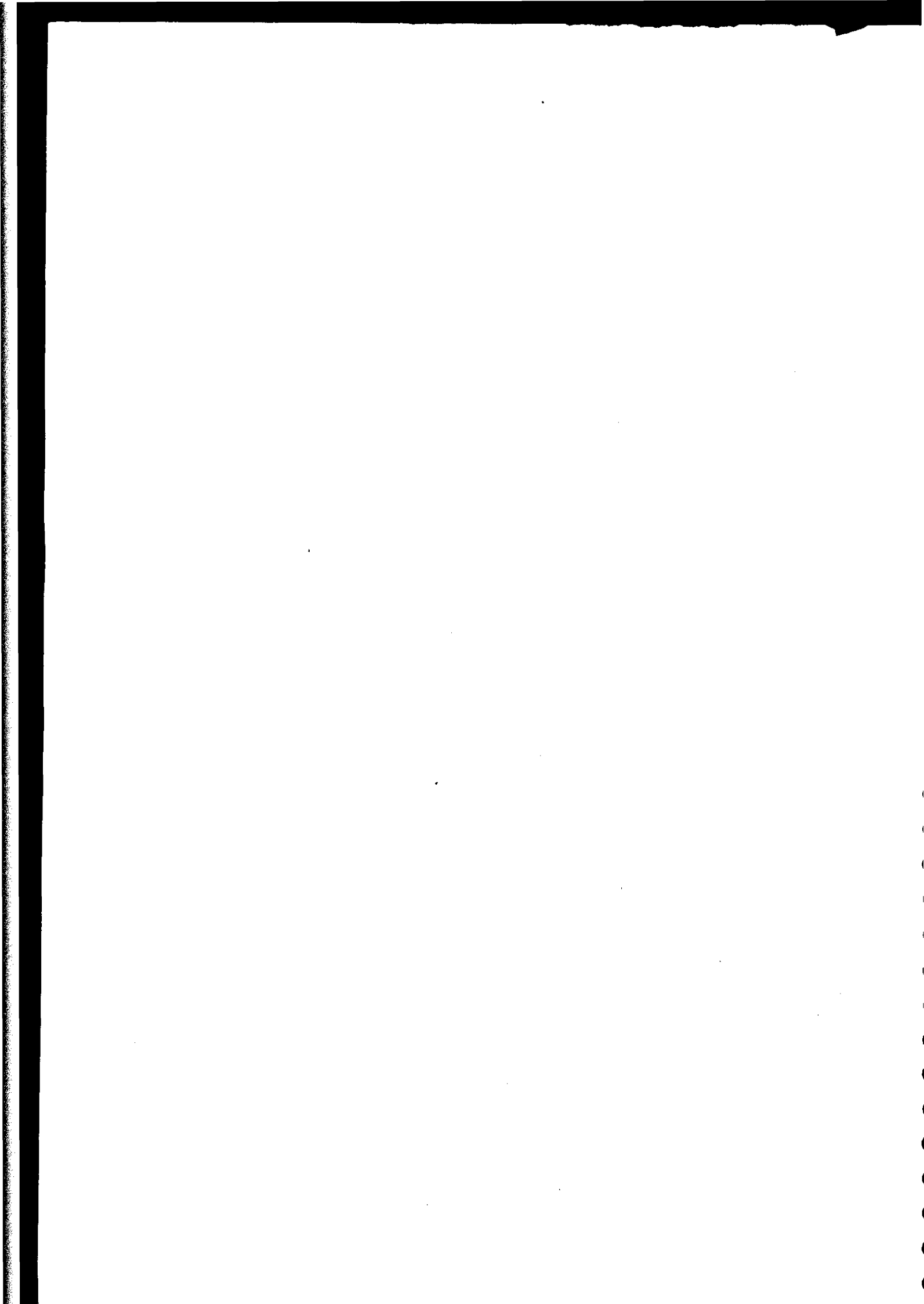


Tripura Act No. 7 of 1994.

**THE TRIPURA MUNICIPAL ACT,
1994**

(As amended upto the 5th April, 2010 vide Law Department Notification No. F. 8(5)-Law/Leg-1/2010 dated, Agartala, the 5th April, 2010)

First, Second, Third and Fourth amendments have been incorporated with this Principal Act, 1994.



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Government of Tripura
Law Department

No.F.10(8)-Law/Leg/94 Dated, Agartala, the 26th Oct, 1994

The following Act of the Tripura Legislative Assembly
received the assent of the Governor on the 26th October,
1994 and is hereby published for general information :-

(AS PASSED BY THE TRIPURA LEGISLATIVE ASSEMBLY)

TRIPURA ACT NO. 7 OF 1994

THE TRIPURA MUNICIPAL ACT, 1994

AN

ACT

to reorganize Municipality in urban and town areas of Tripura and to provide for matters connected therewith or incidental thereto.

Whereas it is expedient and necessary to replace the present status relating to Municipality by one which is in conformity with the purpose, substance and direction of the Constitution (Seventy-fourth Amendment) Act, 1992 which came into force on the 1st June, 1993, in general, and, in particular, to endow the Municipalities with functions and powers so as to enable them to function as vibrant institutions of local self Government with greater participation of people in managing their own affairs besides realization of economic and social justice.

Be it enacted by the Tripura Legislative Assembly in the Forty-fifth Year of the Republic of India, as follows :-

PART-I

CHAPTER-I

PRELIMINARY

Short title and commencement

1. (1) This Act may be called the Tripura Municipal Act, 1994.
(2) It extends to the whole of the State of Tripura except the areas under the Tripura Tribal Areas Autonomous District.
(3) It shall come into force on such date as may be appointed by the State Government by Notification in Official Gazette and different dates may be appointed for different provisions or for different areas.

Definitions

2. In this Act, unless there is anything repugnant to the subject or the context -
 - (1) "Bridge" includes a culvert;
 - (2) "Building" means a structure constructed by any materials for any purpose and includes the foundation, plinth, wall, floor, roof, chimneys, fixed platform, verandha, balcony, cornice, projection or part of a building or anything affixed thereto but does not include a boundary wall, tent, samiana or tarpaulin shelter;
 - (3) "Building live" means the line up to which the main wall of a building abutting on a street or a projected public street may lawfully extend;

- (4) "Carriage" means any wheeled vehicle, with springs or other appliances acting as springs, which is used for the conveyance of human beings or goods, and includes a Jinrickshaw, a vanrickshaw and a cycle rickshaw, but does not include a motor vehicle or a bicycle or a tricycle or a perambulator or other form of vehicle designed for the conveyance of small children;
- (5) "Cart" means any cart, hackery or wheeled vehicle with or without spring, which is not a carriage or a motor vehicle as defined in this section, and includes a handcart, a bicycle or a rickshaw, but does not include a trailer of a motor vehicle, a perambulator or other form of vehicle designed for the conveyance of small, children;
- (6) "Chairperson" or "Vice-Chairperson" means chairperson or Vice Chairperson of Municipal Council or a Nagar Committee.
- (7) "Dairy" includes any farm, cattle-shed cow-house, milk store, milk shop or other place from which milk is supplied for sale, stored, manufacture and sale of milk products;
- (8) "District" means a Revenue District;
- (9) "Dangerous disease" means cholera, plague, small pox, diphtheria, tuberculosis, leprosy, influenza, encephalitis and includes any other epidemic or infectious disease which the State Government may declare to be a dangerous disease;
- (10) "District Council" means Tripura Tribal Areas Autonomous District Council;
- (11) "State Election Commission" means the State Panchayat Election Commission referred to in Section 176 of the Tripura Panchayats Act, 1993;
- (12) "First General Election" means the general Election held for the first time for constituting a Municipality after commencement of this Act;
- (13) "General Election" means the election which may be held for constitution of a Municipality;
- (14) "Holding" means land held on title or agreement and surround by one set of boundaries;
Provided that where two or more adjoining holding from part and parcel of the site or premises of a dwelling house, manufactory, ware house or place of trade or business' such holdings shall be deemed to be one holding for the purpose of this Act;
- (15) "House-drain" means any drain of one or more premises used for the drainage of such premises;
- (16) "House-gully" means a passage or strip of land constructed, set a part or utilized for the purpose of affording access to a privy, urinal, cesspool or other receptacle for filthy or polluted matter to Municipal employees or to persons employed in the cleansing thereof or in the removal of such matter therefrom;
- (17) "Market" includes any place, by whatever name called, where persons assemble for the sale and purchase of various articles declared and licensed by the Municipality as a market;

- (18) "Municipal area" means an area constituted under this Act as Larger Urban Municipal area, or a Smaller Urban Municipal area or transitional Municipal area or a part thereof;
- (19) "Municipal drain" means a drain vested in the Municipality;
- (20) "Municipal market" means a market belonging to or maintained by the Municipality;
- (21) "Municipal Slaughter house" means a slaughter house belonging to or maintained by the Municipality;
- (22) "Municipality" means Nagar Panchayat, a Municipal Council or a Municipal Corporation constituted under this Act;
- (23) "Member" means a member of a Municipality;
- (24) "Nuisance" includes any act, commission, 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 or which is or may be dangerous to life or injurious to health or property;
- (25) "Occupier" includes any person for the time being paying or liable to pay to the owner the rent or fee in whatever manner on account of the occupation of any land or building and also includes a rent free tenant;
- (26) "Offensive matter" means kitchen or stable refuse, dung, dirt, putrid or putrefying substance and filth of any kind which is not included in "sewage";
- (27) "Owner" includes the person for the time being receiving the rent of any land or building or of any part of any land or building, whether on his own account or as agent or trustee for any person or society or for any religious or charitable purpose, or as a receiver who would receive such rent if the land or building or any part of the land or building were let to a tenant;
- (28) "Population" means the population as ascertained at the last preceding census of which the relevant figures have been published;
- (29) "Premises" means any land or building or part of a building or any hut or part of a hut, and include the garden, ground and out-houses, if any appertaining thereto;
- (30) "Prescribed" means prescribed by rules made by the State Government under this Act;
- (31) "Private drain" means any drain which is not a Municipal drain as defined in this section;
- (32) "Private street" means any street, road, lane, gully, passage or square which is not a public street as defined in this section, and include any passage securing access to three or more premises belonging to the same or different owners;
- (33) "Public building" means a building constructed, used or adopted to be used -

- (a) as a place of public worship or as a school, college or other place of institution (not being a dwelling house so used) or as a hospital, nursing home, maternity home, factory, work house, public theatre public cinema, public hall, public concord room, public lecture room, public library or public exhibition room or as a public place or assembly; or
 - (b) as a hotel, eating, lodging house, home hostel refuge or shelter or
 - (c) for any other public purpose ;
- (34) "Public street" means any street, road lane, gully, alloy, passage, pathway, square or courtyard whether a thoroughfare or not, over which the public have a right to way;
 - (35) "Qualifying date" in relation to the preparation or revision of each electoral roll means the first day of January of the year in which it is so prepared or revised;
 - (36) "Ratepayer" means a person liable to pay any rate, tax or fee under this Act;
 - (37) "Registered medical practitioner" means a medical practitioner registered under any law for the time being in force;
 - (38) "Regulations" means regulations made by a Municipality under this Act;
 - (39) "Rubbish" means dust ashes, broken bricks ,mortar, broken glass and refuse of any kind which is not offensive matter;
 - (40) "Rules" means the rules made under this Act;
 - (40 A) Schedule means Schedule to this Act. "
 - (41) "Service privy" means a fixed privy which is cleansed by hand daily or periodically, but does not include a movable commode;
 - (42) "Sewage" means night soil and other contents of privies, urinals cesspools or drains, and includes trade effluents and discharges from manufactories of all kinds;
 - (43) "Slaughter house" means any place used for the slaughter of cattle, sheep, goats, kids or pigs or hens, fowls, chicken, ducks, turkeys or any other eatable birds for the purpose of selling the flesh thereof as meat;
 - (44) "State Government" means the State Government of Tripura;
 - (45) "Section" means a section of this Act;
 - (46) "Street" means a public or private street;
 - (47) "Street alignment" means the line dividing the land comprised in and forming part of a street for the adjoining land;
 - (48) "Watercourse" includes any river, stream or channel whether natural of artificial ; and
 - (49) "Year means a financial year beginning on the first day of April;

Constitution of Municipal Areas

Declaration of
intention to
constitute a
Municipal area

3. Whenever the Governor is satisfied that any smaller or larger urban area or a transitional area, that is to say, an area in transition from a rural area to an urban area -

- (i) contains a population of not less than five lakhs in such larger urban area or not less than fifty thousand in such smaller urban area or less than fifty thousand in such transitional area;
- (ii) has a density of population of not less than five hundred inhabitants per square kilometer of area;
- (iii) has an occupational pattern in which more than one half of the adult, population are chiefly engaged in pursuit other than agriculture and if such area is constituted a Municipal area the revenue generated for local administration and other Municipal income are likely to be adequate for discharge of Municipal functions under this Act, he may, by notification declare the intention to constitute such areas as large urban Municipal area, or, as the case may be, a smaller urban Municipal area or a transitional Municipal area;

Provided that not withstanding anything contained herein the Governor may by public notification specify a larger urban area, a smaller urban area or a transitional area having regard to the population, density of population of the area, revenue generated for local administration percentage of employment in non-agricultural activities, the economic importance of the area and such other factors as he may deem fit.

Publication of
notification

4. (1) The notification about the constitution of a Municipal area shall be published in the Official Gazette and in at least two leading newspaper's one of which shall be in vernacular intelligible to the inhabitants of the local area concerned.

(2) A copy of the notification shall also be pasted up in a conspicuous place in the office of the District Magistrate and in such other public places as the State Government may direct.

(3) A public proclamation about the constitution of a Municipal area shall be made either by beating of drum through the local area concerned or through any other publicity media.

Consideration
of objection.

5. Any inhabitant of the larger or a smaller urban area or the transitional area in respect of which the notification has been published under section 4 may if he objects anything contained in the notification, shall submit his objection in writing to the State Government within one month from the date of publication in the Official Gazette, and the State Government shall take his objection into consideration.

Constitution of
municipal area

6. On expiry of one month from the date of publication of the notification in the Official Gazette and after consideration of all or any of the objections which may be submitted, the State Government may by notification, constitute such area notified under Section 3 or a part of it as larger urban Municipal area, or as the case may be, a smaller urban Municipal area or transitional Municipal area.

Power to
abolish or alter
the limits of a
municipal area

7. After consultation with the Municipality concerned (if it has already been established) the State Government may, by similar notification, and following the same procedure laid down for constitution of Municipal area-

- (a) withdraw any Municipal area from the operation of this Act; or
- (b) exclude from a Municipal area any local area comprised therein and defined in the notification; or
- (c) include within a Municipal area any local area contiguous to the same and defined in the notification; or
- (d) divide any Municipal area into two or more Municipal areas; or
- (e) unite two or more Municipal areas so as to form one Municipal area ; or
- (f) revise the boundary of two or more contiguous Municipal area; or
- (g) re-define the boundaries or limits of a Municipal area;

Power to
include certain
dwelling house
manufactory
etc. within a
particular
Municipal area

8. Where a dwelling house, manufactory, warehouse, or place of industry or business is situated within the limits of two or more adjacent Municipal area, the State Government may, notwithstanding anything contained in this Act, by notification, declare within which of those Municipal areas such dwelling house, manufactory, warehouse, or place of industry or business shall be deemed to be included for purpose of this Act.

Power to
exempt
municipal area
from operation
of any
provision of the
Act.

9. (1) The State Government may, by notification and for reasons to be recorded in writing, exempt any Municipal area or Municipal areas from the operation of any of the provisions of this Act and there upon the said provisions shall not apply to such Municipal area or Municipal areas until such provisions are applied thereto by subsequent notification.

(2) While the exemption, as aforesaid, remains in force, the State Government may make rules with respect to any matter within the purview of this Act for the Municipal area or Municipal areas so exempted.

CHAPTER - III

CONSTITUTION, COMPOSITION ETC. OF THE MUNICIPALITIES

Constitution
of the
Municipalities

10. (1) The members elected in a general election of a Municipality and other members mentioned in Sub section (2) of Section 11 shall constitute -

- (a) a Nagar Panchayat for a transitional Municipal area;
- (b) a Municipal Council for a smaller urban Municipal area ; and
- (c) a Municipal Corporation for a larger urban Municipal area;

Provided that a Municipal Corporation under this clause may not be constituted in such urban area or a part thereof as the Governor may, having regard to the size of the area and the municipal services being provided or proposed to be provided by a Industrial establishment in that area and such other factors as he may deem fit, by public notification specify to be an industrial township.

(2) A Nagar Panchayat, a Municipal Council or a Municipal Corporation shall be the authority of the Municipal Government in the respective Municipal area.

(3) The Municipal Authorities charged with the responsibility of carrying-out the provisions of this Act shall be as follows :-

(i) in the case of larger urban Municipal area -

- (a) the Municipal Corporation,
- (b) the Mayor-in-Council, and
- (c) the Mayor.

(ii) in the case of smaller urban Municipal area -

- (a) the Municipal Council,
- (b) the Chairperson-in-Council; and
- (c) the Chairperson,

(iii) in the case of transitional Municipal area -

- (a) the Nagar Panchayat,
- (b) the Chairperson-in-Nagar Committee; and
- (c) the Chairperson.

(4) Every Municipality shall be a body corporate with the perpetual succession and a common seal, and may, by the name of the Municipality of the respective area by reference to which the Municipality is known, sue and be sued.

(5) Subject to the provisions of this Act, a Municipality shall be entitled to acquire, hold and dispose of properties.

Composition of
Municipalities.

11. (1) Save as provided in clause (2), all the seats in a Municipality shall be filled by persons chosen by direct election from the territorial constituencies in the Municipal area.

(2) Each Municipality may consist of -

- (a) the members elected under sub-section (1);
 - (b) the person having special knowledge or experience in Municipal Administration as may be nominated by the Governor;
- Provided that the number of such nominated persons shall not exceed -

- (i) in the case of a Municipal Corporation, five ;
- (ii) in the case of Municipal Council, three; and
- (iii) in the case of a Nagar Panchayat, two;

(c) the Chairpersons of the Ward Committees and such other Committees, if any, constituted under this Act and decided by the State Government

Provided that the members referred to in clause (b) shall not have the right to vote in the meeting of the Municipality.

Total number
of seats for
direct election
in
Municipalities
and Municipal
constituencies

12. (1) Subject to the provision of sub-section (3) the total number of seats in every Municipality, to be filled by persons chosen by direct election from Municipal constituencies, and the number of seats, if any, to be reserved for the Scheduled Castes and for the Scheduled Tribes of the Municipality including the number of seats to be reserved for women shall be such as the State Government may determine by notification;

Provided that one seat may be allotted for population of not less than eight hundred, in larger or smaller Urban Municipal area and not less than such population as the State Government may determine for transitional Municipal Area.

(2) Every Municipal constituency referred to in sub-section (1) shall be a single member constituency.

(3) The number of seats to be filled by direct election in every Municipality shall be-

- (a) in the case of a Corporation, not less than twenty five and not more than fifty;
- (b) in the case of a Municipal Council, not less than seventeen and not more than thirty-five ; and
- (c) in the case of a Nagar Panchayat, not less than seven and not more than twenty;

(4) [i] For the purpose of election to the Municipality, every Municipal area shall be divided by such authority and in such manner as may be prescribed, into such number of territorial constituencies as may be determined under sub-section (1) to be known Wards having regard to the population, dwelling pattern, geographical condition and economic condition of the area included in each constituency :

Provided that the ratio of population of each constituency shall, as far as practicable, be the same throughout the Municipal area.

- (ii) Nothing in sub-section (1) shall effect existing number of members of a Municipality until the first general election under this Act is held;

Provided further that after a general election if due to exclusion of any area from or inclusion of any area in a Municipality the number of seats and constituencies for such a Municipality, determine in the general election, is affected, determination of total number of seats including reservation of seats for schedule castes and schedule tribes and division of the Municipal area into constituencies shall be made afresh before conducting next election, in such manner, as may be prescribed.

Constitution
Composition of
wards
Committees etc.

13. (1) These may be constituted Wards Committees, consisting of one or more wards, within the territorial area of a Municipality having population of three lakhs or more.

(2) The composition and the territorial area of a Wards Committee and the manner in which the seats in a Wards Committee shall be filled shall be such as may be prescribed.

- (3) Where a Ward Committee consists of -
(a) one ward, the member representing that ward in the Municipality ; or
(b) two or more wards, the members representing such wards in the Municipality shall elect one of them to be the Chairperson of that Committee.

Formation of
Special
Committee-

14. (1) The Municipality may, from time to time, appoint a Special Committee consisting of such number of members of the Municipality as it may consider necessary, to perform such specified functions, or conduct such enquiries, or undertake such studies including reports thereon, as may be contained in a resolution in this behalf.

(2) Any person who is not a member but possesses special qualification useful for the purpose of a committee, as aforesaid, may be associated therewith as its member.

(3) The manner of transaction of business in a special Committee shall be such as may be laid down by the Municipality.

Constitution of
Joint Committee

15. (1) The State Government may, if it considers necessary so to do, constitute a joint Committee for more than one Municipality, or for one Municipality, or for one or more Municipalities with other local authority or local authorities for any purpose in which they are jointly interested or for delegating to it any power or function which calls for joint action.

(2) The Joint Committee shall consist of the following members, namely :-

- (i) two nominees of each constituent Municipality or other local authority ;
- (ii) one nominee of each of the concerned departments of the State Government of the concerned local authorities; and
- (iii) such expert or experts as the State Government may nominate.

(3) The procedure of transaction of business by a joint Committee shall be such as may be prescribed.

Constitution of
Standing
Committee

16. (1) Each Municipality may have the following Standing Committees, namely :-

- (a) Finance Committee ;
- (b) Public Health Committee;
- (c) Public Works Committee;
- (d) Education, Health and Sanitation Committee;
- (e) Sports and Culture Committee;
- (f) Poverty Alleviation Committee.

(2) Each Standing Committee shall consist of the following members namely :-

- (a) (i) in the case of Municipal Corporation, six members ;
- (ii) in the case of Agartala Municipal Council, not exceeding seven members; and
- (iii) in the case of Nagar Panchayat, not exceeding five members; and

(b) such number of persons, not more than four, being officers of the State Government , having requisite expertise for development of Municipality services and their maintenance, as may be nominated by the State Government :

Provided that the persons nominated by the State Government shall not have the right to vote at a meeting of the Standing Committee.

(3) The Chairperson of the Municipality shall be the ex-officio President of the Finance Committee.

(4) The President of each Standing Committee other than the Finance Committee shall be appointed by the Chairperson from amongst the members of such Committee :

Provided that if the Vice-Chairperson of the Municipality is a member of the Committee, he shall be the ex-officio President of the Committee if the Chairperson is not in the Committee.

(5) If the President is for any reason unable to act or absent in any sitting, the Chairperson may appoint another member to act as President.

(6) If the Chairperson himself is the President of the Committee and is absent from any sitting the Committee shall elect another member from the members present as President for sitting only.

(7) The terms of the office of a member of a Standing Committee shall be two and a half year :

Provided that the Committee shall hold office until a new Committee is constituted

(8) No member of a Municipality except the Chairperson shall be a member of more than two Standing Committees.

(9) The State Government may make rules providing for the removal of a member of a Standing Committee.

Provided that a member may resign at any time by writing under his hand and addressed to the Chairperson of the Municipality.

Powers, functions and duties of Standing Committee.

17. (1) Each Standing Committee shall perform such functions, exercise, such powers and discharge such duties as may be prescribed or as may be assigned to it by the Municipality.

(2) The Municipal Secretary or such other officer as may be appointed by the Chairperson shall be the ex-officio Secretary of the Standing Committees.

(3) The proceedings of every Standing Committee shall in the form of a report be presented to the Chairperson by the President or by any member of the Committee authorized by it and shall be subject to confirmation, modification or rejection by the Municipality.

Reservation of seats.

18. (1) Seats shall be reserved for the Scheduled Castes and Scheduled Tribes in every Municipality 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 the Scheduled Castes, in the Municipality area or of the Scheduled Tribes in the Municipal area bears to the total population of that area and such seats may be allotted by rotation to different constituencies in the Municipality having Scheduled Castes or Scheduled Tribes population.

(2) Not less than Fifty percent of the total number of seats reserved under clause (1) shall be reserved for women for belonging to the Scheduled Castes or as the case may be, the Scheduled Tribes.

(3) Not less than fifty percent (including the number of seats reserved for women belonging to the Scheduled Castes and the Scheduled Tribes) of the total number of seats to be filled up by direct election in every

Municipality shall be reserved for women and such seats may be allotted by rotation to different constituencies in a Municipality.

Provided that such reservation, as prescribed in sub-sections (2), (3) & (5) of Section 18 may be less than fifty percent if the particular Municipal Council or Nagar Panchayat is constituted with members of odd numbers.

(4) Seats shall be reserved in the office of the Chairpersons of the Municipalities for the Scheduled Castes and the Scheduled Tribes and the number of office so reserved in the Municipalities shall bear, as nearly as may be, the same proportion to the total number of such office as the population of the Scheduled Castes in the Municipalities or of the Scheduled Tribes in the Municipalities bears to the total population of the Municipalities.

Provided that in the event of non-availability of any elected member belonging to scheduled castes or as the case may be scheduled tribes, the reservation rotation for the office of the Chairperson shall skip to next rotation.

(5) Not less than fifty percent of the total number of offices of Chairperson of Municipality, including the number of seats reserved for the Scheduled Castes and the Scheduled Tribes, shall be reserved for women in such manner as may be prescribed.

(6) The number of offices reserved under sub-sections (4) and (5) may be allotted, as far as may be possible, by rotation to different Municipality in such manner as may be prescribed.

(7) The reservation of seats under clause (1) and (2) the reservation of offices of Chairperson (other than the reservation for women) under clause (4) shall cease to have effect on the expiration of the period specified in Article 334.

Duration
of
Municipalities
etc.

19. (1) Every Municipality, unless sooner dissolved, shall continue for five years from the date appointed for its first meeting and no longer and the expiration of the said period of five years shall operate as a dissolution of the Municipality.

(2) No amendment of any law for the time being in force shall have the effect of causing dissolution of a Municipality at any level, which is functioning immediately before such amendment, till the expiration of its duration specified in clause (1).

(3) An election to constitute a Municipality shall be completed, -

(a) before the expiry of its duration specified in clause (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 clause for constituting the Municipality for such period.

(4) A Municipality constituted upon the dissolution of a Municipality before the expiration of its duration shall continue only for the remainder of the period for which dissolved Municipality would have continued under clause (1) had it not been so dissolved.

Dissolution of
Municipalities

20. (1) If in the opinion of the State Government any Municipality -
- (a) has shown its incompetence to perform, or has persistently made default in the performance of the duties imposed on it by or under this Act or any other law ; or
 - (b) has failed to carry out or implement the direction given by the State Government under this Act ; or
 - (c) has exceeded or abused its powers;

It may, by order to be published in the official Gazette, stating the reasons therefore, dissolve the Municipality and direct that it be reconstituted within such period not exceeding six months as may be specified in the order.

(2) The State Government shall, before making any order under sub-section (1) give the Municipality an opportunity of being heard.

(3) Every order made under sub-section (1) shall be laid before the State Legislature as soon as it may be after it is made.

Consequences of
dissolution

21. (1) When an order of dissolution has been passed under sub-section (1) of section-20, then with effect from the date of the order --

- (a) all members of the Municipality shall vacate their offices.
 - (b) all the powers, duties and functions which under the provisions of the Act or any rules or orders made thereunder or any law or the time being enforce, may be exercised, discharged or performed by any Municipal authority shall be exercised, discharged or performed by such authority or person as may be appointed by the State Government in this behalf.
- (2) On the re-constitution of the Municipality the authority or person appointed under clause (b) of sub-section(1) shall cease to function.

CHAPTER - IV

MUNICIPAL AUTHORITIES

Nagar Panchayat
to be the
Legislative body

22. A Nagar Panchayat shall be the legislative body of the Municipality of a transitional Municipal area and all legislative action shall be expressed to be made in the name of the Municipality.

Nagar Committee
to be the
executive body

23. (1) There shall be a Nagar Committee consisting of the Chairperson, the Vice-Chairperson and other members not exceeding three.

(2) The Vice-Chairperson and other members referred to in sub section (1) shall be nominated by the Chairperson from amongst the elected members of the Nagar Panchayat as soon as possible after he enters upon his office and shall assume office after taking such oath of secrecy as may be prescribed.

(3) All executive powers of the Municipality of transitional Municipal area shall vest in the Chairperson-in-Nagar Committee.

(4) The manner of transaction of business of the Chairperson-in-Nagar Committee shall be such as may be prescribed.

(5) The Chairperson-in-Nagar Committee shall be collectively responsible to the Municipality that is to say the Nagar Panchayat.

Chairperson

24. (1) The Chairperson of the Nagar Panchayat shall be the executive head of the Municipality and the Municipal Administration of the transitional Municipal area shall be under his control.

(2) The Chairperson shall allocate the business among the members of the Nagar Committee.

(3) The Chairperson shall preside over the meetings of the Nagar Committee as well as the Nagar Panchayat.

(4) The Chairperson may transact any business or make any order authorized by any law for the time being in force:

Provided that the Chairperson shall not act in opposition to or in contravention of any decision of the Nagar Panchayat.

Election
Chairperson of

25. (1) The elected members of the Nagar Panchayat shall elect, in accordance with such procedure as may be prescribed, one of its members to be the Chairperson who shall assume office forthwith after taking oath or affirmation of his allegiance to the Constitution of India in such manner as may be prescribed.

(2) If the elected members of the Nagar Panchayat fail to elect a Chairperson in the manner prescribed, the State Government shall appoint by name one of such elected members to be the Chairperson.

(3) In the case of any casual vacancy the office of the Chairperson caused by death, resignation, removal or otherwise, the elected members shall, in accordance with such procedure as may be prescribed, elect one of the elected members to fill up the vacancy.

Term of office of
the Chairperson

26. (1) The Chairperson shall cease to hold office if he ceases to be a member of the Nagar Panchayat.

(2) The Chairperson may at any time by giving a notice in writing to the Vice-Chairperson or if there is no Vice-Chairperson, to the Nagar Panchayat, resign his office and the procedure or acceptance or otherwise of the resignation shall be such as may be prescribed.

(3) The Chairperson may be removed from office by a resolution carried by a majority of the total number of elected members of the Nagar Panchayat at a special meeting to be called for this purpose in the manner prescribed upon a requisition made in writing by not less than one third of the total number of elected members of the Nagar Panchayat and the procedure for conduct of business in the special meeting shall be such as may be prescribed;

Provided that no such resolution shall be moved before the expiry of six months from the date of assumption of office by the Chairperson and if such resolution is not carried by a majority of the total number of elected members, no further resolution for such purpose shall be moved before the expiry of a period of six months from the date on which the former resolution was moved.

(4) Notwithstanding anything contained in this section, the Chairperson of a Nagar Panchayat whose office becomes vacant under any of the provisions of this section shall continue to hold office as Chairperson until his successor enters upon his office.

Vice-Chairperson

27. (1) The Vice-Chairperson shall, in the absence of the Chairperson, preside over the meeting of the Nagar Committee as well as Nagar Panchayat.

(2) The Vice-Chairperson shall, during the absence of the Chairperson for any reason whatsoever, discharge all the duties and exercise all the powers of the Chairperson unless otherwise expressly directed by the Chairperson.

(3) The Vice-Chairperson, shall at any time, perform such other duties or exercise such other powers as may be delegated to him under the Provisions of this Act.

- Other Members of the Nagar Committee. 28. The other members of the Nagar Committee shall exercise such powers and perform such functions as may be assigned to them from time to time by the Chairperson.
- Term of office of the Vice Chairperson and other Members of the Nagar Committee. 29. The Vice-Chairperson or any other member of the Nagar Committee shall hold office until -
- (a) he ceases to be a member of the Nagar Panchayat; or
 - (b) he resigns his office by writing under his hand addressed to the Chairperson in which case the resignation shall take effect from the date of its acceptance; or
 - (c) he is removed from office by a written order of the Chairperson; or
 - (d) the Chairperson ceases to hold office; or
 - (e) in the case of the death of the Chairperson a newly elected Chairperson enters upon his office.
- Municipal Council shall be the legislative body. 30. A Municipal Council shall be legislative body of the Municipality smaller Urban Municipal area and all legislative action shall be expressed to be made in the name of the Municipality.
- Chairperson-in-Council shall be the executive body. 31. (1) There shall be a Chairperson-in-Council consisting of the Chairperson, the Vice Chairperson and other members not exceeding seven.
- (2) The Vice-Chairperson and other members referred to in sub-section (1) shall be nominated by the Chairperson from amongst the elected members as soon as possible after he enters upon office and shall assume office, after taking such oath of secrecy as may be prescribed.
 - (3) All executive powers of the Municipality of a small or Urban Municipal area shall vest in the Chairperson-in-Council.
 - (4) The manner of transaction of business of the Chairperson-in-Council shall be such as may be prescribed.
 - (5) The Chairperson-in-Council shall be collectively responsible to the Municipality, that is to say the Municipal Council.
 - (6) All executive action shall be expressed to be made in the name of the respective Municipality.
- Chairperson 32. (1) The Chairperson of the Municipal Council shall be the executive head of the Municipality and the Municipal administration shall be under his control.
- (2) The Chairperson shall allocate the business among the members of the Chairperson-in-Council.

(3) The Chairperson shall preside over the meetings of the Chairperson-in-Council as well as the Municipal Council.

(4) The Chairperson may transact any business or make any order authorized by any law for the time being in force;

Provided that the Chairperson shall not act in opposition to or in contravention of any decision of the Municipal Council.

Election
Chairperson.

of 33. (1) The elected members of the Municipal Council shall elect, in accordance with such procedure as may be prescribed, one of its members to be the Chairperson who shall assume office forthwith after taking oath or affirmation of his allegiance to the Constitution of India in such manner as may be prescribed.

(2) If the elected members of the Municipal Council fail to elect a Chairperson in the manner prescribed, the State Government shall appoint by name one of such elected members to be the Chairperson.

(3) In the case any casual vacancy in the office of the Chairperson caused by death, resignation, removal or otherwise, the elected members shall in accordance with such procedure as may be prescribed, elect one of the elected members to fill up the vacancy.

Term of office of
Chairperson

34. (1) The Chairperson shall cease to hold office as such if he ceases to be a member of the Municipal Council.

(2) The Chairperson may, at anytime, by giving a notice in writing to the Vice-Chairperson or if there is no Vice-Chairperson, to the Council, resign his office, and the procedure for acceptance or otherwise of the resignation shall be such as may be prescribed.

(3) The Chairperson may be removed from office by a resolution carried by a majority of the total number of elected members of the Municipal Council at a special meeting to be called for this purpose in the manner prescribed upon a requisition made in writing by not less than one third of the total number of elected members of the Council and the procedure for conduct of business in the special meeting shall be such as may be prescribed.

Provided that no such resolution shall be moved before the expiry of six months from the date of assumption of office by the Chairperson, and if such resolution is not carried by a majority of the total number of members, no further resolution for such purpose shall be moved before the expiry of a period of six months from the date on which the former resolution was moved.

(4) Notwithstanding anything contained in this section, the Chairperson, whose office becomes vacant under any of the provisions of this section shall continue to hold office as Chairperson until his successor enters upon his office.

Vice Chairperson

35. (1) The Vice-Chairperson shall, in the absence of the Chairperson, preside over the meetings of the Chairperson-in-Council as well as the Municipal Council.

(2) The Vice-Chairperson shall, during the absence of the Chairperson for any reason whatsoever discharge all the duties and exercise all the powers of the Chairperson unless otherwise expressly directed by the Chairperson.

(3) The Vice-Chairperson shall at any time, perform such other duty or exercise such other powers as may be delegated to him under the provisions of this Act.

Members of Chairperson-in-Council.

36. The members of the Chairperson-in-Council shall exercise such powers and perform such functions as may be assigned to them from time to time by the Chairperson.

Terms of office of the Vice-Chairperson and other members of the Chairperson-in-council.

37. The Vice-Chairperson or any other member of the Chairperson-in-Council shall hold office until -

- (a) he ceases to be a member of the Municipal Council; or
- (b) he resigns his office by writing under his hand addressed to the Chairperson in which case the resignation shall take effect from the date of its acceptance; or
- (c) he is removed from office by a written order of the Chairperson; or
- (d) the Chairperson ceases to hold office; or
- (e) in the case of death of the Chairperson, a newly elected Chairperson enters upon his office.

Municipal Corporation shall be the legislative body

38. A Municipal Corporation shall be the legislative body of the Municipality in larger Urban Municipal area and all legislative action shall be expressed to be made by the Corporation.

Mayor-in-Council shall be the executive body.

39. (1) There shall be a Mayor-in-Council consisting of the Mayor, the Deputy Mayor and other members not exceeding ten.

(2) The Deputy Mayor and other members of the Mayor-in-Council shall be nominated by the Mayor from amongst the elected members of the Municipal Corporation as soon as possible after he enters upon his office and shall assume office after taking such oath of secrecy as may be prescribed.

(3) All executive powers of a Municipality of a Larger Urban Municipal area that is to say, the Municipal Corporation, shall vest in the Mayor-in-Council.

(4) The manner of transaction of business of the Mayor-in-Council shall be such as may be prescribed.

(5) The Mayor-in-Council shall be collectively responsible to the Municipality, that is to say the Municipal Corporation.

(6) All executive actions of the Mayor-in-Council shall be expressed to be taken in the name of the Corporation.

Mayor

40. (1) The Mayor of a Municipal Corporation shall be the executive head of the Municipality and the Municipal administration of the Largest Urban Municipal area shall be under his control.

(2) The Mayor shall exercise such powers and discharge such functions as are conferred on him by or under this Act.

(3) The Mayor shall, for convenient transaction of the business of the Corporation, allocate among the members of the Mayor-in-Council such business and in such manner as he thinks fit.

(4) The Mayor shall preside over meeting of the Mayor-in-Council and Corporation and the matters to be discussed in Mayor-in-Council shall be prepared under the direction of the Mayor and shall be circulated to the members of the Mayor-in-Council in such manner as the Mayor may determined.

Exercise of power by the Mayor in anticipation of the Mayor in Council.

41. (1) The Mayor-in-Council may authorize the Mayor in writing to take action in anticipation of its approval, sanction, consent or concurrence, as may be required under any law, subject to such conditions, if any, as may be specified by the Mayor-in-Council.

(2) Whenever the Mayor takes any action under sub-section (1), he shall inform the Mayor-in-Council of such action forthwith.

Power of the Mayor in emergency

42. If the Mayor is satisfied that an emergency has arisen and is of the opinion that the immediate execution of any work for the doing of any act, which ordinarily requires the approval, sanction, consent or concurrence of the Corporation or the Mayor-in-Council, is necessary for the maintenance of services or safety of the public or for the prevention of extensive damage to any property of the Corporation, he may direct the execution of such work or the doing of such act without such approval, sanction, consent or concurrence and, in such case, he may direct that the expenses for such execution or doing shall be paid from Municipal Fund.

Provided that the Mayor shall report forthwith to the Corporation or to the Mayor-in-Council, as the case may be the action taken under this section and the reason thereof.

The Deputy Mayor to act as Mayor or to discharge his function during casual vacancies in the office, or during the absence of Mayor.

43. (1) In the event of the concurrence of any vacancy in the office of the Mayor by reason of this death, resignation or removal the Deputy Mayor shall act as Mayor until the date on which a new Mayor elected in accordance with the provisions of this Act to fill such vacancy enters upon his office.

(2) When the Mayor is unable to discharge his functions owing to absence, illness or any other cause, the Deputy Mayor shall discharge his function until the date on which the Mayor resumes his duties.

(3) Subject to the other provisions of this Act, the Deputy Mayor shall, while acting as, or discharging the functions; of the Mayor under this section have all the powers of the Mayor.

Election of Mayor 44. The elected members of the Corporation shall elect from amongst themselves at the first meeting of the Corporation after a general election one member to be the Mayor and so often as a vacancy in the Office of the Mayor occurs by reason of death, resignation, removal or otherwise and within one month of the occurrence of such vacancy, one member to be the Mayor, who shall assume office forthwith after taking oath or affirmation of his allegiance to the Constitution of India in such manner as may be prescribed.

Term of office of Mayor 45. (1) A Mayor ---
 (a) shall cease to hold office as such forthwith if he ceases to be a member of the Corporation; or
 (b) may, at any time, by giving notice in writing to the Corporation, resign his office and such resignation shall take effect from such date as may be specified in the notice or, if no such date is specified, from the date of its receipt by the Corporation; or
 (c) May be removed from office by a resolution carried by a majority of the total number of elected members of the Corporation at a special meeting of the Corporation called for this purpose upon a requisition made in writing by not less than one third of the elected members of the Corporation;

Provided that no such resolution shall be moved before the expiry of six months from the date of assumption of office by a Mayor;

Provided further that if such resolution is not carried by a majority of the total number of elected members of the Corporation, no further resolution for the removal of the Mayor shall be moved before the expiry of a period of six months from the date on which the former resolution was moved.

(2) Notwithstanding the provisions of sub section (1) the Mayor whose office becomes vacant by reason of the provision of sub section (1). shall continue to hold office as such until his successor, elected under the provisions of this Chapter, enters upon his office.

Term of office of Deputy Mayor and other member of Mayor in Council 46. A member of the Mayor-in-Council other than the Mayor shall hold office until -
 (a) he ceases to be a member of the Corporation; or

- (b) he resigns his office by writing under his hand addressed to the Mayor in which case the resignation shall take effect from the date of its acceptance; or
- (c) he is removed from office by a written order of the Mayor; or
- (d) the Mayor ceases to hold office; or
- (e) in case of the death of the Mayor a newly elected Mayor enters upon his office.

- Other members of the Mayor-in-Council. 47. The other members of the Mayor in Council shall exercise such powers and perform such functions as may be assigned to them from time to time by the Mayor.
- Municipal Accounts Committee of the Municipal Corporation. 48. (1) A Municipal Corporation shall, at its first meeting in each year or as soon as may be at any meeting subsequent thereto, constitute a Municipal Accounts Committee.
(2) The Composition, powers, functions and the procedure of transacting business of Municipal Accounts Committee shall be such as may be prescribed.

CHAPTER - V

ELECTION

- Holding of General Election 49. (1) The first general election of the Municipality of Municipal area newly constituted under this Act shall be held at such time as the State Government may determine.
(2) The general election in a Municipal area to constitute the Municipality shall be held before the expiration of the term of office of the existing body on such date as the State Government may fix for the purpose.
(3) Each ward of a Municipal area shall elect a member during the general election in accordance with the provisions of this Act and the rules made thereunder.
(4) Notwithstanding anything contained in this section, there shall be no bar to the constitution of a Municipality after a general election on account of election not being held in a ward or a number of wards not exceeding one fourth of the total number of wards constituting the Municipal area.
- Appointment of election authorities. 50. The State Government shall, by notification, appoint an election authority for every Municipal area for the purpose of this Act, and may also appoint such member of assistant election authorities as the State Government may think fit to perform such functions of the election authority under this Act or the rules made thereunder as the election authority may delegate in this behalf, and an assistant election authority shall while performing such functions, be deemed to be an authority for the purpose of this Act ;

Provided that notwithstanding anything contained in this Act, the election authority and the assistant election authorities shall, in the exercise of their powers and discharge of their in functions under this Act, be subject to the superintendence, direction and control of the State Election Commission, referred to in article 243 K of the Constitution.

Provided further that the electoral rolls shall be prepared an election of the Municipal Bodies shall be held under the Superintendence, direction and control of the State Election Commissioner under this Act and Rules framed thereunder.

Provided also that the State Government shall when so requested by the State Election Commissioner, made available to the State Election Commissioner, such staff as may be necessary, for the discharge of the functions conferred under this Act.

Electoral roll for a
municipal area.

51. (1) For every Municipal area, there shall be an electoral roll showing the names of the persons qualified to vote.

(2) The Electoral roll for every Municipal area shall be divided into several parts, one for each ward of a Municipal area.

(3) The electoral roll for a Municipal area shall be prepared, revised or corrected by the Election Authority in accordance with such rules as may be made by the State Government in this behalf.

Provided that there shall be a preliminary publication of such electoral roll after preparation or revision to be followed by final publication after hearing of objections in the manner prescribed.

(4) Notwithstanding anything contained elsewhere in the Act, the electoral roll for the time being in force for the election of members of the Tripura Legislative Assembly so far as it relates to the area comprised in a Municipal area, may be adopted as the electoral roll for that Municipal area for the purposes of preliminary publication.

Condition
registration
voter.

for
of

52. (1) Every person who -

(a) is not less than 18 years of age on the qualifying date, and
(b) is ordinarily resident in a Municipal area shall be entitled to be registered in the electoral roll for the Municipal area.

(2) No person shall be entitled to be registered in the electoral roll any Municipal area in more than one place.

(3) No person shall be entitled to be registered in the Electoral roll for any Municipal area if his name has already been registered as a voter in the electoral roll of any other Municipal area, or Panchayat area.

EXPLANATION I.- The expression "qualifying date" shall mean such date as the State Government may by notification specify for the purposes of this Act.

EXPLANATION II- The expression "ordinarily resident" shall have the same meaning as assigned to it in section 20 of the Representation of the people Act, 1950.

Disqualification for registration in an electoral roll

53. The disqualifications for registration in an electoral roll for a Municipal area shall be the same as provided in section 16 of the Representation of the people Act, 1950.

Appeal.

54. Any person aggrieved by any entry in, or commission from, the electoral roll or by the order or decision of the election authority may, within fifteen days from the date of final publication of the electoral roll or from the date of the decision of the order of the election authority, as the case may be appeal to such appellate authority as the State Government may by notification appoint and if, on such appeal, the said appellate authority directs any modification or addition to be made in the electoral roll or the decision or the order of the election authority, the electoral roll shall accordingly be corrected or the decision or the order shall be modified, as the case may be, and such decision on appeal shall be published in the manner provided for final publication of an electoral roll.

Offences respect electoral roll.

in of 55. (1) Every person who by claiming a qualification, which knows that he does not possess to vote at a Municipal election or by using a false document or by a false declaration or by many other deceitful means, procures or attempts to procure the improper entry of the name, whether of himself or of any other person, in the electoral roll or the improper omission of any name there from, shall be punished with imprisonment for a term which may extend to one year or with fine which may extend to two thousand rupees or with both.

(2) Every Municipal officer or employee or polling officer who willfully makes or procures or attempts to make or procure any improper entry in the electoral roll or any improper omission there from shall be punished with imprisonment for a term which may extended to one year or with fine which may extended to two thousand rupees or with both.

Right to vote.

56. Save as otherwise provided in this Act, every person whose name is included in the electoral roll which is in force after final publication, shall be entitled to vote at an election for the ward where his name is so included.

Provided that no person shall vote at an election of members of the Municipal area if he-

- (a) has been adjudged to be of unsound mind; or
- (b) has voluntarily acquired the citizenship of a foreign State; or

- (c) has been sentenced by a criminal court of or an electoral offence punishable under this Act, or has been disqualified under any other law for the time being in force from exercising any electoral right on account of corrupt practices in connection with an election, and six years have not elapsed from the date of such sentence or disqualification ;

Provided that the disqualification under this clause may at any time be removed by the State Government if it thinks fit.

Qualification for election as a Member of Municipality

57. No person whose name is not included in the electoral roll for the election of members of Municipal area, shall be qualified to be elected a member of that Municipal area.

General disqualification for Membership of a Municipality.

58. (1) A person shall be disqualified for being chosen as and for being a member of a Municipality, if

- (a) he is so disqualified by or under any law for the time being in force for the purpose of election to the Legislature of the State; or
- (b) he has, directly or indirectly by himself or by his partner or employer or any employee, any share or interest in any contract or employment with, by, or on behalf of the Municipality ; or
- (c) he is in the service of, or received remuneration from, the Central or the State Government or the Municipality; or
- (d) has been elected to, or appointed under, any other Municipality or any Municipal Corporation or any Gram Panchayat or Panchayat Samiti or Zilla Parishad or the Council;

Provided that notwithstanding anything contained in sub-section (1), no person shall be deemed to be disqualified thereunder by reason only of his having a share or interest in -

- (i) any lease, sale or purchase of land or any agreement for the same; or
- (ii) any agreement for the loan of money or any security for the payment of money ; or
- (iii) any newspaper in which any advertisement relating to the affairs of the Municipality is inserted; or
- (iv) any incorporated or registered company which contracts with, or is employed by, the Municipality;

Provided further 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.

(2) If any person is or has been convicted by a criminal court of an offence, punishable with imprisonment for a period of not less than two years, such person shall not be eligible for election or appointment as a member for five years from the date of expiration of the sentence.

(3) If any question arises as to whether any person or any member has become subject to any of the disqualifications mentioned in subsection (1) and (2), the question shall be referred for decision to such authority and in such manner as may be notified by the State Government from time to time.

Election of
ineligible persons
and
disqualification
subsequently
incurred.

59. (1) Where a person elected to be a member, was not eligible for such election on account of any disqualification referred to in section 57 or 58 or where a person incurs such disqualification subsequent to his election as a member, the election of such person shall be void upon the State Government making a declaration to that effect :

Provided that no such declaration shall be made if the question of such disqualification was raised in an election petition presented under this Chapter.

(2) No act done by member, as aforesaid, while remaining in office, shall be invalid on account of his election being declared void subsequently.

(3) The casual vacancy arising out of any election being declared void under this section shall be filled up in accordance with the provision of this Act.

59 A. Disqualification on the ground of defection. -

(1) A member of a Municipality belonging to a Political party shall be disqualified for continuing as a member of a Municipality -

- (a) If he has voluntarily given up his membership of such political party : or
- (b) If he votes or abstain from voting in the Municipality contrary to any direction issued by the political party to which he belongs or by a person or authority authorized by that political party to issue such direction, without obtaining in either cases, prior written 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 thirty days from the date of such voting or abstention.

EXPLANATION: For the purpose of this Section, a member of a Municipality shall be deemed to belong to a political party, if any, by which he was set up as a candidate for election as such member.

(2) A member of a Municipality who has been elected as such, otherwise than as a candidate set up by any political party, shall be disqualified for remaining as member of the Municipality if he joins any political party after such election.

(3) If any question arises as to whether a member of a Municipality has become subject to disqualification under this Section, the question will be referred for decision of the authority notified under sub section (3) of Section 58.

- (4) The Proceeding under sub section (3) shall be completed and decision thereon shall be communicated within thirty days from the date when any such question has been referred to.
- (5) During pendency of a proceeding, no decision shall be taken by the Municipality in any meeting for the removal or election of the Chairperson or Vice Chairperson.
- (6) The disqualification under this Section shall take effect from the date of decision of the competent authority.

59 B. Casual vacation of seats :-

- (1) If a person is elected to more than one seat in a Municipality, then unless within 14 days he resigns from all but one of such seats by writing under his hand addressed to the Chairperson, all the seats to which he is elected shall become vacant.
- (2) If a member of the Municipality resigns from his seat by writing under his hand addressed to the Chairperson and the resignation is accepted by the Chairperson the seat shall thereafter become vacant.

Provided that in the case of any resignation if, from information received or otherwise and after making such enquiry as he thinks fit, the Chairperson is satisfied that such resignation is not voluntary or genuine, he may not accept the resignation.

- (3) If a member of the Municipality remains absent for three consecutive meetings without permission of the Chairperson, his seat may be declared vacant.
- (4) If a person is a member of the Tripura Legislative Assembly or the Tripura Tribal Areas Autonomous District Council or a Panchayat or other local authority, then such person, if elected as member of the Municipality, shall resign from such office within 14 days failing which the seat to which he has been elected shall be deemed to have become vacant.
- (5) The form of resignation and the procedure of dealing with such resignation shall be such as may be prescribed.

Voting.

60. The manner of holding elections and of voting shall be such as may be prescribed:

Provided that-

- (i) When a poll is taken at any election of a member, the voting at such election shall be by ballot to be conducted in the manner prescribed, and
- (ii) No person shall be entitled to give more than one vote to any one candidate.

Corrupt practice

61. A person shall be deemed to have committed an offence of corrupt practice if he commits an act relating to a corrupt practice within the meaning of section 123 of the Representation of the People Act, 1951.

Penal provision
for corrupt
practices.

62. Whoever commits an offence of corrupt practice shall be punishable with imprisonment of either description for a term which may extend to one year or with fine which may extend to two thousand rupees or with both.

Prosecution and
appeal

63. (1) No Magistrate other than a Judicial Magistrate of the first class shall take cognizance of any offence under this Chapter -

- (a) except on the complaint of a person whose name is on the electoral roll; and
- (b) unless such complaint has been made within fourteen days of -
 - (i) the date of declaration of the result of any election to which the offence relates, or
 - (ii) the date on which the offence is alleged to have been committed.

(2) An appeal shall lie to the Court of Sessions from any conviction under this section.

Orders of dis-
qualification.

64. Every person convicted of an offence under this Chapter or an electoral offence under any other law made applicable by the State Government or the purposes of this Act, shall be disqualified from voting or from being elected in any election to which this Act applies and from holding any office under this Act for such period, not being less than three years or more than six years from the date of his conviction, as the Court may by order determine.

Election petition
and Procedure.

65. (1) If the validity of any election of a member is called in question by any person qualified to vote to such election, such person may, at any time within forty five days immediately after the date of declaration of the result of the election, file a petition before the District Judge of the district within which the election has been or should have been held and shall, at the same time, deposit two hundred rupees in the Court as security or the cost likely to be incurred:

Provided that the validity of such election shall not be called in question in any such petition -

- (a) on the ground that the name of any person qualified to vote has been omitted from the electoral roll; or
- (b) on the ground that the name of any person not qualified to vote has been inserted in the electoral roll;

Provided further that if only two candidates contested such election, the petitioner may in addition to calling in question the election of the returned candidate claim that if the election of the returned candidate is set aside, the other candidate may be declared duly elected.

(2) The provisions of the Code of Civil Procedure, 1908, shall apply as far as may be in the matter of adjudication of an election petition under sub section (1).

Setting aside of election.

66. If the District Judge, after holding such inquiry as he deems fit in respect of an election petition, is satisfied that -

- (a) a candidate has committed any corrupt practice within the meaning of this Chapter, or
- (b) the result of the election has been materially affected by any act or omission in violation of the provisions of this Act or the rules made thereunder, or
- (c) the result of the election has been vitiated by any electoral offence punishable under any other law made applicable for the purposes of the Act:

He shall set aside the election of such candidate, if he has been elected, and may, if the election is set aside for any cause which is the result of any act of a candidate or his agent, declare that the candidate be disqualified for the purpose of a fresh election caused by such setting aside.

Provided that if the District Judge in setting aside the election holds candidate guilty of any corrupt practice, he may declare such candidate disqualified for contesting an election to a Municipality for a period not exceeding six years.

Scrutiny of votes and declaration or confirmation of results.

67. (1) If the election petition is confined to the question of validity of votes caste or counting the District Judge shall, after such scrutiny and computation of votes as may be deemed necessary, declare the result.

(2) If there be only two candidates contesting the election in dispute and the election petition contains a claim by one of the candidates for declaring him elected, the District Judge may, while deciding upon the election petition, declare such candidate duly elected.

(3) If after computation, there be an equality of votes, among two or more candidates, the District Judge shall select one among them by drawing lost.

(4) If the District Judge is satisfied that no ground exists for setting aside the election or modifying the results thereof, he shall confirm the election.

Bar to jurisdiction of Courts.

68. Save as provided in this Chapter, no Court shall entertain any application in any form whatsoever for adjudication of any matter relating to election to a Municipality.

Fresh election when an election is set aside.

69. If an election is set aside by the District Judge, a date shall forthwith be fixed and necessary steps shall be taken for holding fresh election for filling up the vacancy, as though it has been a casual vacancy.

Saving of acts done by a member before his election is set aside.

70. Where a candidate, who has been elected to be a member, is declared by the District Judge to have not been duly elected, no act done by him by virtue of holding the office of a member before such declaration, shall be invalidated by reason of such declaration.

Power of State Government to remove disqualifications or modify terms thereof.

71. Notwithstanding anything contained elsewhere in this Chapter, the State Government may, for reasons to be recorded in writing, remove any disqualification imposed on a candidate from contesting an election to a Municipality if, in its opinion, the offence does not involve moral turpitude, or may reduce the term of disqualification in any case whatsoever.

CHAPTER - VI

THE MUNICIPALITY AND THE MUNICIPAL ESTABLISHMENT

Oath of allegiance to be taken by members.

72. (1) Notwithstanding anything contained in the Indian Oaths Act, 1873, every person who is elected or appointed to be a member shall, before taking his seat, make and subscribe before the Chairman or the Vice-Chairman or the District Magistrate or the Magistrate-in-Charge of the Sub Division in which the Municipal area is situated or an officer of the State Government authorized in this behalf by the District Magistrate an oath or affirmation of his allegiance to the Constitution of India in the following form :-

"I, A.B. having been elected (appointed) a member of the Municipal are of, do swear in the name of God (or solemnly affirm) that I will bear true faith and allegiance to the Constitution of India as by law established, and that I will faithfully discharge the duties upon which I am about to enter."

(2) Any person who, having been elected or appointed a member, fails to make and subscribe, within three months of the date on which his term of office commences, the oath or affirmation under sub-section (1), shall cease to hold his office and his seat shall be deemed to have become vacant:

Provided that the State Government may, for reasons to be recorded in writing, extend in each case or class of cases the above period of three months by such period as it thinks fit.

Meeting of the Municipality.

73. (1) The Municipal Corporation, the Municipal Council or the Nagar Panchayat shall meet not less than once in every month for the transaction of business.

(2) The Mayor or, as the case may be, the Chairperson shall, upon a requisition in writing by not less than one-third of the members, convene a meeting of the respective body.

(3) All matters required to be decided at a meeting shall be determined by the majority of votes of the members present and voting.

(4) The State Government may by rules provide for such other matters relating to conduct of business of the Municipal bodies as are not provided in this Act.

Remuneration and allowances.

74. The members of a Municipality including the members of Mayor-in-Council, Chairperson-in-Council, Chairperson-in-Nagar Committee may receive such remuneration or allowances as may be prescribed:

Provided that different rates may be prescribed for different Municipalities and for different classes of functionaries in each Municipality.

Officers and other employees of Municipality.

75. (1) Save as otherwise provided in this Act a Municipality which is a Municipal Corporation or a Municipal Council shall have the following officers and employees, namely:-

- (a) A Municipal Secretary;
- (b) An Executive Officer; and
- (c) Such other officers and employees as may be prescribed.

(2) A Nagar Panchayat shall have such officers and employees as may be prescribed.

(3) The Officers and employees of a Municipality shall be appointed by the Mayor or, as the case may be, the Chairperson, in such manner, on such terms and conditions including their conduct, discipline and control, as may be prescribed.

Salaries and allowances of officers and employees.

76. All Officers and employees of a Municipality shall receive salaries and allowances out of the Municipal fund.

Power to declare essential services in Municipality.

77. The State Government may after consultation with the Municipality declare any Municipal Service to be an essential service and upon such declaration no officer or employees assigned with such service shall withdraw from his duties without the permission of the mayor or the Chairperson and, in no case without giving prior notice of clear thirty days to the Mayor or the Chairperson of his intention so to do.

Creation, Abolition and Recruitment.

78. (1) The power to create or to abolish any post or class of post of officer and employees in a Municipality shall vest in the State Government.

(2) Recruitment to the post of officers and employees shall be made through such method as may be notified by the State Government from time to time.

- Placement of staff of State Govt. at the disposal of Municipality. 79. The State Government after consultation with Municipality may place in deputation at the disposal of the Municipality the services of such officers and employees of the State Government on such terms and conditions as it may deem fit.
- Technical assistance. 80. (1) A Municipality may avail of the services of Engineers of the Public Works Department, Power, Minor irrigation and Flood Control of the State Government to assist in all matters in which such services are considered necessary.
(2) For implementation of any scheme undertaken by or assigned to Municipality the State Government may give necessary direction to the Municipality which may include utilization of Engineers of the State Government for technical assistance.
- Training and Research. 81. (1) The State Government may require the Municipality to Participate in such training and research programmes as may be organized by the Government from time to time in aid of Municipal functionaries and personnel.
(2) It shall be obligatory on the part of the Municipality to furnish such papers, reports, documents, information data and statistics as may be called for by the Government from time to time for the purpose.
- Transfer of Staff. 82. Notwithstanding anything contained in this Act or any other law for the time being in force the State Government may after consultation with the Municipality transfer any officer or employee from one Municipality to another in the interest of the public and the Municipal Administration.
- Appointment of Pay Review Committee. 83. Notwithstanding anything contained elsewhere in this Act, the State Government may if it considers necessary for the purpose of rationalizing the scale of pay and other conditions of service in respect of all or any category of Municipal officers and employees of the Municipality appoint a Pay Review Committee and the decision of the State Government upon the recommendation of such committee shall be binding on all.

.PART-II

POWERS AND FUNCTIONS

CHAPTER - VII

GENERAL POWERS AND FUNCTIONS, MUNICIPALITY FUND AND PROPERTY.

- Function of Municipality. 84. It shall be the duty of every Municipality to perform the functions and implement the scheme envisaged by this including the matters listed in Schedule II and those assigned by the State Government. For different provisions of this Part Municipality shall mean person or authority to whom powers and functions have been allocated or delegated by general or special order of Executive body.

Municipal Fund
and its custody.

85. (1) There shall be constituted for each Municipality a fund to be called Municipal Fund to be held by the Municipality in trust for the purpose of this Act and all money realized under this Act and all moneys otherwise received by the Municipality shall be credited thereto.

(2) All moneys received on account of the Municipal Fund shall be paid into a Government treasury or into any bank in the Municipal area, and shall be credited to an account to be called the account of the Municipality to which they belong :

Provided that the Municipality may invest moneys not required for immediate use, either in Government securities or any other form of security which may be approved by the State Government or in fixed deposit in the State Co-operative Bank, or in any other form as the State Government may direct.

Application of
Municipal Fund.

86. (1) All moneys credited to the Municipal Fund from time to time shall be applied for payment of all sums, charges and costs necessary for carrying out the purpose of this Act and the rules and regulations made thereunder or for payment of all sums payable out of the Municipal Fund under any other law for the time being in force.

(2) No payment of any sum shall normally be made out of the Municipal Fund unless such expenditure is covered by a current budget grant and as sufficient balance of such budget grant is available for this purpose.

(3) Wherever any sum is to be paid for the purposes not covered by the budget grant, the matter shall forthwith be brought before the Chairperson of Municipality who shall take such action under the provisions of this Act as may appear to it to be feasible and expedient for covering the amount of such payments.

Exclusive use of
fund for a
particular
purpose.

87. Notwithstanding anything contained elsewhere in this Act, the State Government may require a Municipality to earmark a particular portion of the Municipal Fund or a particular grant or a part thereof or any item of receipt under any head or percentage thereof, or any share of tax receivable by the Municipality under any other law for the time being in force or any part thereof, to be utilized exclusively for any specified purpose and it shall be mandatory on the part of the Municipality to follow the same. The State Government may also formulate separate sets of rules for observance by different groups of Municipalities in this regard.

Financial
assistance from
the State
Government.

88. The Government may, from time to time, give financial assistance to a Municipality with or without directions as to the manner in which the sum shall be applied.

loan

89. (1) Municipality may, with the prior permission of the State Government, obtain loan from any public financial institution or any nationalized bank or such other lending institution as the State Government may approve in this behalf, and the State Government may if it considers so necessary, stand as the guaranteed for payment.

(2) The State Government may require the Municipality to observe such financial discipline as the State Government may think fit and proper and, in doing so, the State Government may prescribe different sets or rules for observance by different Municipalities.

Power to acquire and hold property.

90. The Municipality shall, for the purposes of this Act, have power to acquire, by gift, purchase or otherwise, and hold, movable and immovable property or any interest therein whether within or outside the limits of the Municipal area.

vesting of property

91. Notwithstanding anything contained in any other law for the time being in force, the movable and immovable properties of the following categories within the limits of a Municipal area shall vest in the Municipality, unless the State Government otherwise directs by a notification in the official Gazette.

- (a) all public land, not belonging to Central or State Government Department or statutory body ;
- (b) all public tanks, streams, reservoirs, and wells;
- (c) all public markets and slaughter houses ;
- (d) all public sewers, drains, channels tunnels, culverts and water course in, alongside, or under any street;
- (e) all public streets and pavements, bus, taxi or rickshaw stands or other parking or transportation terminals, stones and other materials thereof, and also trees on such public streets or pavements not belonging to any private individual;
- (f) all public parks and gardens, including squares and public open space;
- (g) all public ghats on rivers or streams or tanks;
- (h) all public lamps, lamp-posts and apparatus connected therewith, or appertaining thereto ;
- (i) all public places for disposal of the dead including those governed by any specific law in this behalf;
- (j) all solid and liquid wastes collected on a public street or public place, including dead animals and birds ;
- (k) all stray animals not belonging to any private persons ;

Provided that the State Government may by notification withdraw any public street, square, park, garden or transportation terminal transfer to an agency for a limited period for development and maintenance in the public interest.

Acquisition of land.

92. When any land whether within or outside the limits of a Municipal area is required for any public purpose under this Act, it may request the appropriate authority to proceed to acquire it under the Land Acquisition Act, 1894 or any other law for the time being in force.

Special provision for acquisition of adjoining streets

93. Whenever the Municipality makes a request for acquisition of land for the purpose of providing a new street or for widening or improving an existing street, it shall be lawful for the Municipality to ask for the acquisition of such additional land, immediately adjoining the land to be acquired for such new street or existing street as may be required for the sites of building to be erected on either side of the street.

Disposal of property

94. The Property belonging to a Municipality may be disposed of in the manner hereinafter provided, namely -

- (a) the Municipality may, in its discretion, dispose of, by sale, lease or otherwise, any movable property belonging to the Municipality

Provided that the State Government may require a Municipality to obtain prior sanction of the State Government if value of the property exceeds certain amount mentioned in the rules.

- (b) the Municipality may, for valuable consideration let out give in lease, or sell or otherwise transfer, any immovable property belonging to the Municipality for carrying out the purposes of this Act :

Provided that the State Government may by rules prescribe the mode of such sale and specify the value which, if it increases by way of consideration, shall require the prior approval of the State Government in this behalf

- (c) save as otherwise provided in this Act, a Municipality shall not transfer any immovable property vested in, but shall cause the same to be maintained, controlled and regulated in accordance with the provisions of this Act and the rules and regulations made thereunder ;

Provided that the State Government may authorize, in the public interest, disposal of such immovable property by the Municipality if the Municipality so requires for reasons to be recorded in writing.

Inventory of properties of the Municipalities.

95. Every Municipality shall maintain an inventory and annual statement of the movable and immovable properties of the Municipality in such form and in such manner as may be prescribed.

CHAPTER - VIII

REGULATORY POWERS AND FUNCTIONS

Power of the Municipality in respect of control of public street.

96. (1) All the public street, parking or transportation terminals, squares, parks and gardens vested in the Municipality shall be under the control of the Municipality who shall cause the same to be maintained improved, altered, closed, controlled and regulated to ensure public safety, convenience and movement of traffic and pedestrians in accordance with the provisions of this Act and the rules and regulations made thereunder.

(2) Municipality may classify public or private streets in accordance with such rules as may be made in this behalf.

Right of way for underground utilities.

97. (1) Subject to the provisions of the Indian Telegraph Act, 1885, the Indian Electricity Act, 1910 and such other Act as may be notified by the State Government sanction of the Municipality shall be required for any specific rights of way in the subsoil of public and private streets within the Municipal area for different public utilities including electric supply, telephone or other telecommunication facilities, gas pipes, water supply, sewerage and drainage, shopping plazas, warehousing facilities and apparatus and appurtenances related thereto by any person authorized under the relevant Acts.

(2) The Municipality may levy any fee or charges for granting such sanction.

(3) The Municipality may require such person to furnish to the Municipality maps, drawings and statements which shall enable it to compile and maintain precise records of the placement of the underground utilities within or without the limits of the Municipal area.

Power to prescribe building line and street alignment.

98. (1) If the Municipality considers it expedient to prescribe for any public street a building line or a street alignment, or both it shall give public notice of its intention to do so.

(2) Every such notice shall specify a period within which objections will be received, and a copy of such notice shall be sent by post to every owner of, premises abutting on such street who is registered in respect of such premises on the books of the Municipality.

Provided that the failure or omission to serve such notice on any of the owners shall not invalidate the proceedings under this section.

(3) The Municipality shall consider all objections received within such period as it may fix in this behalf, and may then make an order prescribing a building line or a street alignment or both.

Restriction on erection of or addition to buildings or walls within street alignment or building line.

99. (1) No portion of any building or boundary wall shall be erected or added to within such street alignment as the Municipality may decide.

(2) No person shall erect or add to any building between a street alignment and the building line without first obtaining the permission of the Municipality to do so.

(3) If the Municipality grants permission under sub section (2) it may require the applicant to execute an agreement that he will remove or will not object to removal of the erection or addition at his cost.

Power to take possession of land for building line etc.

100. (1) For the purpose of building line or street alignment a Municipality may take possession of land and building abutting on a public street by entering into an agreement with the owner or in such other manner as may be prescribed.

Power to set back building to the regular street line.

101. (1) where any building or any part thereof is required to be set back to the regular line of such street in pursuance of any development plan, it may, by a notice served on the owner of such building require him to show cause within such period as may be specified in the notice as to why such building or part thereof shall not be pulled down and the land acquired by the Municipality.

(2) If such owner fails to show satisfactory cause the Municipality may require the owner by another notice to be served on him to pull down the building or part thereof, within the period specified in the notice.

(3) If the owner fails to comply with the requirements of the notice under sub section (2), the Municipality may pull down the building or part thereof and all expenses incurred in so doing shall be paid by the owner and recoverable from him as an arrear of tax under this Act.

(4) The Municipality shall, immediately after any building or part thereof is pulled down under Sub-section (3) take possession of the portion if such land occupied by such building or part thereof, and such land shall thereupon, be deemed to be part of the public street and shall vest in the Municipality.

Payment of compensation.

102. The Municipality shall, for any acquisition made under this Chapter, pay reasonable compensation to the person adversely affected.

Power to prohibit use of public street for certain kind of traffic.

103. (1) The Municipality may, for sufficient reasons -

- (a) prohibit vehicular traffic or certain type of vehicular traffic in any public street or any portion thereof.
- (b) Prohibit, at all times or during any particular hours, entry from or exit to premises of vehicular traffic from any particular public street.

(2) Notice of prohibition under sub section (1) shall be posted in conspicuous places at or near both ends of public streets or in such other manner as the Municipality may decide.

Temporary closure of public street.

104. The Municipality may temporarily close the whole or any part of a public street to permit development and maintenance work and for such other purposes as may be determined by the Municipality.

Power to declare public street as fee parking area.

105. (1) The Municipality may declare a public street or portion of it as a fee parking area.

(2) Parking fee may be levied for each hour at such rate, and for such types of vehicles parked in different areas or for parking on different categories of streets at different hours of the day, as the Municipality may determine.

Sanction for projection over street and drain.

106. (1) No person shall put up any platform, verandah, balcony, sunshade, weather frame or the like to project over any public street without the written permission of the Municipality.

(2) Subject to any rules made by the State Government in this behalf, the Municipality may, in its discretion give to the owners or occupiers of buildings abutting on public streets written permission to erect or re-erect platform, verandah, balcony, sunshade or weather frame projecting on a public street or drain on such condition as it may, think fit and on payment of such fees or rent as it may, from time to time, fix.

Power to remove encroachment.

107. A Municipality -

- (a) may, without notice remove, alter or otherwise deal with any unauthorized construction in, over, above or upon any public street, sewer, drain water course or ghat;
- (b) may, remove without notice any materials or goods or any movable property which has, without its permission, been deposited in a public street, a drain, aqueduct or water-course.

Penalty for encroachment of street or open space.

108. Whoever removes, not being duly authorized in that behalf, any earth, sand or other materials from or makes any encroachment in or upon, any street or open space which is not a private property, shall, on conviction, be punished with fine which may extend to five thousand rupees and, in the case of continuing offence, with further fine which may extend to fifty rupee for everyday after the first during which such offence continues.

Prohibition of damage to municipal property.

109. (1) whoever without the permission of the Municipality displace, dig up or make any alteration in, or otherwise damage, the pavement, gutter, flag or other materials of any public street, or any street furniture like posts, fences and walls, including lamp posts, lamps brackets, water posts, hydrants and accessories thereto, or any other Municipal property shall be convicted and sentenced to imprisonment which may extend to six months or fine which may extend to two thousand rupees or both.

Municipality may require person to repair damage to public street etc.

110. Whenever any public street or drain or any other Municipal property is damaged washed away or eroded by any activity in the adjacent land or tank or building the Municipality may, by written notice, require the owner or occupier of such land or building to repair the damage and to restore the street, drain or property to its original condition, as far as possible, within a specified time, and it shall be incumbent upon such owner or occupier to comply with it failing which the Municipality itself may carry out the work of repair or restoration and the expenses thereof shall be recoverable from the owner or the occupier as an arrear of tax under this Act.

Naming and numbering of street and premises.

111. (1) A Municipality may (a) give a name or a number to every public street.

(b) determine the number or sub-number by which any premises or part thereof shall be known ;

(c) require the owner of any premises or part thereof, by a written notice, to put up a plate showing the number or sub-number or such premises or part in such position and manner as may be specified in such notice.

(2) Any person, who destroys, pulls down or defaces any such name or number of a public street or puts up a number or sub-number different from that determined by the Municipality shall, on conviction be punished with a fine which may extend to one thousand rupees.

Access over private street.

112. The Municipality shall have access over any private street for the purpose of extending civic services or providing civic amenities.

Municipality may take over private street.

113. If a majority of the owners of a private street or the owners of lands or buildings on such street express their consent in writing the Municipality may on such condition as it may determine declare the same to be a public street.

(2) If a private street has been in existence for and used by the people of the locality as a thoroughfare, the Municipality may, notwithstanding anything contained in this section declare such street to be a public street.

New private street

114. (1) Every person intending to layout or make a new street within a Municipal areas, shall obtain permission of the Municipality. The manner of submitting petition and granting permission shall be such as may be specified by the Municipality by regulation.

(2) If any person lays out or make a new street in contravention of the provisions of this section, the Municipality shall forthwith cause the work to be stopped and may execute its order for such stoppage with the help of the police.

(3) Whoever lays out or makes any such street in any manner contrary to the provisions of this Act or of any regulations made thereunder or violates any order for stoppages of work under sub section (2) shall, on conviction, be punished with imprisonment for six months or with fine which may extend to five thousand rupees or with both, and the Municipality may cause any street so laid out or made to be altered and any building constructed on such street to be altered or removed and the expenses thereby incurred shall be paid to the Municipality by the offender, and shall be recoverable as an arrear of tax under this Act.

Layout plans

115. (1) Before utilizing, selling, leasing out or otherwise disposing of any land or building as plots for construction of buildings thereon , the owner thereof shall send to the Municipality a written application for approval with a layout plan of the land showing the street or streets with any existing public or private streets and the manner of disposing of the application shall be such as may be determined by Municipality by regulations.

(2) No person shall utilize, sell or otherwise deal with any land or pay out or make any new street, nor shall any person make any construction on any plot comprised in such land without or otherwise than in conformity with the orders or approval of the Municipality, and, if further information is asked for no step shall be taken to utilize sell or otherwise deal with the land or to layout or make the street until an order has been passed by the Municipality upon receipt of such information.

Provided that the passing of any such order or approval shall not in any case, be delayed for more than in ninety days after the Municipality has received such information as it considers necessary to enable it to deal with the application.

Lighting of streets and public places.

116. The Municipality may take measures for lighting, in a suitable manner, such public street and public places as may be considered necessary and for that purpose may enter into agreement with any firm company or Government agencies.

Generation of electricity

117. (1) The Municipality may, on its own or in collaboration with any one, erect plants for generation of electric power, subject to such rules as may be made in this behalf.

(2) Notwithstanding anything contained in this chapter, all matters relating to generation, transmission, supply or use of electrical energy in a Municipal area shall be regulated by the provisions of the Indian Electricity Act, 1910.

Power to make building rules.

118. (1) The State Government may make rules to provide for -
 (a) the regulation or restriction of the use of sites for building ;
 and
 (b) the regulation on restriction of building;

(2) The State Government may by notification exempt a Municipal area or a group of Municipal areas from the operation of all or and of the provisions of this chapter or of the rules made under section.

(3) While such exemption, as aforesaid, remains in force in any Municipal area or group of Municipal areas, the State Government may make rules consistent with the provisions of this chapter for application to such Municipal area.

Power to regulate future construction of building.

119. (1) The Municipality may give public notice of its intention to declare -

(a) that in any street or portion thereof specified in such notice, the elevation and construction of the frontage all building or any classes of building erected or re-erected after such notice shall in respect of their architectural features, be such as the Municipality may consider suitable to the locality ; or

- (b) that in any locality specified in such notice there shall be allowed the erection of only detached or semi-detached building or both or row-houses and that the land appurtenant to each such building shall be of an not less than that specified in such notice ; or
- (c) that the divisions or sub-division of building plots in a particular locality shall be of a specified size ; or
- (d) that in any locality specified in the notice, the construction of more than a specified number of building on each acre of land shall not be allowed ; or
- (e) that in any street or portion of street or locality specified in such notice, the construction of any one or more of the different classes of buildings like residential, commercial, business, assembly, mercantile, industrial, institutional, storage or hazardous buildings, shall not be allowed without the special permission of the Municipality;

(2) The Municipality at a meeting shall consider all the suggestions or objections received within a period of three months of the publication of such notice, and shall finally publish the declaration to confirm, modify or rescind the declaration.

(3) No person shall, after the date of publication of such declaration, erect or re-erect any building in contravention of such declaration.

Power to prohibit change of authorized use of building.

120. (1) No person shall, without the written permission of the Municipality or otherwise than in conformity with the condition of such permission change or allow the change of the use of a building for any purpose other than that specified in the sanctioned plan.

(2) If, in any case, such permission is given necessary alterations have to be made to the satisfaction of the Municipality before change of such use.

(3) Without prejudice to any other action that may be taken against any person, whether owner or occupier, for contravening the provisions of this section, Municipality may levy on such person a fine not exceeding in each case rupees one hundred per square meter per month for the area under unauthorized use throughout the period during which such contravention continues.

(4) The Municipality may, if deems fit, order that the unauthorized use be stopped forthwith :

Provided that before making any such order, the Municipality shall give a reasonable opportunity to the person affected to show cause why such order shall not be made.

Licence for use of premises for non residential purpose.

121. No person shall use or allow to be used any premises for any non-residential purpose as may be specified in the regulations without or otherwise than in conformity with a license granted by the Municipality in that behalf.

Power to prevent use of premises for environmental reason.

122. (1) The Municipality may give public notice of its intention to declare that in any area specified in the notice, no person shall use any premises for any purposes specified in the notice and for reasons stated therein.

(2) Any objection to any such notice shall be received within a period of one month from the publication of the notice.

(3) The Municipality shall consider all objections received within the period as aforesaid, giving any person affected by the notice an opportunity of being heard, and may, thereupon, make a final declaration with or without any modifications or may revoke the notice made under sub-section (1).

(4) No person shall in any area specified in the declaration published under Sub-section (3) use any premises for any purpose specified in the declaration, and the Municipality have the power to stop the use of any premises by such means as it considers necessary.

Approval or sanction of building site or building plan.

123. No land shall be used for the construction of a building and shall be constructed unless a building plan has been sanctioned for such erection in accordance with provisions of this Chapter and of the rules and the regulations made under this Act.

Municipality to be informed about use or occupancy of a building.

124. (1) Every person making an application to erect or re-erected a building shall specify the purpose for which such building is intended to be used.

(2) The Municipality may require that a building may not be erected or re-erected for more than one occupancy or use or contrary to such mixed uses as the Municipality may from time to time determine.

Sanction of building plan and permission to execute work.

125. (1) Within sixty days after the receipt of any application with building plan or of any information or document which the Municipality may reasonable require the applicant to furnish, the Municipality shall, by written order either accord sanction to the building plan and give permission with or without condition to execute the work or refuse to accord permission.

(2) A building plan sanctioned under this section shall remain valid for three years from the date of such sanction, and may be renewed for another two years on payment of such fees as may be levied by the Municipality by regulations.

(3) If, within the period referred to above the Municipality has neither accorded nor refused to accord sanction to a building plan or permission of execution, such sanction or permission shall be deemed to have been granted, and the applicant may proceed to execute the work according to the submitted plan and nothing in this section shall be deemed to have permitted the applicant to contravene any of the provisions of this Act or the rules or regulations made there under. Before any person commences to erect or re-erect a building the owner of the building shall send to the Municipality a written notice specifying the date on which he proposes to commence the work.

Ground on which sanction may be refused.

126. The sanction of a building plan may be refused on any of the following grounds :-

- (a) that the ground plan, elevation, section or specification would contravene any of the provisions of this Act or the rules or the regulations made thereunder or of any other law for the time being in force;
- (b) that any application with building plan does not contain the necessary particulars and has not been prepared in the manner as required under the rules and the regulations made in this behalf;
- (c) that any information or document required by the Municipality in this behalf has not been duly furnished;
- (d) that the building or the work would be an encroachment on Government land or land vested in the Municipality;
- (e) that a license or permission has not been obtained for use of the building for non-residential purposes as required under this Act;

Period of completion of building work.

127. The Municipality shall, when granting permission conditionally or un-conditionally to execute the work specify a reasonable period within which the work is to be completed, and if the work is not completed within the period so specified the work shall not be continued thereafter without fresh permission or extension of the period.

Completion notice.

128. Every person submitting an application with building plan or a work to which such application relates shall within one month after the completion of erection of such building or execution of such work, give to the Municipality a notice in writing of such completion and shall give to the Municipality all necessary facilities for inspection of such building or work.

Power to prevent use of inflammable materials.

129. (1) No roof, veranda, pandal or wall of a building or shed or fence shall be constructed or reconstructed of cloth, grass, leaves or other inflammable materials except with the written permission of the Municipality which shall not be valid for more than three months.

(2) The Municipality may regulate the use of materials, design or construction, or other practices or interior decoration in accordance with such regulations as may be made in this behalf.

Inspection of building.

130. (1) Any person, duly authorized by Municipality in this behalf may, at any time and without notice, inspect any building or work in respect of which an application with building plan has been submitted, while the work is in progress and shall cause such inspection within two months of the receipt of the notice of completion or credible information regarding such completion.

(2) If, on making any inspection under sub section (1) the person, as aforesaid, finds that the building is being or has been erected -

(a) otherwise than in accordance with the building plan as sanctioned; or

(b) in such a way as to contravene any of the provisions of this Act or the rules or the regulations made thereunder, the Chairperson may be written notice, require that owner of the building either to make such alterations within such time as may be specified in the notice with the object of bringing the work into conformity with the said plans or provisions, as the case may be, or to appear before the Municipality and show cause why such alterations should not be made.

(3) If the owner does not appear and show cause under sub section (2) he shall be bound to make the alterations specified in such notice.

(4) If the owner appears and shows cause under sub section (2) the Municipality shall, after hearing him, either -

(a) cancel the notice issued under that sub section, or

(b) confirm the same, subject to such modifications if any, as it may think fit.

(5) On the failure of the owner to comply with order within the period specified therein, the Municipality may require any police officer or any employee of the Municipality to seal such area after evicting all persons, including the workman, therefrom to prevent further work till such alterations are made.

Repair works exempted.

131. The provisions of this Chapter and the rules and the regulations made thereunder relating to erection of building shall not apply to necessary repair not involving any of the works which constitute a material addition or alteration.

Power to cancel permission

132. If, at any time sanction or provisional sanction to erect any building has been given and the Municipality is satisfied that such sanction was given in consequence of any material misrepresentation or fraudulent statement contained in the plans, elevation, sections or specifications of land or any material particulars submitted in respect of such building, it may cancel such sanction, and any work, thereunder shall be deemed to have been done without sanction.

Order of
demolition of
alteration of
building.

133. (1) If the Municipality is satisfied that the construction has been commenced without obtaining sanction or permission or otherwise than in accordance with the particular on which such sanction or permission was based on any material alteration of, or addition to, building has been concerned or is being carried on or has been completed in breach of any provision contained in this Act or rules or regulations it may, after giving the owner of the building a reasonable opportunity of being heard, make an order directing that such erection, alteration, addition or projection, as the case may be, or so much thereof as has executed unlawfully, be demolished or altered and upon such order it shall be the duty of the owner to cause such demolition or alteration to the satisfaction of the Municipality within such period as may be fixed in this behalf. In default, such erection, alteration, addition or projection, as the case may be, demolished or altered by the Municipality at the expense of said owner.

(2) The procedure relating to the opportunity of hearing to be given to the owner of the building under subsection (1) shall be such as may be prescribed.

(3) An appeal against an order made by the Municipality in this behalf shall lie with the Municipal Appellate Tribunal constituted under this Act.

(4) The order of the Tribunal shall be final and conclusive and shall not be questioned in any court of law.

Owner to stop
excavation.

134. If during excavation or any other operation for the purpose of construction of any building or execution of any work any of the underground utilizes (such as electric or telephone cables, water supply, sewerage and drainage mains and gas pipe) is touched or is likely to be touched or if the Municipality is of opinion that such excavation may cause danger to public, it may, by a written order, stop forthwith any such excavation or till the matter is investigated and decided to its satisfaction.

Power to stop
unauthorized
construction.

135. (1) In any case in which the erection of a building or any other work connected therewith has been commenced or is being carried on unlawfully, the Municipality may, by written notice, require the owner or the person carrying on such erection of unlawful work to discontinue the same forthwith, pending further proceedings as respects such unauthorized construction.

(2) If the notice issued under sub section (1) is not duly complied with the Municipality may with the assistance of the police or any employee of the Municipality, if necessary take such steps as it may deem fit to stop the continuance of the unlawful work.

Power to require
alteration or
existing building.

136. (1) The Municipality may, with a view to promoting safety, convenience, privacy or sanitation or to securing conformity with the provisions of this Act and the rules and the regulations made thereunder, by order stating reasons in writing, require the owner of any existing building to make such alterations therein within such period as may be specified in the orders.

Provided that before making any such order, the Municipality shall give a reasonable opportunity to the owner to show cause why such order should not be made.

(2) An appeal against an order made by the Municipality under this section shall lie with the Municipal Appellate Tribunal constituted under this Act.

Maintenance of building.

137. (1) The Municipality may, for sufficient reasons, by an order require the owner or the occupier of any building abutting on public or private street to keep the external parts of the building, including the roof thereof, in proper repair with lime plaster or other materials or properly painted to the satisfaction of Municipality.

(2) If such owner or occupier makes default in carrying out an order made in this behalf, the Municipality may itself carry out the works and recover the cost thereof from the owner or the occupier of the building as the case may be.

(3) Notwithstanding anything contained in any other law for the time being in force, the Municipality may apportion the costs incurred under subsection (1) or sub section (2) between the owner and the occupier in such manner as it consider just and reasonable.

(4) The Municipality may create and administer a special fund for maintenance as well as improvement of buildings in any area on corporate basis in accordance with such procedure as may be prescribed.

Power to order demolition of dangerous buildings.

138. (1) Where the Municipality upon any information is satisfied that any building is unfit for human habitation and is not capable, at a reasonable expense, of being rendered fit, it shall serve upon the owner of the building and upon any other person having an interest in the building, whether as lessee mortgage or otherwise, a notice to show cause within such time as may be specified in the notice as to why an order of demolition of the building should not be made.

(2) If any of the persons upon whom a notice has been served under sub section (1) appears, in pursuance thereof, before the Municipality and gives an undertaking that such person shall, within a period specified by the Municipality execute such work of improvement in relation to the building as well in the opinion of the Municipality render the building fit for human habitation or that the building shall not be used for human habitation until the Municipality on being satisfied that it has been rendered fit for human habitation, cancels the undertaking, the Municipality shall not make an order if demolition of the building.

(3) If no such undertaking as referred to in sub section (2) is given or, if, in a case where such undertaking has been given any work of improvement to which the undertaking relates is not carried out within the specified period or the building is used in contravention of the terms of the under taking, the Municipality shall make an order of demolition which be carried out by the owner or, if the owner fails, by the Municipality at the cost of the owner in such manner as may be provided in the regulation

Power to make regulation.

139. The Municipality may make building regulations, consistent with the provisions of this Act and the rules made by the State Government thereunder.

CHAPTER -IX

WATER SUPPLY

Water supply

140. (1) Every Municipality shall either or through any agency (including a Government Department) try to supply water for the use of the inhabitants.

(2) The water for domestic and non-domestic uses of such standard as may be determined by the Municipality may be charged for at such scale of tax as may be determined by the Municipality.

(3) The Municipality for the purpose of measuring or recording the quantity of water consumed may provide for devices of attachment of meter in the premises or adopt a system of calculation by the size or number of ferrules through which the supply is made or any other method of measurement or recording in such manner and in accordance with such procedure as may be prescribed.

Vesting of public work.

141. (1) All public tanks, reservoirs, cisterns, wells, tube wells, aqueducts, conduits, tunnels, pipes, taps and other water works whether made, laid or created at the cost met from the Municipal Fund or otherwise, and things, connected therewith or appearing thereto and any adjacent land (not being private property) appertaining to any public tank, which is situated within the Municipal area shall vest in the Municipality.

(2) All rights over the sub soil water resources within a Municipal area shall vest in the Municipality.

Construction of water work.

142. (1) A Municipality may within the Municipal area if necessary in collaboration with or through other local bodies or agencies undertake construction of water works and operate, manage or Maintain any water work intended to serve the inhabitants of the Municipal area. For water work out side Municipal area approval of the State Government shall be required.

(2) Whenever the State Government has approved any water work outside the limits of Municipal area, the Municipality may exercise all the powers for construction, maintenance and repair throughout the line where such work is situated or through which it is to run, as if such work is situated in the Municipal area.

Power to lay of
carrying pipe of
channel.

143. For the purpose of providing of carrying out or maintaining a system of water supply the Municipality may lay or carry pipe or channel on across, under or over any street or public place, and after giving a reasonable notice of not less than a month to the owner or the occupier across, under or over any private land or building whatever, situated within the limits of a Municipal area.

Provided that a reasonable compensation shall be paid to the owner or the occupier for any damage at the times sustained by him though, or in consequence of, any such operation.

Control of
construction on
land through
which water main
etc. pass.

144. No building or private street shall be constructed over any Municipal water-main or service-main, except with the written permission of the Municipality which may impose such conditions for such construction as it may deem fit.

Water connection
to premises.

145. (1) Subject to such conditions and restrictions as may be prescribed the Municipality may, on the application of the owner or the occupier of any house or land in respect of which property tax is paid make connection from any main, service-main or distribution pipe or from any channel maintained, owner or vested in the Municipality.

(2) The Municipality may require the amount necessary for the execution of any work under this section and other charges or fees, if any, to be paid or deposited before such work is executed by it.

Water supply
through hydrants.
stand posts etc.

146. (1) The Municipality may erect hydrants or stand posts-for supply of wholesome water to the public within a Municipal area.

(2) The Municipality may, by regulation provide for safety, maintenance and use of such public hydrants or stand posts, or it may place such public hydrants or stand posts under the charge of any person who may realize from each consumer such fee as the Municipality may determine from time to time.

(3) The Municipality may fix hydrants on water mains at such places as may be most convenient for affording a supply of water for extinguishing any fire in the locality and denote the situation of every such hydrant with marks or figures prominently displayed on any convenient structure near such hydrant.

Provided that on deposit of requisite expenses by an owner or occupier of any factory, workshop, trade premises or place of business situated in or near a street in which a water main is laid, the Municipality shall fix such hydrant to be used only for extinguishing fire.

(4) The operation and maintenance of hydrants for extinguishing fire shall be in accordance with such procedure as may be prescribed.

Municipality to maintain and regulate all private connection to the service main.

147. All private connection of premises to the mains of a Municipality for the supply of water thereto and all pipes, taps, and other fittings used for such supply shall be made, maintained and regulated in the manner prescribed.

Water supply outside Municipality area.

148. The Municipality may, with the approval of, and on such terms as may be approved by, the State Government, supply water to a local authority or other person outside the Municipality area.

Power of the State Govt. to take over water works

149. (1) If, at any time it appears to the State Government that any water-works executed by, or vested in, a Municipality, are maintained or run in an imperfect, in efficient or unsuitable manner, the State Government may by order, direct the Municipality or other local authority to show cause within the period specified in the order as to why the water works with all plants, fittings, and appurtenances thereof should not be handed over to the control and management of any other agency belonging to the State Government or any statutory body for such period as the State Government may fix.

(2) If no cause is shown to the satisfaction of the State Government within the period specified in the order under sub section (1), the State Government may, by order direct that the water works with all plants, fittings and appurtenances thereof shall be made over to such agency or statutory body as the State Government may fix, and for such period, and on such terms and conditions, as the State Government may determine.

Power to cut off water supply

150. (1) Notwithstanding anything contained in the chapter, the Municipality may cut off the connection of water supply to any premises, or may turn off such supply, in any of the following cases, namely:-

(a) If the premises are unoccupied or prohibited for human habitation;

(b) if after receipt of a written notice from the Municipality requiring him to refrain from so doing, the owner or the occupier of the premises continues to use the water or permit the same to be used in contravention of the provisions of this Act or the rules or the regulations made thereunder; or

(c) if any pipe, tap works or fitting connected with the supply of water to the premises be found, on examination by any officer of the Municipality duly authorized in this behalf, to be out of repairs to such an extent as may cause so serious a waste or contamination or water that in the opinion of the Municipality immediate prevention is necessary ; or

(d) if there is any water pipe situated within the premises to which no tap or other efficient means of turning the water off is attached ; or

(e) If by reason of a leak in the service pipe or the fittings, damages caused to the public street and immediate prevention is necessary;

(f) If it is found that any pump has been installed unauthorizedly to serve drinking water from the supply line.

Provided that no action under clause (a) or Clause (b) shall be taken without giving notice of not less than three days to the owner or the occupier, as the case may be.

(2) The expenses of cutting off the connection or of turning of the water and of restoring the same, as determined by the Municipality in any case referred to in sub section (1) shall be paid by the owner or the occupier of the premises.

(3) An authorized officer of the Municipality may, if satisfied that any pump or other apparatus have been installed by any person to unauthorizedly suck drinking water from the supply line, seize, take into possession and initiate confiscation proceeding in such manner as may be prescribed.

Digging of well etc. without permission is prohibited.

151. (1) No new well, tube-well, tank, pond, cistern or fountain shall be dug or constructed without the previous permission, in writing of the Municipality.

(2) If any such work is began or completed without such permission the Municipality may -

(a) by written notice require the owner or the other person who has done such work to fill up or demolish such work; or

(b) grant permission to retain such work or portion thereof on such terms and conditions as the Municipality may consider fit to impose.

Setting apart of water-source for drinking and other purposes.

152. The Municipality may, by order published at such places as it thinks fit, set apart any tank, well, spring or water-course or any part thereof, vested in it or, by an agreement with the owner thereof, any private tank, well spring or water course or part thereof subject to any rights which the owner may retain with the consent of the Municipality for any of the following purposes, namely -

(a) for the supply of water exclusively for drinking or for culinary purpose or for both, or

(b) for the purpose of bathing; or

(c) for washing animals or clothes; or

(d) for any other purpose connected with the health, cleanliness or conform of the inhabitants, and may, by like order, prohibit the bathing or the washing of animals or cloths or other things at any public place not set apart for such purposes or prohibit any other act by which water in any public place may be rendered foul or unfit for use, or provide for alternative facilities and conveniences to regulate the use of any tank, well, spring or water course to promote public safety, health and welfare.

Water analysis.

153. The State Government may make rules to provide for the proper analysis of the water of any water works, tank, well, spring or any water courses or other source, used or likely to be used for drinking or culinary purposes in any Municipal area and in particular, may require the Municipality to take samples of water in the manner prescribed and make it over at such time and place, and to such person or persons; as the State Government may appoint in this behalf.

Power to make rules.

154. The State Government may make rules to provide for -

- (a) the preparation of plans and Estimates for Water works or for introduction of a public distribution net work;
- (b) the power of the Municipality to accord sanction to such plants and estimates;
- (c) the publication of the particulars and the nature of any water work or scheme, its cost, and the manner in which it is to be financed and carried out;
- (d) the size and nature of water works mains, service mains pipes or channels to be constructed or laid by the Municipality for the supply of water;
- (e) the maintenance of Municipal water works and of pipes and fittings in connection therewith;
- (f) the size and nature of the stand posts or pumps to be erected by a Municipality and of the ferrules and all pipes, stand pipes, stop cocks, taps, hydrants and other fittings whether within or outside any premises, that may be necessary for the regulation of the supply and use of water.
- (g) the mains or pipes in which fire plug are to be fixed and the places at which keys of the fire plugs are to be deposited;
- (h) the periodical analysis by a qualified analyst of the water supplied by a Municipality;
- (i) the conservations of, and the prevention of injury or contamination to sources and means of water supply and appliances for the distribution of water, whether within or without the limits of a Municipal area;

(j) the manner in which connection with water works or supply system is to be maintained, the fees to be levied for such connections and the persons by whom they shall be paid and the agency to be employed for such construction, alternation or maintenance;

(k) the rates at which the charge for water supplied in excess of the prescribed quota for domestic purposes and for water supplied for various non-domestic purposes may belevied by the Municipality and the use, maintenance and testing of matters and ferrules;

(l) the regulations of all matters and things connected with the supply and use of water, and the turning on, and turning off, and preventing the waste of water; and

(m) any other matter relating to the supply of water in respect of which this Act or any other law for the time being in force makes no provision or makes insufficient provision and further provision is, in the opinion of the State Government, necessary;

Power to make regulations.

155. The Municipality may with the approval of the State Government make regulations, not inconsistent with the provisions of this Act and the rules made thereunder for carrying out the purpose of this chapter.

CHAPTER - X

DRAINAGE AND SEWERAGE

Municipality to provide drainage and sewerage.

156. (1) The Municipality shall provide and maintain a system of drainage or sewerage as well as a safe and sufficient out-fall in or outside the Municipal area.

(2) The Municipality may, with the approval of the State Government, make over the trunk-sewers, sewage treatment plants, pumping stations and other materials and things appurtenant thereto any agency belonging to the Government or a statutory body, and it shall be lawful for such agency to exercise control over all such items for their maintenance and development.

Cleaning of drains.

157. A Municipality shall provide for the Municipal drains to be cleansed, flushed and emptied from time to time.

Statement and disposal of sewage.

158. A Municipality may, for the purpose of receiving, treating, storing, disinfecting, distributing or otherwise disposing of sewage, construct, operate maintain, develop and manage any plant or other device within or outside the Municipal area.

Construction and maintenance of drainage and sewerage system.

159. Subject to the approval of the State Government and the rules made in this behalf, the Municipality either singly or jointly with any other local authority, may, within or without a Municipal area, -

(a) construct or maintain a system of drainage, sewers, drainage or sewage outfall, sewage treatment plants or devices, drainage and pumping stations; or

(b) from time to time, alter the size and course of, or otherwise modify or discontinue, close up or remove, the system of drainage, sewers, drainage or sewage outfall, sewage treatment plants or devices, drainage and pumping stations.

Power to lay on carry pipes through private and public land.

160. The Municipality may carry any drain, sewer or channel of any kind for the purpose of establishing or maintaining a system of drainage or sewerage upon across, under or over any street or public place and, after giving a reasonable notice in writing to the owner or the occupier, upon, across, under, over or up the said of any private land or building whatsoever, situated within the limits of a Municipal area, and for the purpose of the outfall of sewage, or for drainage outfall, without such limits, and may at all times, do all acts and things, which may be necessary or expedient for repairing or maintaining any such drain, sewer or channel, as the case may be in an affective state for the purpose for which the same may be used or intended to be used.

Provided that in the case of sudden water logging of any area within Municipal area or any nuisance, the Municipality may, if considered necessary so to do in the interest of public health and convenience, take such action as is necessary for draining out the water upon, across, under, over the side of any private land or building within a Municipal are without prior service of any notice on the owner or the occupier of such land or building.

Use of public drain by private owners.

161. The owner or the occupier of a building or land shall be entitled to cause his drains to empty into the Municipal drains after obtaining the written permission of the Municipality and he shall comply with such conditions as the Municipality may deem fit to impose relating to the communications between private drains and Municipal drains.

Demolition of unauthorized drain.

162. No person shall, without the written consent of the Municipality first obtained, make or cause to be made, or alter, or cause to be altered, any drain leading into any of the municipal sewers or drains or into any water course, street or land vested in the Municipality, and the Municipality may cause any drain, so made or altered, to be demolished, altered, remade or otherwise dealt with at the expenses of the persons making or altering such drain.

Combined drainage for group of buildings.

163. If it appears to the Municipality that a group or block of buildings may be drained more economically and advantageously in combination than separately, and if a Municipal sewer or drain of sufficient size already, exists or is about to be constructed within the reasonable reach of such group or block of buildings, the Municipality may cause such group or block of buildings to be so drained, and the expenses thereby incurred shall be recovered from the owners of such buildings in such proportions as the Municipality may deem fit.

Power to enforce drainage of undrained premises.

164. The Municipality may, by written notice, require drainage to be provided for any undrained premises and also require separate provisions to be made for drainage of sewage and other offensive matters as distinct from rain-water and other unpolluted sub-soil water in accordance with such rules as may be made in this behalf.

Power of the State Government to take control of certain drainage work.

165. (1) If, at any time, it appears to the State Government that any drainage works or sewerage works, are maintained or worked by a Municipality in an imperfect, inefficient or unutilized manner, the State Government may, by written orders, direct the Municipality or other local authority within the period specified in the order to show cause why the drainage works or sewerage works with all plants, fittings and appurtenances thereof should not be handed over for such period as the State Government may fix to the control and management of such agency as may be specified in the order.

(2) If cause is not shown within the period specified in the order issued under sub section (1) of the cause shown appears untenable, the State Government may, by order, direct that the drainage works or sewerage works with all plants, fittings and appurtenances thereof shall be handed over for such period as it may fix to the control and management of such person or authority as it may appoint.

(3) The cost control and management including that of all materials, implements, and stores shall be paid within such period as may fixed by the State Government from the Municipal Fund.

Encroachment on municipal drain.

166. (1) No person shall encroach upon drainage and sewerage system in the Municipal area; Provided that the Municipality may give consent to any such construction only for the purpose of securing access to any abutting land or building on such conditions as the Municipality may think fit to impose.

(2) The Chairperson may, without notice, cause to be removed or altered, any building, well, fence or structure constructed in contravention of the provisions of this section or any unauthorized encroachment, whatsoever any time for reasons to be recorded in writing.

(3) The Chairperson by written notice may require any person to pull down or otherwise deal with any building fencing, wall or structure or any encroachment whatsoever constructed or erected in contravention of sub section (1), and the expenses in doing so shall be paid by the person at whose instance the unauthorized construction or encroachment was made.

(4) Any person who acts in contravention of the provisions of this section shall, on conviction, be punished with a fine which may extend to two thousand rupees and, in the case of continuing offence, with further fine which may extend to one hundred rupees for every day during which such offence continues. In addition, such person shall also be liable for all expenses that the Municipality may in removing or otherwise dealing with the unauthorized construction or encroachment incurs.

Power to make rules.

167. The State Government may make rules to provide for -

- (a) the preparation of plans and estimates for the introduction of a system of drainage or sewerage, where such work or system is to be partly or wholly constructed or carried out at the expenses of the Municipality;
- (b) the power of the Municipality or the State Government in the matter of sanction to such plans and estimates and responsibilities for financing and execution;
- (c) the size and other particulars of drains, sewerage or channels to be constructed or laid for drainage or sewerage;
- (d) the manner which connection with the drainage or sewerage system shall be constructed altered or maintained, the fees to be levied for such connections and the person by whom such fees shall be payable, and the agency to be employed for such construction, alteration or maintenance;
- (e) the items of trade affluent or noxious chemicals which may not ordinarily be passed into Municipal drains, or the mode of treatment of such chemicals before they can be so passed, or such other steps as may be necessary to control environmental pollution arising out of such chemicals;
- (f) any other matter relating to the drainage or sewerage in respect of which this Act make no provision or make insufficient provision and further provision is, in the opinion of the State Government, necessary;

Power to make regulations

168. The Municipality, with the approval of the State Government may make regulations -

(a) requiring every person who intends to construct, repair add to or alter a house drain of cess-pool, to submit and application to the Municipality with such plans and other particulars as may be determined, and providing for conditions for giving and refusing of sanction to such application.

(b) providing for the materials, size, slope, level or position of drain generally and their construction, repair and maintenance; and

(c) to provide for any item not specifically laid down but which is necessary to carry out the purpose of this Act.

CHAPTER - XI

SOLID WASTE

Functions in relation to solid Wastes.

Collection removal.

169. For the purpose of securing efficient scavenging and cleansing of all streets, public places and premises within a Municipal Area, the Municipality shall make adequate arrangements for collection, removal and disposal of solid waste.

Provision for temporary deposits.

170. The Municipality shall provide in proper and convenient situations different receptacles, depots and places for the temporary deposits of -

- (a) Rubbish,
- (b) Offensive Matter,
- (c) Trade Refuse,
- (d) Carcasses of Dead Animals,
- (e) Excrementitious and polluted Matter.

Duties of owners or occupiers to collect and deposit rubbish.

171. It shall be duty of the owners or the occupiers, as the case may be, of all premises -

- (a) to have the premises swept and cleaned,
- (b) to cause all rubbish and offensive matters to be collected from their respective premises and to be deposited, at such time as may be specified in public receptacles, depots or places provided by the Municipality.

Cleaning of street
and removal of
solid waste

172. (1) Every Municipality shall take measures for securing -

- (a) daily street-cleansing of all streets within a Municipal area and removal of sweeping there from;
- (b) removal of the contents of all receptacles and depots and of the accumulations at all places provided to the Municipality; and
- (c) removal of special and hazardous wastes and other solid wastes from premises.

(2) The Municipality shall make adequate provision for preventing receptacles, depots, vehicles and vessels referred to in this chapter from becoming sources of nuisance.

Solid waste to be
Municipal
Property.

173. All matters deposited in receptacles, depots and places provided by the Municipality and all solid wastes collected shall be the Municipal property.

Removal of solid
waste from non-
residential
premises.

174. The Municipality may, if it thinks fit -

- (a) by written notice, require the owner or the occupier of any premises used -
 - (i) as factory, works-shop or for carrying on any manufacture, or
 - (ii) as a trade premises or shop or as a market or slaughter house, or
 - (iii) as a hotel, eating house or restaurant, or
 - (iv) as a hospital or nursing home, or
 - (v) as a warehouse or go-down, or
 - (vi) as a place to which large number of persons take resort, or
 - (vii) in any other way,

Where rubbish, offensive matter, filth, refuse special wastes, hazardous wastes, or excrementitious and polluted matters are accumulated in large quantities, to collect such matters and remove the same at such time and in such manner and by such routes as may be specified in the notice to a depot or place provided by the Municipality, or

- (b) after giving the owner or the occupier of any premises notice of its intention so to do cause all rubbish, including rubbish, offensive matter, trade refuse, special wastes, hazardous wastes, or excrementitious and polluted matters accumulated in such premises to be removed and charge the said owner or the occupier as the case may be, determined by the Municipality and specified in such notice.

Disposal of solid waste.

175. (1) The Municipality may, for the purpose of receiving, storing, treating, processing and disposing solid wastes or converting such solid wastes into compost or other matter, construct, acquire, operate, maintain, develop and manage any work within or outside the Municipal area and run it on a commercial basis.

(2) The Municipality may cause to be utilized solid wastes for filling up any well, tank or low land on a commercial basis within or outside the Municipal area.

Sanitation on Special occasion.

176. (1) The Municipality may make such special arrangements, whether permanent or temporary, as he considers adequate for maintaining sanitation in the vicinity or any place of religious worship or institutions or places to which large number of persons take resort on particular occasions or in any place used for polling fairs, festivals, sports or cultural or social events.

(2) The Municipality may require any person having control over any such place to pay to the Municipality fees at such rates as the Municipality may, from time to time determine.

Prohibition against deposit of solid waste.

177. (1) No person shall deposit or cause or permit to be deposited or throw upon or along any public street, public place or land belonging to the Municipality or any land on the bank of a water course solid wastes.

(2) Without prejudice to the generally of the foregoing provisions of this section, no person shall deposit or cause or permit to be deposited any building rubbish or scraps in or along any street, public place or land except with the prior permission of the Municipality.

Provided that no such permission shall be given until an advance payment of a fee for the removal of such rubbish or scraps has been made in accordance with such rates as may be determined by the Municipality from time to time.

Presumption as to commission offence.

178. If any rubbish, offensive matter, trade refuse, special wastes, hazardous wastes or excrementitious and polluted matter accumulating on any premises is deposited in any place in contravention of the provisions of this Act, it shall be presumed, unless the contrary is proved, that such contravention has been committed by the occupier of such premises.

Penalty.

179. whoever deposits or throws or causes or permits to be deposited or thrown any solid wastes on any place in contravention of the provisions of this Act shall, subject to such rules and regulations as may be made in this behalf, be punishable with fine which shall not be less than five hundred rupees or more than five thousand rupees for each of such offences.

Powers to enforce scavenging or cleansing work.

180. If any street or public place under the control of Government or any statutory body is not properly or regularly scavenged or is in the opinion of the Municipality, in a filthy and unwholesome condition, the Municipality may, by written notice, require the owner or the occupier to do the scavenging or, cleansing or may cause scavenging or cleansing to be done and the cost of such scavenging or cleansing shall be recovered from the owner of the occupier thereof as the case may be.

CHAPTER - XII

Municipal markets and slaughter house.

181. (1) The Municipality may provide and maintain Municipal markets, slaughter houses or stockyards in such number as it may think fit together with stalls, shops, sheds and other buildings and conveniences for the use of persons carrying on trade or business in or frequenting such markets or slaughter houses.

(2) Any Municipal slaughter houses or Municipal stockyard may be situated within or, with the sanction of the State Government outside the Municipal area.

Permission for use of Municipal market.

182. (1) No person shall, without the general or special permission in writing of the Municipality, sell or expose for the sale any commodity or article or animal or bird in any Municipal market or utilize any space within the Municipal market for any other purpose.

(2) Any person contravening the provisions of sub section (1), and any commodity, animal or articles exposed for sale by person, may be summarily removed from the market by or under the orders of the Municipality.

Power to levy fee, rent etc. for use of Municipal market.

183. A Municipality may charge such premium, stallage, rent or fee as may, from time to time, be fixed in this behalf for the occupation or use of any stall, shop, stand, shed or open space in a Municipal market or Municipal slaughter houses.

Rate of premium, rent etc. to be published.

184. (1) The Municipality shall publish the terms and conditions for premium to be charged in such manner as it may decide.

(2) A copy of the table of stallage, rent and fee, if any chargeable in any Municipal market or Municipal slaughter house, shall be affixed in some conspicuous place in the market or the slaughter house, as the case may be.

Municipal market
and slaughter
house

185. (1) No place other than a Municipal market, shall be used as a market unless such place has been licensed as a market by the Municipality under the provisions of this Chapter on such terms and conditions as the Municipality may determine.

(2) No place, other than a Municipal slaughter house, shall be used as a slaughter houses and a Municipality may made order permitting the slaughter of any animal in any place on the occasion of any religious festival or ceremony subject to such conditions as the Municipality may, by public or special notice, impose in this behalf.

(3) The Municipality may require the owner or the occupier of any licensed private market to provide approach road for passage or drain or light or to provided such convenience for the use of persons resorting to such markets as it may deem fit.

Power to expel
persons from
Municipal
market.

186. The Municipality may, after giving the parties concerned an opportunity of being heard and in accordance with such rules and regulations as may be made in this behalf-

- (a) expel from any Municipal market, Municipal slaughter house or Municipal stockyard, for such period as it may think fit, any person who or whose employee has been found contravening any provision of this Act or the Rules or regulation made thereunder or any order or direction given under such Act, Rules or regulations;
- (b) prevent such person as aforesaid from further carrying on any trade or business in such market, slaughter house or stockyard or occupying any stall, shop, shed or space;
- (c) determine any lease or tenure which such person may have in any such stall, shop, shed or open space.

Prohibition of
business or trade
outside municipal
or private market.

187. (1) No commodity or article or animal or bird shall be sold or exposed for sale by a hawker or squatter in any place in the Municipal Area except within the confines of any Municipal market or licensed private market without the permission of the Municipality.

(2) Any person contravening the provisions of sub section (1) and any commodity or article or animal or bird exposed for sale by such person may be summarily removed by or under the order of the Municipality.

Carry out license
of shop

188. (1) No person shall, without or otherwise than in conformity with a license from the Municipality carry on the trade of butcher, fish monger, poulterer or importer of flesh intended for human food or use any place for the sale if flesh, fish or poultry intended for human food.

Provided that no person shall sell or expose for sale any flesh obtained from an animal unless the skinned carcass of the animal is stamped in such manner as the Municipality may, by general order made in this behalf, require in token of the fact that the animal has been slaughtered in a Municipal or licensed slaughter house.

(2) The Municipality may, by regulation, determine the procedure for the issue of licence and its renewal, fix the standard or edibility of meat and fish and provide for inspection and analysis of samples of such meat and fish from time to time.

(3) No person shall without or otherwise than in conformity with the terms of licence granted by the Municipality in this behalf -

- (a) hawk or expose for sale any article whatsoever, whether it is for human consumption or not; or
- (b) use his skill in any handicraft or render service to the public for their convenience for the purpose of gain or making a living in any place within the Municipal area.

Power to seize and arrest for unauthorized sale of animal flesh.

189. (1) If the Municipality has reason to believe that any animal intended for human consumption is being slaughtered or that the flesh of any such animal is being sold or exposed for sale in any place or manner not authorized by the Municipality, it may authorize any person who may, at any time by day or night without notice inspect such place for the purpose of satisfying himself as to whether any provision of this Act or of any rule or regulation made thereunder is being contravened there at and may in case of contravention, seize such animal or carcass of such animal or such flesh therein.

(2) The Municipality may remove and sell by auction or otherwise dispose of any animal or carcass of any animal or any flesh seized, under sub-section (1) and the sale proceeds shall, subject to any decision as to cost, be credited to the Municipal fund.

(3) Any person slaughtering any animal or selling or exposing for sale the flesh of any such animal in any place or manner not duly authorized under this Act may be arrested by any police officer without a warrant.

Power to seize food or drug if found unfit for human consumption.

190. (1) Subject to the provisions of the Prevention of Food Adulteration Act, 1954 or any other law for the time being in force, the Municipality may cause inspection and analysis of any food, drug, edible, oil, milk or similar item of human consumption or any utensil or vessel used for preparing or storing any such thing.

12) If, upon inspection or analysis, any such item for consumption, as aforesaid, is found to be unfit for human consumption, or if any such utensil or vessel any food or drug prepared, manufactured or stored therein unfit for human consumption, any person duly authorized by the Municipality seize, seal or carry away and destroy such food or drug or utensil or vessel.

Commercial
projects by
Municipality

191. The Municipality may, with the prior information to the State Government, undertake formulation execution and running of any commercial project including market development schemes in industrial estates, or upon depots for trading in essential commodities, or maintain bus or truck terminals together with commercial complexes, or run tourist lodges or centers along with commercial activities, or carry on any other projects on commercial basis.

CHAPTER - XIII

MUNICIPAL REVENUE

192. (1) A Municipality may levy, collect and appropriate following taxes, duties, tolls and fees, namely :-

Power to levy
tax etc

- (a) a property tax;
- (aa) a water tax;
- (b) a tax on advertisement (other than advertisement published in the newspapers);
- (c) a tax on carts and carriages;
- (d) a toll on ferries and bridges;
- (e) fees on licence and permit issued under this Act;
- (f) fees on construction or reconstruction of buildings payable at the time of sanction of building plan;
- (g) fees on applications filed under this Act;
- (h) fees for any specific service rendered by the Municipality;
- (i) a parking fee on vehicles; and
- (j) a fee on the entry of vehicles and goods in the Municipal area;

(2) The extent, assessment and collection of taxes, duties, tolls and fees as mentioned in sub-section (1) shall be in accordance with this Act and the Rules made thereunder by the State Government.

- Property Tax
193. (1) A property tax shall consist of tax on lands and building and may include one or more of the following components, namely :-
- (i) sewerage tax;
 - (ii) conservancy tax;
 - (iii) lighting tax;
- Providing that service tax mentioned in above may be levied only when the Municipality has provided such service.
- (2) For the purpose of imposing a composite property tax, the amount under different components should be specifically mentioned. For imposing a tax which is related to service, as mentioned above, the Municipality shall ensure that such services has been rendered to the tax payers or any person under him is enjoying the benefit of the said Municipal services.
- Provision of the Bengal Municipal Act, 1932 to apply for assessment of tax.
194. For the purpose of assessment of tax in land and building the entire Municipal area may be divided into several tax areas on the basis of commercial and residential importance as well as valuation of and building in each tax area, and the Municipality shall make assessment of tax on annual rental value in accordance with the relevant provision of Bengal Municipal Act, 1932.
- Provision of Bengal Municipal Act, 1932 to apply for determination of annual rental value.
195. In each tax area the buildings may be classified as residential commercial, industrial, institutional and in such other classes as may be prescribed. The annual rental value of such buildings and the lands shall be determined in accordance with the relevant provision of the Bengal Municipal Act, 1932.
- Power of the State Govt. to adopt any alternative assessment mechanism.
196. Notwithstanding anything contained in this chapter the State Government may by rules, work out any other alternative assessment mechanism for tax assessment and provide for detailed procedure for imposition of assessment and collection of tax.
- Tax on advertisement other than advertisement in the news paper.
197. (1) No person in a Municipal area should use or allow others to use any land, buildings, walls, holding, frame, post, kiosk or any other structures for any advertisement in public view in any manner whatsoever (including any advertisement by means of cinematography) without obtaining licence from the Municipality.
- (2) Every person who displays any advertisement on any land, building wall, frame, hording, post, kiosk or other structures for use of which licence has been obtained, shall, for every advertisement, pay such tax in such manner as may be determined by the Municipality by making regulations.

(3) Notwithstanding anything contained herein above no tax shall be levied on any advertisement which -

- (a) relates to a public meeting or to a election to parliament or the State Legislature or a Municipality or any other local authority; or
- (b) is exhibited within the window of any building if the advertisement relates to any trade or business carried on in that building; or
- (c) relates to the name of the land or the building or to the name of the owner or the occupier of such land or building; or
- (d) relates to the business of railway administration and is exhibited within any railway station or upon any wall or other property of a railway administration; or
- (e) relates to any activity of Government or a local body.

(4) The tax on advertisement is payable in advance before the advertisement is displayed or exhibited.

Provided that the Municipality may require the licensee to collect the tax on advertisement and pay same to the Municipality after deducting such amount of collecting tax as may be determined by the Municipality from time to time and such amount may be retained by the licensee as collection charges.

Tax on Carts
and carriages

198. (1) For the purpose of levying a tax on carts and carriages, a Municipality shall make and publish an order that every cart and carriage which is kept or used in the ordinary course of business within a Municipal area shall be registered with the Municipality within such period as may be mentioned in the order.

Provided that such order shall not apply to carts or carriages of the Government or the Municipality or any local authority.

(2) The Municipality shall, on fulfillment of any condition, as may be made for the regulation by the Municipality, assign a registration number to such carts and carriages and issue licence therefore.

Provided that the Municipality may, having due regard to the requirement of the Municipal area, traffic congestion, road facility and any other relevant factors refuse to register any cart or carriage and on such refusal no person shall use any cart or carriage in such Municipal area.

(3) Every licence for a cart or carriage shall remain in force for a period of one year from the date of registration, and thereafter such licence shall be renewed. The taxes on carts and carriages as may be levied from time to time shall be paid at the time of registration and renewal of licence every year.

(4) The rate of tax shall be such as may be determined by the Municipality from time to time and different rates may be levied for different types of carts or carriages.

Tolls on ferries
and bridges.

199. (1) A Municipality may, with the approval of the State Government declare that any ferry within the limits of a Municipal area is a Municipal ferry and the profits derivable there from shall, upon such declaration, be credited to the Municipal fund.

Provided that due compensation shall be given to a person affected by such declaration.

(2) Every Municipality shall maintain such ferry and make all provisions for safety and convenience of commuters and properties to be conveyed by such ferry.

(3) The Municipality may impose tolls on ferries for rendering ferry service and the rate of toll shall be such as may be determined by the Municipality.

Provided that a Municipality may lease out a ferry on payment of a lumpsum, being part of the total annual tolls to be collected by the lessee.

(4) Every lease shall be liable to be cancelled by the Municipality if the lessee has failed to make due provision for the safety and convenience of commuters or properties within 15 days after being required to do so by a notice in writing from the Municipality. On cancellation of the lease the Municipality shall take over the ferries and make arrangement for ferry-service either by itself or by a fresh lease.

(5) No person crossing a river or stream at or near a Municipal ferry in a boat or other appliance which is kept for personal or non-commercial use shall be liable, to pay any toll.

Provided that such person shall be liable to pay such toll as may be fixed by the Municipality for using any ghat, stair or any other facility provided by the Municipality.

Power to
establish Toll
Bar.

200. (1) A Municipality, with the approval of the State Government may establish a toll bar and levy tolls in any bridge or at any place adjacent to any bridge and tolls may be levied from vehicles, carriages, carts and animal passing over such bridges for the purpose of recovering the expenses incurred in constructing or maintaining, repairing such bridge for a period not exceeding 5 years since the date of construction or repairs.

Provided that no toll shall be levied and collected for passage of any vehicle, carriage, cart or animal of the Central or State Government or any local authority.

(2) A Municipality may grant a lease of toll bar for such period and in such manner as may be determined in the regulation on payment of a lumpsum annual toll collected by the lessee.

Fees on licence and permits

201. (1) The amount of fees on licence and permits issued by a Municipality under this Act, shall be determined by the Municipality from time to time with the approval of State Government. The rates of such fees so determined shall be duly published for information of all concerned. Such fees is to be paid at the time of obtaining or renewing licence or permits. Licence or permit on any profession, trade, calling and employment shall be issued as per schedule-I.

(2) Any profession, trade, calling and employment or any other gainful activity in the Municipality area which require a licence or a permit under any other law shall also require a Municipal licence or permit to be obtained and renewal in such manner as may be provided in the regulation.

Construction fees.

202. A Municipality may levy and collect a fee for construction or reconstruction of a building and such fee is payable by the petitioner at the time of sanction of the building plan.

Application fees

203. A Municipality may levy and collect fees on such application which may be filed under this Act, as may be determined by the Municipality from time to time and such fees is liable to be aid by the applicant at the time of filing the application.

Fees for specific services.

204. A Municipality may levy and collect fees for any specific services rendered by the Municipality at the request of any person. The rate of such fees shall be such as may be determined by the Municipality from time to time.

Parking Fee.

205. A Municipality may levy and collect parking fee on vehicles for utilizing the bus stand or other parking zones within the Municipal area. The rate of parking fee may be different for different types of vehicles and duration using the parking facility as may be determined by the Municipality from time to time.

Entry fee on goods vehicles and passengers vehicles

206. A Municipality may levy and collect an entry fee on vehicle carrying passengers and goods from outside and entering into the Municipality area and different rates of fees may be determined for different types of vehicles on the basis of capacity of carrying passenger or goods. Such fees may be levied in the form of surcharge and may be collected by such agencies and in such manners as may be determined by the Municipality by regulations.

Levy of
congregation.

207. A Municipality may levy and collect a fee for giving permission for any congregation in the Municipal area in connection with pilgrimage fair, festival, circus or jattras. The rate and manner of levying and collecting such fees may be determined by the Municipality in the regulations. Such fees are to be paid at the time of obtaining permission.

Levy on
surcharge.

208. A surcharge not exceeding 50% of the amount of property tax of the holding which is used wholly or partly for commercial industrial or such other nonresidential purpose as the Municipality may, from time to time, decide may be levied and collected as part of the property tax.

Exemption.

209. Notwithstanding anything contained in this chapter following properties shall be exempted from the property tax that is to say, tax on lands and building only, but shall be charged with tax on services:-

- (i) the land building on the Central or State Government which were not liable to pay any tax before commencement of this Act.
- (ii) Diplomatic office of foreign state.
- (iii) Lands or buildings or portions thereof exclusively used for the purpose of public worship, public burial burning ghat or any other place used for the disposal of the dead and duly registered.
- (iv) Open spaces including parade ground which are properties of the Government.

Power of
exemption or
remission of a
Municipality.

210. (1) A Municipality may exempt from property tax, neither wholly or partly, any holding which is exclusively used with the approval of the Municipality, for public charity or any philanthropic purpose or for the purpose of medical relief to, or education of, the poor free of charge.

(2) When a Municipality is satisfied that a circumstance of a particular case has created excessive hardship to a person with regard to property tax, it may reduce the amount of such tax to such extent and in such manner as may be prescribed.

(3) If the annual value of a holding is less than Rs. 200 the Municipality may exempt the owner of such holding from payment of property tax.

Provided that if such owner has more than one such holding then the total annual value of all such holdings shall be collected together and if such amount exceeds Rs. 200 the provision of exemption shall not apply.

Distribution and
allocation of
revenues.

211. (1) The Governor shall, on the basis of recommendation of the Finance Commission -

- (i) distribute between the State Government and the Municipalities the net proceeds of the taxes, duties, tolls and fees which the state levy and collect; and
- (ii) allocate between the Municipalities their respective shares of such proceeds.

(2) While distributing or allocating shares of such proceeds to a Municipality the Governor shall take into consideration the gross sum collected in the Municipal area, the cost of collection and the Municipal obligations and the performance of the Municipality.

Grant-in-aid

212. The Governor, on the recommendation of the Finance Commission, pay to a Municipality a lumpsum amount as Grant-in-aid.

Power to make
Rules

213. The State Government may make rules to regulate the manner of levying collecting assigning to the Municipalities taxes and duties and making grant-in-aid.

Intimation about
amount of taxes.

214. (1) After assessment, whenever made or revised, every tax payer shall be informed by the Municipality the amount of property tax so assessed in respect of his holding and the time within which and the manner in which such tax is to be paid by him. Till the assessment is revised the owner shall continue to pay the property tax for every year without any further notice or intimation from the Municipality.

(2) The Municipality may, for convenience of tax administration notify different dates and time for holding of different wards for payment of tax in the office of the Municipality.

Provided that the Municipality may engage tax collectors on commission basis for collection of taxes from different wards and such tax collectors may be paid commission which shall not exceed 10% of the total amount of taxes collected by a tax collector.

Method of
enforcing
payment of taxes.

215. (1) If a person, liable to pay any tax, fails to make payment within prescribed time, he shall be further liable pay a penalty on the defaulted amount at the rate of not exceeding 10% per year or partly thereof as may be determined by the Municipality concerned.

Provided that the Municipal authority may allow relief fully or partly on payment of such penal amount only after due consideration of an application made to it, with regard to the actual financial status of the applicants.

(2) On failure to pay property tax within a period of three months from the date when payment was due, the Municipality may take one or more of the following actions to enforce recovery of such taxes:-

- (i) disconnect the water connection, if there is any such connection provided by Municipality to the holding;
- (ii) request the power department of the State Government to discontinue power supply, if there is power connection to the holding;
- (iii) file application in the court of judicial magistrate having local jurisdiction, for realization of tax from the defaulter by issuing distress warrant for sale of moveable properties of the defaulter in such manner as may be prescribed;
- (iv) file application in the Court of Certificate Officer under Tripura Public Demand Recovery Act, 2000 (No. 7 of 2000);
- (v) if the defaulter is an employee under the Central or any State Government for public Section Undertaking, intimate the disciplinary or controlling authority of that employee about the default with request to take appropriate step for recovery of the Municipal dues from his salary and allowances for other financial benefits of his service.

Incident of
property tax.

216. (1) On failure to recover sum due on account of property tax from the owner such, sum shall without prejudice to any other action that may be taken under this Act, be recovered from the occupier of the land or buildings and such occupier from whom the tax has been recovered shall be entitled to reimbursement by the owner or adjustment against the rent payable by him.

(2) If any amount of tax is paid on or before the due date of payment the Municipality may grant such rebate not exceeding 10% of the amount of tax as may be determined by the Municipality.

Recovery of Tax
from
unauthorized
occupier.

217. On failure of the owner to pay the tax a Municipality may recover the same from any person who may be in unauthorized occupation of such land or building only in respect of the period of unauthorized occupation.

Provided that recovery of such tax shall not by itself confer upon such person any right or title in the same land or buildings.

Power of the
Governor to give
direction

218. (1) The Governor may, from time to time, on to recommendations of the Finance Commission, constituted under Article 243I of the Constitution or otherwise give direction regarding levy, collection, division, assignment and appropriation of taxes, duties, tolls and fees and the powers of the Municipalities with regard to levy, collection and appropriation of taxes, duties, tolls and fees conferred by this Act shall be subject to such directions.

(2) When directions have been issued under sub-section (1) all orders, regulations or decision of the Municipalities regarding levy, collection and appropriation of taxes, duties, tolls and fees whether issued before or after such directions, shall be made to conform to such directions within such time as may be specified after which the directions of the Governor shall prevail.

CHAPTER - XIV

URBAN AND REGIONAL PLANNING AND DEVELOPMENT

Bustee
Improvement
Scheme

219. (1) Notwithstanding anything contained in any other law for the time being in force, a Municipality may, define the external limit of bustee or slum and prepare such improvement schemes for any bustee or slum for the purpose of effecting environmental or general improvement as it may consider necessary and the scheme shall be published and implemented in such manner as may be prescribed.

(2) After publication of the improvement scheme, under sub-section (1), the Municipality shall cause a notice to be served on such owners or occupiers of huts and structures within the bustee or slum as are on Municipal record, inviting participation in the implementation of the scheme.

Management of
facilities for
common use by
users Committee
etc

220. Upon an improvement scheme being implemented the Municipality may provide for management of the common areas and facilities created in course of such implementation by establishment of a users' committee or a Co-operative Society of the owners or the occupiers or in such other manner as may be prescribed.

Removal of
congested
buildings

221. (1) Where it appears to the Municipality that any block of buildings is in an unhealthy condition by reason of the manner in which the buildings are crowded together or the narrowness, closeness or faulty arrangement of streets or the want of proper drainage and ventilation or the impracticability of cleaning the buildings or any other similar cause, the Municipality may cause the block to be inspected by a public health engineer who shall make report in writing regarding sanitary condition of the block

(2) If, upon receipt of such report, the Municipality considers that the sanitary condition of the block is likely to cause risk of disease to the inhabitants of the buildings or the neighbourhood or to endanger otherwise the community health or safety, it may select the building which, in its opinion should wholly or in part be removed in order to abate the unhealthy condition of the block and may thereupon, by notice in writing, require the owners of such buildings to remove them within such period as may be specified in the notice.

Provided that before issuing the notice, a reasonable opportunity shall be afforded to the owner to show cause why the building should not be removed.

Provided further that the Municipality shall give compensation to the owner for any building so removed which have been created under proper authority.

(3) If a notice under sub-section (2) requiring any owner of a building to remove it is not complied with, than, after the expiration of the period specified in the notice the Municipality may cause the buildings to be removed and recover from the owner of the building the expenses of such removal as an arrear of tax under this Act.

Power to require improvement of building unfit for human habitation.

222. (1) Where the Municipality, upon information in its possession, is satisfied that any building is, in any respect, unfit for human habitation, it may, serve a notice upon the owner of the building requiring him to execute the works of improvement specified in the notice within such period not being less than sixty days, as may be specified in the notice.

(2) In addition to the service of notice on the owner of the building under sub-section (1), the Municipality may serve a copy of the notice on any other person having an interest in the building, whether as a lessee or mortgagee or otherwise.

(3) If a notice requiring the owner of the building to execute the works of improvement is not complied with, then, after the expiration of the period specified in the notice, the Municipality may declare the building unfit for human habitation and thereupon take all measures to keep the building vacant till improvement or if it proves danger to life, improve or demolish it. The expenses incurred on this account are recoverable from the owner as arrear of tax.

Master Plan for Urban Development Region.

223. (1) Subject to the provisions of the Tripura Town & Country Planning Act, 1975, the State Government, may by notification, declare an area to be an Urban Development Region of a Municipality comprising -

(i) the area within the jurisdiction of the Municipality, and

- (ii) such other fringe areas adjoining and around the Municipal areas as may be deemed necessary to be included therein by the State Government.

(2) Whenever an Urban Development Region of Municipality has been so declared, the Municipality may prepare a master plan for up-gradation of the human settlement within such region.

Urban
Development
Committee.

224. (1) The State Government may, for the purpose of formulation of master plan for Urban Development Region or implementation of any Project or Scheme in pursuance thereof or for carrying out any activity arising out of it, constitute Urban Development Committee.

(2) Whenever Urban Development Committee is constituted, it shall be incumbent upon the Municipality to consult it in all matters of preparation of master plan and in all items of implementation.

Control of
Municipality over
Urban
Development
activities

225. (1) All Planning and Development activities in an Urban Development Region under this Chapter shall be carried out under the overall supervision and control of the Municipality.

(2) The Municipality may, by a written notice, require the owner or the occupier of any land or building situated within an Urban Development Region to submit such particulars relating to land or building, and such other information, as the Municipality may deem necessary.

(3) It shall be incumbent upon every owner or occupier to comply with the requirement of the notice under sub-section (2) and to carry out all instructions given by the Municipality in furtherance of the provisions of this Chapter.

(4) The Municipality may, in carrying out the purpose of this Chapter, involve the participation of such voluntary organization or public participation in such manner as it may deem fit and proper.

(5) The Master Plan prepared under this Chapter shall be submitted to the District Planning Committee constituted under article 243 D of the Constitution.

Power to make
rules

226. The State Government may make rules providing for -

- (a) the procedure of functioning of an Urban Development Committee;
- (b) the method of preparation and enforcement of a master plan;
- (c) the conditions of involvement of voluntary organization; and

- (d) such other matters as may be necessary to carry out the provisions of this chapter;

CHAPTER - XV

PUBLIC SAFETY AND NUISANCES

Precaution in case of dangerous structures.

227. (1) If any structure is deemed by the Municipality to be in ruinous state and dangerous to the passers by or to the occupiers of neighbouring structures, the Municipality may by notice require the owner or the occupier to fence off, take down, secure or repair such structure to prevent any danger there from within such period as may be specified in the notice.

(2) If immediate action is necessary, the Municipality shall, before giving such notice or before the period specified in the notice expires, fence off, take down, secure or repair such structure or fence off a part of any street or take such temporary measures as it may think fit to prevent danger, and the cost of doing so shall be recoverable from the owner or the occupier as an arrear of tax under this Act.

(3) If, in the opinion of the Municipality, the structure, as aforesaid is imminently dangerous to the inmates thereof, it shall order immediate evacuation thereof, and any person disobeying the order may be removed with the help of police, if necessary.

Precautions in case of dangerous trees.

228. (1) If any tree or any branch of a tree or the fruit of any tree overhangs or is likely to fail and thereby endanger any person or any structure, wall or tank, the Municipality may by notice require the owner of such tree to secure, lop or cut down the tree to prevent any danger there from.

(2) If immediate action in respect of any tree or any branch of a tree or the fruit of any tree referred to in sub section (1), is necessary, the Municipality shall before giving such notice or before the period specified in the notice expires, secure, lop or cut down such tree or remove the fruit thereof or fence off a part of any street or take such other temporary measures as it may think fit to prevent danger, and the cost of so doing shall be recoverable from the owner of the tree as an arrear of tax under this Act.

Precautions in case of dangerous tank, well holes etc.

229. (1) If any tank, pond, well hole, stream, dam, bank or other place appears to the Municipality to be, for want of sufficient repair, protection or enclosure, dangerous to the passers by or to persons living in the neighbourhood, the Municipality may by notice require the concerned owner to fill in, remove, repair, protect or enclose such tank, pond, well, hole, stream, dam, bank or other place, as the case may be, to prevent any danger there from within such period as may be specified in the notice.

(2) If immediate action in respect of any tank, pond, well, hole, stream, dam, bank or other place referred to in sub section (1), is necessary, the Municipality shall, before giving such notice or before the period specified in the notice expires, take such temporary measures it may think fit to prevent danger, and the cost of doing so shall be recoverable from the owner as an arrear of tax under this Act.

Power to stop dangerous quarrying.

230. If, in the opinion of the Municipality, the working of any quarry or the removal of stone, earth, coal or other material from any place is dangerous to life or property, it may direct the persons residing in or having control of such quarry or place to discontinue the working of the same or to discontinue the removal of stone, earth, coal or other material from such place or to make such order with such quarry or place as it may deem, necessary, for the purpose of preventing danger or abating the nuisance arising or likely to arise therefrom.

Precautions against fires.

231. (1) The Municipality may by notice require the owner of any structure, booth or tent partly or entirely composed of or having any external roof, verandah, pandal or wall partly or entirely composed of, cloth, grass leaves, mats or other inflammable materials, to remove or alter such tent, booth, structure, roof, verandah, pandal or wall, or may grant him permission to retain the same on such conditions as the Municipality may think necessary to prevent danger from fire.

(2) The Municipality may by notice require any person using any place for the storage for private use of timber, firewood, or other combustible things to take special steps to guard against danger from fire.

(3) Where the Municipality is of the opinion that the means of access from any buildings or tent are insufficient to allow safe exit in the event of fire, it may by notice, require the owner or the occupier of the building to take such measures as it may direct.

Prohibition of construction of wells, tanks etc.

232. (1) No new well, tube-well, tank, pond or the like shall be dug or constructed without the permission of the Municipality.

(2) If any work is begun or completed without permission as aforesaid, the Municipality may -

(a) by notice require the owner or other person who has done such work to fill up or demolish such work in such manner as the Municipality may direct; or

(b) grant permission to retain such work for reasons to be recorded in writing, in exceptional circumstances if such retention is not otherwise objectionable;

Provided that the Municipality may impose such fine not exceeding two thousand rupees for such contravention as it may deem fit.

Filling in of pools etc. which are nuisance.

233. If any place, due to accumulation of water or otherwise is or is likely to become a breeding place of mosquitoes or in any other respect, becomes a nuisance, the Municipality may by notice require the owner or the person having control thereof to take such measures as it may direct.

Cleansing of in sanitary and private tank or well used for drinking purpose.

234. (1) The Municipality may by notice require the owner of, or the person having control over, any private water course spring, tank, well or other place, the water of which is used for drinking, bathing or washing purposes, to keep the same in good repair and to cleanse it of silt, refuse or vegetation and to protect it from pollution by surface drainage in such manner as the Municipality may think it.

(2) If the water of any place which is used for drinking, bathing or washing purpose, as the case may be, is proved to the satisfaction of the Municipality to be unfit for any such purpose, the Municipality may by notice require the owner or the person having control thereof-

(a) to refrain from using; or permitting the use of such water; or

(b) to close or fill up such place or enclose it with a substantial wall or fence.

Prohibition against, or regulation or washing animals or clothes or fishing in public water courses tanks etc.

235. The Municipality may, in the interest of public health, regulate or prohibit the washing of animals, cloths or other things or fishing in any public spring, tank, well, public water course or part thereof within the Municipal area and may set a part any such place for drinking or bathing or washing cloths or animals or for any other specified purpose.

Provision of public toilets and wash houses.

236. A Municipality may construct or provide and maintain public toilets and wash houses or places for bathing or washing of clothes, any such toilet, wash house or place as it may determines.

Prohibition against defiling water tank etc.

237. (1) A Municipality may, from time to time, give necessary directions, for proper preservation of the source of drinking water and barring its use in a particular manner which is likely to defile such water.

(2) Any person disobeying such direction shall, on conviction, be sentenced to imprisonment which may extend to two years or fine which may extend to two thousand rupees or both.

(3) When any such direction is disobeyed, or emergency action is required, the Municipality may take such action as it consider necessary to enforce such direction.

Unoccupied building or land.

238. If any building or land, by reason of abandonment, disputed ownership or other cause, remains unoccupied, and thereby becomes a resort of idle and disorderly person or if, in the opinion of the Municipality, it becomes a nuisance, the Municipality may, after due inquiry, require the owner or the person claiming to be the owner to secure, enclose, clear or cleanse the same or if no such person is found, to take possession of the same and take such measures as it considers necessary.

Premises not to be used for keeping animals, birds etc. without licence

239. No person shall use, or permit to be used, any land or premises for keeping any class of cattle or bird as a Municipality may notify for any purpose whatsoever without, or other wise than in conformity with the terms of a licence granted by the Municipality on payment of such fees as may be determined by the Municipality.

Seizure of certain animals or birds.

240. If any animal or bird is kept on any land or premises in contravention of the provisions of the Chapter or is found remaining or straying on any street, or public place or is found causing nuisance or danger to the public, the Municipality may make order to seize such animal or bird and may cause it to be impounded or removed to and maintained in such place as may be appointed by the Municipality for this purpose, and the cost of such seizure and impounding or removing and maintenance shall be recoverable by sale of such animal or bird, as the case may be, by auction and the balance sale proceed, if any shall be credited to the Municipal Fund:

Provided that any person claiming such animal or bird may, within seven days of such seizure, get it released on his paying all the expenses incurred by the Municipality in seizing, impounding or removing, or maintaining such animal or bird and on his producing such evidence in support of his claim as the Municipality may think sufficient.

Power to deal with infected dogs or animals.

241. A Municipality may cause to be destroyed, or confined any dog or other animal which is, or is reasonably suspected to be, suffering from rabies.

Power to stop nuisances from animals within premises.

242. (1) Whenever the Municipality is of opinion that the use of any premises for keeping any animal or bird, even if licenced, is causing a nuisance and that such nuisance should immediately be stopped, may, by order, require the owner or the occupier of such premises to stop such nuisance within such period as may be specified in the order.

(2) If, at the end of such period, the nuisance is not stopped, the Municipality or any other officer authorized by it in this behalf may cause such use of such premises to be stopped forthwith by such means as he thinks fit and direct such owner or occupier to show cause why the licence for keeping the animal or the bird, as the case may be; shall not be cancelled.

(3) If such owner or occupier does not show cause to the satisfaction of the Municipality or if the nuisance is not abated, the nuisance shall, be stopped by the seizure and auction of the animal or the bird found in the premises after cancellation of the license therefore.

Control and removal of khataals'

243. Subject to the provisions of any other law for the time being in force for removal of khataals, the Municipality may make regulations specifically for control of khataals within the Municipal area removal of khataals therefrom. Such regulations may provide for restricting the khataals within a specified zone or zones or setting up of milk Colony.

Power to require repair alteration removal or conversion of latrines etc.

244. (1) The Municipality may require, by written notice, the owner or the occupier of any land or building, within such period as may be specified in the notice, to close, remove, alter, repair, disinfect or other wise put to order any type of latrine, urinal cesspool, drain, receptacle for sewage, septic tank.

(2) On the failure of the owner or the occupier to comply with the notice, the Municipality cause the work to be done and recover the expenses thereof from the owner or the occupier of the land or the building or from both in such proportions as it may deem reasonable.

CHAPTER - XVI

MEASURES TO CONTROL INFECTION AND MATTERS REGARDING VITAL STATISTICS.

Measures for prevention and checking of dangerous diseases

245. It shall be the duty of the Municipality to take measures as are necessary for preventing or checking the spread of any dangerous disease in the Municipal area or of any epidemic disease among any animal therein.

Power of Municipality to close lodging and eating houses.

246. A Municipality may, on being satisfied that it is in the public interest so to do, by written order direct that any lodging house or any place where articles of food and drink are sold, prepared, stored or exposed for sale, where a case of dangerous disease exists or has recently occurred, shall be closed for such period as may be specified in the order.

Power of Municipality to restrict or prohibit sale of fish flesh, food, drink articles etc.

247. When the Municipal area or any part thereof is visited or threatened by an outbreak or any dangerous disease, the Municipality may, by public notice, restrict in such manner, or prohibit for such period, as may be specified in the notice, the sale or preparation etc. of any article or food or drink of drug or any container for human consumption, as may be specified in the notice.

Control over well
and tanks etc.

248. If a Municipality is of opinion that the water in any tank or other place is likely to endanger human life or cause the spread of any disease, it may prohibit its use and take such other measures as may be necessary in such manner as may be prescribed.

Disposal of
infectious corpses

249. Where any person dies from any dangerous disease, the Municipality may be, by notice in writing

(a) require any person having charge of corpse to carry the same to mortuary for being disposed of in accordance with law ; or

(b) prohibit the removal of the corpse from the place where death occurred, except for the purpose of being burnt or being carried to a mortuary.

Registration of
Births and deaths

250. (1) Subject to the provisions of Registration of Births and Deaths Act, 1969, the Municipality shall cause a register to be maintained wherein the birth and deaths taking place within Municipal area shall be supplied, or application, in such form of a certificate and on payment of such fees as may be prescribed.

(2) It shall be the duty of the parents or any relation of the child or the person having charge of the child to give, to the best of his knowledge and belief, to the officer empowered in a Municipal area in this behalf, within 10(ten) days of such birth, information containing such particulars as may be prescribed.

(3) When a child is born in a hospital or a nursing home or a maternity home, none but the officer-in-charge there shall be bound to forward forthwith to the officer empowered under this section a report of such birth in such time and in such form as may, from time to time, be specified by the State Government :

Provided that in the case of an illegitimate child name of the father shall not be recorded unless both the parents jointly makes request the acknowledge parents-hood by putting signature on the Register. In all cases, if dispute arises only signature of the father in the Register shall be the presumptive evidence in the regard.

(4) In case any new born child is found exposed, it shall be the duty of any person finding such child or any person in whose charge such child may be to give to the officer empowered by the Municipality, within 10(ten) days of finding of such child, such information containing the particulars of birth of such child as such person possesses.

Information
regarding

251. It shall be the duty of the nearest relation present at the time of the death or in attendance during the last illness of any person dying within the Municipal area, to give, to the officer specially empowered in this behalf, information containing such particulars as may be prescribed within twenty-four hours of its occurrence.

Provided that ---

(a) If the cause of death is known to be a dangerous, disease, the information as aforesaid shall be given within twelve hours of its occurrence.

(b) if the death of any person occurs in a hospital or a nursing home or a maternity home, it shall be the duty of the medical officer or other officer in charge thereof to forward forthwith a report of such death in such form as may, from time to time, be specified by the State Government.

Medical
practitioner by
certify cause of
death.

252. In the case of a person who had been attended in his last illness by a duly qualified medical practitioner, such practitioner shall, within three days of his becoming aware of the death of such person, sign and forward to the officer specially empowered in this behalf a certificate of the cause of death of such person in such form as may, from time to time, be specified by the Municipality, and the cause of death as stated in such certificate shall be entered in the register together with the name of the certifying medical practitioner.

Duties of police in
regard to
unclaimed
corpses.

253. It shall be the duty of the police to convey every unclaimed corpse to a registered burial or burning ground or other place for disposal of the death or to a duly appointed mortuary and to inform thereafter the officer specially empowered in this behalf within whose jurisdiction such corpse is found.

Sextens, etc. not
to bury etc.
corpses

254. No Sixteen or keeper of a registered burial or burning ground or other place for disposal of the dead, whether situated within the Municipal area or not shall bury, burn or otherwise dispose of or allow to be buried, burnt or otherwise disposed of any corpse, unless such corpse is accompanied by a certificate in such form as may be prescribed and signed by an officer specially empowered behalf or by a registered medical practitioner or any other medical practitioner authorized by the State Government in this behalf.

CHAPTER - XVII

DISPOSAL OF DEAD

Registration of place for disposal of dead

255. (1) Every owner or person having the control of any place already used for burying, burning or otherwise disposal of the dead, but which is not vested in, or owned by, the Municipality or any board appointed by the State Government for administration of such place, shall apply to the Municipality in such a manner as may be prescribed within a period of three months from the commencement of this Act to register the name of such place and the Municipality may register or reject the prayer for reason to be recorded.

(2) Every such place vested in the Municipality or a board appointed by the State Government shall be registered in such manner as may be prescribed.

(3) A Municipality may extend existing place or open a new place for the said purpose within Municipal area or, with the permission of the State Government, outside Municipality area.

(4) No new place shall be opened or existing place shall be extended by any person without permission of the Municipality.

Power to require closing of burning and burial grounds

256. (1) Where the Municipality, after making, or causing to be made, any local enquiry, is of opinion that any burning or burial ground or other place for the disposal of the dead has become offensive to or dangerous to the health of, persons residing in the neighbourhood or for any other reasons to be recorded in writing, it may, by notice in writing, require the owner or the person in charge of such ground or place to closed the same from such date as may be specified in the notice. Such place shall not be allowed to be re-opened till the danger persists.

(2) No corpse shall be burnt or buried or otherwise disposed of at the burning or burial ground or place in respect of which a notice has been issued under this section.

Prohibitions regarding burials within place or worship and exhumation

257. (1) No person shall, without the written permission of the Municipality use place of worship for disposal or exhumation of death in any manner whatsoever.

(2) Disposal of corpse in contravention of sub-section (1) shall be an offence for which punishment may extend to six months imprisonment or fine which may extend to one thousand rupees or both.

Acts prohibited in connection with disposal of death

258. No person shall -----

- (a) retain corpse in any premises without burning, buying or otherwise lawfully disposing of the same for more than such period as the Municipality may notify ;
- (b) Carry a corpse or part of a corpse without having the same decently covered or without taking such precautions to prevent risk of infection or injury to the community health as the Municipality may, by public notice from time to time require ;
- (c) Carry corpse or part of corpse along any street along which the carrying of corpse is prohibited by a public notice issued by the Municipality.
- (d) Bury or cause to be buried any corpse or part of a corpse in a grave at a depth not less than two meters from the surface of the ground.

Disposal of death animals

259. (1) Whenever any animal in charge of any person dies, he shall within twenty-four hours, either.

- (a) convey the carcass to a place provided or appointed under this Act for the final disposal of carcasses of dead animals, or
- (b) give notice of the death to the Municipality whereupon he shall cause the carcass to be disposed of.

(2) The Municipality may charge such fees as may be determined by regulations for the disposal of the carcass of a dead animal under clause (b) of sub-section (1).

CHAPTER - XVIII

BUDGET, ACCOUNTS & AUDIT

Annual Budget of Municipality

260. (1) The budget estimate of a Municipality for a year shall be prepared in the prescribed form and presented before a meeting of the Municipality, specially convened for the purpose, not later than the tenth day of March every year and shall be adopted after discussion within two weeks of presentation.

(2) A copy of the budget estimate adopted by the Municipality shall be sent to the State Government.

(3) A revised budget for the current year shall be framed in the prescribed form and presented before the Municipality for adoption after the first day of October, but not later than the thirty-first day of December, each year.

Power to alter
Budget grants

- 261 (1) A Municipality may, during the year,
- (a) increase or reduce the amount of any budget grant under any head;
 - (b) make additional provision in the budget to meet any special or unforeseen requirement arising during the same year ;
 - (c) transfer any amount or portion of any amount of the budget grant under any head to the account of the budget grant under any other head

(2) Every addition or alternation made in the budget grant under sub-section (1) for any year shall be deemed to be included in the budget estimate finally adopted for that year.

Annual financial
statements

262. (1) Within three months of the close of the year, a financial statement for the preceding year in respect of a Municipality shall be prepared in the form and manner prescribed and presented before a meeting of the Municipality.

Balance sheet

263. (1) Every Municipality shall cause to be prepared annually⁶ a balance sheet of assets and liabilities in the prescribed form within six months of the close of a year.

(2) The Balance sheet shall be placed before a meeting of the Municipality.

Audit of accounts
and appointment
of Auditor

264. (1) The Municipal accounts shall be examined and audited by an Auditor appointed in that behalf by the State Government.

(2) The State Government shall, by rules, make provision with respect to the maintenance of accounts of the Municipalities and auditing of such accounts, including the powers of the Auditor.

Audit report

265. The Auditor shall submit the audit report to the Chairperson of the Municipality and a copy thereof to the State Government.

- Municipality to remedy the defects upon audit report 266 (1) The Municipality shall forthwith remedy any defect or irregularity that may be pointed out by the Auditor in his Audit report and shall report to the State Government.
- (2) The State Government may pass such order upon the audit report as it thinks fit for compliance by the Municipality.
- Special Audit 267. In addition to the audit of annual accounts, the State Government may, if it thinks fit, appoint Auditor to conduct special audit pertaining to a specified item or series of items requiring thorough examination and the procedure relating to audit shall also apply mutatis mutandis to such special audit.
- Internal audit 268. The State Government may by rules provide for internal audit of the day to day accounts of a Municipality in such manner as it thinks fit.

CHAPTER -XIX

FINANCE COMMISSION & DISTRICT PLANNING BOARD

- Finance Commission 269. The Finance Commission constituted under Article 243(1) of the Constitution read with Section 214 of the Tripura Panchayats Act, 1993 shall also review the financial position of the Municipalities and make recommendations to the Governor as to the Principles which shall govern:-
- (i) the distribution of the taxes, duties, tolls and fees between the State Government and the Municipalities and allocation of the respective share to different Municipalities;
 - (ii) the determination of the taxes, duties, tolls and fees which may be assigned to or appropriated by the Municipalities;
 - (iii) the grants-in-aid to the Municipalities from the consolidated fund of the State.
- In the interest of sound finance the Governor may, from time to time, refer any matter to the Finance Commission.
- District Planning Committee 270. (1) There shall be a District Planning Committee in each district to consolidate the plans prepared by the Panchayats and the Municipalities in the district and to prepare draft development plan for the district.
- (2) A District Planning Committee shall consist of not less than ten and not more than twenty members as may be decided by the State Government. Out of the members so decided, four-fifth members shall be elected from amongst the elected members of the Zilla Parishad and Municipalities in the district in a meeting to be presided over by a person authorized and in such manner as may be directed by State Government. Remaining one-fifth member shall be nominated by the State Government.

Provided that the number of members to be elected from the Municipalities and Zilla Parishad shall be in proportion to the ratio between the population of the rural area and of the urban areas of the District.

(3) The Chairperson of the District Planning Committee shall be appointed by the State Government from amongst the elected members.

(4) Every, District Planning Committee shall, in preparing the draft development plan, --

(a) have regard to ----

- (i) matters of common interest between the Panchayat and the Municipalities including the special planning, sharing of water and other physical and natural resource, the integrated development of infrastructural and environmental conservation ;
- (ii) the extend and type of variable resources whether financial or otherwise ;

(b) consult such institutions and organization as the governor may, by order, specify.

(5) The Chairperson or every District Planning Committee shall forward the development plan, as recommended by such committee, to the Government of the State.

CHAPTER -XIX

MISCELLANEOUS

Notice limitation
and tender of
relief in suits
against
Municipality

271. (1) No suit shall be instituted in any court having jurisdiction against any Municipal authority or any person acting under the direction of any Municipal authority in respect of any act done or purporting to be done under this Act or the rules or the regulations made thereunder until after the expiration of one month next after a notice in writing has been delivered or left at the office of such authority stating -----

(a) the cause of action.

(b) the name and residence of the intending plaintiff, and

(c) the relief which such plaintiff claims.

(2) Every such plaintiff shall contain a statement that a notice has been delivered or left as required by sub-section (1)

- Indemnity 272. No suit or other proceeding shall be maintainable against any Municipal Authority or any officer or other employee of the Municipality for anything done in good faith.
- Municipal Police 273. (1) With a view to implement the decision of the Municipality in certain matter where application of force is necessary, a Municipality may, with the approval of the State Government induct some police personnel from State Police organizations on deputation basis in the Municipal service in accordance with such procedure and on such terms and conditions as may be prescribed.
(2) Without prejudice to anything done under sub-section (1) the State Police organization shall extend all co-operation to the Municipality, for implementing the decisions.
- 273 A. (1) The State Government shall constitute a Municipal appellate Tribunal to hear appeals against orders of the Municipal authorities as provided in the Act.
(2) The composition of such Tribunal, its powers and functions including the procedure to be followed by it shall be such as may be prescribed.
- Power to make rules. 274. The State Government may, by notification, make rules for carrying out the purposes of this Act.
- Power to make regulations. 275. The Municipality may, make regulations, not inconsistent with the provisions of this Act or the Rules made thereunder in the matters where regulations are required to be made under this Act.
- Disputes. 276. If any dispute arises on any matter between a Municipality and any other Municipality or local authority, such disputes shall be referred to the State Government whose decision thereon shall be final.
- Penalties and punishments. 277. Save as otherwise provided in this Act, whoever contravenes any provision of this Act or any rules or regulations made thereunder or any direction lawfully given under such provision shall be punishable with fine which may extend to two thousand rupees.
- Annual Administration Report. 278. (1) As soon as may be after the first day of April in every year and before the date fixed by the State Government every Municipality shall prepare and submit to the State Government a report on the Administration of the Municipality during the proceeding year.
(2) Every such report together with a Memorandum of the action taken thereon shall be laid as soon as may be after it is submitted, before the State Legislature.

Repeal and
Saving.

279. (1) The Tripura Municipal Ordinance, 1994 along with the relevant provisions of the Bengal Municipal Act, 1932, except those provisions referred to in section 194 and 195 of this Act, are hereby repealed.

(2) Notwithstanding such repeal -

- (a) every budget passed, loan taken, assessment made, building plan sanctioned, licence or permission or sanction granted or any other action taken or deemed to have been taken under the said Ordinance, shall be deemed to have been passed, taken made, sanctioned, granted or issued under this Act.
- (b) all properties, movable or immovable, all rights of whatever kind, used, enjoyed or possessed by and all interest of whatever kind, owned, by, or vested in a Municipality or other local authority as constituted or deemed to have been constituted under this said Ordinance, shall, at the commencement of this Act, be deemed to be owned by, or vested in, the Municipality as constituted under this Act;
- (c) all contracts made or liabilities incurred by a Municipality or local authority as constituted or deemed to have been passed, taken, made, sanctioned, granted, or issued constituted under the said Ordinance and legally subsisting against such Municipality or local authority, shall, at the commencement of this Act, pass on to the Municipality as constituted under this Act; and
- (d) all officers or other employees appointed or deemed to have been appointed under the said Ordinance and continuing in office immediately before the commencement of this Act shall be deemed to have been appointed under this Act.

Removal of
difficulties.

280. (1) If any difficulty arises in giving effect to the provisions of this Act, the State Government may, as occasion may require, by order published in the Official Gazette, not inconsistent with the provisions of this Act, do or cause to be done anything which may be necessary for removing the difficulty.

(2) No such order shall be made after expiry of two years from the date of commencement of this Act.

SCHEDULE - I

(See Section 201)

PROFESSIONS, TRADES AND CALLINGS

Every permit/licence shall be granted under one, or other of the classes mentioned in the second column of the following table:-

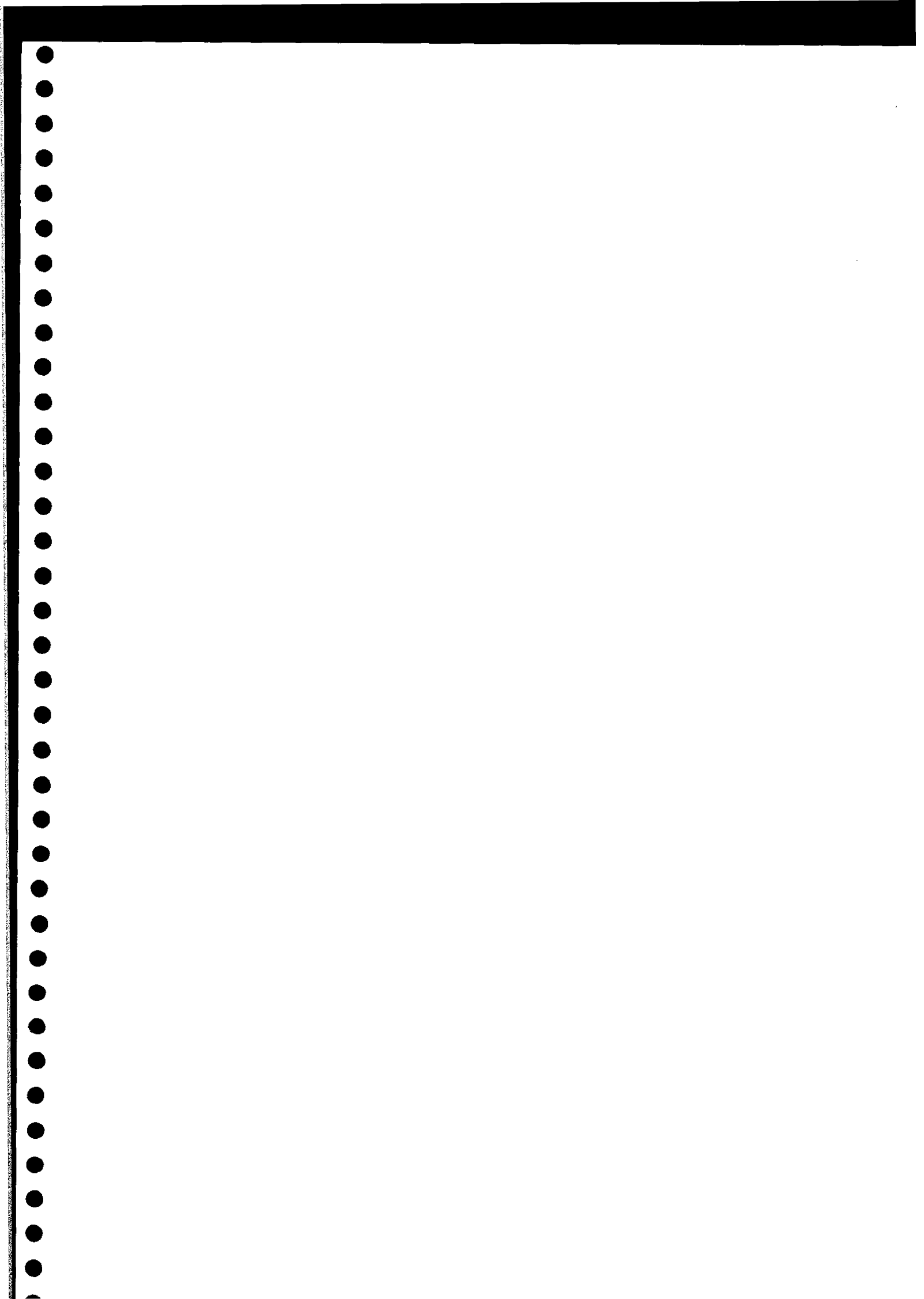
Sl.No.	Classes
1.	Company or association or body of individuals which exercises any profession, trade or calling whatsoever for profit or as a benefit society.
2.	Statutory Corporation set up by the Government or trading concerns sponsored by the Government for carrying on business for profit.
3.	Company, club, association or body of individuals, having no paid up capital, which exercises any profession, trade or calling whatsoever for profit or as a benefit society, merchant, banker, money lender, wholesale, trader, owner or occupier of a market, bazaar or theatre or place of public entertainment, broker or dalal in jute, cotton, precious stones, landed property, country produce, silk or other merchandise, retain trader or shop keeper, boarding house keeper, hotel keeper, lodging house keeper, tea stall keeper and eating house keeper.
4.	Commission agent, broker not included in serial number 3, architect, Engineer, contractor, medical practitioner, dentist, barrister, and legal practitioner.
5.	Itinerant vendors hawking goods for sale.
6.	Any other trade, profession or calling not enumerated in serial numbers 1 to 5.

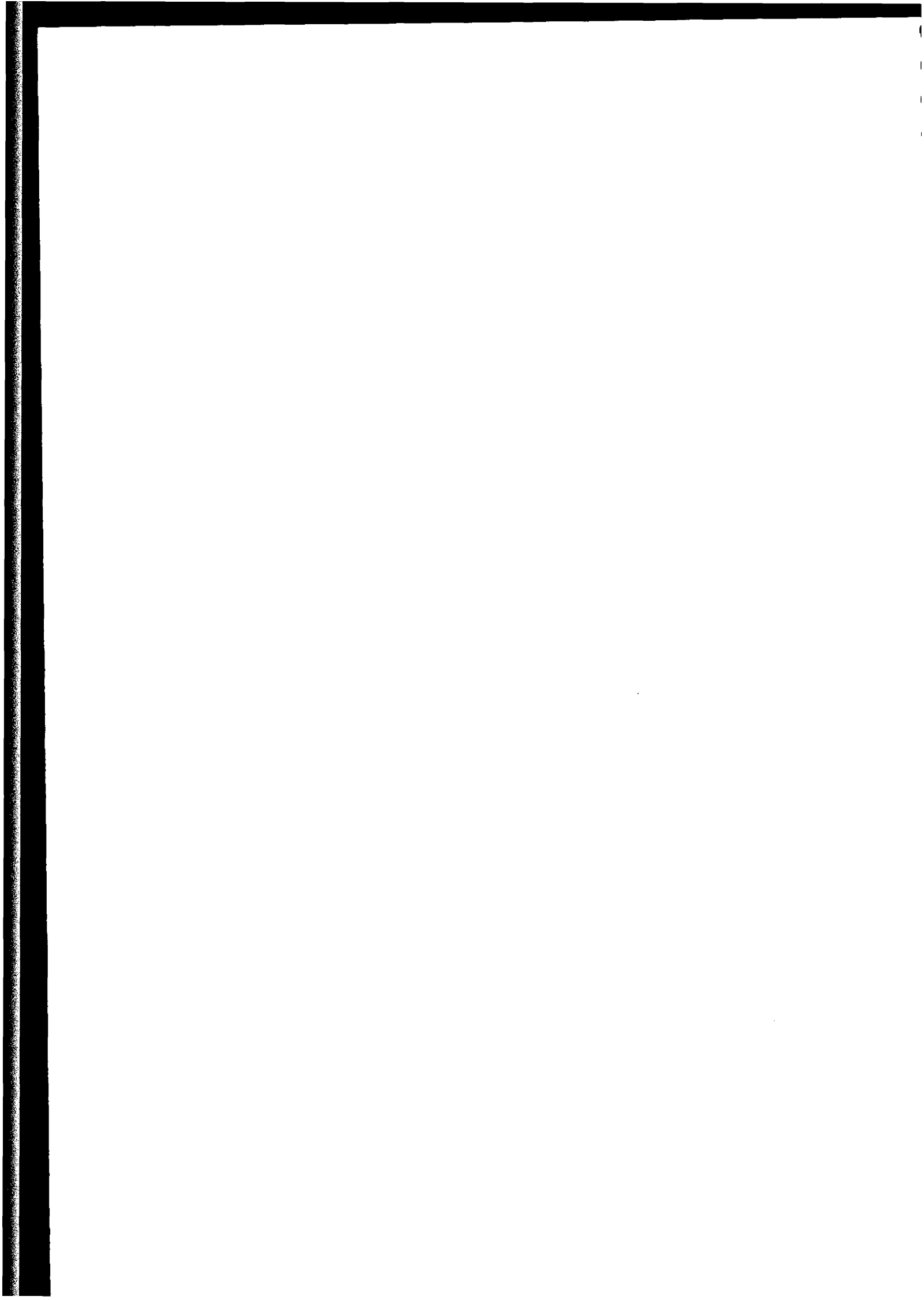
SCHEDULE - II

(See Section 84)

1. Urban Planning including town planning.
2. Regulation of land use and construction of buildings
3. Planning for economic and social development.
4. Roads and bridges.
5. Water supply for domestic, industrial and commercial purposes.
6. Public health, sanitation conservancy and solid waste management.
7. Fire Services.
8. Urban forestry, protection of the environment and promotion of ecological aspects.
9. Safeguarding the interests of weaker section of society, including the handicapped and mentally retarded.
10. Slum improvement and up-gradation.
11. Urban poverty alleviation.
12. Provision of urban amenities and facilities such as parks, gardens, playgrounds.
13. Promotion of cultural, educational and aesthetic aspects.
14. Burials and burial grounds; cremations, cremation grounds and electric crematoriums.
15. Cattle ponds, prevention of cruelty to animals.
16. Vital statistics including registration of births and deaths.
17. Public amenities including street lighting, parking lots, bus stops and public conveniences.
18. Regulation of slaughter houses and tanneries.

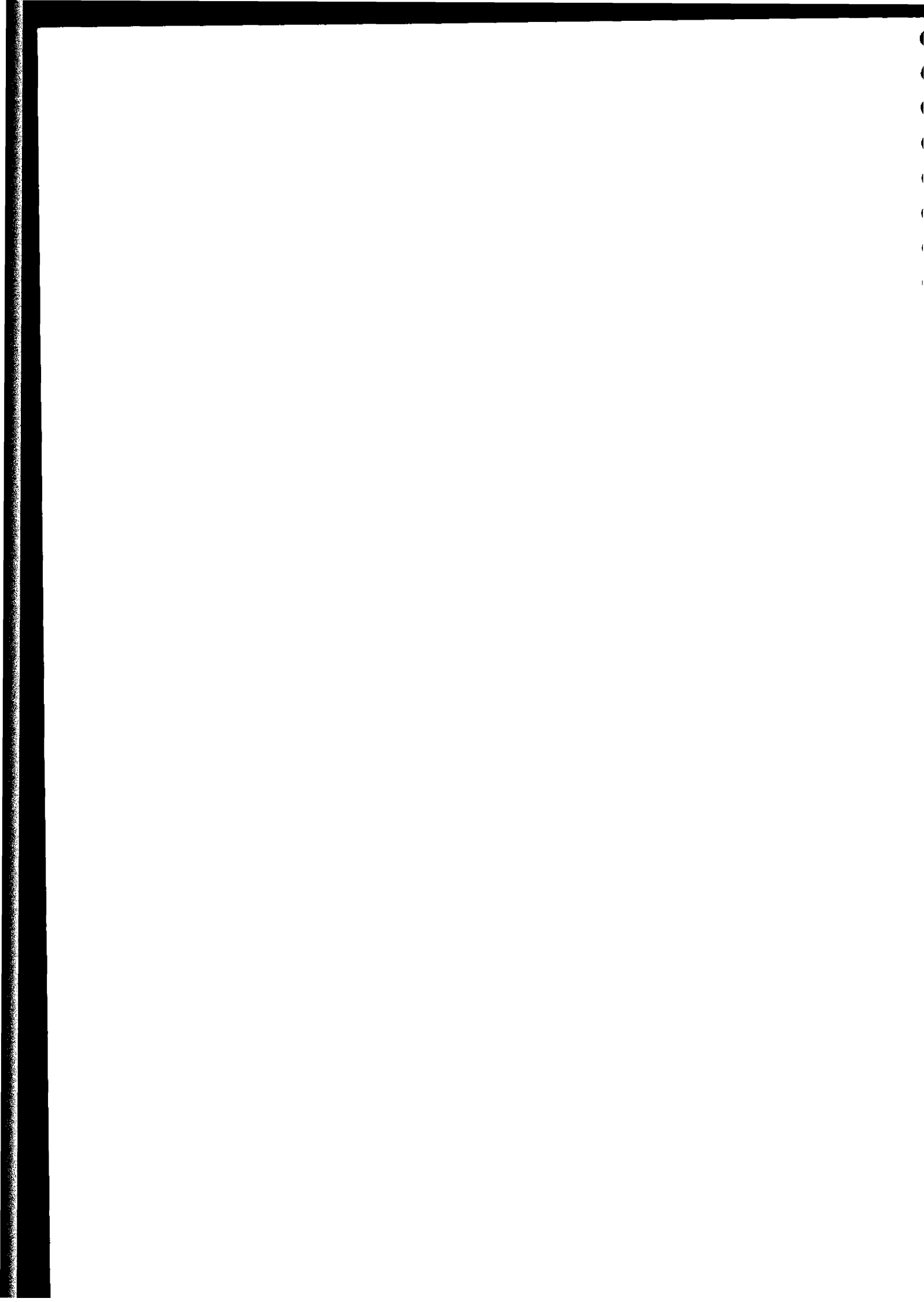
(P.K. Sarkar)
L. R. & Secretary, Law
Government of Tripura.





The Tripura Act No.8 of 2013.

THE TRIPURA MUNICIPAL (FIFTH AMENDMENT) ACT, 2013.



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**GOVERNMENT OF TRIPURA
LAW DEPARTMENT
SECRETARIAT : AGARTALA**

No.F.8(8)-Law/Leg-I/2013

Dated, Agartala, the 9th October, 2013.

The following Act of the Tripura Legislative Assembly received the assent of the Governor on 08-10-2013 and is hereby published for General Information.

**D. M. JAMATIA.
L.R & SECRETARY, LAW.
GOVERNMENT OF TRIPURA**

THE TRIPURA MUNICIPAL (FIFTH AMENDMENT) ACT, 2013

AN

ACT

to further amend The Municipal Act, 1994

BE it enacted by the Tripura Legislative Assembly in the sixty fourth year of the Republic of India as follows:

- | | | | |
|---------------------------------------|----|-------|--|
| Short title, extent and commencement. | 1. | (1) | This Act may be called The Tripura Municipal (Fifth Amendment) Act, 2013; |
| | | (2) | It shall come into force on the date of publication in the Official Gazette. |
| | 2. | | Sub-section 3(i) of Section 3 of the Tripura Municipal Act (hereinafter referred to as 'Principal Act') shall be substituted with the following:- |
| | | "3(i) | Contains a population of not less than three lakh in such larger urban area or not less than fifteen thousand in such smaller urban area or less than fifteen thousand in such transitional area". |
| | 3. | (1) | Clause (a) of sub-section (3) of Section 12 of the Principal Act shall be substituted with the following :- |
| | | | "(a) In case of a Corporation, not less than thirty five and not more than sixty five." |
| | | (2) | Clause (b) of sub-section (3) of Section 12 of the Principal Act shall be substituted with the following :- |
| | | | "(b) In case of a Municipal Council, not less than eleven and not more than thirty five". |

**D.M. Jamatia
L.R. & Secretary, Law
Government of Tripura.**

