question.”.

RAM NATH GOVIND
President

Dr. G.NARAYANA RAJU
Secy. to the Govt. of India