

The Haryana Municipal Act, 1973
(Haryana Act No. 24 of 1973)
Last Updated 21st January, 2020

[hl402]

CHAPTER I

Preliminary

Received the assent of the President of India on the 24th June, 1973, and was first published in Haryana Government Gazette (Extraordinary) on July 2, 1973.

An Act to consolidate and amend the law relating to municipalities in the State of Haryana.

Be it enacted by the Legislature of the State of Haryana in the Twenty-fourth Year of the Republic of India, as follows :-

LEGISLATIVE HISTORY 6

- Amended by Haryana Act 40 of 1973
- Amended by Haryana Act 12 of 1976
- Amended by Haryana Act 26 of 1976
- Amended by Haryana Act 23 of 1978
- Amended by Haryana Act 1 of 1979
- Amended by Haryana Act 12 of 1979
- Amended by Haryana Act 9 of 1980
- Amended by Haryana Act 17 of 1981
- Amended by Haryana Act 8 of 1985
- Amended by Haryana Act 12 of 1986
- Amended by Haryana Act 3 of 1988
- Amended by Haryana Act 29 of 1988
- Amended by Haryana Act 15 of 1989
- Amended by Haryana Act 9 of 1990
- Amended by Haryana Act 10 of 1991
- Amended by Haryana Act 14 of 1992
- Amended by Haryana Act 6 of 1993
- Amended by Haryana Act 3 of 1994
- Amended by Haryana Act 15 of 1994
- Amended by Haryana Act 3 of 1995
- Amended by Haryana Act 4 of 1996
- Amended by Haryana Act 18 of 1996
- Amended by Haryana Act 13 of 1997

- Amended by Haryana Act 18 of 1998
- Amended by Haryana Act 17 of 1999
- Amended by Haryana Act 1 of 2000
- Amended by Haryana Act 8 of 2000
- Amended by Haryana Act 14 of 2000
- Amended by Haryana Act 1 of 2001
- Amended by Haryana Act 5 of 2002
- Amended by Haryana Act 11 of 2002
- Amended by Haryana Act 23 of 2002
- Amended by Haryana Act 16 of 2003
- Amended by Haryana Act 25 of 2004
- Amended by Haryana Act 10 of 2005
- Amended by Haryana Act 12 of 2005
- Amended by Haryana Act 20 of 2006
- Amended by Haryana Act 26 of 2006
- Amended by Haryana Act 12 of 2007
- Amended by Haryana Act 23 of 2009
- Amended by Haryana Act 22 of 2012
- Amended by Haryana Act 11 of 2013
- Amended by Haryana Act 12 of 2016
- Amended by Haryana Act 32 of 2017
- Amended by Haryana Act 13 of 2017
- Amended by Haryana Act 17 of 2018
- Amended by Haryana Act 5 of 2019
- Amended by Haryana Act 26 of 2019
- Amended by Haryana Act 33 of 2019

1. Short title, extent and commencement. - (1) This Act may be called the Haryana Municipal Act, 1973.

(2) It extends to the whole of the State of Haryana.

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

Object & Reasons

Statement of Objects and Reasons. - Revision of the Municipal law has been on the anvil for a long time. Urban development in the State has assumed special importance in the recent past and it is necessary to bring about certain changes in keeping with the present day needs. To this end, a new bill has been drafted in which a number of modifications have been made in the existing law and new provisions have been added for establishment of municipal services at State and district level uniform code of Service Rules for municipal employees and other bye-laws and control of essential services. In the changed context, it was necessary that government should have powers of issuing directions to the Municipal Committees, particularly in the developmental sphere. It is also considered appropriate to convert the smaller

municipalities with meagre resources into Notified Area Committees. In order to enable the committees to have sufficient resources, a list of obligatory and discretionary taxes has been provided. A special feature of the Bill is abolition of customary rights of sweepers, ban on employment of children below 18 years for scavenging and house-sweeping purposes and prohibition regarding carrying of night-soil as head-loads. One of the persistent problems in the municipal areas is that of unauthorised constructions and encroachments and provisions in this regard are being made more stringent.

The Bill seeks to achieve these objects.

Statement of Objects and Reasons - Haryana Act 17 of 1981. - In terms of sub-section (2) of Section 12 of the Haryana Municipal Act, 1973, read with the resolution passed by the Vidhan Sabha on 16th December, 1980, election to 74 municipal committees listed in the Schedule to the Act were required to be held on or before June 30, 1981. Accordingly the State Government was preparing to hold the municipal elections by the said date. Preparations were based on the number of seats assigned to each municipal committee on the basis of 1971 census population. In the meanwhile, representations were received from different quarters urging that before holding the elections the number of seats for each municipal committee be re-fixed on the basis of 1981 census so that the local people could be fully represented. After careful consideration, it has since been decided that the municipal elections be held after re-fixing the number of seats on the basis of 1981 census. Keeping in view the fact that the 1981 census data have yet to become available and the various formalities connected with the municipal elections would have to be gone through *denovo* after the number of seats is re-fixed, it has been felt that it would not be possible to hold the municipal elections by the statutory date of June 30, 1981.

To achieve this object it was considered necessary that sub-section (2) of Section 12 of the Haryana Municipal Act, 1973, should be amended.

Accordingly Haryana Ordinance No. 5 of 1981 was promulgated.

This Bill is, therefore, presented in order to convert the same into an Act.

Published vide Haryana Government Gazetted (Extraordinary) dated September 21, 1981 page 1408.

Statement of Objects and Reasons Haryana Act 15 of 1989. - The institution of Chief Executive Officers was introduced by Haryana Municipal (Amendment) Act, 1987 (Haryana Act No. 3 of 1988). It is proposed to re-establish the position as it existed before Act No. 3 of 1988.

Published vide Haryana Government Gazette (Extra ordinary) dated 18.9.1989, page No. 1726.

Statement of Objects and Reasons Haryana Act 9 of 1990. - Taxes levied by the Municipal Committees are many times not paid regularly by the assesseees and they can be presently realised as arrears of land revenue.

However, it is felt that a compulsory charge of interest on failure to pay by

due date will help in quick recovery. Hence the Bill.

Published vide Haryana Government Gazette (Extra ordinary) dated 19.3.1990, page No. 484.

Statement of Objects and Reasons Haryana Act 10 of 1991. - To enable the Transport Department to levy toll tax on motorised vehicles entering in the State of Haryana, which are registered out side the State of Haryana, the Haryana Municipal (Second Amendment) Ordinance, 1990 (Haryana Ordinance No. 4 of 1990) was promulgated on December 21, 1990. The proposed bill now seeks to replace this Ordinance.

Published vide Haryana Government Gazette (Extraordinary) dated 27.2.1991, page No. 482.

Statement of Objects and Reasons Haryana Act 6 of 1993. - In the proposed Bill, two amendments in the Haryana Municipal Act, 1973, are in view. The first amendment aims at providing more open spaces for roads and parks, etc. in the Town Planning Schemes framed by the Municipal Committees. The second amendment makes an enabling provisions for handing over the development and maintenance of water-supply and sewerage functions in all municipal areas to the P.W.D. (Public Health) Department of the Government.

Published vide Haryana Government Gazette (Extra ordinary) dated 18.12.1992, page No. 2560.

Statement of Objects and Reasons - Haryana Act No. 3 of 1994. -

Under Amendment item 12 of the Haryana Municipal (Amendment) Act, 1994 a new Section 13A has been added to the Haryana Municipal Act, 1973 to provide for disqualifications for membership of those persons who have more than two living children after a specified date. Due to typographical mistake instead of word 'upto' the word 'after' was written in the proviso to above mentioned section.

Secondly liability of the members of Municipal Committees for defalcation, loss etc. to the committee is determined and decided under Section 55 of the Haryana Municipal Act, 1973 and the Deputy Commissioner is vested with the powers to surcharge the members. When the Act was enacted in the year 1973 to post of Director was not in existence. Keeping in view the provision in the above Section, the Examiner, Local Fund Accounts refers all such cases to the D.C. concerned at his level without any information or involvement of the Director, Local Bodies. The Director, Local Bodies is in existence after the creation of the Directorate. It is proposed to substitute Director, Local Bodies in place of Deputy Commissioner.

Hence the Bill.

Published vide Haryana Government Gazette (Extraordinary), dated Sept. 10, 1994 Page No. 2004.

Statement of Objects and Reasons Haryana Act 18 of 1996. -

Nomination of some persons of certain municipalities having special knowledge of experience in Municipal Administration having been quashed by

the Hon'ble Punjab and Haryana High Court, it was decided to omit relevant clause (i) of sub-section (3) of Section 9 of the Haryana Municipal Act, 1973. Second proviso to Sub-section (3) of Section 9 of the Haryana Municipal Act, 1973, debaring the M.Ps. and M.L.As. nominated as members of the Municipal Council/Committee to contest or to vote in election or removal of the President and Vice-President was also substituted. Further the provisions relating to taking into account the numbers of nominated members for the purpose of determining the one third of the total members of the committee for requisitioning a meeting for No-confidence and two third of the total members committee for carrying through the No-confidence motion not being in consonance with the spirit of the Act and democratic norms and to enable the elected member only to be elected as President and Vice-President as the case may be and to requisition the meetings for No-confidence to carry through such motion. It was decided to make suitable amendments in sections 18 and 21 of the Act. Accordingly, the Haryana Municipal (Second Amendment) Ordinance, 1996 (Haryana Ordinance No. 8 of 1996) was promulgated on 24th September, 1996. The proposed Bill now seeks to replace the Ordinance with the Bill in the ensuing session of the Haryana Vidhan Sabha. Hence the Bill.

Published vide Haryana Government Gazette (Extra ordinary) dated 15.11.1996, page No. 2366.

Statement of Objects and Reasons Haryana Act 13 of 1997. - It has been provided under sub-section (5) of section 10 of the Haryana Municipal Act, 1973 that the office of the Presidents in the Municipalities shall be filled in from amongst the members belonging to general category, Scheduled Castes, Backward Classes and Women by rotation and by lots in the manner prescribed. However, it is not clear as to whether a member belonging to reserved categories and elected from the wards which have not been reserved for such categories can also contest for the election of the President of Committees reserved for such category by lot and rotation. The existing provision being not very clear and keeping in view the verdict of Hon'ble Supreme Court in Municipal Committee, Laharu, it has been proposed to amend Section 10 of the Haryana Municipal Act, 1973 by adding a proviso to sub-section (5) of section 10 of the Act *ibid*.

Further there is no bar in the Haryana Municipal Act, 1973 for an elected member of the Committee to continue as such even after their election as Member of a State Legislative Assembly or Council or House of People or Council of States. In order to create a statutory bar in the interest of making the institution of self governance more broad based it is proposed to insert section 13B after section 13A of the Haryana Municipal Act, 1973. Hence the Bill.

Published vide Haryana Government Gazette (Extra ordinary) dated 4.3.1997, page No. 514.

Statement of Objects and Reasons Haryana Act 18 of 1998. - Sections

14 and 22 of the Haryana Municipal Act, 1973 provide a lengthy procedure for removal of President, Vice-President and Members of committees on various grounds. There is no provision for their suspension during the course of inquiry even in serious cases. It is proposed to make a provision for their suspension by the Director Local Bodies on the basis of Haryana Panchayati Raj Act by inserting sections 14-A and 22-A. For making enabling provision to frame the Haryana Municipal (Licensing of Tent Owners) Bye-laws, clause (xx) is proposed to be inserted under section 200 of the Act. To comply with the orders of Hon'ble Supreme Court, clause (c) of sub-section (I) of section 203 of the Act is proposed to be substituted by deleting the provision of transfer of land by landowners for public purpose without payment of compensation by the Committees. For breach of bye-laws relating to Licensing of Tent Owners, the quantum of penalty is proposed to be from Rs. 2,500/- to 5,00/- by inserting proviso to section 214. Hence the Bill.

Published vide Haryana Government Gazette (Extra ordinary) dated 14.7.1998, page No. 1074.

Statement of Objects and Reasons - Haryana Act 29 of 1998. - There is a provision in section 15 of the Haryana Municipal Corporation Act, 1973 that whenever a vacancy occurs by the death, resignation or removal or by the vacation of a seat under the provisions of sub-section (4) of section 11 of any member, the vacancy shall be filled (within six months of the occurrence of such vacancy) in accordance with the provisions of the Act and the rules. This period of six months for filling up of the vacancy of any member appears to be very short by holding fresh re-election as many formalities such as preparation of electoral rolls, their publication, inviting claims and objections and their final publication, before holding re-election are to be observed. There should be at least a period of one year for filling up of vacancy instead of six months.

2. In order to overcome the problem of growing trend of unauthorised construction/encroachments on municipal lands and to provide greater penalties, it has been considered essential to bring forth amendments in the relevant provisions of section 181, 182 and 209 of the Haryana Municipal Act, 1973.

3. Government of India, Ministry of Health and Family Welfare, New Delhi and Health Department, Haryana, suggested the enactment of bye-laws for control of Malaria and effective implementation thereof by all the Municipalities.

Section 200 of the Haryana Municipal Act, 1973 empowers the State Government to frame bye-laws for various purposes. But there is no provision in section 200 of the Haryana Municipal Act, 1973, empowering the State Government to frame bye-laws for the control of Malaria in Municipal areas, so it has been necessitated to amend the said Act to make such bye-laws necessary amendments in the said Act will have to be made by inserting an additional sub-clause (viii) to clause (e).

The present Bill seeks to achieve the purpose. The Bill also seeks to replace the Ordinance No. 1 of 1988.

Published vide Haryana Government Gazette (Extraordinary) dated 22.8.1988, page No. 1303.

Statement of Objects and Reasons Haryana Act 1 of 2000. -

Considering that octroi has adverse impact on trade and commerce, that there is waste of time and fuel at check posts and there is corruption/leakage in its administration/assessment and that in many municipalities it has high collection cost, the State Government decided to abolish octroi in the State of Haryana with effect from 1st November, 1999. Accordingly, the Haryana Municipal (Second Amendment) Ordinance, 1999 (Haryana Ordinance No. 5 of 1999) was promulgated on 1st November, 1999. The proposed Bill now seeks to replace the Ordinance with the Bill in the ensuing Session of Haryana Vidhan Sabha. Hence the Bill.

Published vide Haryana Government Gazette (Extra ordinary) dated 13.11.1999, page No. 2527.

Statement of Objects and Reasons Haryana Act 8 of 2000. - In the Haryana Municipal Act, 1973 it has been provided that election to constitution a municipality shall be completed before the expiry to its duration. However, there is no provision in the Act to deal with a situation in case election cannot be completed due to any eventuality/exigency. In this connection the Haryana Municipal (Third Amendment) Ordinance, 1999 (Haryana Ordinance No. 8 of 1999) was promulgated on 14th December, 1999. The proposed Bill now seeks to replace the Ordinance with the Bill in the ensuing Session of the Haryana Vidhan Sabha. Hence the Bill.

Published vide Haryana Government Gazette (Extra ordinary) dated 8.3.2000, page No. 481.

Statement of Objects and Reasons - Haryana Act 14 of 2000. - Keeping in view the weak financial position of the municipalities in the State due to abolition of octroi with effect from Ist November, 1999. The State Government has decided to impose taxes after making amendments in various Sections of the Haryana Municipal Act, 1973 to generate alternative source of income for municipalities. In this connection, the Haryana Municipal (Second Amendment) Ordinance, 2000 (Haryana Ordinance No. 5 of 2000) was promulgated on 11th April, 2000.

In view of the Judgment of Hon'ble Supreme Court of India it has been decided to omit the proviso of sub-Section (5) of Section 10 of the Haryana Municipal Act, 1973. In this connection the Haryana Municipal (Third Amendment) Ordinance, 2000 (Haryana Ordinance No. 8 of 2000) was promulgated on 3rd May, 2000.

To implement the Judgment of Hon'ble Punjab and Haryana High Court Section 9 is required to be amended to enable the Members of Parliament the Members of Legislative Assembly to participate in the meetings of the constitution of the committee which is located in their constituencies.

In order to make the implementation of the Haryana Municipal Act, 1973 more effective, the amendments are proposed to be made in Sections 119, 135, 158, 181, 203-A, 208 and 209 of the Act.

The proposed Bill excluding Section 2, 3, 5, 7 and 8 of Haryana Municipal (Second Amendment) Ordinance, 2000 (Haryana Ordinance 5 of 2000) now seeks to replace the above ordinances with the Bill and to include the above amendments for introduction in the ensuing session of the Haryana Vidhan Sabha.

Hence the Bill.

Statement of Objects and Reasons (Haryana Act 1 of 2001). - Keeping in view the weak financial position of the municipalities in the State due to abolition of octroi with effect from 1st November, 1999 and in addition for the purpose of rationalization of tax on land and buildings and in order to apportion the tax liability on owner and tenants, it is proposed to amend Sections 2, 81, 85, 94 of the Haryana Municipal Act, 1973, so as to ensure that identical properties situated in same localities are assessed equally for the purpose of levy of house tax and that tax liabilities are discharged by the concerned person. Moreover Section 85 provides for remission of tax on properties unproductive of rent where Section 69 provides for levy of tax on all lands. This anomaly also needs to be removed.

In order to ensure proper and planned development of residential and commercial complexes within the limits of Municipalities and to prepare town development plans of these areas, the proposal of the Local Government Department has been approved by the Council of Ministers in its meeting held on 12th February, 2001.

To ensure complete performance of the functions with regard to Urban Planning including Town Planning as per 74th Constitutional Amendment and accordingly provisions made in Section 66A of the Haryana Municipal Act, if it is necessary to amend the Haryana Municipal Act, 1973 to provide for the declaration of controlled areas and the preparation of Town Development Plans. Accordingly Sections 203C to 230G are proposed to be inserted after Section 203B of the Haryana Municipal Act, 1973. Such provisions already exist in the Haryana Municipal Corporation Act, 1994. Additions in Sections 2, 201 and 208 of Haryana Municipal Act, 1973 have also been proposed for this purpose.

Hence the Bill.

Statement of Objects and Reasons - Haryana Act 5 of 2002. - An ordinance No. 3 of 2001 was promulgated on 12th December, 2001 to amend Clause (a) of Section 69 of the Haryana Municipal Act, 1973, whereby the percentage of tax payable by the owners on buildings and land was reduced from seven and half per centum to two and half per centum. This ordinance has to be replaced by the Act of the Legislature.

With a view to augment and strengthen the urban infrastructure in the State and to make the urban development self financing, it has been felt

necessary to constitute Urban Infrastructural Development Fund and to establish Urban Infrastructural Development Board for administering the same.

To have effective check on unauthorized construction, there is a need to make statutory provisions for obtaining NOC from Municipalities for obtaining electricity, water and sewerage connections in the buildings.

To make enabling provisions for levy of scrutiny fee, conversion charges and development charges on the pattern of the Punjab Scheduled Roads and Controlled Areas Restrictions of Unregulated Development Act, 1963 within the Municipal limits and to bring the Haryana Municipal Act, 1973 in conformity with the Haryana Development and Regulation of Urban Areas Act, 1975.

The proposed Bill now seeks to replace the ordinance and to amend the Act by making provisions to achieve the above objectives in the ensuing session of Haryana Vidhan Sabha.

Hence, the Bill.

Statement of Objects and Reasons - Haryana Act 11 of 2002. - It has been provided in clauses (ii) and (iii) of Section 2A of the Haryana Municipal Act, 1973 that (ii) "Municipal Council" for a smaller urban area with population exceeding fifty thousand but not exceeding five lacs and (iii) "Municipal Corporation" for a larger urban area with population exceeding five lacs to be governed by a separate Act. It has been decided that larger urban area with population three lacs or more shall be constituted as Municipal Corporation. In order to achieve this purpose it is proposed to amend Section 2A of the Haryana Municipal Act, 1973.

Hence the Bill.

Statement of Objects and Reasons - Haryana Act 16 of 2003. - In order to make available such staff as may be necessary for the discharge of the functions conferred on the State Election Commission there is a need for provision of consultation with State Government for deciding the dates of elections of Municipal Councils/Committees, before its declaration by the State Elections Commission, it has been proposed to amend Section 3A of the Haryana Municipal Act, 1973.

Hence the Bill.

Statement of Objects and Reasons - Haryana Act 23 of 2003. - In Section 2 of the Haryana Municipal Act, 1973 the Collector's rate has not been defined. In Section 81 of the Haryana Municipal Act, 1973 it has been provided that it shall be in the discretion of the municipal committee to prepare for the whole or any part of the municipality a new assessment list every year or to adopt the valuation and assessment contained in the list for any year, with such alterations as may in particular cases be deemed necessary as the valuation and assessment for the year, giving to persons affected by such alterations the same notice of the valuation and assessment as if a new assessment list had been prepared :

Provided that the valuation and assessment contained in the list for any year shall not be adopted for a period exceeding five years.

Now, the State Government has decided that an amendment in Section 2 is required so that Collector's rate can be defined and amendment in Section 81 is required because in the new assessment procedure there will be changes in the data/parameters like Collector rate of the land, cost of construction and age of building. In view of this change there will be changes in the assessment of tax on buildings and lands and consequently there will be change in the amount of bill to be given to the residents.

Hence, the Bill.

Statement of Objects and Reasons - Haryana Act 25 of 2004. - It has been observed that no proper time limit has been prescribed for holding elections of the members of Municipalities before the expiry of the term of the existing members. It has, therefore, been decided that this time limit should be maximum of 120 days. As such an amendment in Sections 3A and 24 of the Haryana Municipal Act, 1973 is required to be carried out.

Hence the Bill.

Statement of Objects and Reasons - Haryana Act 1 of 2005. - In view of the fact that the elected members of the municipalities do not have special knowledge about the working, sources of Income and Development works of the municipalities. As such it will be appropriate that three such members should be nominated to the Municipal Council and two to the Municipal Committee, who have special knowledge about the municipalities or have experience about the Municipal Administration provision will have to be made in Section 9(3) of Haryana Municipal Act, 1973 for this purpose.

In C.W.P. No. 12787 of 2003 Hon'ble High Court has directed on 3.12.2004 to impose heavy fine on the persons responsible for leaving the cattles in the cities.

In compliance with the above directions of Hon'ble High Court Section 214 of the Haryana Municipal Act, 1973, which provides penalty for infringement of bye-laws, has to be amended. Committee of the Chief Secretaries has proposed increase in the amount of penalty for such infringement to overcome such offences.

Hence the Bill.

2. Definitions. - In this Act, unless there is anything repugnant in the subject or context,-

[(1) ***]

[(1A) "*Board*" means the Haryana Urban Infrastructural Development Board constituted under Section 203 I;]

(2) "*building*" means any shop, out-house, hut, house, shed or stable whether used for the purpose of human habitation or otherwise and whether of masonry, bricks, wood, mud, thatch, metal or any other material whatever, and includes a wall and a well;

- (3) "*building line*" means a line beyond which the outer face or any part of an external wall of a building may not project in the direction of any street, existing or proposed;
- (4) "*built area*" is that portion of a municipality of which the greater part has been developed as a business or residential area;
- (5) "*bye-laws*" means bye-laws made under this Act;
- [(5A) "*Chief Administrator*" means the Chief Administrator of the Board;]
- [(5B) "*Collector's rate*" means the value of land assessed by the Deputy Commissioner every year by exercising his authority as District Collector for the purpose of assessing the value of stamp duty at the time of registration of sale deeds of land;]
- (6) ["committee" or "*municipal committee*" except section 2A, means a Municipal Committee or Municipal Council constituted or deemed to have been constituted by or under this Act.]
- (7) "*compost manure*" means the produce prepared from dung by subjecting it to the process of compost making the manner prescribed by rules;
- [(7-A) "*controlled area*" means an area declared under section 203 C of this Act to be a controlled area.]
- (8) "*Deputy Commissioner*" or "*Deputy Commissioner of the district*" includes Additional Deputy Commissioner, Joint Deputy Commissioner or any [other officer not below the rank of an Extra Assistant Commissioner] at any time appointed by the State Government to perform in any district or districts the functions of a Deputy Commissioner under this Act:
- [-]
- [(9) "*Director*" means the Director Urban Development Department, Haryana;]
- [(9A) "*district*" means the district in the State of Haryana;
- (9B) "*District Planning Committee*" means a committee constituted under section 203B of this Act;
- (9C) "*dry latrine*" means a latrine from which the excreta is removed manually;
- (9D) "*dung*" for the purposes of Sections 153 and 154 shall include night-soil, sewage, sullage, refuse, sludge, filth of rubbish or animal matter of any kind;]
- (10) "*erect or re-erect any building*" includes -
- (a) any material alteration or enlargement of any building;
 - (b) the conversion by structural alteration into a place for human habitation of any building not originally constructed for human habitation;

- (c) the conversion into more than one place for human habitation of a building originally constructed as one such place;
 - (d) the conversion of two or more places of human habitation into a greater number of such places;
 - (e) such alterations of a building as effect an alteration of its drainage or sanitary arrangements, or materially affects its security;
 - (f) the addition of any rooms, buildings, out-houses or other structures to any building;
 - (g) the construction in a wall adjoining any street or land not belonging to the owner of the wall, of a door opening on to such street or land;
- (11) "*explosive*" and "*petroleum*" have the meanings assigned to those words in the Indian Explosives Act, 1884, and the Petroleum Act, 1934, respectively;
- (12) "*factory*" shall have the meaning assigned to it in the Factories Act, 1948;
- [(12A) "*Finance Commission*" means the Finance Commission constituted by the State Government under Articles 243I and 243Y of the Constitution of India;]
- [(12AA) "*Fund*" means the Haryana Urban Infrastructural Development Fund constituted under Section 203 L;]
- [(12B) "*State Government*" means that Government of the State of Haryana;]
- (13) "*infectious disease*" means cholera, plague, smallpox, tuberculosis or such other dangerous disease as the State Government may notify in this behalf;
- (14) "*inhabitant*" includes any person ordinarily residing or carrying on business, or owning or occupying immovable property, in any municipality; or in any local area which the State Government has, by notification under this Act, proposed to declare to be a municipality; and in case of any dispute, means any person or persons declared by the Deputy Commissioner to be inhabitant or inhabitants;
- [(14A) "*Member*" means a member of the municipality duly elected or nominated by the State Government;]
- (15) "*municipal area*" means the territorial area of a municipality as may be notified by the State Government and includes any territorial area which forms part of a municipality at the commencement of the Haryana Municipal (Amendment) Act, 1994;]

[(15A) "*municipality*" means an institution of self-government constituted under Section 2A which may be a Municipal Committee or a Municipal Council or a Municipal Corporation;]

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

[(17) "*occupier*" includes -

- (a) any person who for the time being is paying or is liable to pay to the owner the rent for any portion of the building or land in respect of which such rent is paid or is payable;
- (b) an owner in occupation of his own building or land;
- (c) a rent-free occupant;
- (d) a licence in occupation of any land or building; and
- (e) any person who is liable to pay the owner damages for the use and occupation of any land or building.]

(18) [-]

[(19) "*owner*" -

- (a) when used with reference to any building and land, includes -
 - (i) the person who receives the rent thereof or who would be entitled to receive the rent thereof if the same were let;
 - (ii) an agent or trustee who receives such rent on account of the owner;
 - (iii) an agent or trustee who receives the rent of or is entrusted with or concerned for, any premises devoted to religious or charitable purposes;
 - (iv) a receiver, or manager, appointed by any court of competent jurisdiction to have the charge of, or to exercise the rights of an owner of the said premises;
 - (v) a mortgagee in possession; and
- (b) when used with reference to any animal, vehicle or boat, includes the person for the time being in charge of the animal, vehicle or the boat;]

[(19A) "*population*" means the population as ascertained at the last preceding census of which the relevant figures have been published;]

[(19AA) "*premises*" means any land or building or part of a building and includes-

- (a) the garden, ground and out-housfts, if any, appertaining to a building or part of a building; and
- (b) any fittings affixed to a building or part of a building for the more beneficial enjoyment thereof;]

[(19B) "*Private agencies*" shall include private service providers like Airtel, Spice, Tata telecom, Reliance, Hutch and all private banks with Automatic Teller Machine (ATM), operators of television cable and National Stock Exchange (NSE) and the like;]

(20) "*public place*" means a place which is open to the use or enjoyment of the public whether or not private property and whether or not vested in the committee;

(21) "*public street*" shall mean any street -

- (i) heretofore levelled, paved, metalled, channelled, sewerred or repaired out of municipal or other public funds, unless before such work was carried out, there was an agreement with the proprietor that the street should not thereby become a public street, or unless such work was done without the implied or express consent of the proprietor, or
- (ii) which, under the provisions of Section 180, is declared by the committee to be, or under any other provision of this Act becomes, a public street;

(22) "*rules*" mean the rules made under this Act;

[(22A) "*State Election Commission*" means the State Election Commission constituted by the State Government under Articles 243K and 243ZA of the Constitution of India;]

[(22B) "*Shamlat Deh*" includes -

- (1) lands described in the revenue records as Shamlat Deh or Shamlat Tikkas;
- (2) lands described in the revenue records as Shamlat Tarafs, Pattis, Pannas or Tholas and used according to revenue records for common purposes or for the benefit of the community or a part thereof;
- (3) lands described as Banjar Qadim and used for common purposes according to revenue records;

(4) lands used or reserved for the benefit of the community including streets, lanes, playgrounds, schools, drinking wells or ponds; and

(5) lands belonging to the Gram Panchayat of a village the Abadi Deh of which has been included in a municipality and where the Panchayat consist of more than one village, the lands belonging to the Panchayat in respect of that village or villages, the Abadi Deh of which has been included in a municipality,

but does not include land which

(i) has been allotted on quasi-permanent basis to a displace person;

(ii) has been acquired under the Displaced Persons (Compensation and Rehabilitation) Act, 1954 (Central Act 44 of 1954) or has been treated as evacuee property under the Administration of the Evacuee Property Act, 1950 (Central Act 31 of 1950) or is of composite nature in which evacuee and non- evacuee shares have not yet been separated;

(iii) has been partitioned and brought under cultivation by individual land-holders before the 26th January, 1970;

(iv) having been acquired before the 26th January, 1970, by a person by purchase or in exchange for proprietary land from a co-sharer in the Shamlat Deh, is so recorded in the Jamabandi or is supported by a valid deed;

(v) is described in the revenue records as Shamlat Tarafs, Pattis, Pannas or Tholas and is not used according to revenue records for common purposes or for the benefit of the community or a part thereof;

(vi) lies outside the Abadi Deh and is used as Gitwar, Bara, Manure- pit or house or for cottage industry;

(vii) was Shamlat Deh, was assessed to land revenue and has been in the individual cultivating possession of co-sharers not being in excess of their respective shares in it on or before the 26th January, 1970;

(viii) is used as a place of worship or for purposes sub-servient thereto;
and

(ix) belongs to the Gram Panchayat of a village the Abadi Deh of which has not been included in a municipality and where the Panchayat consists of more than one village, the lands belonging to the Panchayat in respect of that village or villages, the Abadi Deh of which has not been included in a municipality;]

[(22C) "*semi-Government agencies*" shall include Bharat Sanchar Nigam Limited (BSNL), Mahanagar Telecom Nigam Limited (MTNL), Videsh Sanchar Nigam Limited (VSNL) and all nationalised banks with Automatic Teller Machine (ATM) and the like;]

(23) "*street*" shall mean any road, footway, square, court, public park alley or passage, accessible, whether permanently or temporarily to the public, and whether a thoroughfare or not; and shall include every vacant space notwithstanding that it may be private property and partly or wholly obstructed by any gate, post, chain or other barrier, if houses, shops or other buildings abut thereon, and if it is used by any persons as a means of access to or from any public place or thoroughfare, whether such person be occupiers of such buildings or not, but shall not include any part of such space which the occupier of any such building has a right at all hours to prevent all other persons from using as aforesaid; and shall include also the drains or gutters therein, or on either side, and the land, whether covered or not by any pavement, verandah or other erection, up to the boundary of any abutting property not accessible to the public;

(24) "*unbuilt area*" is an area within the municipal limits which is declared to be such at a special meeting of the committee by a resolution confirmed by the State Government, or which is notified as such by the State Government;

[(24A) "*urban area*" means an area within the municipal limits of a municipality;]

(25) "*vehicle*" includes bicycle, tricycle and automotor car, and every wheeled conveyance which is used or capable of being used on a public street.

[(26) "*Wards Committee*" means the wards committees constituted by the State Government under Section 34 of this Act; and

(27) "*water seal latrine*" means a latrine with a minimum water seal of 20mm in which excreta is pushed in or flushed by water and is not required to be removed manually.]

CHAPTER II

Municipalities

[2A. Classification and Constitution of municipalities. - (1) There shall be constituted three classes of municipalities in accordance with the provisions of this section as specified below :-

- (i) "Municipal Committee" for a transitional area with [existing] population [of not more than fifty thousand];
- (ii) "Municipal Council" for a smaller urban area with [existing] population [exceeding fifty thousand but not exceeding five lacs]; and
- (iii) "Municipal Corporation" for a larger urban area with [existing] population [of three lacs or more], to be governed by a separate Act:

Provided that a municipality under this section may not be constituted in such urban areas or part thereof as the State Government may, having regard to the size of the area and the municipal services being provided or proposed to be provided by an industrial establishment in that area and such other factors as it may deem fit, by notification, specify to be an industrial township:

Provided further that no military cantonment or part of a military cantonment shall form part of a municipality.

Explanation [1]. - In this sub-section, "a transitional area", "a smaller urban area" or "a larger urban area" means such area as the State Government may, having regard to the population of the area, the density of the population therein, the revenue generated for local administration, the percentage of employment in non-agricultural activities, the economic importance or such other factors as the State Government may deem fit, specify by notification for the purpose of this section.

[Explanation 2. - "existing population" means the population projected for the year in which the constitution of the municipality is being considered as per the following formula, namely: -

$EP = P \times (1 + AGR/100)^n$; where -

- (i) EP - refers to existing population;
- (ii) P - refers to the population defined in clause (45) of section 2;
- (iii) AGR - refers to the annual growth rate in percent obtained from the last decennial census;

(iv) n - refers to the number of years from the last decennial census year to the year in which the constitution of the municipality is being considered.]

(2) The State Government shall, by notification, constitute the municipalities and specify the class to which a municipality shall belong in accordance with the provisions of this section after observing the procedure as laid down in Section 3:

Provided that the municipalities existing at the commencement of the Haryana Municipal (Amendment) Act, 1994 and listed as Municipal Committee or as Municipal Council in the Schedule to this Act, would be deemed to have been constituted and notified as such, under and in accordance with the provisions of this section :

Provided further that the State Government may, after giving a reasonable notice of not less than thirty days of its intention to do so, amend the Schedule, by notification and declare any Municipal Committee as a Municipal Council or any Municipal Council as a Municipal Committee."]

3. Procedure for declaring municipality. - (1) The State Government, may, by notification, propose any local area to be municipality under this Act:

[]

(2) Every such notification shall define the limits of the local area to which it relates.

(3) A copy of every notification under this section, with a translation thereof in such language as the State Government may direct shall be affixed in some conspicuous place in the court-house of the Deputy Commissioner within whose jurisdiction the local area to which the notification relates lies, and in one or more conspicuous places in that local area.

(4) The Deputy Commissioner shall certify to the State Government the date on which the copy and translation were so affixed and the date so certified shall be deemed to be the date of publication of the notification.

(5) Should any inhabitant desire to object to a notification issued under subsection (1), he may, within six weeks from the date of its publication, submit his objection in writing through the Deputy Commissioner to the State Government and the State Government shall take his objection into consideration.

(6) When six weeks from the date of the publication have expired, and the State Government has considered and passed orders on such objections as may have been submitted to it, the State Government may, by notification, declare [the local area for the purposes of this Act, to be a municipality.]

(7) The State Government may, by notification, direct that all or any of the rules which are in force in any municipality shall, with such exceptions and adaptations as may be considered necessary, apply to the local area

declared to be a municipality under this section, and such rules shall forthwith apply to such municipality without further publication.

[(8) Omitted.]

[(9) Omitted.]

(10) A committee shall come into existence at such time as the State Government may, by notification, appoint in this behalf.

[3A. State Election Commission. - The superintendence, direction and control of the preparation of electoral rolls for, and the conduct of, all elections to the municipalities shall be vested in the State Election Commission constituted under Articles 243K and 243ZA of the Constitution of India in the manner as may be prescribed by rules;

[Provided that the State Election Commission shall consult the State Government before announcing the date of elections so that the State Government may, if so requested by the State Election Commission, make available to the State Election Commission such staff as may be necessary for the discharge of the functions conferred on the State Election Commission under articles 243K and 243ZA of the Constitution of India and this Act;]

[Provided further that -

- (i) in case of reconstitution of the municipality on account of the expiry of its duration of five years, such date shall not be earlier than 120 days before the expiry of duration;
- (ii) in case of reconstitution of the municipality on account of dissolution of the municipality where the remainder of the period for which the dissolved municipality would have continued is six months or more than six months, such date shall not be later than two months after the date of dissolution of the municipality;
- (iii) in case of filling up of casual vacancy, as specified in Section 15, where the remainder of the period for which the casual vacancy to be filled up is six months or more than six months, such date shall not be later than two months after the date of the occurrence of such vacancy;
- (iv) such election shall be conducted in the manner as may be prescribed.]

[3B. Delegation of functions of State Election Commission. - The functions of the State Election Commission under the Constitution, this Act

or the rules made thereunder may, subject to such general or special directions, if any, issued by the State Election Commissioner in this behalf, be performed by an officer authorized by the State Election Commissioner.]

4. Notification of intention to alter limits of municipality. - (1) The State Government may, by notification, and in such other manner as it may determine, declare its intention to include within a municipality and local area in the vicinity of the same and defined in the notification.

(2) Any inhabitant of a municipality or local area in respect of which a notification has been published under sub-section (1), may, should he object to the alteration proposed, submit his objection in writing through the Deputy Commissioner to the State Government within six weeks from the publication of the notification; and the State Government shall take such objection into consideration.

(3) When six weeks from the publication of the notification have expired, and the State Government has considered the objections, if any, which have been submitted under sub-section (2), the State Government may, by notification, include the local area in the municipality.

(4) When any local area has been included in a municipality under sub-section (3), this Act, and, except as the State Government may by notification, direct otherwise, all notifications, rules, bye-laws, orders, directions and powers issued, made, or conferred under this Act and in force throughout whole of the municipality at the time, shall apply to such area.

5. Notification of intention to exclude local area from municipality. - The State Government may, by notification, and in such other manner as it may deem fit, declare its intention to exclude from a municipality any local area compared therein and defined in the notification.

6. Exclusion of local area from municipality. - (1) Any inhabitant of a municipality or local area in respect of which a notification has been published under Section 5 may, if he objects to the exclusion proposed, submit his objection in writing through the Deputy Commissioner to the State Government within six weeks from the publication of the notification and the State Government shall take his objection into consideration.

(2) When six weeks from the publication of the notification have expired and the State Government has considered the objections, if any, which have been submitted under sub-section (1), the State Government may, by notification, exclude the local area from the municipality.

7. Effect of exclusion of local area from municipality. - When a local area is excluded from a municipality under section 6 -

- (a) this Act, and all notifications, rules, bye-laws, orders, directions and powers issued, made or conferred under this Act, shall cease to apply thereto; and

(b) the State Government shall after consulting the committee, frame a scheme determining what portion of the balance of the municipal fund and other property vesting in the municipal committee shall vest in the State Government and in what manner the liabilities of the committee shall be apportioned between the committee and the State Government, and, on the scheme being notified, the property and liabilities shall vest and be apportioned accordingly.

[7A. Time limit for delimitation and reservation of wards. - The work relating to the delimitation and reservation of wards of the municipal committee shall be completed six months before the completion of the tenure of municipal committee, failing which the State Election Commission shall go ahead with the process of preparation of electoral rolls and conduct of elections on the basis of existing delimitation and reservation of wards.]

8. Power to abolish municipality. - (1) The State Government may, by notification, abolish any municipality declared under section 3.

(2) When a notification is issued under this section in respect of any municipality, this Act, and all notifications, rules, bye-laws, orders, directions and powers issued, made or conferred under this Act, shall cease to apply to the said municipality; the balance of the municipal fund and all other property at the time of the issue of the notification vested in the committee shall vest in the State Government and the liabilities of the committee shall be transferred to the State Government.

[(3) Where any municipality is abolished under sub-section (1) and subsequently the area comprising the municipality so abolished is declared to be a Sabha area under sub-section (1) of Section 4 of the Punjab Gram Panchayat Act, 1952, the assets and liabilities referred to in sub-section (2) shall vest in the Gram Panchayat of the Sabha area from the date of its establishment under section 5 of the Punjab Gram Panchayat Act, 1952.

Explanation. - For the purposes of this sub-section, the assets shall include all arrears of taxes, tolls, cesses, rates, dues and fees imposed under this Act or any rule or bye-law which fell due to the committee of the municipality immediately before the date of its abolition and the same shall be recoverable by the Gram Panchayat as if these were arrears due to the Gram Panchayat.]

CHAPTER III

Municipalities

Composition of Municipalities

[9. Composition of Municipalities. - [(1) The municipalities constituted under section 2A shall consist of the president, vice-president and such number of elected members, not less than eleven, as may be prescribed.

(2) Save as provided in sub-section (3), all the seats in the municipality including the president shall be filled in by persons chosen by direct election from the territorial constituencies in the municipal area and for this purpose each municipal area shall, by a notification issued in this behalf, be divided into territorial constituencies to be known as wards.]

(3) In addition to persons chosen by direct election from the territorial constituencies, that State Government shall, by notification in the Official Gazette, nominate the following categories of persons as members of a municipality :-

[(i) not more than three persons in case of Municipal Council and not more than two persons in case of Municipal Committee having special knowledge or experience in municipal administration;]

(ii) members of the House of the People and the Legislative Assembly of State, representing constituencies which comprise wholly or partly, the municipal area; and

(iii) members of the Council of States, registered as electors within the municipal area :

[Provided that the persons referred to in clause (i) above shall not have any right to vote in the meetings of the municipalities and the persons referred to in clauses (ii) and (iii) above shall not have any right to vote for the No Confidence Motion and to contest or vote for the election of vice-president.]

[Provided that the persons referred to in clause (i) above shall not have right to vote in the meetings of the municipalities and the persons referred to in clauses (ii) and (iii) shall not have any right to contest for the election of president or service-president;]

Provided further that the Executive Officer in the case of a Municipal Council and the Secretary in the case of Municipal Committee, shall have the right to attend all the meeting of the municipality and to take part in discussion but shall not have the right to vote therein.]

[10. Reservation of seats. - (1) Seats shall be reserved for the Scheduled Castes 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 a municipality as the population of the Scheduled Castes in the municipal area bears to the total population of that area and such seats may be allotted to such wards having maximum population of persons belonging to Scheduled Castes.

(2) Not less than one-third of total number of seats reserved under sub-section (1) shall be reserved for women belonging to the Scheduled Castes and such seats may be allotted by rotation and by lots amongst the wards reserved under sub-section (1).

(3) Not less than one-third (including the number of seats reserved for women belonging to the Scheduled Castes) of the total number of seats to be filled by direct election in every municipality, shall be reserved for women and such seats may be allotted by rotation and by lots to different constituencies in the municipality except those falling under sub-sections (1), (2) and (4).

(4) [Two seats in every committee] shall be reserved for the persons belonging to Backward Classes which shall be allotted in such territorial constituencies as having maximum population of persons belonging to Backward Classes.

[(5) The offices of presidents in the municipalities shall be filled up from amongst the members belonging to the general category, Scheduled Castes, backward classes and women by rotation and by lots in the manner prescribed.]

[-]

(6) The reservation of seats under sub-sections (1) and (2) and the reservation of office of the president other than the reservation for women under sub-section (4), shall cease to have effect on the expiration of the period specified under Article 334 of the Constitution of India.

(7) The reservation of seats under sub-sections (1), (2), (4) and (5) shall be reviewed after every decennial census.

(8) The reservation as enumerated in this section shall be given effect to through notification issued at the time of each election.]

10A. [Omitted-vide Haryana Act 3 of 1994]

11. [Term of office of president and members.] - (1) The term of office of [elected president and members] shall be five years from the date appointed for the first meeting of the municipality.

(2) The term of the nominated member shall be co-terminus with the term of elected members.

(3) omitted.

[(4) When as a result of an enquiry held under Chapter XIV, an order declaring the election of the president or any member void has been made, such president or member shall forthwith cease to be the president or member of the committee.]

[12. Duration of municipality, etc. - (1) Every municipality unless sooner dissolved under any law for the time being in force, shall continue for five years from the date appointed for its first meeting:

Provided that a municipality shall be given a reasonable opportunity of being heard before its dissolution :

Provided further that all municipalities existing immediately before the commencement of the Constitution (Seventy-fourth Amendment Act, 1992 shall continue till the expiration of their duration unless sooner dissolved by a resolution passed to that effect by the State Legislature.

(2) An election to constitute a municipality shall be completed. -

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

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

Provided that when 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 section for constituting the municipality for such period:

Provided further that the first election to a municipality constituted after the commencement of the Haryana Municipal (Amendment) Act, 1994, may be held within a period of one year of its being notified as a municipality:

Provided further that elections to the municipalities where no elected body exists at the time of commencement of this Act may be held within a period of one year.

(3) 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 the dissolved municipality would have continued under sub-section (1) had it not been so dissolved.

[(4) If a municipality is not reconstituted before the expiration of its duration laid down in sub-section (1), it shall be deemed to have been dissolved on the expiry of the said duration and, thereupon, provisions of sub-section (2) of section 254 shall be applicable.]

[13. Resignation of president or member of Committee. - If the president or a member of a committee wishes to resign his office, he shall submit an application in writing to the Deputy Commissioner. If such resignation is accepted, it shall be notified in the Official Gazette by the State Election Commission, Haryana, on a date not less than fifteen days and not more than sixty days after the receipt of the said application by the Deputy Commissioner whereupon the president or member shall be deemed to have vacated his seat:

Provided that if the president or a member who has submitted an application to resign wishes to withdraw his resignation, he may apply to the Deputy Commissioner within fifteen days of the receipt by the Deputy Commissioner of his application to resign, and the application to resign shall then be deemed to have been withdrawn.]

[13A. [Disqualifications for president and members.] - (1) A person shall be disqualified for being chosen as and for [being the president or a member] of a municipality -

(a) if he is so disqualified by or under any law for the time being in force for the purposes of election to the Legislature of the State of Haryana:

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

(b) if he is so disqualified by or under any law made by the Legislature of the State of Haryana;

[(c)]

[(d) if he is convicted or has been convicted of an offence punishable under Sections 29, 30 and 31 of the Haryana Municipal Corporation Act, 1994 (16 of 1994), the Prevention of Corruption Act, 1988 (49 of 1988) or the Prevention of Terrorism Act, 2002 (15 of 2002);]

[(e) if he has been convicted or charges have been framed against him by a court in a criminal case for an offence, punishable with imprisonment for not less than ten years; or

(f) if he fails to pay an arrear of any kind due to him to any Primary Agriculture Co-Operative Society, District Central Co-operative Bank and District Primary Co-operative Agriculture Rural Development Bank; or

(g) if he fails to pay arrears of electricity bills; or

(h) if he has not passed matriculation examination or its equivalent examination from any recognized institution/board:

Provided that in case of a woman candidate or a candidate belonging to Scheduled Caste, the minimum qualification shall be middle pass:

Provided further that in case of a woman candidate belonging to Scheduled Caste, the minimum [qualification for members excluding the president shall be 5th pass]; or

(i) if he fails to submit a self declaration to the effect that he has a functional toilet at his place of residence;]

[(j) if he makes expenditure beyond the prescribed limit on his election or fails to submit his election expenditure statement;]

Provided that a person having more than two children on or [upto] the expiry of one year of the commencement of this Act, shall not be deemed to be disqualified.

(2) If any question arises as to [whether the president or a member] of a municipality has become subject to any of the disqualifications mentioned in sub-section (1), the question shall be referred for the decision of such authority and in such manner as may be prescribed by rule.

[(3) If any person furnishes a false caste certificate at the time of filing nomination, he shall be disqualified for a period of six years from contesting the election to the municipality.]

[13B. Restriction on simultaneous or double Membership. - (1) No person shall be an [elected president or member] of Committee, member of Legislative Assembly of the State or member of Parliament simultaneously.

(2) If an [elected president or member] of the committee is elected to the Legislative Assembly or Parliament, as the case may be, he shall cease to continue as an [elected president or member] of the committee from the date he is declared as elected to the Legislative Assembly or Parliament, as the case may be.]

[13C. Marking false declaration. - If any person makes in connection with-

(a) the preparation, revision or correction of an electoral roll; or

(b) the inclusion or exclusion of any entry in or from an electoral roll, a statement or declaration in writing, which is false and which he either knows or believes to be false or does not believe to be true, he shall be punishable with imprisonment for a term which may extend to one month, or with fine which may extend to one thousand rupees, or with both.]

[13D. Application of certain sections of Central Act 43 of 1951. - The provisions of Sections [***], 20B, 28A, 33A, 33B, 125A, 134A, 134B, 135B and 135C of the Representation of the People Act, 1951 (Central Act 43 of 1951), shall *mutatis mutandis* apply to the provisions of this Act.]

[13E. Account of election expenses and maximum thereof. - (1) Every candidate at an election shall, either himself or by his election agent, keep a separate and correct account of all expenditure in connection with the election incurred or authorized by him or by his election agent from the date of filing of nomination papers to the date of declaration of the result thereof, both dates inclusive.

(2) The account shall contain such particular, as may be notified by the State Election Commission in this behalf.

(3) The total of the said expenditure shall not exceed such amount as may be notified by the State Election Commission from time to time.]

[13F. Disqualification for failure to lodge account of election expenses. - If the State Election Commission is satisfied that a person has failed to lodge an account of election expenses within the time and manner, as prescribed by the State Election Commission and has no reason or justification thereof, the State Election Commission shall, by order published in the Official Gazette, declare him to be disqualified for contesting an election for a period of five years from the date of the order under this Act.

13G. Removal or reduction of period of disqualification. - The State Election Commission may, for reason to be recorded in writing, remove or reduce the period of disqualification under section 13F.

13H. Lodging of account with the Deputy Commissioner. - Every contesting candidate or his election agent shall, lodge account of election expenditure within thirty days from the date of declaration of election result with the Deputy Commissioner or an officer authorized by the State Election Commission.]

[13I. Removal of an elected president and member having any disqualification at the time of election. - The State Election Commission may, after such enquiry, as it may deem fit and after giving an opportunity of being heard, by an order, remove the president or a member, if he was having any disqualification mentioned in section 13A or rules framed under this Act at the time of his election. The office of the president or member so disqualified shall become vacant immediately.]

[13J. Removal of an elected president and member who fails to lodge election expenditure statement. - If an elected president or member fails to follow the provisions of sections 13F or 13H, he shall be removed by the State Election Commission after giving him an opportunity of being heard. The office of the president or member so disqualified shall become vacant immediately.]

[13K. Review. - [the president or a member] so disqualified under section 13I or 13J may file an application for review of order before the State Election Commission within a period of forty-five days from the receipt of the order. The order passed by the State Election Commission Under this Section shall be final and no civil court shall have jurisdiction to entertain a petition against such order.]

14. [Powers of State Government as to removal of president and members.] - (1) The State Government may, by notification, [remove the president or any member] of a committee -

- (a) if he refuses to act, or becomes, in the opinion of the State Government, incapable of acting, or has been declared a bankrupt or an insolvent by a competent court or has been convicted of any such offence or subjected by a criminal court to any such order as implies, in

the opinion of the State Government, a defect of a character which renders him unfit to be a member;

(b) if he has been declared by notification to be disqualified for employment in, or has been dismissed from, the public service and the reason for the disqualification or dismissal is such as implies in the opinion of the State Government a defect of character which renders him unfit to [be the president or a member];

(c) if he has without reasonable cause in the opinion of the State Government absented himself for more than three consecutive months from the meetings of the committee;

[(d) if he fails to pay any amount due from him to the committee within three months of the service of notice making the claim. It shall be the duty of the [Chief] Executive Officer, to serve such a notice at the earliest possible date after the amount has become due.]

(e) if, in the opinion of the State Government he has flagrantly abused his position [as the president or a member] of the committee or has through his negligence or misconduct been responsible for the loss, or misapplication of any money or property of the committee;

(f) if he has, since his election or nomination becomes subject to any disqualification which, if it had existed at the time of his election or nomination, would have rendered him ineligible under any law for the time being in force regulating the qualifications of candidates for election or nomination [***];

(g) if, being a legal practitioner, he acts or appears in any legal proceeding on behalf of any person against the committee or on behalf of or against the State Government where in the opinion of the State Government such action or appearance is contrary to the interests of the committee :

[Provided that no removal of the president or a member shall be notified unless the matter has been enquired into by an officer, not below the rank of

an Extra Assistant Commissioner, appointed by the State Government and the president or member concerned has been given a reasonable opportunity of being heard or there is a finding by the competent court in this regard.]

(2) A person removed under this section or whose election has been declared void for corrupt practices or intimidation under the provisions of Section 272 [--] shall be disqualified for election for a period not exceeding [six] years.

(3) [-]

[14A. [Suspension of president and members.] - (1) The Director may, [suspend the president or any member] of a committee where -

(a) a case against him in respect of any criminal offence is under investigation, enquiry or trial, if in the opinion of the Director the charge made or proceedings taken against him, are likely to embarrass him in the discharge of his duties or involves moral turpitude or defect of a character;

(b) during the course of an enquiry for any of the reasons for which he can be removed under section 14, after giving him a reasonable opportunity of being heard.

(2) [The president or any member] suspended under sub-section (1) shall not take part in any act or proceedings of the committee during the period of suspension and shall hand over the records, money or any other property of the committee in his possession or under his control -

(i) to president/vice-president, as the case may be;

(ii) in case both the president and vice-president are suspended, to such person as the Director may appoint in this behalf :

Provided that the suspension period of [the president or a member] shall not exceed six months from the date of issuance of suspension order except in criminal cases involving moral turpitude.

(3) Any person aggrieved by an order passed under sub-section (1) may, may, within a period of thirty days from the communication of the order, prefer an appeal to the Government.]

15. Filling of casual vacancies. - (1) Whenever a vacancy occurs by the death, resignation or removal, or by the vacation of a seat under the provisions of sub-section (4) of Section 11, of [the president or any member], the [vacancy shall be filled within [six months] of the occurrence of such vacancy] in accordance with the provisions of this Act and the rules :

[Provided that no election shall be held to fill a casual vacancy occurring within six months prior to the holding of a general election.]

[-] [Proviso omitted vide Haryana Act No. 12 of 1979.]

(2) Every person elected or nominated, to fill a casual vacancy shall be elected or nominated to serve for the remainder of his predecessor's term of office.

[16. Incorporation of municipality. - Every municipality shall be a body corporate to be known as by the name of Municipal Council or the Municipal Committee of its municipal area and shall have perpetual succession and a common seal, with power to acquire and hold property, both movable and immovable, and subject to the provisions of this Act or the rules, to transfer any property held by it, to contract and to do all other things necessary for the purposes of its constitution; and may sue and be sued in its corporate name.]

17. Employees and members to be public servants. - Every person employed by the committee whether for the whole or part of his time and every member of the committee shall be deemed to be a public servant within the meaning of Section 21 of the Indian Penal Code, 1860.

[18. Election of vice-president. - (1) Every Municipal Committee or Municipal Council shall, from time to time, elect one of its elected members to be the vice-president:

Provided that if the office of the vice-president is vacated during his tenure on account of death, resignation or no confidence motion, a fresh election for the remainder of the period shall be held.

(2) The term of office of the vice-president shall be for a period of five years or for the residue period of his office as a member, whichever is less.]

[18A. Time line for oath of allegiance and election of vice-president. - (1) Unless the State Government otherwise directs, the Deputy Commissioner or any gazetted officer appointed by him in this behalf shall, within thirty days of the publication of the notification of the names of the president and the members elected to a committee, convene the first meeting of the newly constituted committee at forty-eight hours notice to be delivered at their ordinary place of residence to administer an oath of allegiance under section 24. The notice shall clearly state that the oath of allegiance shall be administered to the president and members present.

(2) The Deputy Commissioner or any gazetted officer appointed by him in this behalf shall, within a period of thirty days of the meetings referred to in sub-section (1), convene a meeting of the president and members at forty-eight hours notice to be delivered at their ordinary place of residence. The notice shall clearly state that the oath of allegiance shall be administered to the left over members and that the election of the vice-president shall be held in the meeting. The convener shall firstly administer the oath of allegiance to the left over members and thereafter shall preside over the meeting of the election of the vice-president.

(3) If the president and members fail to elect the vice-president in the meeting convened under sub-section (2), the Deputy Commissioner or any gazetted officer appointed by him in this behalf shall, within a period of thirty days of the meeting referred to in sub-section (2), convene meeting of the president and members for the election of the vice-president as per the procedure mentioned above until the vice-president are elected.

(4) If the president and members fail to elect the vice-president in the meetings convened under sub-sections (2) or (3) till the expiry of five months from the date of notification of the elected president and members by the State Election Commission, the Deputy Commissioner or any gazetted officer appointed by him in this behalf shall, convene a meeting of the president and members for the election of the vice-president at forty-eight hours notice to be delivered at their ordinary place of residence. The notice shall clearly state that if the members fail to elect the vice-president in the meeting, the committee shall be deemed to have been dissolved without any further notice or order.

(5) Notwithstanding anything contrary to this Act, if the president and members fail to elect the vice-president in the meetings convened after following the procedure provided under aforesaid provisions till the expiry of six months from the date of notification of the elected president and members, the committee shall be deemed to be dissolved with immediate effect without following any procedure provided under the Act or rules made thereunder:

Provided that such meeting shall be deemed to be validly convened meetings of the committee. (6) Notwithstanding anything contained in any bye-laws made under section 31, the administration of the oath of allegiance and the election of the vice-president shall be recorded as part of the proceedings in the minutes of the meetings.]

19. [Omitted vide Act 3 of 1994]

20. Resignation of [*] Vice-President.** - [(1) The [***] Vice-President may resign his office by tendering his resignation in writing to the Deputy Commissioner. Such resignation shall, unless withdrawn within seven days from the date of tendering the resignation, be deemed to have been accepted.]

(2) Nothing in this section shall affect the provisions of Section 21.

21. Motion of no-confidence against [*] Vice-President.** - A motion of no-confidence against the [***] Vice-President may be made in accordance with the procedure laid down in the rules.

(2) The Deputy Commissioner or such other officer not below the rank of an Extra Assistant Commissioner, as the Deputy Commissioner may authorise, shall convene a meeting for the consideration of the motion referred to in sub-section (1), in the manner laid down in the rules, and shall preside at such meeting.

[(3) If the motion is carried with the support of not less than two-thirds of the elected members of the committee, the vice-president shall be deemed to have vacated his office.

(4) If a no confidence motion is passed against the vice-president, the Sub-Divisional Officer (Civil) of the area in which the municipality is situated or any other officer not below the rank of Extra Assistant Commissioner authorized by the Deputy Commissioner shall henceforth exercise the powers and discharge the functions of the vice-president till the vice-president is elected.]

(5) A meeting referred to in sub-section (2) shall be presided over by the Deputy Commissioner or the officer authorised by him, but neither he nor such officer shall have the right to vote at such meeting.

[22. Removal of vice-president. - The State Government may, at anytime, by notification, remove vice-president from his office on the ground of abuse of his power or of habitual failure to perform his duties:

Provided that no removal of the vice-president shall be notified unless the matter has been enquired into by an officer, not below the rank of an Extra Assistant Commissioner appointed by the State Government and the vice-president has been given a reasonable opportunity of being heard or there is a finding by the competent court in this regard.]

[22A. Suspension of vice-president. - (1) The Director may suspend the vice-president of a committee/council where,-

(a) a case against him in respect of any criminal offence is under investigation, enquiry or trial, if in the opinion of the Director the charge made or proceedings taken against him, are likely to embarrass him in the discharge of his duties or involves moral turpitude or defect of a character;

(b) a case against him in respect of the grounds of removal mentioned under section 22 is under enquiry, after giving him a reasonable opportunity of being heard.

(2) The vice-president suspended under sub-section (1) shall not take part in any act or proceeding of the committee during the period of his suspension and shall hand over the records, money or any other property of the committee/council in his possession or under his control to the president or in case the president is also suspended, to such person as the Director may appoint in this behalf:

Provided that the suspension period of the vice-president shall not exceed six months from the date of issuance of suspension order except in criminal cases involving moral turpitude.

(3) Any person aggrieved by an order passed under sub-section (1) may, within a period of thirty days from the communication of the order, prefer an appeal to the State Government.]

23. [Omitted vide Act 3 of 1994]

[24. Notification of elections and nominations. - (1) Every election or nomination of a member and election of the president of a Municipal Committee or Municipal Council shall be notified in the Official Gazette and neither the president nor member shall enter upon his duties until his election or nomination has been so notified and until, notwithstanding anything contained in the Oaths Act, 1969, elected president or members has been or made at a meeting of the Municipal Committee or Municipal Council an oath or affirmation of his allegiance to India and the Constitution of India in the following form, namely:-

"I _____ having been elected as the president or a member of a Municipal Committee or Municipal Council of _____ do solemnly swear in the name of God that I shall bear true faith and allegiance to the Constitution of India as by law established and that I shall faithfully discharge the duties upon which I am about to enter."

(2) Every election of the president or a member shall be notified in the Official Gazette by the State Election Commission not earlier than one week before the expiry of the duration of the existing municipality:

Provided that notification regarding bye-election result shall be published in the Official Gazette by the State Election Commission forthwith.

(3) If any such person omits or refuses to take or make the oath or affirmation as required by sub-section (1) within three months of the date of notification of his election, his election shall be deemed to be invalid for any reason which it may consider sufficient unless the State Government extends the period within which such oath or affirmation may be taken or made.

(4) If an election is deemed to be invalid under the provisions of sub-section (3), a fresh election shall be held.]

25. Time for holding meetings. - (1) Every committee shall meet for the transaction of business at least once in every month at such time as may, from time to time, be fixed by the bye-laws:

[Provided that in addition to the aforesaid meeting, every committee shall hold atleast one meeting in every six months of a duration of not less than three days.]

(2) The President or, in his absence or during his incapacity to attend to his duties or during the vacancy of his office, the Vice-President may, whenever he thinks fit and shall, within a period of ten days from the date of receipt of a requisition signed by not less than one-fifth of the total number of members of the committee, convene either an ordinary or a special meeting at any other time:

Provided that the requisition shall specify the purpose for which the meeting is to be held.

(3) If the President or the Vice-President fails to convene a meeting of the committee within a period of ten days from the date of receipt of such requisition, the members who signed the requisition may request the Deputy Commissioner to convene the meeting.

(4) The Deputy Commissioner on receipt of request under sub-section (3) shall within a period of ten days from the date of such request, either himself convene the meeting or designate any other officer for this purpose.

(5) A meeting referred to in sub-section (4) shall be presided over by the Deputy Commissioner or the officer designated by him, but neither he nor such officer shall have the right to vote at such meeting.

26. Ordinary and special meetings. - (1) Every meeting of a committee shall be either ordinary or special.

(2) Any business may be transacted at an ordinary meeting unless required by this Act or the rules to be transacted at a special meeting.

(3) When a special and an ordinary meetings are called for the same day the special meeting shall be held as soon as the necessary quorum is present.

Conduct of Business

27. Quorum. - (1) The quorum necessary for the transaction of business at a special meeting of a committee shall be one-half of the number of the members of the committee actually serving at the time, but shall not be less than three.

(2) The quorum necessary for the transaction of business at any ordinary meeting of a committee shall be such number or proportion of the members of the committee as may, from time to time, be fixed by the bye-laws, but shall not be less than three:-

Provided that, if at any ordinary or special meeting of a committee a quorum is not present, the chairman shall adjourn the meeting to such other day as he may think fit, and the business which would have been brought before the original meeting if there had been a quorum present shall be brought before, and transacted at, the adjourned meeting, whether there be a quorum present there or not.

28. Chairman of meeting. - At every meeting of a committee the President, if present, or, in his absence or during the vacancy of his office, the [-] Vice- President present, and if there be no President or Vice-President present, then such one of the members as the members may elect, shall preside as chairman.

29. Vote of majority decisive. - Except as otherwise provided by this Act or the rules, all questions which come before any meeting of a committee shall be decided by a majority of the votes of the members present, and in

case of an equality of votes, the chairman of the meeting shall have a second or casting vote.

30. Record and publication of proceedings. - (1) Minutes of the proceedings at each meeting of a committee shall be drawn up and recorded in a book to be kept for the purpose, shall be signed by the chairman of the meeting or of the next ensuing meeting, shall be published in such manner as the State Government may direct, and shall, at all reasonable times and without charge, be open to inspection by any inhabitant.

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

31. Bye-laws. - The State Government may, for all or any of the committees, provide by bye-laws consistent with this Act and with the rules for -

- (a) the time and place of its meetings;
- (b) the manner in which notice of ordinary and special meetings and adjourned meetings shall be given;
- (c) the quorum necessary for the transaction of business at ordinary meetings;
- (d) the conduct of proceedings at meetings and the adjournment of meetings;
- (e) the custody of the common seal and the purposes for which it shall be used;
- (f) the appointment of sub-committees and their duties, the division of duties among the members of the committee and the powers to be exercised by such members as are primarily responsible for current executive administration, whether President, Vice-Presidents, members of sub-committees or individual members;
- (g) the persons by whom receipts shall be granted on behalf of the committee for money received under this Act;
- (h) the condition on which registers, documents, maps and plans of the committee may be inspected by the public, and copies thereof supplied,

and the fees payable for such inspection or for the supply of such copies;

- (i) the appointment, duties, executive powers, leave, suspension and removal of employees of the committee;
- (j) the term for which a Vice-President shall hold office;
- (k) appeal from executive orders of the sub-committees, the President, Vice-President, members and employees of the committee; and
- (l) all other similar matters.

32. Delegation. - (1) The State Government may, by notification, delegate all or any of its powers under this Act except the power to frame forms or make rules under Section 257 to any person.

(2) The State Government may by notification delegate to any officer not below the rank of an Extra Assistant Commissioner all or any of the powers conferred under this Act on the Deputy Commissioner.

(3) Every delegation of power under sub-section (1) or sub-section (2) may be subject to such restrictions and conditions as may be specified in the notification.

33. Delegation of certain powers and functions of committees. - (1) Notwithstanding anything contained in this Act every committee may, subject to the provisions of Section 49, with the previous sanction of the State Government by resolution, delegate -

- (a) to the President, Vice-President, the Executive Officer, the secretary or a sub-committee all or any of the powers conferred upon the committee by Sections 40, 85, 88, 90, 109, 110, 113, 116, 117(1), 118, 119, 120, 121, 122, 123, 124, 125, 126, 128, 130, 131, 133, 134, 135, 136, 137, 143, 145, 146, 148(b) and (c), 172(c), 173, 174(1) and (2), 181(2), 182, 187, 188, 209, 218 to 222, 224, 225, 226 and 235;
- (b) to the Health Officer all or any of the powers conferred upon the committee by Sections 40, 117, 119, 120, 121, 122, 123, 124, 125, 126, 132, 133, 134, 137, 145, 146, 147, 148(b) and (c), 149, 151, 157, 160, 194, 218, 219, 220(b), 221, 222, 225 and 226;

(c) to the Municipal Engineer the powers conferred upon the committee under Section 209 and under Section 208 except to the extent that composition under that section shall require the sanction of the committee;

in respect of all or particular classes of cases arising under these sections and for the whole or any part of the municipality and may, by resolution, withdraw the powers so delegated.

(2) The delegation by the committee of any power under sub-section (1) may be made subject to the condition that all or any orders made in pursuance of such delegation shall be subject to the right of appeal to, or revision by, the committee within such period as may by bye-law be prescribed.

[34. Constitution and composition of Wards Committees etc. - (1) The State Government may constitute Wards Committees consisting of one or more wards within the territorial area of a municipality having a population of three lakhs or more in the manner as may be prescribed by rules.

(2) A member of a municipality representing a ward within the territorial area of the Wards Committee shall be a member of that Wards Committee.

(3) Where a Wards Committee consists of -

(a) one ward, the member representing that ward in the municipality; or

(b) two or more wards, one of the members representing such wards in the municipality elected by the members of the Wards Committee

shall be the Chairperson of that Wards Committee.

(4) The Wards Committee constituted under this section shall be entrusted with such powers and functions as may be prescribed by rules.]

35. Extraordinary powers of President or Vice-President in case of emergency. - (1) On the occurrence or threatened occurrence of any event

involving or likely to involve extensive damage to property or danger to human life or grave inconvenience to the public, the President or the Executive Officer or, in the absence of the President or during the vacancy of his office, a Vice- President, may, if in his opinion there is an emergency necessitating action before the matter can be considered by the committee, direct the execution of any such work or the doing of any such act which the committee is empowered to execute or do, as the emergency shall in his opinion justify or require, and may direct that the expense of executing such work or doing such act be paid from the municipal fund :

Provided that every such action shall be [-] reported to the committee at its next meeting.

(2) The President or Vice-President or the Executive Officer shall not act under this section in contravention of any order of the committee.

(3) The President or in his absence or during the vacancy of his office a Vice-President may prohibit, until the matter has been considered by the committee, the doing of any act which is in his opinion undesirable in the public interest; provided that the act is one which the committee has power to prohibit.

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

36. Joint committees. - A committee may concur with any other committee, or with any Zila Parishad, or with any Panchayat Samiti, or with any Cantonment authority, or with more than one such committee, Zila Parishad, Panchayat Samiti or authority in appointing out of their respective bodies a joint committee for any purpose in which they are jointly interested, and in delegating to any such joint committee any power which might be exercised by either or any of the committees, Zila Parishads, Panchayat Samitis or authorities concerned, and in framing or modifying regulations as to the proceeding of any such joint committee, and as to the conduct of correspondence relating thereto.

Defects in constitution and irregularities

37. Vacancies and irregularities not to invalidate proceedings. - No act done or proceedings taken under this Act shall be questioned on the ground merely of the existence of any vacancy in any committee or joint committee, or on account of any defect or irregularity not affecting the merits of the case.

Employees

38. Constitution of Municipal Service. - [(1) The State Government may, by notification, constitute municipal services including those of Executive Officers, Municipal Engineers, Health Officers and Secretaries at the State level and one or more other municipal services at the district level, in connection with the affairs of the municipalities, recruitment to which may be made by the State Government, the Director and the Deputy Commissioner as provided in the rules.]

(2) The establishment charges and the salary, allowances, provident fund, pension and gratuity of persons recruited to the Municipal Services constituted under sub-section (1) and appointed in a municipality shall be payable from the municipal fund.

(3) The State Government shall have the power -

- (a) to determine the strength of the Municipal Services constituted under sub-section (1) and their cadres;

(b) to determine the strength and categories of personnel required by each municipality; and

(c) to make rules regulating to recruitment, and pay, transfer and other conditions of service of persons appointed, to the said Services.

39. Savings as to first appointments. - (1) Nothing contained in the Punjab Public Service Commission (Additional Functions) Act, 1955, shall be deemed to apply to, or to require consultation with the Haryana Public Service Commission in respect of, first appointments to the Service by way of integration.

(2) The first appointments referred to in sub-section (1) shall be made in accordance with the rules made under this Act on the recommendation of a committee to be constituted by the State Government in this behalf.

40. Other employees. - (1) Subject to the provisions of this Act and the rules and bye-laws, a committee may, and if so required by the State Government shall, employ other employees and may assign to such employees such remuneration as it may think fit, and may suspend, dismiss, or otherwise punish any employee so appointed.

(2) Subject to the provisions of this Act, the State Government may prescribe a code of service rules for employees of the committees in the State of Haryana relating to qualification, pay, allowances, dismissal, removal, suspension, leave, conduct and discipline, provident fund, travelling allowance and other cognate matters :

Provided that the State Government may for reasons to be recorded in writing exempt any committee or class of committees from the operation of the provision of this sub-section.

41. Special provision for reservation of posts for Scheduled Castes and Backward Classes, etc. - Nothing in this Act shall prevent the State Government from making any provision in the rules for the reservation of appointments to Municipal Services or other posts referred to in Section 40 and to lay down methods to secure such reservation in favour of the members of the Scheduled Castes and such other backward classes of citizens as in the opinion of the State Government are not adequately represented in the Services under the committees.

Explanation. - For the purposes of this section, the word "appointments" shall be deemed to include appointments by promotion.

42. Power to demand punishment or dismissal. - If in the opinion of the State Government any employee of the committee is negligent in the discharge of his duties, the committee shall, on the requirement of the State Government, suspend, fine or otherwise punish him; and if, in the opinion of the State Government he is unfit for his employment, the committee shall dismiss him.

43. Power to prevent extravagance in establishments. - If, in the opinion of the Deputy Commissioner, the number of persons employed by a committee or whom the committee may propose to employ as such, or the remuneration assigned by the committee to those persons or any of them is excessive, the committee shall, on the requirement of the Deputy Commissioner reduce the number of those persons or the remuneration, as the case may be:

Provided that the committee may appeal against any such requirement to the State Government, and the decision of the State Government on any such appeal shall be final.

44. Contribution of pension and leave allowances. - (1) If an employee of a committee is a person in the service of the State Government, the committee may-

(a) if his services are wholly lent to it, make such contribution to his pension, gratuity, and leave allowances, as may be required by the conditions of his service under the State Government, to be paid by him or on his behalf;

(b) if he devotes only a part of his time to the performance of duties on behalf of the committee, contribute to his pension, gratuity and leave allowance in such proportion as may be determined by the State Government.

(2) With the sanction of the State Government the committee may give an extraordinary pension or gratuity -

(a) to any employee injured in the execution of his duty;

(b) to the family of any employee who is killed in the execution of his duty or whose death is due to devotion to duty.

(3) A pension, gratuity or annuity shall not exceed the sum to which such employee or his family would be entitled if the service had been service under the State Government.

45. Pension, etc., in case of service partly under the State Government and partly under committee. - (1) If a person serving or having served under a committee has been or is transferred from or to the service of the State Government or is partly employed by the State Government and partly by a committee, the committee shall make such contributions to his pension and leave allowances as may be required, by the conditions of his service under the State Government to be paid by him or on his behalf.

(2) In the absence of a written contract to the contrary, the committee may revert such person to the State Government by giving the State Government one month's previous notice.

46. Notice before discharge. - (1) In the absence of a written contract to the contrary, every person employed by a committee shall be entitled to one month's notice before discharge or to one month's wages in lieu thereof, unless he is discharged during a period of probation or for misconduct or was engaged for a specified term and discharged at the end of it.

(2) Should any person employed by a committee, in the absence of a written contract authorizing him so to do, and without reasonable cause, resign his employment or absents himself from his duties without giving one month's notice to the committee he shall be liable to forfeit a sum not exceeding one month's wages out of any wages due to him, and if no wages, or less than one month's wages, are due to him, he shall be liable to a penalty not exceeding wages for one month or an amount equal to the difference between one month's wages and the wages due to him, which shall be recoverable in the manner provided in Section 95.

47. Application of Haryana Act 40 of 1974. - The provisions of the Haryana Essential Services (Maintenance) Act, 1947, shall be applicable to the employment of persons under any committee engaged in connection with

- (a) scavenging or cleansing streets or premises;
- (b) maintaining, repairing, cleansing or flushing drains;
- (c) removing or disposing of excrementitious or polluted matter from houses, latrines, privies, urinals or cesspools;
- (d) removing carcasses;
- (e) preventing nuisances generally;
- (f) street lighting and maintenance of power installations;
- (g) fire fighting;
- (h) maintenance of municipal waterworks, drains or pumping stations.

48. Members not to be appointed as employees. - A person shall, so long as he is, and for twelve months after he has ceased to be a member, be disqualified for being appointed to any paid office under a committee.

Contracts

[49. Authority to contract. - Any municipality may subject to the rules and provisions of Section 50, delegate to one or more of its members the

power of entering on its behalf into any particular contract or into any class of such contracts.]

50. Mode of executing contracts and transfer of property. - [(1) Every contract made by or on behalf of the municipality whereof the value or amount exceeds five hundred rupees, shall be in writing and must be signed by two members, of whom the President or Vice-President shall be one, and also the Executive Officer of the Secretary of the municipality, as the case may be.

(2) Every transfer of immovable property belonging to any municipality must be made by an instrument in writing executed by the President or Vice-President of the municipality, and Executive Officer or Secretary of the municipality, as the case may be.]

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

51. Penalty on member or employee being interested in any contract made with a committee. - (1) If any member or employee of a committee or of joint committee, without the previous permission in writing of the Deputy Commissioner voluntarily renders himself interested in any contract made with that committee, or if within one month of his becoming interested in any such contract he neither resigns nor obtains the permission in writing of the Deputy Commissioner for his remaining a member or employee of the committee in spite of his interest in such contract, he shall be deemed to have committed an offence under Section 168 of the Indian Penal Code, 1860.

Provided that for the purposes of this sub-section a person who has been elected or nominated but whose election or nomination has not been notified shall be deemed to be a member.

(2) No member, or employee of a committee or a joint committee shall by reason only of his being a shareholder in, or a member of, any corporate or registered company, be held to be interested in any contract entered into between the said company and the committee or joint committee, but no such person as aforesaid shall take part in any proceedings of the committee or joint committee relating to any such contracts.

Privileges and Liabilities

52. Suits against committee and its employees. - No suit shall be instituted against a committee, or against any employee of a committee, in respect of any act purporting to be done in its or his official capacity, until the expiration of one month next after notice in writing has been, in the case of a committee, delivered or left at its office, and in the case of an employee, delivered to him or left at his office or place of abode, stating the cause of action and the name and place of abode of the intending plaintiff;

and the plaint must contain a statement that such notice has been so delivered or left:

Provided that nothing in this section shall apply to any suit instituted under Section 38 of the Specific Relief Act, 1963.

53. Bar of jurisdiction of civil courts. - No civil court shall grant any temporary injunction or make any interim order -

(a) restraining any person from exercising the powers or performing the functions or duties of a President or Vice-President, member or employee of a committee on the ground that such person has not been duly elected, nominated or appointed as such President, Vice-President, member or employee; or

(b) restraining any person or persons or any committee from holding any election, or from holding any election in any particular manner.

54. Protection of action taken in good faith. - No suit prosecution or other legal proceedings shall lie against any committee or against any employee of a committee or against any person acting under and in accordance with the directions of any such committee or employee or of a Magistrate in respect of anything which is in good faith done or intended to be done in pursuance of this Act, rules and bye-laws.

55. Liability of members of committee. - (1) Every person shall be liable for the loss, waste or misapplication of any money or other property belonging to a committee, if such loss, waste or misapplication is reported by the Examiner of Local Fund Accounts, or other audit authority empowered by the State Government in this behalf to be a direct consequence of his neglect or misconduct in the performance of his duties while a member of the committee; and he may after being given an opportunity, by notice served in the manner provided for the service of summonses in the Civil Procedure Code, to show cause by written or oral representation why he should not be required to make good the loss, be surcharged with the value of such property or the amount of such money by the [Director], and if the amount is not paid within fourteen days from the expiry of the period of appeal prescribed by sub-section (2), the Collector at the request of the [Director] shall proceed forthwith to recover the amount as if it were an arrear of land revenue, and have it credited to the municipal fund.

(2) The person against whom an order under sub-section (1) is made, may, within thirty days of the notification of such order, appeal to the State Government who shall appoint an officer to hear the appeal; and the appellate authority shall have the power of confirming, modifying or disallowing the surcharge:

Provided that no person shall under this section be called upon to show cause after the expiry of a period of four years from the occurrence of such loss, waste or misapplication or after the expiry of one year from the time of his ceasing to be a member:

Provided further that nothing in this section shall be deemed to debar the aggrieved party from seeking a remedy in a civil court against an order made under sub-section (1).

CHAPTER IV

Municipal Fund and Property

56. Constitution of municipal fund. - There shall be formed for each municipality a municipal fund, and there shall be placed to the credit thereof-

- (a) all sums received by, or on behalf of, the committee under this Act or otherwise; and
- (b) the balance, if any, standing at the credit of the municipal fund of the municipality at the commencement of this Act.

57. Application of fund. - (1) The committee shall set apart and apply out of the municipal fund -

- (a) firstly, such sum as may be required for the payment of any amounts falling due on any loan legally contracted by it;
- (b) secondly, such sum as the committee may be required by the State Government to contribute towards the cost of such Local-Self Government Board or Inspectorate as the State Government may establish for the purpose of advising, assisting and supervising the work of municipal committees and other local bodies:

Provided that such sum shall not exceed an amount equal to one per centum of the income for the financial year preceding the year, in which the committee is called upon to make the contribution;

- (c) thirdly, such sum as may, be required to meet the establishment charges and the salary, allowances, provident fund, pension and gratuity of the members of the Municipal Services and other municipal employees including such subscriptions and contributions as are referred to in Sections 44 and 45;

- (d) fourthly, such sum as may be required to pay the expenses incurred in auditing the accounts of the committee, and such portion of the cost of any public expenditure by the Central Government or the State Government as may be held by the State Government to be equitably payable by the committee in return for services rendered to it;
- (e) fifthly, such sum as the committee may be required by the State Government to contribute towards the maintenance of pauper lunatics or pauper lepers sent from any place in the State to mental hospitals or public asylums whether in or outside the State;
- (f) sixthly, such sums as may be due to the State Government in respect of the cost of services of town-planning and police, rendered by it to the committee and for the maintenance of waterworks, drainage, sewerage, roads, etc., by it on behalf of the committee;
- (g) seventhly, such sums to be paid annually by the committee to the Town Improvement Trust as are required to meet the charges under section 68 of the Punjab Town Improvement Act, 1922:

Provided that for payment of charges under clauses (f) and (g) no resolution of the committee shall be necessary.

(2) Subject to the charges specified in sub-section (1) and to such rules as the State Government may make with respect to the priority to be given to the several duties of the committee, the municipal fund shall be applicable to the payment in whole or in part, of the charges and expenses incidental to the following matters within the municipality, and with the sanction of the State Government outside the municipality, namely :-

- (a) the construction, maintenance, improvement, cleansing and repair of all public streets, bridges, town-walls, town-gates, embankments, drains, privies, latrines, urinals, tanks and water-courses and the preparation of compost manure;
- (b) the watering and lighting of such streets or any of them;
- (c) the construction, establishment and maintenance of schools, hospitals and dispensaries and other institutions for the promotion of education or for the benefit of the public health, and of rest-houses, sarais, poor

houses, markets, stalls, encamping grounds, pounds, and other works of public utility, and the control and administration of public institutions of any of these descriptions;

(d) grants-in-aid to schools, hospitals, dispensaries, poor-houses, leper-asylums, and other educational or charitable institutions;

(e) the training of teachers and the establishment of scholarships;

(f) the giving of relief and the establishment and maintenance of relief works in time of famine or scarcity;

(g) the supply, storage and preservation from pollution of water for the use of men or animals;

(h) the planting and preservation of trees, and the establishment and maintenance of public parks and gardens;

(i) the taking of a census, the registration of births, marriages and deaths, public vaccination and any sanitary measure;

(j) the holding of fairs and industrial exhibitions;

(k) the preparation and maintenance of a record of rights in immovable property;

(l) all acts and things which are likely to promote the safety, health, welfare or convenience of the inhabitants, or expenditure whereon may be declared by the committee, with the sanction of the State Government to be an appropriate charge on the municipal fund.

(3) Notwithstanding anything contained in the foregoing sub-sections, no charges or expenses shall be paid from the municipal fund incidental to any matter which has been specifically declared by the State Government by general or special order to be a matter in regard to which no expenditure shall be met from the municipal fund.

(4) Subject to the provisions of this Act and the rules and bye-laws, it shall be the duty of the President and of any member presiding at any meeting of the committee or of a sub-committee to disallow the consideration or discussion of any matter for which provision is not made in this section or any other section.

[57A. Constitution of Services to Poor Fund. - (1) A separate fund called the Service to Poor Fund shall be constituted to deliver the services to the poor and the inhabitants of slum areas. This fund shall comprise of,-

- (i) all moneys raised by any rent, tax, fine, rate or cess on any person or any property situated in slum area;
- (ii) a grant received from the Central/State or any other agency for development of slum area;
- (iii) moneys received from any individual or associations of individuals by way of grants or gifts or deposits for service to the poor;
- (iv) all moneys received by or on behalf of committee or any source specifically meant for this fund;
- (v) any fund that may be transferred by the Commissioner from the Municipal Fund under the specific major head of account to ensure adequate funds for meeting the purpose of this fund.]

[57B. Utilization of Services to Poor Fund. - (1) The fund shall be utilized to promote services for the poor and the inhabitants of the slum areas and the committee shall endeavour that at least, -

- (i) 20% of the total revenue income;
- (ii) 20% of the revenue expenditure; or
- (iii) 25% of the total capital expenditure,

whichever is maximum, is incurred on delivery of the services to the poor and the inhabitants of slum areas per annum.

Explanation. - For the purposes of this section "services" shall include basic environmental services, roads, primary education and health, housing, water supply, sanitation, social security and such like services. However, it shall not include establishment expenses (including salary and wages) not directly and specifically incurred for delivery of service.]

58. Payment of salary to President out of municipal fund. - With the sanction of the State Government a salary of such amount as the State Government may fix may be paid to the President of a committee out of the municipal fund.

59. Custody of municipal fund. - The municipal fund shall be kept in a Government treasury or sub-treasury or a bank to which the Government treasury business has been made over or in any of the [Co-operative Banks

or Scheduled Banks as defined in] Section 2 of the Reserve Bank of India Act, 1934 or a post-office.

60. Power to deposit and invest surplus funds. - It shall be lawful for the committee to deposit at interest in any of the [Co-operative Bank or Scheduled Banks as defined in] Section 2 of the Reserve Bank of India Act, 1934, or a post-office, any surplus fund which may not be required for current charges and to invest such funds in the securities of the Central Government and such other public securities as the State Government may specify in this behalf.

61. Property vested in committee. - (1) Subject to any special reservation made or to any special conditions imposed by the State Government, all property of the nature hereinafter in this section specified and situated within the municipality, shall vest in and be under the control of the committee, and with all other property which has already vested or may hereafter vest in the committee, shall be held and applied by it for the purposes of this Act, that is to say, -

- (a) all public town-walls, gates, markets, stalls, slaughter-houses, manure and night-soil depots and public buildings of every description which have been constructed or are maintained out of the municipal fund;
- (b) all public streams, springs and works for the supply, storage and distribution of water for public purposes, and all bridges, buildings, engines, materials and things connected therewith or appertaining thereto, and also any adjacent land, not being private property appertaining, to any public tank or well;
- (c) all public sewers and drains, and all sewers, drains, culverts and water-courses in or under any public street, or constructed by or for the committee alongside any public street, and all works, materials and things appertaining thereto;
- (d) all dust, dirt, dung, ashes, refuse, animal matter or filth or rubbish of any kind or dead bodies of animals, collected by the committee from the streets, houses, privies, sewers, cesspools or else where or deposited in places fixed by the committees under section 152;
- (e) all public lamps, lamp-posts, and apparatus connected therewith or appertaining thereto;

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

[(fa) all the properties, funds and dues alongwith all the legal liabilities of the trust dissolved under sub-section (1) of section 105, vested in the State Government under clause (b) of sub-section (2) and transferred to the municipality under the proviso to clause (d) of sub-section (2) of section 105 of the Haryana Town Improvement Act, 2008 (36 of 2008);]

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

[(h) Shamlat deh]

(2) Where any immovable property is transferred otherwise than by the sale by the State Government to a committee for public purposes, it shall be deemed to be a condition of such transfer, unless specially provided to the contrary, that should the property be at any time resumed by the State Government, the compensation payable therefor shall, notwithstanding anything to the contrary in the Land Acquisition Act, 1894, in no case exceed the amount, if any, paid to the State Government for the transfer, together with the cost or the present value, whichever shall be less, of any buildings erected or other works executed on the land by the committee.

62. Inventory and map of municipal property. - (1) The committee shall maintain an inventory and a map of all immovable property of which the committee is proprietor, or which vests in it or which it holds in trust for the State Government.

(2) The copies of such inventory and map shall be deposited in the office of the Deputy Commissioner and such other officer or authority as the State Government may direct and all changes made therein shall forthwith be communicated to the Deputy Commissioner or other officer or authority.

63. Erection and maintenance of boundary marks of municipal area. - Every committee shall cause to be erected and set up and thereafter maintain substantial boundary marks defining the limits or the altered limits of the municipal area subject to its authority as set out in the notification issued under section 3.

64. Management of public institutions. - (1) The management, control and administration of every public institution maintained out of the municipal fund shall vest in the committee.

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

Provided that the extent of the independent authority of the committee in respect of any such institution may be prescribed by the State Government: Provided also that nothing in this section shall be held to prevent the vesting of any trust property in the Treasurer of Charitable Endowments under the Charitable Endowments Act, 1890.

65. Acquisition of land. - When any land, whether within or without the limits of a municipality, is required for the purposes of this Act, the State Government may, at the request of the committee proceed to acquire it under the provisions of the Land Acquisition Act, 1894, and on payment by the committee of the compensation awarded under that Act, and of any other charges incurred in acquiring the land, the land shall vest in the committee.

Explanation. - When any land is required for a new street or for the improvement of an existing street, the State Government may on the request of the committee proceed to acquire, in addition to the land to be occupied by the street, the land necessary for the sites of the buildings to be erected on both sides of the street, and such land shall be deemed to be required for the purposes of this Act.

66. Transfer to Government of property vesting in committee. - The committee may, with the sanction of the State Government, transfer to the State Government any property vesting in the committee under section 61 or section 64 but not so as to affect any trusts or public rights subject to which the property is held.

[66A. Powers and functions of municipalities. - The State Government may, by order, entrust the municipalities with such powers and functions as institutions of self government and to assign to them tasks relating to-

- (a) the preparation of plans for economic development and social justice:
- (b) the performance of functions and implementation of schemes in respect of the following matters, namely:-
 - (i) urban planning including town planning;
 - (ii) regulation of land use and construction of buildings;
 - (iii) planning for economic and social development;
 - (iv) roads and bridges;

- (v) water supply for domestic, industrial and commercial purposes;
- (vi) public health, sanitation conservancy and solid waste management;
- (vii) fire services;
- (viii) urban forestry, protection of the environment and promotion of ecological aspects;
- (ix) safeguarding the interests of weaker sections of society, including the handicapped and mentally retarded;
- (x) slum improvement and upgradation;
- (xi) urban poverty alleviation;
- (xii) provision of urban amenities and facilities such as parks, garden, playgrounds;
- (xiii) promotion of cultural, educational and aesthetic aspects ;
- (xiv) burial and burial grounds, cremations, cremation grounds and electric crematoriums;
- (xv) cattle pounds, prevention of cruelty to animals;
- (xvi) vital statistics including registration of births and deaths;
- (xvii) public amenities including street lighting, parking lots, bus stops and public conveniences.]

67. Power to take over management of water-works, sewerage-works and roads, etc. - (1) Whenever the State Government is satisfied that the committee has neglected to perform its duties in respect of maintenance or construction of water-works, sewerage-works or roads and that it is in public interest to take over the management of such water-works, sewerage-works or roads for a period not exceeding ten years, it may, after giving the committee a reasonable opportunity of showing cause against the proposed action, make an order to take over the management of water-works, sewerage-works or roads, as the case may be.

(2) The management of water-works, sewerage-works or roads, as the case may be, shall revert to the committee after the expiry of the period for which it was taken over by the State Government or earlier than that if deemed expedient by the State Government.

(3) It shall be the liability of the committee to pay the expenses, if any, which may be incurred by the State Government as also the liability in respect of the salary and allowances of the persons employed by the committee before taking over the management, for and in connection with the maintenance, construction, management and control of the water-works, sewerage-works or roads.

(4) Whenever the management of any water-works, sewerage-works, or roads of any committee is taken over by the State Government, the powers, duties and functions of the committee under this Act in respect of such water-works, sewerage-works or roads shall be exercised and performed by the State Government.

68. Saving of Act 9 of 1914. - Nothing in this Act shall effect the Local Authorities Loans Act, 1914.

[68A. Finance Commission. - (1) The Finance Commission constituted by the State Government under Article 243 of the Constitution of India shall review the financial position of the municipalities and make recommendations to the Government as to.-

(a) the principles which should govern-

(i) the distribution between the State and the municipalities of the net proceeds of the taxes, duties tolls and fees leviable by the State, which may be divided between them and the allocation between the municipalities at all levels of their respective shares of such proceeds;

(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;

(b) the measures need to improve the financial position of one municipalities;

(c) any other matter referred to the Finance Commission by the Government in the interest of sound finance of the municipalities.

(2) The Government shall cause every recommendation made by the Finance Commission under this section together with an explanatory memorandum as to the action taken thereon to be laid before the Legislature of the State.]

CHAPTER V

Taxation

69. Taxes which committee shall impose. - For the purposes of this Act and subject to the provisions thereof every committee shall impose the following taxes, namely:-

[(a) a property tax payable by the owner of building or land at the rates notified by the Government, from time to time depending upon the

area in which the building or land is situated, its location, purpose for which it is used, its capacity for profitable use, quality of construction and other relevant factors;]

- (c) a duty on the transfer of immovable properties situated within the limits of the municipality in addition to the duty imposed under the Indian Stamp Act, 1899, as in force for the time being in the State of Haryana, on every instrument of the description specified below and at such rate, as the State Government may, by notification, direct, which shall not be less than one per centum and more than three per centum on the amount specified below against instruments:-

Description of instruments Amount on which duty shall be levied

- | | |
|---|---|
| (i) Sale of immovable property | the amount or value of the consideration for the sale as set forth in the instrument. |
| (ii) Exchange of immovable property | the value of the property of the greater value as set forth in these instruments. |
| (iii) Gift of immovable property | the value of the property as set forth in the instrument. |
| (iv) Mortgage with possession of immovable property | the amount secured by the mortgage as set forth in the instrument. |
| (v) Lease in perpetuity of immovable property | the amount equal to one- sixth of the whole amount or value of the rent which would be paid or delivered in respect of the first fifty years of the lease |

The said duty shall be collected by the Registrar or Sub-Registrar in the shape of non-judicial stamp paper at the time of registration of the document and intimation thereof shall be sent to the committee immediately. The amount of the duty so collected shall be paid to the committee concerned.

70. Taxes that may be imposed. - (1) Subject to any general or special orders of the State Government in this behalf and to the rules, a committee may, from time to time, for the purposes of this Act, impose in the whole or any part of the municipality any of the following taxes, tolls and fees, namely:-

- (i) a tax on professions, trades, callings and employments;
- [(ii) a tax on vehicles, plying for hire or kept or registered under the Motor Vehicle Act, 1988 (Act 59 of 1988), within the municipality;]
- (iii) a tax on animals used for riding, draught or burden, kept for use within the municipality, whether they are actually kept within or outside the municipality;
- (iv) a tax on dogs kept within the municipality;
- (v) a show tax;
- [(vi) a toll on vehicles entering the municipality;]
- (vii) a tax on boats moved with the municipality;
- [(viii) a tax on the consumption of electricity at the rate of two percent of the electricity bill consumed by any person within the limits of the municipality;]
- [(viii a) a fire tax;
- (viii b) a sanitation tax;
- (viii c) a tax on driving licences issued under the Motor Vehicles Act, 1988 (Act 59 of 1988), within the Municipality;
- (viii d) a development tax on the increase in urban land values caused by the execution of any development or improvement work;
- [***]]
- (ix) a fee with regard to pilgrimages;
- (x) a fee with regard to drainage;
- (xi) a fee with regard to lighting;
- (xii) a fee with regard to scavenging ;
- (xiii) a fee for cleansing of latrines and privies;
- (xiv) a fee in the nature of costs for providing internal services under the scheme framed under section 203;

(xv) with the previous sanction of the State Government, any other tax, toll or fee which the State Legislature has power to impose in the State under the Constitution of India.

(2) The rates of any tax, toll or fee under sub-section (1) except that under clause (viii) thereof shall be determined by the committee: Provided that such rates shall not exceed the maximum limits which the State Government may, from time to time, by notification, specify in this behalf.

71. Savings. - Nothing contained in sections 69 and 70 shall authorise a committee to levy any tax, toll or fee which the State Legislature has no power to impose in the State under the Constitution of India: Provided that any tax, toll or fee which immediately before the commencement of the Constitution was lawfully being levied in any municipality, may continue to be so levied until provision to the contrary is made by Parliament by law.

Explanation. - In this section 'tax' includes any duty or cess.

72. Procedure regarding taxes which committee shall impose. - (1) A committee, at a special meeting, shall pass a resolution, within a period of thirty days from the date of publication of notification under section 69, directing the imposition of tax with effect from the date to be fixed in the resolution. If the committee fails to pass such a resolution within the aforesaid period, the resolution in this behalf shall be deemed to have been passed by the committee on the expiry of the period of said thirty days.

(2) After the resolution is passed or deemed to have been passed under sub-section (1), the State Government shall notify in the Official Gazette the imposition of the tax from the appointed date.

[72A. Overriding effect. - Notwithstanding anything to the contrary contained in any provision of this Act, every committee shall be competent to impose, levy and charge a tax payable by the owner on buildings and lands in any rating area for the period from 1st April, 1977 to 31st March, 1978 and from 1st April, 1978 to 31st March, 1979.

Explanation. - The rating area shall have the meanings assigned to it in clause (e) of section 2 of the Punjab Urban Immovable Property Tax Act, 1940.]

73. Collection and payment of tax on consumption of electricity. - (1) The tax on consumption of electricity referred to in clause (viii) of section 70 shall be collected by the Haryana State Electricity Board set up under the Electricity (Supply) Act, 1948, or by any other person, as the case may be, supplying electricity for consumption in municipal limits and paid to the committee concerned:

Provided that where any person generates electricity for his own use or consumption it shall be paid by such person.

(2) Such tax shall be collected and paid in the same manner as if it were electricity duty payable to the State Government under the Punjab Electricity (Duty) Act, 1958.

(3) Such tax shall not be leviable on the consumption of electricity by the Government of India or where it is consumed in the construction, maintenance or operation of any railway by the Government of India.

74. Procedure to impose taxes. - (1) A committee may, at a special meeting, pass a resolution to propose the imposition of any tax under section 70.

(2) When such a resolution has been passed, the committee, shall publish a notice, defining the class of persons or description of property proposed to be taxed, the amount or rate of the tax to be imposed, and the system of assessment to be adopted.

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

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

(5) Any objections to the amended proposals which may be received within thirty days of their publication shall be dealt with in the manner prescribed in sub-section (3).

(6) When the committee has finally settled its proposals, it shall, if the proposed tax falls under clause (i) to clause (xiv) of sub-section (1) of section 70, direct that the tax be imposed, and shall forward a copy of its order to that effect through the Deputy Commissioner, to the State Government and if the proposed tax falls under any other provision, it shall submit its proposals together with the objection, if any, made in connection therewith to the Deputy Commissioner.

(7) If the proposed tax falls under clause (xv) or sub-section) (1) of Section 70, the Deputy Commissioner shall submit the proposals and objections with his recommendation to the State Government.

(8) The State Government on receiving proposals for taxation under sub-section (2) may sanction or refuse to sanction the same, or return them to the committee for further consideration.

(9) When -

(a) a copy of order under sub-sections (6) and (7) has been received; or

(b) a proposal has been sanctioned under sub-section (8), the State Government shall notify the imposition of the tax in accordance with such order or proposal and shall in the notification specify a date not

less than one month from the date of the notification, on which the tax shall come into force.

(10) A tax leviable by the year shall come into force on the first day of January or on the first day of April or on the first day of July or on the first day of October in any year, and if it comes into force on any other day then the first day of the year by which it is leviable shall be leviable by the quarter till the first day of such year then next ensuing.

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

75. Power of Government in respect of taxation. - (1) The State Government may, by special or general order notified in the Official Gazette, require a committee to impose any tax mentioned in Section 70 not already imposed at such rate and within such period as may be specified in the notification and the committee shall thereupon act accordingly.

(2) The State Government may require a committee to modify the rate of any tax already imposed and thereupon the committee shall modify the tax as required within such period as the State Government may direct.

(3) If the committee fails to carry out any order passed under sub-section (1) or sub-section (2), the State Government may, by a suitable order notified in the Official Gazette, impose or modify the tax. The order so passed shall operate as if it were a resolution duly passed by the committee and as if the proposal was sanctioned in accordance with the procedure contained in Section 74.

Procedure for Assessing Immovable Property

[75A. Self assessment of tax. - Notwithstanding anything contained in this Act, every person liable to pay the property tax shall himself calculate the tax of the building or land according to the procedure notified in this regard, of which he is the owner, at the rates notified under clause (a) of section 69.]

[75B. Deposit of property tax. - (1) On the basis of assessment made as per section 75A, the owner shall deposit the amount of property tax in the specified head of the municipality as per the prescribed procedure on or before the date fixed by the authority and furnish a return in the prescribed form. The variation upto ten per cent on either side in the assessment made under section 75A shall be ignored. In cases where the variation is more than ten per cent, the owner of land or building, as the case may be, shall be liable to pay penalty equal to the amount of tax evaded subject to a minimum of rupees one hundred.

(2) Where any property tax has not been paid by the owner within the prescribed time, the authority shall serve notice on the person chargeable

with the property tax, which has not been paid, requiring him to show cause why he should not pay the amount specified in the notice and the authority shall pass an appropriate order in this regard after giving an opportunity of hearing.

Explanation. - For the purposes of this section, the authority means the Executive Officer in case of Municipal Council and Secretary in case of Municipal Committee or any other officer authorized by the Deputy Commissioner.]

[75C. Penalties. - In case of non-payment of property tax, the competent authority may impose a penalty equal to the amount of the tax assessed, subject to a minimum of rupees one hundred and in case of late payment, interest at the rate of one and a half per centum per month from the date of default shall also be charged.]

[76. Property list. - Save as otherwise provided in this Act, each committee shall cause a property list of all lands and buildings in the municipal area to be prepared in such form and manner and containing, such particulars with respect to each land and building, as may be prescribed.]

[77. *]**

[78. *]**

[79. *]**

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

Explanation. - For the purposes of this sub-section, the authority means the Executive Officer in case of Municipal Council and Secretary in case of Municipal Committee or any other officer authorized by the Deputy Commissioner.

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

[81. New property list. - It shall be at the discretion of the committee to prepare for the whole or any part of the municipality a new property list every year.]

[81A. Incidents of tax on lands and buildings. - (1) If any land has been let to a tenant and such tenant has erected building upon the land, the tax on lands and buildings payable under clause (a) of section 69 in respect of that land and the building erected thereon, shall be primarily payable by the tenant. In case the tenant vacates the said building or land it shall be the liability of the owner to pay the said tax.

Explanation. - The term 'tenant' includes any person deriving title to the land or building erected upon such land from the tenant whether by operation of law or by transfer *inter vivos*.

(2) The assessment, levy and payment of the tax on buildings and lands shall not in any way confer any right, title or interest in the property upon either the owner or the occupier and shall not be a proof of the fact that the building is an authorised one and further that any building or part thereof which is erected in contravention of the existing building bye-laws or town planning regulations/scheme shall not get regularised by virtue of being assessed to tax on buildings and lands.]

[81B. Apportionment of liability of taxes on building or land when premises assessed are let or sub-let.□- If any building or land assessed to tax specified in clause (a) of section 69 is let or sub-let and amount of rent payable in respect thereof is less than the property tax, then the tenant shall be liable to pay the difference between the amount of the said property tax and the rent paid by him.]

General Provisions

82. Tax not invalid for defect of form. - No assessment and no charge or demand of any tax made under the authority of this Act shall be impeached or affected by reason of any mistake in the name, residence, place of business or occupation of any person liable to pay the tax, or in the description of any property or thing liable to the tax, or of any mistake in the amount of assessment or tax, or by reason of any clerical error or other defect of form; and it shall be enough in respect of such tax on property or any assessment of value for the purpose of any such tax if the property taxed or assessed is so described as to be generally known; and it shall not be necessary to name the owner or occupier thereof.

83. Power of committee in regard to taxes. - (1) A committee may exempt, in whole or in part, for any period not exceeding one year, from the payment of any such tax, any person who by reason of poverty may in its opinion be unable to pay the same, and may renew such exception as often as may be necessary.

(2) A committee, by a resolution passed at a special meeting and confirmed by the State Government, may-

- (a) provide that all or any persons may be allowed to compound for taxes imposed under Section 69, under clauses (ii), (iii), (iv), (vi), (xii), (xiii), (xiv) and (xv) of sub-section (1) of Section 70 and under Section 71;
- (b) abolish, suspend or reduce in amount any tax imposed under Sections 69, 70 and 71;
- (c) exempt in whole or in part from the payment of any such tax, any person or class of persons or any property or description of property.

84. Powers of State Government in regard to taxes. - (1) The State Government may by order exempt in whole or in part from the payment of any such tax any person or class of persons or any property or description of property.

(2) If at any time it appears to the State Government, on complaint made or other wise, that any tax imposed under the foregoing sections is unfair in its incidence or that the levy thereof or of any part thereof is injurious to the interests of the general public, it may require the committee to take within a specified period measures to remove the objection; and, if within that period the requirement is not complied with to the satisfaction of the State Government, the State Government may, by notification, suspend the levy of the tax or of such part thereof until the objection has been removed.

[85. ***]

86. Duty of furnishing true information regarding liability to municipal taxation. - (1) Every person shall on the demand of an officer duly authorised by the committee in this behalf furnish such information as may be necessary in order to ascertain whether such person is liable to pay any municipal tax; and every hotel or lodging house-keeper or Secretary of a residential club shall also on demand made as aforesaid furnish a list of all persons residing in such hotel, lodging-house or club.

(2) If any person so called upon to furnish such information omits to do or furnishes information which is untrue, he shall be punishable with a fine which shall not be less than [five hundred rupees and more than two thousand rupees].

87. Notice to be given to committee of all transfers of title of persons primarily liable to payment of property tax. - (1) Whenever the title to or over any building or land of any person primarily liable for the payment of property taxes on such property is transferred, the transferor and the transferee shall within three months of the registration of the deed of transfer if it be registered, or if it be not registered within three months of its execution, or if no instrument be executed, of the actual transfer, give notice in writing of such transfer to the committee.

(2) Every person primarily liable for the payment of a tax on any property, who transfers his title to or over such property, without giving notice of such transfer to the committee as aforesaid, shall, in addition to any other liability which he incurs through such neglect, continue liable for the payment of all such taxes from time to time payable in respect of the said property until he gives such notice, or until the transfer is recorded in the books of the committee.

(3) Whenever the title to or over any building or land has devolved upon any person by inheritance, the heir shall within three months of the date of the death of the former owner give notice in writing of such inheritance to the committee.

(4) Nothing in this section shall be held to diminish the liability of the transferee or heir for the said taxes or to affect the prior claim of the committee for the recovery of the taxes due thereupon.

(5) Whoever contravenes the provisions of sub-sections (1) and (3) shall in addition to any other penalty which he incurs through such neglect, be punishable with a fine which shall not be less than twenty-five rupees and more than two hundred rupees, and, in the case of a continuing breach with a further fine of ten rupees for every day after the first during which the breach continues.

88. Power of entry for the purposes of valuation or taxation. - The committee may authorize any person -

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

(b) to enter and inspect any stable, coach-house or other place wherein there is reason to believe that there is any vehicle or animal liable to taxation under this Act or for which a licence has not been duly taken out.

89. Section 89 omitted vide Haryana Act No. 1 of 2000

90. Section 90 omitted vide Haryana Act No. 1 of 2000

91. Section 91 omitted vide Haryana Act No. 1 of 2000

92. Extension of taxation limits by agreement. - (1) When a committee, with the sanction of the State Government, has agreed with another committee or a Cantonment authority [-] that in consideration of the payment of a lump sum or otherwise the [same limits for octroi or any toll or tax] shall be established for the contracting parties, the committee may request the State Government to fix limits under section 200 so as to include so much of the area controlled by the said contracting parties as it may

deem necessary, and shall have the powers of [collecting such toll or tax on animals] or articles brought within such limits, and the provisions of this Act for the assessment and [collection of such tax or toll] shall apply in the same way as if the said limits were wholly comprised in the area of the municipality.

(2) The total of the proceeds of such taxes or tolls made, in the joint area of the municipality and Cantonment [-] and the cost thereby incurred shall be apportioned between the municipal fund and the fund subject to the octroi of the Cantonment authority [-] in such proportion as shall have been determined by the agreement.

93. Taxes when payable. - Subject of the provisions of Section 72, sub-sections (7) and (8) of Section 74 and section 79 any tax imposed under this Chapter and payable periodically shall be payable on such dates as in such instalments, if any, as the committee, with the previous sanction of the Deputy Commissioner, may from time to time direct.

[Provided that where the tax is not paid within one month of the due date, an interest at the rate of [one and a half per centum] per month shall be charged for every calendar month of part thereof]

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

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

(3) The amount of every such arrear, besides being recoverable in any other manner provided by this Act shall, subject to any claim on behalf of the State Government, be a first charge on the property in respect of which it is payable, and shall be recoverable, on application made in this behalf by the committee to the Collector, as if the property were an estate assessed to land revenue and the arrear were an arrear of such revenue due thereon.

[(4) On the failure to recover any sum due on account of tax in respect of any building or land from the person primarily liable, the executive officer or secretary, as the case may be, shall in the prescribed manner recover the said sum from the occupier of such building or land by attachment of the rent or licence fee, as the case may be, payable by such occupier. The sum so recovered from the occupier shall be deemed to have been paid by the occupier to the owner.]

95. Recovery of taxes, etc. - (1) Any arrears of any tax, water rate, rent, fee or any other money claimable by a committee under this Act may be

recovered on application to a Magistrate having jurisdiction within the limits of the municipality, or in any other place where the person from whom the money is claimable may for the time being be resident, by the distress and sale of any movable property within the limits of his jurisdiction belonging to such person. The cost of such proceedings shall be recoverable from the defaulter in the same manner as the said arrears.

(2) An application made under sub-section (1) shall be in writing and shall be signed by the President, a Vice-President or the Secretary of the committee, but it shall not be necessary to present it in person.

96. Seizure and sale of vehicle and animal. - (1) If any person owns or occupies any vehicle or animal in respect of which tax is payable under section 69 or section 70 without having paid the tax and fails to pay the tax due on demand, any officer authorised by the committee in this behalf may seize and detain such vehicle and animal, if any, by which it is driven or animal, as the case may be.

(2) After such seizure the officer authorised by the committee in this behalf shall forthwith issue a notice in writing to the owner thereof by registered post that after the expiry of fifteen days from the date of service of the notice he will sell such vehicle or animal or both.

(3) If the animal or vehicle seized by not claimed and the tax due there on be not paid within a period of fifteen days from the date of the seizure the officer authorised under sub-section (1) may direct that the vehicle or the animal or both shall be sold in public auction and the proceeds of the sale applied to the payment of-

- (a) the tax, if any due on the vehicle or animal or both;
- (b) such penalty not exceeding the amount of the tax as the officer authorised under sub-section (1) may direct; and
- (c) all expenses occasioned by such non-payment, seizure, detention and sale.

(4) The surplus sale proceeds, if any, shall be credited to the municipal fund and may be paid on the demand of the owner of vehicle or animal or both or to other person entitled thereto to the satisfaction of the officer authorised under sub-section (1):

Provided that, if at any time before the sale is conducted, such person or his authorised agent tenders to the committee or to the person authorised by it to sell the vehicle or the animal, the dues referred to in sub-section (3), the officer authorised under sub-section (1) shall forthwith release the vehicle or animal or both so seized.

97. Recovery of toll. - In case of non-payment of any toll on demand, the officer empowered to collect the same may seize any vehicle or animal on

which the toll is chargeable, or any part of its burden of sufficient value to satisfy the demand. vide Haryana Act No. 1 of 2000.

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

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

98. Mode of recovery of dues under this Act. - (1) Any amount on account of arrears of any tax, water rate, rent, fee or any other money claimable by a committee under this Act, besides being recoverable in any other manner provided by this Act, may be recovered, on an application made in this behalf by the Collector, as arrears of land revenue.

[(2) For the purposes of sub-section (1), the State Government may, on a request from any committee or otherwise, appoint a person to exercise the powers of the Collector under the Punjab Land Revenue Act, 1887, and where the Collector is so appointed, an application under the said sub-section shall be made to such Collector.]

99. Appeals against taxation. - (1) An appeal against the assessment or levy of any tax or against the refusal to refund any tax under this Act shall lie to the Deputy Commissioner or to such other officer as may be empowered by the State Government in this behalf:

Provided that, when the Deputy Commissioner or such other officer as aforesaid is, or was when the tax was imposed, a member of the committee, the appeal shall lie to the State Government.

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

(3) On a reference being made under sub-section (2), the subsequent proceedings in this case shall be, as nearly as may be, in conformity with the provisions relating to references to the High Court contained in section 113 and Order XLVI of the Code of Civil Procedure, 1908.

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

(5) The costs awarded under this section to the committee shall be recoverable by the committee as if they were arrears of a tax due from the appellant.

(6) If the committee fails to pay the cost awarded to an appellant within ten days after the date of the order for payment thereof, the officer awarding the costs may order the person having the custody of the balance of the municipal fund to pay the amount.

100. Limitation of appeal. - (1) No appeal shall lie in respect of a tax on any land or building unless it is preferred within one month after the publication of the notice prescribed by section 79 or section 80 or section 81, as the case may be, and no appeal shall lie in respect of any other tax unless it is preferred within one month from the time when the demand for the tax is made:

Provided that an appeal may be admitted after the expiration of the period prescribed therefor by this section if the appellant satisfies the officer before whom the appeal is preferred that he had sufficient cause for not presenting the appeal within that period.

(2) No appeal shall be entertained unless the appellant has paid all other municipal taxes due from him to the committee up to the date of such appeal.

[100A. Revision. - Any person aggrieved by an order passed in appeal under section 99 may within thirty days of the communication to him of such order make an application in writing to the State Government for revision against the said order and the State Government may confirm, alter or rescind the said order.

Provided that the State Government shall not pass an order under this section prejudicial to any person without giving such person a reasonable opportunity of being heard.]

101. Taxation not to be questioned except under this Act. - (1) No objection shall be taken to any valuation or assessment, nor shall the liability of any person to be assessed or taxed be questioned, in any other manner or by any other authority than is provided in this Act.

(2) No refund of any tax shall be claimable by any person otherwise than in accordance with the provisions of this Act and the rules.

101A. Section 101A omitted by Haryana Act No. 1 of 1979 with effect from 1st April, 1977.

CHAPTER VI

Police

102. Police force. - (1) If the State Government is of the opinion that police force is required by a committee on whole-time basis for a specified period exceeding one month for carrying out the purposes of this Act, it

may, on an application made by the committee through the Deputy Commissioner, in this behalf, provide such police force.

(2) The committee shall pay the expenses incurred by the State Government in respect of the police force provided under sub-section (1).

103. Power and duties of police in respect of offences against Act and Rules, and assistance to municipal authorities. - (1) Every member of a police force under this Act shall give immediate information to the committee of any offence committed against this Act or the rules or bye-laws, and shall be bound to assist all members and employees of the committee in the exercise of their lawful authority.

(2) Every member of such police force may arrest any person committing in his view any offence against this Act or the rules or bye-laws-

(a) if the name and address of the person are unknown to him, and

(b) if the person declines to give his name and address, or if there is reason to doubt the accuracy of the name and address if given.

(3) A person arrested under this section may be detained until his name and address have been correctly ascertained:

Provided that no person so arrested shall be detained longer than may be necessary for bringing him before a Magistrate except under the order of a Magistrate for his detention.

104. Police protection at fairs, etc. - When special police protection is, in the opinion of the State Government, required on the occasion of any fair, agricultural show or industrial exhibition, managed by a committee, or for the purpose of guarding houses evacuated on account of plague, the State Government may provide such protection and the committee shall pay the whole charge thereof or such portion of such charges as the State Government may consider equitably payable by it.

CHAPTER VII

Extinction and Prevention of Fire

105. Establishment and maintenance of fire-brigade. - For the prevention and extinction of fire, the committee may and, if the State Government so directs shall, establish and maintain a fire-brigade, and provide implements, machinery or means of communicating intelligence for the efficient discharge of their duties by the brigade.

106. Power of fire-brigade and other persons for suppression of fire. - (1) On the occasion of a fire in a municipality any Magistrate, the Secretary of the committee, any member of committee, any member of a fire brigade maintained by the committee then and there directing the

operations of men belonging to the brigade, and any police officer not below the rank of Sub- Inspector, may-

- (a) remove or order the removal of any person who by his presence interferes with or impedes the operations for extinguishing the fire or for saving life or property;
- (b) close any street or passage in or near which any fire is burning;
- (c) for the purpose of extinguishing the fire break into or through or pull down, or cause to be broken into or through or pulled down or used for the passage of houses or other appliances, any premises;
- (d) cause mains and pipes to be shut off so as to give greater pressure of water in or near the place where the fire has occurred;
- (e) call on the persons in-charge of any fire-engine to render such assistance as may be possible;
- (f) generally, take such measures as may appear necessary for the preservation of life or property.

When any Government building is endangered by such a fire, the officer of the Public Works Department for the time being in-charge of the building may exercise the powers conferred on a Magistrate by this sub-section.

(2) No person shall be liable to pay damages for any act done by him under sub-section (1) in good faith.

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

107. Limitation on operation of this Chapter. - The powers conferred by the last foregoing section shall be subject to any regulations, conditions or restriction which may be imposed by the rules.

CHAPTER VIII

Water Supply

108. Provision of water. - (1) The committee may, and when the State Government so directs shall, provide the area under its control or any part thereof with a supply of wholesome water sufficient for public and domestic purposes.

(2) For the purpose of providing such supply within the municipality the committee shall cause such tanks, reservoirs, engines, pipes, taps and other

works as may be necessary to be constructed or maintained, whether within or without the municipality; and shall erect sufficient stand-pipes or other conveniences for the gratuitous supply of water to the public.

(3) When required by the Health Officer, the committee shall arrange for the examination of water supplied for human consumption for the purpose of determining whether the water is wholesome.

109. Supply of water to connected premises. - (1) The committee may, on application by the owner of any building, arrange for supplying water from the nearest main to the same for domestic purposes in such quantities as it deems reasonable, and may at any time limit the amount of water to be so supplied whenever it considers it necessary.

(2) No additional charge shall be payable in respect of such supply in any municipality in which a water tax is levied, but for water supplied in excess of the quantity to which such supply is under sub-section (1) limited, and in other municipalities for all water supplied under this section payment shall be made at such rate as may be fixed by bye-laws.

Explanation. - A supply of water for domestic purposes shall not be deemed to include a supply -

- (a) for animals or for washing vehicles where such animals or vehicles are kept for sale or hire ;
- (b) for any trade, manufacture or business;
- (c) for fountains, swimming baths or for any ornamental or mechanical purpose;
- (d) for gardens or for purposes of irrigation;
- (e) for watering roads and paths;
- (f) for building purposes.

110. Supply of water for other than domestic purposes. - (1) The committee may supply water for any purpose other than a domestic purpose, on receiving a written application specifying the purpose for which such supply is required and the quantity likely to be consumed.

(2) For all water supplied under sub-section (1) payment shall be made at a rate not less than the rate prescribed under sub-section (2) of section 109.

(3) The committee may withdraw such supply at any time if it should appear necessary to do so in order to maintain sufficient supply of water for domestic purposes.

111. Making connections with municipal water works. - (1) Where an application under section 109 or section 110 has been received, all necessary communication pipes and fittings shall be supplied by the

committee and the work of laying and applying such communication pipes and fittings, shall be executed by municipal agency under the committee's order; but the cost of making any such connection and of all communication pipes and fittings so supplied and of all works so executed, shall be paid by the owner or the person making such application. The committee may either provide a meter and charge rent for the same or may require, the owner or applicant to provide a meter of such size, material and description as it shall approve.

(2) Notwithstanding anything in sub-section (1), the committee may require any owner or person applying for a supply of water to provide all communication pipes and fittings and to carry out at his own cost under its supervision and inspection all the work of laying and applying such communication pipes and fittings.

112. Obligation of owner or occupier to give notice of waste of water. - Any owner or occupier of any building or land, in or on which water supplied under this Act is misused from negligence or other circumstances under his control, or used without permission in excess of the quantity fixed under section 109 or section 110, or in which the pipes, mains, or other works are out of repair to such an extent as to cause waste water, shall, if he has knowledge thereof, be bound to give notice of the same to such officer as the committee may appoint in this behalf.

113. Cutting off of supply to premises. - If any person whose premises are supplied with water, neglects to pay the water-tax or any sum payable, under section 109 or section 110 when due, or to give notice as provided in the last preceding section, or wilfully or negligently misuses or causes waste of water, the committee may, after due notice, cut off the supply of water from the said premises.

114. Power of committee in respect of communications, etc. - For the purpose of providing or maintaining the water supply or of making or maintaining communication or connections with the mains, or generally for the purposes of this Chapter, the committee shall have all powers which are conferred upon it in respect of drainage by sections 138 to 143.

CHAPTER IX

Powers for Sanitary and other Purposes Bathing and Washing Places

115. Bathing and washing places. - The committee may set apart suitable places for the purposes of bathing and may specify the times at which, and the sex of the persons by whom, such places may be used, and may also set apart suitable places for washing animals or clothes, or for any other purpose connected with the health, cleanliness or comfort of the inhabitants; and may, by public notice, prohibit bathing, or washing animals or clothes, in any public place not so set apart, or at times or by persons

other than those specified, and any other act by which water in public places may be rendered foul or unfit for use, and may charge fees for the use of such places by any specified class or classes of persons or by the public generally.

(2) The committee may fix, by notice, places at which articles of clothing, bedding or other articles which have been exposed to infection shall be washed and, no person shall wash any such article at any place not so fixed.

Burial and Burning Places

116. Powers in respect of burial and burning places. - (1) The committee may by public notice order and, if so directed by the State Government shall within one month of the notification of such direction be deemed to have ordered, any burial or burning ground, situated within municipal limits or within one mile thereof which is certified by the Health Officer to be dangerous to the health of persons living in the neighbourhood to be closed, from a date to be specified in the notice, and shall in such case, if no suitable place for burial or burning exists within a reasonable distance, provide a fitting place for the purpose.

(2) Private burial places in such burial grounds may be excepted from the notice, subject to such conditions as the committee may impose in this behalf:

Provided that the limits of such burial places, are sufficiently defined and that they shall only be used for the burial of members of the family of the owners thereof.

(3) No burial or burning ground, whether public or private, shall be made or formed after the commencement of this Act, except with the sanction in writing of the committee which shall not be granted unless the Health Officer has certified in writing for the information of the committee that such burial or burning ground is not prejudicial to public health:

Provided that no such burial or burning ground shall be made or formed, except with the sanction of Government.

(4) Should any person, without the permission of the committee bury or burn, or cause or permit to be buried or burnt, any corpse at any place which is not a burial or burning ground or in any burial or burning ground made or formed contrary to the provisions of this section, or after the date fixed thereunder for closing the same, he shall be punishable with a fine which shall not be less than twenty-five rupees and more than two hundred rupees.

Dangerous Animals

117. Disposal of mad and stray dogs and other animals. - (1) The committee may,-

(a) authorise any person -

(i) to destroy, or cause to be destroyed, or confine, or cause to be confined for such period as the committee may direct, any dog or other animal suffering, or reasonably subjected to be suffering from rabies, or bitten by any dog or other animals suffering or suspected as aforesaid;

(ii) to confine, or cause to be confined, any dogs found wandering about streets or public places without collars or other marks distinguishing them as private property and charge a fee for such detention and destroy or otherwise dispose of any such dog if it is not claimed within one week, and the fee is not paid;

(b) issue a temporary or standing order that any dogs without collars or other marks distinguishing them as private property, found straying on the streets or beyond the enclosures of the houses of the owners of such dogs may be destroyed and destroy or cause them to be destroyed accordingly. Public notice shall be given of every such order.

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

118. Suffering dogs not to be at large. - Whoever, being the owner or person in charge of any dog, neglects to restrain it so that it shall not be at large in any street without a muzzle -

(a) if such dog is likely to annoy or intimidate passengers, or

(b) if the committee has by public notice during the prevalence of rabies directed that dog shall not be at large without muzzles.

shall be punishable with a fine which shall not be less than twenty-five rupees and more than two hundred rupees.

Dangerous or Insanitary Buildings or Places

119. Power to require buildings, wells, tanks, etc. to be secured. -

Should any building, or any well, tank, reservoir, pool, depression or excavation be, for want of sufficient repair, protection or enclosure, dangerous to the persons dwelling or working therein or in the neighbourhood or to persons passing by, [the committee, the executive officer or the secretary, as the case may be] may, by notice, require the owner or occupier thereof to repair, protect or enclose the same and should appear it to be necessary in order to prevent imminent danger [the committee, the executive officer or the secretary, as the case may be, shall

forthwith] it shall forthwith take such steps to avert the danger as may be necessary.

120. Building, etc., in dangerous state. - Should any building, well or structure, or anything affixed thereto, or any bank or tree, be deemed by the committee to be in a ruinous state or in any way dangerous or there be any fallen building or debris or other material which is unsightly or is likely to be in any way injurious to health, it may, by notice, require the owner thereof either to remove the same, or to cause such repairs to be made to the building, wall, structure or bank, as the committee may consider necessary for the public safety, and should it appear to be necessary in order to prevent imminent danger, the committee shall forthwith take such steps, at the expense of the owner, to avert the danger, as may be necessary.

121. Cleaning of filthy building or land. - Should the owner, part-owner or occupier of any building or land suffer the same to be in a filthy or unwholesome state, the committee may, by notice, require him within twenty- four hours to cleanse the same or otherwise put in a proper state and thereafter to keep it in a clean and proper state and if it appears to be necessary for sanitary purposes to do so, may at any time by notice, direct the occupier of any building to lime wash or otherwise cleanse the said building inside and outside in the manner and within a period to be specified in the notice.

122. Paving or draining of cattle stands. - The committee may, by notice, require the owner or occupier of any land on which cattle or other animals are habitually tethered to have the same property paved or drained or both.

123. Power to prohibit use for human habitation of buildings unfit for such use. - Should any building or any part of any building, appear to the committee to be unfit for human habitation in consequence of the want of proper means of drainage or ventilation or any sufficient reason, the committee may, by notice, prohibit the owner or occupier thereof from using the same for human habitation, or suffering it to be so used, until it has been rendered fit for such use to the satisfaction of the committee, and no such owner or occupier shall inhabit such building or suffer it to be inhabited until the committee shall have informed in writing the owner or occupier that the prohibition has been withdrawn.

124. Power to require owner to clear away noxious vegetation. - The committee may, by notice, require the owner or occupier of any land to clear away and remove and thick vegetation or undergrowth which may appear to the committee to be injurious to health or offensive to the neighbourhood.

125. Power to require hedges and trees to be trimmed. - The committee may, by notice, require the owner or occupier of any land to cut or trim within three days the hedges growing thereon and bordering on any street or any branches of trees growing thereon which overhang any street

and obstruct the same or cause danger, or which so overhang any well, tank or other source from which water is derived for public use as to be likely to pollute the water thereof or are in any offensive or injurious to health.

126. Power to require untenanted buildings becoming a nuisance to be secured or enclosed. - The committee may, by notice, require the owner or part-owner, or person claiming to be the owner or part-owner, of any building or land which by reason of abandonment or disputed ownership of other cause has remained untenanted and become a resort of idle and disorderly persons or otherwise a nuisance, to secure or enclose the same within a reasonable time fixed in the notice.

127. Prohibition of cultivation, use of manure or irrigation injurious to health. - (1) If the Health Officer certifies that the cultivation of any description of crops or the use of any kind of manure or the irrigation of land in any specified manner, -

(a) in any place within the limits of any municipality, is injurious or facilities practices which are injurious to health of persons dwelling in the neighbourhood, or

(b) in any place within or beyond the limits of any municipality is likely to contaminate the water supply of such municipality or otherwise render it unfair for drinking purposes;

the committee may prohibit the cultivation of such crop, the use of such manure or the employment of the method of irrigation so reported to be injurious, or impose such conditions with respect thereto as may prevent such injury or contamination:

Provided that if it is notified by the State Government that the cultivation of such crop, the use of such manure, or the employment of such method of irrigation is prohibited or conditions are imposed with respect thereto, the committee shall be deemed to have ordered such prohibition, or imposed such conditions, and shall issue notices in accordance with the notification :
Provided also that when on any land to which such prohibition applies the act prohibited has been practised during the five years next preceding the prohibition, in the ordinary course of husbandry compensation shall be paid from the municipal fund to all persons interested therein for any damage caused to them by the effect of such prohibition.

(2) Should any person fail within six months from the date of its service to comply with a prohibitory notice under sub-section (1), he shall be punishable with a fine which shall not be less than twenty-five rupees and more than two hundred rupees and with a further fine of ten rupees for every day during which the offence is continued.

Dangers of Offensive Trades

128. Regulation of offensive and dangerous trade. -(1) No place within a municipality shall be used for any of the following purposes, namely :-

- (a) melting tallow, dressing raw hides, boiling bones, offal or blood;
- (b) soap house, oil-boiling house, dying house or tannery;
- (c) brickfield, brick-kiln, charcoal-kiln, pottery or lime-kiln;
- (d) any other manufactory, engine-house, store-house, or place of business from which offensive or unwholesome smells, gases, noises or smoke arise;
- (e) yard or depot for trade in unslaked lime, hay, straw, thatching- grass, wood charcoal or coal, or other dangerously inflammable material;
- (f) store-house for any explosive, or for petroleum or any inflammable oil or spirit;

except under a licence obtained by the owner or occupier from the committee which shall be renewable annually.

(2) The licence shall not be withheld unless the committee considers that the business which it is intended to establish or maintain would be the cause of annoyance, offence, or danger to persons residing in, or frequenting the immediate neighbourhood, or that the area should be for general reasons kept clear of the establishment of such business.

(3) The committee may charge any fees according to a scale to be approved by the Deputy Commissioner for such licences, and may impose such conditions in respect thereof as it may think necessary. Among other conditions it may prescribe that any furnace used in connection with such trade shall, so far as practicable, consume its own smoke.

[(4) Whoever, without a licence uses any place for any such purpose as is specified in this Section or in contravention of the conditions of any such licence, shall be punishable imprisonment for a term upto six months or with a fine which shall not be less than one thousand rupees and more than five thousand rupees and with a further fine of one hundreds rupees for every day during which the offence is continued.]

129. Consent of committee to establish new factories or workshop. -

(1) Within any municipality no person shall establish a new factory or workshop without having obtained the consent of the committee.

(2) The consent of the committee may be given without condition or subject to the condition that the owner or user of the said factory shall provide adequate housing accommodation for labourers employed in the factory or for any proportion or class of such labourers:

Provided that the consent of the committee shall not be withheld for any reason except the refusal of such owner or user to comply with such condition:

Provided further that if the committee neglects or omits to give its consent within a period of two months from the date of application, such consent shall be deemed to have been given without condition.

(3) Whosoever commits a breach of the provisions of sub-section (1) or sub-section (2) shall, on conviction be punishable with a fine which shall be less than [two thousand rupees] and more than [ten thousand rupees], and when the breach is a continuing one, with a further fine of [one thousand rupees] for every day, after the first, during which the breach continues.

130. Prohibition of cinematographs and dramatic performances except in licensed premises.

(1) No exhibition of pictures or other optical effect by means of a cinematograph or other similar apparatus for the purpose of which inflammable films are used, and no public dramatic or circus performance or pantomime, shall be given in any municipality elsewhere than in premises for which a licence has been granted by the committee under this section.

(2) If the owner of a cinematograph or other apparatus uses the apparatus or allows it to be used, or if any person takes part in any public dramatic or circus performance or pantomime, or if the occupier of any premises allows those premises to be used, in contravention of the provisions of this section, or of any condition of a licence granted under this section, he shall be liable to a fine which shall not be less than [two hundred fifty rupees] and more than [two thousand rupees] and in the case of a continuing offence, to a further penalty of [one hundred rupees] for each day during which the offence continues, and the licence, if any, shall be liable to be revoked by the committee.

131. Power to prohibit trades. - (1) Whenever it appears that any place registered or licensed under the preceding sections is a nuisance to the neighbourhood or likely to be dangerous to life, health or property, the committee may, and if so required by the State Government, shall, by notice require the occupier thereof to discontinue the use of such place or to effect such alterations, additions, or improvements as well, in the opinion of the committee, render it no longer a nuisance or dangerous.

(2) Whoever, after any notice has been given under this section, uses such place or permits such place to be used in such a manner as to be a nuisance to the neighbourhood or dangerous, or does not effect such alterations, additions or improvements, shall be punishable with a fine which shall not be less than [five hundred rupees] and more than [five thousand rupees] and with a further fine of [five hundred rupees] for every day during which the offence is continued.

Drains and Privies

132. Provisions of drains, privies, etc. - (1) The committee may, by notice, require the owner of any building or land to provide more or remove any drain, privy, latrine, urinal, cesspool or other receptacle for filth or refuse, or provide any additional drains, privies, latrines, urinals, cesspools or other receptacles as aforesaid which should, in its opinion, be provided for the building or land, in such manner and of such pattern as the committee may direct.

(2) The committee may, by notice, require any person employing more than twenty workmen or labourers to provide such latrines, and urinals as it may think fit and to cause the same to be kept in proper order and to be daily cleaned.

(3) The committee may, by notice, require the owner or occupier of any building or land to have any privy, latrine or urinal provided for the same shut out by a sufficient roof and wall or fence from the view of persons passing by or dwelling in the neighbourhood, or to remove or alter, as the committee may direct, any door or trapdoor of a privy, latrine or urinal opening on to any street or drain.

(4) The committee may, and when required by the State Government shall provide latrines and urinals for the use of public.

133. Repair and closing of drains, privies, etc. - (1) The committee may, by notice, require the owner or occupier of any building or land to repair, alter, or put in good order any drain, privy, latrine, urinal, cesspool or receptacle for any filth or refuse, or to close any drain, privy, latrine, urinal or cesspool belonging thereto.

(2) The committee may, by notice, require any person who has constructed any new drain, privy, latrine, urinal, cesspool or receptacle for filth or refuse without its permission in writing or contrary to its directions or regulations or the provisions of this Act, or who has constructed, rebuilt or opened any drain, privy, latrine, urinal, cesspool or receptacle for filth or refuse which it has ordered to be demolished or stopped or not to be made to demolish the drain, privy, latrine, urinal, cesspool or receptacle, or to make such alteration therein as it may think fit.

134. Removal of latrines, etc., near any source of water supply. - (1) The committee may, by notice, require any owner or occupier on whose land any drain, privy, latrine, urinal, cesspool or other receptacle for filth or refuse for the time being exists within fifty feet of any spring, well, tank, reservoir or other source from which water is or may be derived for public use, to remove or close the same within one week from the service of such notice.

(2) Whoever, without the permission of the committee, makes or keeps for a longer time than one week after notice under this section any drain, privy, latrine, urinal, cesspool or other receptacle for filth or refuse, within fifty feet of any spring, well, tank, reservoir or other source from which water is or may be derived for public use shall be punishable with a fine which shall not

be less than [two hundred fifty rupees] and more than [two thousand rupees] and, when a notice has been issued with a further fine of [one hundred rupees] for each day during which the offence is continued after the lapse of the period allowed for removal.

[135. Discharging sewerage. - Whoever, without the permission of the committee, causes or knowingly or negligently allows the contents of any sink, sewer or cesspool or any other offensive matter to flow, drain or be put upon any street or public place, or into any irrigation channel or any sewer or drain not set apart for the purpose, or into the ground by boring or any other means shall be punishable with imprisonment for a term upto six months or with a fine which shall not be less than one thousand rupees and more than five thousand rupees.]

136. Making or altering drains without authority. - Whoever, without the permission of the committee, makes or causes to be made, or alters or causes to be altered, any drain leading into any of the sewer or drains vested in the committee shall be punishable with a fine which shall not be less than [two hundred fifty rupees] and more than [two thousand rupees.]

137. Power to require removal of nuisance arising from tanks and the like. - The committee may, by notice, require the owner or occupier of any land or building to cleanse, repair, cover, fill up or drain off any private well, tank, reservoir, pool, depression or excavation therein which may appear to the committee to be injurious to health or offensive to the neighbourhood:

Provided that if for the purposes of effecting any drainage under this section, it should be necessary to acquire any land not belonging to the same owner or to pay compensation to any person, the committee shall provide such land or pay such compensation.

Laying and Connecting Pipes, Sewers and the Like

138. Power of committee to lay or carry wires, pipes, drains or sewers through private land, subject to payment of compensation for damage sustained, provided that no nuisance is created. - The committee may, carry any cable, wire, pipe, drain, sewer or channel of any kind, for the purpose of establishing telephone or other similar communication or for carrying out and establishing or maintaining any system of lighting, drainage or sewerage, through, across, under or over any road, street, or place laid out as or intended for a road or street, and, after giving reasonable notice in writing to the owner or occupier, into through, across, under, over or up the side of any land or building whatsoever situate within the limits of the municipality, and for the purpose of the introduction, distribution of outfall of water or for the removal or outfall of sewerage without such limits, and may, at all times do all acts, things which may be necessary or expedient for repairing or maintaining any such cable, wire,

pipe, drain, sewer, or channel, as the case may be, in an effective state for the purpose for which the same may be used or intended to be used: Provided that such work shall be done so as to cause the least practical nuisance or inconvenience to any person :

Provided further that reasonable compensation shall be paid to the owner or occupier for any damage at the time sustained by him and directly occasioned by the carrying out of any such operations.

[138A. Use of municipal, government or private land for the purpose of collection and disposal of solid waste. - (1) A municipality may use any place or land belonging to the municipality or the State Government or private land for the purpose of collection, treatment and disposal of solid waste within or outside their limit and may at all times do all acts, things which may be necessary or expedient for repairing and maintaining such lands selected for solid waste management :

Provided that reasonable compensation shall be paid to the owner or occupier of the land, if it belongs to any private person.

(2) The urban development authorities as well as private colonisers shall provide suitable land/site for solid waste management at the time of planning of new residential, commercial and industrial complexes.]

139. Provisions as to wires, pipes, drains or sewers laid or carried above surface of ground. - In the event of any cable, wire, pipe, drain, sewer, or channel being laid or carried above the surface of any land or through, over or up the side of any building such cable, wire, pipe, drain, sewer or channel, as the case may be, shall be so laid or carried as to interfere as little as possible with the rights of the owner or occupier to the due enjoyment of such land or building, and reasonable compensation shall be paid in respect of any substantial interference with any such right to such enjoyment.

140. Previous notice to be given. - Except in cases to which Sections 218 and 220, relate the committee shall cause not less than fourteen days' notice in writing to be given to the owner or occupier before commencing any operations under Section 138.

141. Connection with main not to be made without permission of committee. - (1) No person shall, without the permission of the committee, at any time make or cause to be made, any connection or communication with any cable, wire, pipe, ferrule, drain, sewer or channel constructed or maintained by or vested in the committee, for any purpose whatsoever.

(2) Any person acting in contravention of the terms of sub-section (1) shall be punishable with a fine which shall not be less than twenty-five rupees and more than two hundred rupees.

[142. Connection of sewerage. - The committee shall, at any time, establish a connection of communication from any water-main, drain or sewer to any premises, or shall by notice require the owner of any such premises to establish any such connection or communication in such manner

and within such time as the committee may, by notice in that behalf, specify, at the cost of such owner or occupier, where such water-main, drain and sewer exists.]

143. Troughs and pipes for rain water. - (1) The committee may, by notice, require the owner of any building or land in any street to put up and keep in good condition proper troughs and pipes for receiving and carrying water and sullage from the building or land and for discharging the same so as not to cause inconvenience to persons passing along the street.

(2) For the purpose of efficiently draining any building or land the committee may, by notice, in writing -

(a) require any courtyard, alley or passage between two or more buildings to be paved by the owner or part-owner of such buildings with such materials and in such manner as may be approved by the committee;

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

144. Information to be given of cholera, small-pox, etc. - Whoever-

(a) being a medical practitioner or a person openly and constantly practising the medical profession, and in the course of such practice becoming cognizant of the existence of any infectious disease in any dwelling other than a public hospital; or

(b) being the owner or occupier of such dwelling and being cognizant of the existence of any such disease therein; or

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

fails forthwith to give information, or knowingly gives false information to the Health Officer or to any officer to whom the committee may require information to be given respecting the existence of such disease, shall be punishable with a fine which shall not be less than twenty-five rupees and more than two hundred rupees.

145. Removal to hospital of patients suffering from infectious diseases. - (1) In any municipality to which this section may at any time be extended by the State Government, when any person suffering from any infectious disease is found to be -

(a) without proper lodging or accommodation; or

- (b) living in a sarai, hotel, boarding house or other public hostel; or
- (c) living in a room or house which he neither owns nor pays rent for nor occupies as the guest or relative of any person who owns or pays rent for it; or
- (d) lodged in premises occupied by members of two or more families and any of such occupiers objects to his continuing to lodge in such premises;

the committee or any person authorised by it in this behalf may on the advice of any medical officer of the rank not inferior to that of an assistant surgeon, remove the patient to any hospital or place at which persons suffering from such disease are received for medical treatment, and may do anything necessary for such removal.

(2) The committee shall, if required by the State Government, erect an infectious diseases hospital of such type and dimensions as the State Government shall deem expedient.

146. Disinfection of buildings and articles. - If the committee is of opinion that the cleansing or disinfecting of a building or any part thereof, or of any article therein, which is likely to retain infection, will tend to prevent or check the spread of any disease, it may, by notice, require the owner or occupier to cleanse or disinfect the same, or to destroy such article, in the manner and within the time prescribed in such notice.

147. Penalty for letting infected house. - Every person knowingly letting a house or other building or part of a house or building in which any person has been suffering from an infectious disease, without having such house or other building or part thereof and all articles therein liable to retain infection disinfected to the satisfaction of the committee, shall be liable to a penalty which shall not be less than [two hundred fifty rupees] and more than [two thousand rupees].

Explanation. - For the purpose of this section a hotel or lodging house-keeper shall be deemed to let part of his house to any person admitted as a guest into his hotel or lodging-house.

148. Provision of places and appliances for disinfection. - The committee may, and when the State Government so directs, shall -

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

- (b) cause conveyances, clothing or other articles brought disinfection to be disinfected free of charge or subject to such charges as may be approved by it;
- (c) direct any clothing, bedding, or other articles likely to retain infection to be disinfected or destroyed, and shall give compensation for any article destroyed under this sub-section.

149. Acts done by persons suffering from certain disorders. -

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

- (a) makes or offers for sale any article of food or drink for human consumption or any medicine or drug; or
- (b) wilfully touches any such article, medicine or drug, when exposed for the sale by other; or

- (c) takes any part in the business of washing or carrying soiled clothes;

shall be punishable with a fine which shall not be less than twenty-five rupees and more than two hundred rupees.

150. Keeping of animals so as to be injurious to health. - Whoever keeps any swine or other animals in disregard of any orders which the committee may give to prevent them from becoming a nuisance, or so as to be injurious to health of the inhabitants or of animals shall be punishable with a fine of [five hundred rupees] and of [one thousand rupees] for every such subsequent offence.

151. Prohibition by committee of use of unwholesome water. - Should the committee, on the report of the Health Officer, consider that the water in any well, tank or other places is likely, if used for drinking to endanger or cause the spread of any dangerous disease, it may -

- (a) by public notice prohibit the removal or use of such water for drinking;
- (b) by notice require the owner or person having control of such well, tank or place to take such steps as may be specified in the notice to prevent the public from having access to or using such water; or
- (c) take such steps as it may, on the advice of the Health Officer consider expedient to prevent the danger or spread of any such disease.

Scavenging and House-scavenging

152. Removal and deposit of offensive matters. - The committee may fix places within or, with the approval of the Deputy Commissioner beyond the limits of the municipality for the deposit of refuse, rubbish or offensive matter of any kind or for the disposal of the dead bodies of animals, and may by public notice give directions as to the time, manner and conditions at, in and under which such refuse, rubbish or offensive matter or dead bodies of animals may be removed along any street and deposited at such places.

153. Preparation of compost manure. - Where the State Government so requires it shall be the duty of the committee to subject all dung to the process of making compost manure.

154. Power to acquire, etc. - (1) Where the property in any dung vests in any person or class of persons other than the committee, the committee, required under the last preceding section, shall acquire, either permanently or for such period as it may deem fit, rights or interests in the dung belonging to the aforesaid persons, on payment of such compensation as the committee may consider reasonable and may assess the same in the manner hereinafter provided.

(2) Where any such dung is requisitioned or acquired under this section the amount of compensation payable shall be determined in the manner and in accordance with the principles enumerated below :-

- (a) where the amount of compensation can be fixed by agreement, it shall be paid in accordance with such agreement;
- (b) where no such agreement can be reached, the committee and the person or persons as aforesaid shall appoint an arbitrator having knowledge of the price of the property or interest in the dung requisitioned or acquired;
- (c) at the commencement of the proceedings before the arbitrator, the committee and the person to be compensated shall state what, in their respective opinion, is the fair amount of compensation;
- (d) the arbitrator in making his award shall take into consideration the market value of the dung in the locality, the damage, if any, resulting from diminution of the profits accruing to the person or persons aforesaid and any other factor of a like nature;

(e) save as otherwise hereinafter provided in this Act or the rules, nothing in any other law for the time being in force shall apply to arbitration under this section.

155. Right of appeal and revision. - (1) Any person aggrieved by an award made under Section 154 may, within thirty days from the date of the communication to him of the award prefer an appeal in writing to the Deputy Commissioner of the district wherein the committee is situated.

(2) The Deputy Commissioner shall decide the appeal after sending for the records of the case from the committee and after giving the parties an opportunity of being heard and, if necessary, after making such further enquiry as he think fit either personally or through an officer subordinate to him.

(3) A further appeal shall lie to the State Government provided that when the award is confirmed by the Deputy Commissioner no such appeal shall lie.

(4) the State Government may, at any time, call for the record of any case pending before or disposed of by the Deputy Commissioner :

Provided that this power shall not be exercised by the State Government when an appeal has been preferred to it under sub-section (3):

Provided further that the State Government shall not under this sub- section pass an order revising an order affecting any person without giving such person an opportunity of being heard.

156. Jurisdiction of Civil Courts barred. - Notwithstanding anything contained in any other law for the time being in force, no civil court shall have jurisdiction to entertain or adjudicate in any suit, application or other proceedings relating to the right or interest to, or in the compensation referred to in Section 154 or Section 155 or the amount or apportionment or the payment thereof or any matter connected therewith.

157. Failure to remove offensive matter. - Whoever, being the owner or occupier of any building or land keeps or knowingly or negligently allows to be kept for more than twenty-four hours, or otherwise than in some proper receptacle or pit, any dirt, dung, bones, ashes, night-soil or filth or any noxious or offensive matter in or upon such building or land, or suffers any such receptacle or pit to be in a filthy or noxious state, or neglects to employ proper means to cleanse and purify the same, shall be punishable with a fine which shall not be less than [two hundred fifty rupees] and more than [two thousand rupees].

[158. Depositing or throwing of earth or material of any description on roads or into drains. - Whoever, without the permission of the committee or in disregard of its orders throws or deposits, or permits his servants or members of his household under his control to throw or deposit earth or materials of any description, or refuse, rubbish or offensive matter of any kind upon any street or public place or into any irrigation channel or

public drain or into the ground by boring or any other means, shall be punishable with a fine which shall not be less than one thousand rupees and more than five thousand rupees and with a further fine of one hundred rupees for every day during which offence is continued.]

159. Spitting in places other than drains or receptacles provided. -

Whoever, in a public place within the limits of a municipality to which the operation of this section has been extended by a notification by the State Government in this behalf, spits in a place other than a drain or a receptacle provided by the committee for this purpose shall, on conviction by a Magistrate of the first or second class, be punishable with a fine which shall not be less than twenty-five rupees and more than two hundred rupees.

160. Nuisance by children and others. - Whoever permits any person under his control to whom the provisions of Sections 82, 83 and 84 of the Indian Penal Code, 1860, are applicable to commit a nuisance upon any street or into any public sewer or drain or any drain communicating therewith, shall be punishable with a fine which shall not be less than twenty-five rupees and more than two hundred rupees.

161. Definition of house-scavenging. - The removal of filth, rubbish, Ordour or other offensive matter from privy, latrine, urinal, cesspool or other common receptacle for such matter in or pertaining to a house or building is called house-scavenging.

162. Undertaking by committee of house-scavenging generally. - (1) the committee may, at any time, undertake the house-scavenging of any house or building on the application or with the consent of the occupier.

(2) The committee may by public notice undertake the house-scavenging of any house or building in the municipality from any date not less than two months after issue of the notice.

(3) The occupier of any house or building affected by the notice, may at any time, after the issue thereof, apply to the committee to exclude that house or building from the notice.

(4) The committee shall consider and pass orders upon every such application within six weeks of the receipt thereof, and may, by any such order, exclude such house or building from the notice.

(5) In deciding whether to exclude any house or building from the notice, the committee shall consider, among other matters, the efficiency of the arrangements for house-scavenging made by the occupier, if any, and the purpose to which he applies the filth, rubbish odour or other offensive matter.

163. Abolition of customary rights. - (1) From the date of coming into force of this Act, the customary rights, if any, of a Safai Mazdoor in respect of the house-scavenging shall stand abolished.

(2) The committee may, and shall if so required by the State Government, pay to the Safai Mazdoor whose customary rights have been abolished such

amount by way of grant as it may deem proper. The amount and the person entitled thereto shall be determined in accordance with the rules.

164. Scavenging, etc. - (1) No person shall carry night-soil in any receptacle on his head.

(2) No person who is not more than eighteen years of age shall be engaged by any person to take up house-scavenging or sweeping.

(3) Whoever contravenes the provisions of this section, shall be punishable with a fine which shall not be less than twenty-five rupees and more than two hundred rupees.

165. Continuance of house-scavenging once undertaken by committee. - When once the committee has undertaken the house-scavenging of any house or building, under this Chapter, it may continue to perform such house-scavenging with or without the consent of the occupier for the time being of such house or building.

166. Obligation of committee to perform house-scavenging properly. - When the committee has undertaken the house-scavenging of any house or building, it shall be bound to perform the same properly, until it shall have relieved itself of the obligation by an order under sub-section (4) of section 162.

167. Power of municipal employees for house-scavenging purpose. - The employees of the committee employed in house-scavenging may, at all reasonable times, do all things necessary for the proper performance of any house-scavenging undertaken by the committee.

168. Vesting in committee of collections from house-scavenging. - All matter removed by the employees of the committee in the course of house-scavenging shall belong to the committee.

169. Establishment of creches. - The committee may, and when so directed by the State Government shall, in the manner prescribed by rules, make provision for the establishment and maintenance of creches for the children of women of Balmikis who are in the employment of the committee or work in private houses.

Slaughter Places

170. Places for slaughter of animals for sale. - (1) The committee may, and shall when so required by the State Government, fix premises, with the approval of the Deputy Commissioner either within or without the limits of the municipality, for the slaughter of animals for sale, or of any specified description of such animals, and may, with the like approval, grant and withdraw licences for the use of such premises, or, if they belong to the committee, charge rent or fees for the use of the same.

(2) When such premises have been fixed by the committee beyond municipal limits, it shall, inspect and regulate the same in accordance with the bye-laws, as if they were within those limits.

(3) When any such premises have been fixed no person shall slaughter any such animal for sale within the municipality at any other place.

(4) Any person who slaughters for sale any animal at any place within a municipality other than one fixed by the committee under this section, if any, places have been so fixed, shall be punishable with a fine shall not be less than [one thousand rupees] and more than [five thousand rupees].

171. Disposal of dead animals. - (1) Whenever any animal in the charge of any person dies otherwise than by slaughter either for sale or for some religious purpose, the person incharge thereof shall within twenty-four hours either -

(a) convey the carcass to a place, if any, fixed by the committee under Section 152 for the disposal of the dead bodies of animals or to any place at least one mile beyond the limits of the municipality; or

(b) give notice of the death to the committee whereupon the committee shall cause the carcass to be disposed of.

(2) In respect of the disposal of the dead body of an animal under clause (b) of sub-section (1), the committee may charge such fee as the committee may, by public notice, have prescribed.

(3) For the purposes of this section the word "animal" shall be deemed to mean all horned cattle, elephant, camels, horses, ponies, asses, mules, deer, sheep, goats, swine and other large animals.

(4) Any person bound to act in accordance with sub-section (1) of this section shall, if he fails so to act, be punishable with a fine which shall not be less than [two hundred fifty rupees] and more than [two thousand rupees].

Streets and Buildings

172. Powers in connection with streets. - The committee -

(a) may lay out and make a new public street and construct tunnels and other works subsidiary thereto;

(b) may widen, lengthen, extend, enlarge, raise or lower the level of, or otherwise improve any existing public street vested in the committee;

(c) may close temporarily any public street or any part thereof for any public purpose;

(d) may turn, divert, discontinue or close any public street so vested;

- (e) may provide within its discretion building sites of such dimensions as it deems fit, to abut on or adjoin any public street made, widened, lengthened, extended, enlarged, improved, or the level of which has been raised or lowered by the committee under clauses (a) and (b) or by the State Government;
- (f) subject to the provisions on any rule prescribing the conditions on which property may be acquired by the committee, may acquire any land, along with the building thereon, which it deems necessary for the purpose of any scheme or work undertaken or projected in exercise of the powers conferred under the preceding clause;
- (g) subject to the provisions of any rules prescribing the conditions on which property vesting in the committee may be transferred, may lease, sell or otherwise dispose of any property acquired by the committee under clause (f); or any land vesting in and used by the committee for a public street and no longer required thereto, and in so doing may impose condition regulating the removal and construction of buildings upon it and the other uses to which such land may be put:

Provided that land owned by proprietors other than the State Government shall become the absolute property of the committee after it has continuously vested in the committee for use as a public street for a period of twenty-five years; but that the possession of such land which ceases to be required for use as a public street before the expiry of twenty-five years from the time it became vested in the committee shall be transferred to the proprietor thereof, on payment by him of reasonable compensation to the committee for improvements of such land, and subject to such restrictions as the committee may impose on the future use of such land, and that should the proprietor be unable or unwilling to pay the amount compensation the committee may, subject to such conditions as it may deem fit, sell the land, and shall pay to the owner the proceeds, if any, over and above the amount of such compensation, which shall be paid into the municipal fund, or may dispose of it in such manner as it may deem fit.

173. Power to require protection of streets during cutting down of trees, erection or demolition of buildings, etc. - (1) No person shall cut down any trees or cut off a branch of any tree, or erect or demolish any building or part of a building or alter or repair the outside of any building, where such action is of nature to cause obstruction, danger or annoyance, or

risk of obstruction, danger, or annoyance to any person using a street, without the previous permission in writing of the committee.

(2) The committee may at any time by notice require that any person doing or proposing to do any of the acts referred to in sub-section (1) shall refrain from beginning or continuing the act unless he puts up, maintains, and provides from sunset to sunrise with sufficient lighting such hoardings or screens as are specified or described in the notice, and may further at any time by notice require the removal, within a time to be specified in the notice, of any hoarding or screen erected in anticipation or in pursuance of any of the said acts.

(3) Whoever contravenes the provisions of sub-section (1) or fails to comply with the terms of a notice under sub-section (2) shall be punishable with a fine which shall not be less than twenty-five rupees and more than two hundred rupees and when the contravention or non-compliance is a continuing one, with a further fine of ten rupees for every day after the first during which the contravention or non-compliance continues.

174. Notice to be given and sanction obtained before making a street. - (1) No person shall lay out or make or commence to lay out or make a street without the sanction of the committee.

(2) Every person who intends to lay out or make a street shall give notice in writing to the committee of such intention.

(3) Where a committee has issued an order under clause (b) of Section 175 no notice under sub-section (2) shall be deemed to be valid until the particulars required under such order have been furnished to the satisfaction of the committee.

175. Order of committee on notice being given under Section 174. - The committee may, within one month of the receipt of the notice required by sub-section (2) of Section 174, issue -

(a) an order directing that for a period therein specified, which shall not be longer than one month from the date of such order, the intended work shall not be proceeded with; or

(b) an order requiring further particulars.

176. Sanction of committee with regard to new street. - Within two months after the receipt of the notice required by sub-section (2) of Section 174 the committee may refuse to sanction in the proposed street, or may sanction it either absolutely or subject to such within directions as to levelling, metalling, paving, means of drainage, direction and width as the committee may deem fit to issue, and the person laying out or making such street shall comply with the sanction of the committee in every particular : Provided that should the committee neglect or omit for two months after the receipt of such notice, or notice, or if an order has been issued under clause

(b) of Section 175 fail within the period specified in such order, to make and deliver to the person who has given such an order of sanction or refusal in respect thereof, it shall be deemed to have sanctioned the proposed street absolutely.

177. Duration of sanction. - Every sanction for the laying out or making of a street which shall be given, or be deemed to have been given, by a committee, shall remain in force for one year only from the date of such sanction. Should the laying out or making of the street not have been commenced within the said period of one year, the sanction shall be deemed to have lapsed, but such lapse shall not bar any subsequent application for fresh sanction under the foregoing provisions of this Act.

Explanation. - A street shall be deemed to be made or laid out when it is demarcated on the ground made by permanent-boundary marks.

178. Penalty. - Whoever begins, continues or completes the laying out or making of a street without giving the notice required by Section 174, or in contravention of any written directions made under Section 176 or of any bye-law or provision of this Act, shall be liable to a fine which shall not be less than [five hundred rupees] and more than [five thousand rupees].

179. Notice to owner of land under street. - In any case where the committee consider that any land is being or has been laid out as a street without the notice required by Section 174 having been given or in contravention of any written direction made by the committee under Section 176, or of any bye-law or provision of this Act, the committee may, by notice in writing, require the owner of the land to alter the street in such manner as it deems necessary.

180. Power to require repairs of streets and to declare such streets public. - (1) (a) When the committee considers that in any street other than a public street, or in any part of such street within the municipality, it is necessary for the public health, convenience or safety, that any work should be done for the levelling, paving, metalling, flagging, channeling, draining, lighting or cleaning thereof, the municipal committee may by written notice require the owner or owners of such street or part thereof, to carry out such work in a manner and within a time to be specified in such notice.

(b) Should the owner refuse or should he fail to carrying out the work within the time specified, the committee may, by written notice, require the owners of the land or buildings, fronting, adjoining or abutting upon such street or part thereof to carry out the work in such manner and within such time as may be specified in the notice.

(2) If compliance with the terms of the notice issued under clause (b) of sub-section (1) is not effected within the time specified, the committee, may, if it thinks fit, itself execute the work and may recover under the

provisions of Section 95 the expenses incurred in doing so in such proportion as it may be deemed equitable from the owner of the street and the persons served with notice under clause (b) of sub-section (1).

(3) After such work has been carried out by the persons served with a notice under clause (b) of sub-section (1) or as provided in sub-section (2) by the committee at the expense of such persons and the owner of the street, the street or part thereof, in which such work has been done, may, and on the requisition of the owner or owners of the major portion of the said street or part thereof or on the requisition of a majority of the persons served with a notice under clause (b) of sub-section (1), it shall be declared by a public notice to be put up therein by the committee to be a public street and shall vest in the committee.

(4) A committee may at any time, by notice fixed up in any street or part thereof not maintainable by the committee, give intimation of their intention to declare the same a public street, and unless within one month next after such notice has been so put up, the owner or any one of several owners of such street or such part of a street lodge objection thereto at the municipal office, the municipal committee may by notice in writing put up in such street, or such part, declare the same to be public street vested in the committee.

181. [Punishment for immovable encroachment or overhanging structure over street.] - (1) Whoever, without the written permission of the committee, makes any immovable encroachment on or under any street on, over or under any sewer, or watercourse, or erects or re-erects any immovable overhanging structure projecting into a street at any point above the said ground level, shall be punishable with imprisonment for a term upto six months or with a fine which shall not be less than [two thousand rupees] and more than [ten thousand rupees] or both.

[(2) Without prejudice to the provisions of sub-section (1), the committee, the executive officer or the secretary, as the case may be, may, by notice call upon any person who has committed a breach of the provisions contained in the said sub-section, to stop the unauthorised construction forthwith and to remove or alter such immovable encroachment or overhanging structure as aforesaid within a period of seven days and if such person fails to show cause to the satisfaction of the committee, the executive officer or the secretary, as the case may be, within the said period of seven days, the committee, the executive officer or the secretary, as the case may be, shall proceed to remove the unauthorised construction and the cost of the such removal shall be recovered from the defaulter. If the defaulter fails to pay the cost of removal of unauthorised construction on demand within fifteen days, the cost shall be recoverable from such person as arrears of land revenue and the committee shall dis-connect the water supply and the sewerage connections ;

Provided that if a period of more than five years has elapsed from the completion of encroachment or overhanging structure, no prosecution shall lie under sub-section (1).]

182. Power to permit occupation of public street and to remove

obstruction. - (1) The committee may grant permission in writing on such conditions as may be approved by the Deputy Commissioner for the safety on convenience of person passing by, or dwelling or working in the neighbourhood, and may at its discretion withdraw the permission, to any person to -

- (a) place in front of any building any movable encroachment upon the ground level of any public street or over or on any sewer, drain or watercourse or any movable overhanging structure projecting into such public street at point above the said ground level,
- (b) take up or alter the pavement or other materials for the fences of posts of any public street,
- (c) deposit or cause to be deposited building materials, goods for sale, or other articles on any public street,
- (d) make any hole or excavation, on, in or under any street, or remove material from beneath any street, so as to cause risk of subsidence, or
- (e) erect or set up any fence, post, stall or scaffolding in any public street, and may charge fees according to a scale to be approved by the Deputy Commissioner for such permission.

(2) Whoever does any of the acts mentioned in sub-section (1) without the written permission of the committee shall be punishable with a fine which shall not be less than two hundred rupees and more than two thousand rupees and the committee or the Secretary of the committee or the Health Officer or any person authorised by the committee may -

- (i) after reasonable opportunity has been given to the owner to remove his material and he has failed to do so, remove or cause to be removed by the police, or any other agency, any such movable encroachments or overhanging structures and any such materials, goods or articles of merchandise and any such fence, post, stall, or scaffolding.

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

(3) If the material specified in clause (i) of sub-section (2) has not been claimed by the owner within a fortnight of its having been deposited for safe custody by the committee, or if the owner shall fail to pay to the committee the actual cost of removal or deposit in safe custody, the committee may have the material sold by auction at the risk of the owner, and the balance of the proceeds of such sale shall after deduction of the expenditure incurred by the committee be paid to the owner, or if the owner cannot be found, or refuses to accept payment the balance shall be kept in deposit by the committee until claimed by the person entitled thereto, and if no claim is made within two years the committee may credit the amount to the municipal fund.

Explanation. - For the purposes of this section 'movable encroachment' includes a seat or settee, and 'movable over hanging structure' includes an owning of any materials.

183. Power of Deputy Commissioner. - Notwithstanding anything contained in Sections 181 and 182, the Deputy Commissioner may within his jurisdiction order any person responsible for any unauthorised encroachment as specified in Sections 181 and 182 to remove or alter such encroachment within a specified time not exceeding two weeks and on non-compliance with such order may remove or alter such encroachment and realised all expenses thereby incurred from the person concerned as fine in a criminal court.

184. Power to regulate line. - (1) Should any house, shop, wall or other building or part of a building project beyond the regular line of a street, either as existing or as determined for the future, or beyond the front of the building on either side thereof, the committee may, whenever such house, shop, wall or other building or part thereof, has been either entirely or in greater part taken down or burned down or has fallen down, by notice require such building or part when being rebuilt to be set back to or towards the said regular line or the front of the adjoining buildings and the portion of the land added to the street by such setting back or removal shall become part of the street and shall vest in the committee:

Provided that the committee shall make full compensation to the owner of the building or of the land thus vacated for any damage he may sustain in consequence of his building or any part thereof being set back.

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

185. Special provisions regarding street belonging to Government. - Notwithstanding anything contained in Sections 181, 182 or 184 or in clause (w) of Section 200, and subject to any general or special order that the

State Government may make in this behalf, if any, street is vested in the State Government-

- (a) the committee shall not, in respect of such street, grant permission to do any act the doing of which without the written permission of the committee is punishable under Section 181 or 182 or allow any building to be set forward under the provisions of sub-section (2) of Section 184, except with the sanction of the State Government which may be given in respect of a class of cases generally or in respect of a particular case;
- (b) the committee shall, if so required by the State Government, exercise the power conferred upon it by sub-section (2) of Section 181 or sub-section (2) of Section 182 or sub-section (1) of Section 184 or clause (w) of Section 200 or any bye-law made in exercise of the power conferred by clause (w) of Section 200 in respect of any encroachment or overhanging structure on or over such street or any materials, goods or articles of merchandise deposited on such street, or fence, post, stall or scaffolding erected or set up in any such street or in respect of any building or part of a building which projects beyond the regular line of such street.

186. Removal or alteration of any balcony, projection or structure, etc. on payment of compensation. - The committee may, subject to the payment of reasonable compensation, by notice, require the owner or occupier of any building within a period of not less than six weeks, to be specified in such notice, to remove or alter any balcony, projection, structure or verandah, erected with the sanction of the committee, overhanging projecting into or encroaching on any street or into or on any drain, sewer or aqueduct therein.

187. Power to attach brackets for lamps. - The committee may attach to the outside of any building brackets for lamps in such manner as not to occasion any injury thereto or inconvenience.

188. Construction of stalls. - The committee may, and if so required by the State Government shall construct stalls, and shall lease them out to any person on such conditions as the State Government may by general or special order specify.

189. Destroying direction-posts, lamp posts, etc. - Whoever, without being authorised by the committee, defaces or disturbs any municipal

direction-post or lamp post or lamp or extinguishes any municipal light, any public place, shall be punishable with a fine which shall not be less than twenty-five rupees and more than two hundred rupees.

190. Bill-sticking without permission. - (1) Whoever, without the consent of the occupier or other person for the time being in-charge, affixes any posting bill, notice, placard or other paper or means of advertisement against or upon any building, wall, tree, board, fence or pale or writes upon, soils, defaces or marks any such building, wall, tree, board, fence or pale, with chalk or paint or in any other way whatsoever, shall be punishable with a fine which shall not be less than twenty-five rupees and more than two hundred rupees.

(2) Notwithstanding anything contained in Section 243 a court may take cognizance of an offence under sub-section (1) of this section upon the complaint of the owner or occupier or other person in charge of the property in respect of which such offence is alleged to have been committed.

191. Names or numbers of streets, buildings, etc. - (1) The committee may cause a name or under or number to be given to any street, chowk, locality or building and to be affixed on any chowk, locality or building in such place as it may think fit.

(2) Whoever shall destroy, pull down or deface any name or number affixed to any street, chowk, locality or building under this section, or put up any different name or number from that put up by order of the committee, shall be punishable with a fine which shall not be less than twenty-five rupees and more than two hundred rupees.

192. Inflammable materials. - The committee may, where it appears to it to be necessary for the prevention of danger to life or property by public notice, prohibit all persons from stacking or collecting timber, wood, dry grass, straw or other inflammable materials, or placing mats or thatched huts or lighting fires in any place or within any limits specified in the notice.

193. Roofs and external walls not to be inflammable materials. - The committee may direct that, within certain limits, to be fixed by it, the roofs and external walls of huts or other building shall not be made or renewed of grass, mats, leaves or other highly inflammable materials without the permission of the committee in writing and the committee may, by written notice, require any person, who has disobeyed any such direction, remove or alter the roofs or walls so made or renewed, as it may think fit.

194. Picketing animals and collecting carts. - (1) Whoever, without the permission of the committee, pickets animals or collects or carts on any street, or uses any street as a halting place for vehicles or animals of any description or as a place of encampment or causes or permits animals to stray shall be punishable with a fine which shall not be less than twenty-five rupees and not more than two hundred rupees.

195. Driving vehicles without proper lights. - (1) Whoever drives or propels any vehicle not properly supplied with lights in any street during the

period from half an hour after sunset to half an hour before sunrise, shall be punishable with a fine which shall not be less than twenty-five rupees and more than two hundred rupees.

(2) Whoever, in driving leading or propelling vehicle along a street, fails without reasonable excuse -

(a) to keep to the left, or

(b) when he is passing a vehicle going in the same direction, to keep to right of that vehicle,

shall be liable to a fine which shall not be less than twenty-five rupees and more than two hundred rupees.

Exception. - This sub-section shall not apply to a municipality wholly or in part situated in hilly tract.

196. Beating drums etc. - Whoever, in contravention of any general or special prohibition issued by the committee, without the permission of the committee, beats a drum or tomtom, blows a horn or trumpet or beats or sounds any brass or other instrument or utensil, shall be punishable with a fine which shall not be less than twenty-five rupees and more than two hundred rupees.

Explanation I. - In the case of bands, each individual member of such band shall be punishable under this section.

Explanation II. - For the purposes of this section "instrument" shall include a gramophone, a wireless receiver, a loudspeaker or any electrically or mechanically operated instrument capable of producing loud noises.

197. Discharging fire-arms, etc. - Whoever, discharges fire-arms or lets fireworks, fire-balloons or detonators or engages in game in such a manner as to cause, or be likely to cause, danger to persons passing by or dwelling or working in the neighbourhood, or risk of injury to property, shall be punishable with a fine which shall not be less than twenty-five rupees and more than two hundred rupees.

198. Quarrying, blasting, cutting timber or building. - Whoever quarries, blasts, cuts timber or carries on building operations in such a manner as to cause, or to be likely to cause, danger to persons passing by or dwelling or working in the neighbourhood, shall be punishable with a fine which shall not be less than twenty-five rupees and more than two hundred rupees.

199. Powers to levy fee at fair. - A committee may, with the previous sanction of the Deputy Commissioner, levy small fees on each person attending a fair on which the committee incurs expenditure under clause (j) sub-section (2) of Section 57 and on persons exposing goods for sale and all persons carrying on any occupation for gain, except water-carriers, scavenger and others employed in connection with the fair, for defraying the cost of sanitary arrangements, watch and ward and the like.

CHAPTER X

Bye-Laws

200. General Bye-laws. - The State Government shall make bye-laws applicable to all or any of the municipalities as it may, by notification, specify, by which the committees shall -

- (a) render licences necessary for the proprietors or drivers of vehicles, other than motor vehicles or animals kept or playing for hire within the limits of municipality, and fix the fees payable for such licences and conditions on which they are to be granted and may be revoked, and may by such conditions provide among other things for a minimum breadth for wheel tyres and for a minimum diameter of the wheels;
- (b) limit the rates which may be demanded for the hire of any carriage, cart, or other conveyance, or of animals hired to carry load or persons, or for the services of persons hired to carry loads or to impel or carry such conveyance, and limit the loads which may be carried by any animals, or carriage, cart, or other conveyance, plying for hire, within the limits of the municipality;
- (c) provide for the proper registration of births, marriages and deaths, and for the taking of a census;
- (d) fix, and from time to time vary, the number of persons who may occupy a building or part of a building, which is let in lodgings or occupied by members of more than one family, or which is situated within such congested bazar areas as may be specified in the bye-law; and provide -
 - (i) for the registration and inspection of such building,
 - (ii) for the licensing of hotels and lodging-house and for the fees payable for such licence and the conditions on which they may be granted or revoked.
 - (iii) for promoting cleanliness and ventilation in such buildings,
 - (iv) for the notices to be given and the precautions to be taken in the case of any infections or contagious disease breaking out in such buildings,

- (v) for the scavenging, removal and disposal of all rubbish, filth, night-soil, sullage or sewage in such buildings,
 - (vi) in the case of hotel, serai and lodging-house -keepers and the secretaries of residential clubs for the maintenance of registers in such forms as the committee may prescribe, of visitors and lodgers, and
 - (vii) generally for the proper regulation of such buildings;
- (e) provide -
- (i) for the inspection and proper regulation of encamping grounds, pounds, serais, bakeries, aerated-water factories, ice factories, dhobi ghats flour mills, foodgrains godowns, dispensing chemists, shops, slaughter-houses and places licensed under Section 128;
 - (ii) for the inspection and proper regulation of markets and stalls, for the preparation and exhibition of a list of current price and fixing the fees, rents and other charges, to be levied in such markets and stalls;
 - (iii) for the holding of fairs and industrial exhibitions within the municipality or under the control of the committee, and for the collection of fees under Section 199;
 - (iv) for controlling and regulating the use and management of burial and burning grounds;
 - (v) for the suspension, regulation and protection from pollution of public wells, tanks, springs or other sources from which water is or may be made available for the use of the public, whether within or without the municipality;
 - (vi) for the licensing, inspection and proper regulation of theatres and other places of public resort, recreation or amusement;
 - (vii) for the inspection and proper regulation of channels which are supplied with water from any canal to which either the Northern India Canals and Drainage Act, 1873, or the Punjab Minor Canals Act, 1905, applies;
 - [(viii) for the control of malaria in municipal areas,]
- (f) require and regulate the appointment by owners of buildings or land in the municipality, who are not resident in the municipality of persons residing within or near the municipality to act as their agents for all or any of the purposes of this Act or the rule;
- (g) [-]

- (h) render licences necessary for using premises as stables, cow- houses or houses or enclosures for sheep, goats or swine, and regulate the grant and withdrawal of such licences;
- (i) in any municipality where a reasonable number of slaughter- houses has been provided or licensed by the committee, control, regulate or prohibit the admission within the municipal limits for the purpose of sale of the flesh, other than cured or preserved meat, of any cattle, sheep, goat or swine slaughtered at any slaughter-house or place not maintained or licensed under this Act, and may provide for the seizure, destruction or disposal otherwise of any flesh brought within municipal limits in contravention of any such bye-law;
- (j) fix premises within the municipality in which the slaughter of animals of any particular kind not for sale, shall not be permitted and prohibit, except, in case of necessity such slaughter elsewhere within the municipality:

Provided that no such bye-laws shall apply to animals slaughtered for any religious purpose;

- (k) prohibit the letting off of fire-arms, fireworks, fire-balloons, bombs or detonators except (1) with the permission of the committee or of a municipal officer empowered to give such permission, (2) subject to such conditions as the committee may impose, and (3) on payment of such fees, if any, as may at any time have been fixed by the committee in that behalf;
- (l) regulate the conditions on which the consent of committee to establish new factories or workshops be given under Section 129;
- (m) provide for the issue of directions for abatement of nuisance caused by the steam, water, electrical, mechanical or other power;
- (n) regulate the making and use of connections or communications between private houses and premises and mains or service cables,

- wires, pipes, drains, sewers, and other channels established or maintained by the committee under any of the provisions of this Act;
- (o) regulate the collection, storage, preservation from pollution and use of rainwater and the carrying out of the provisions of Sections 108 to 114;
 - (p) regulate the posting of bills and advertisements and the position, size, shape, and style of name-boards, sign-boards, and sign-posts;
 - (q) provide for, regulate, require or prohibit the construction, pattern of construction, maintenance and materials of boundary walls, hedges and fences hereafter erected or re-erected so as to abut on a public street or upon property vested in the committee;
 - (r) regulate, or prohibit any description of traffic in the streets and provide for the reduction of noise caused thereby;
 - (s) prohibit the storage of more than a fixed maximum quantity of any explosive, petroleum, spirit, naphtha, or other inflammable material in any building not registered or licensed under Section 128;
 - (t) provide for the seizure and confiscation of ownerless animals straying within the limits of the municipality;
 - (u) provide for the registration of all or any specified classes of dogs, and in particular and without prejudice to the generality of the foregoing -
 - (i) provide for the imposition of an annual fee for such registration;
 - (ii) require that every registered dog shall wear a collar to which shall be attached a metal token to be issued by the committee;
 - (iii) provide that any dog, not registered and wearing such token, may, if found on any public place, be detained at a place to be set apart for the purpose, and will be liable to be destroyed or otherwise disposed of after a period to be specified in the bye-laws;
 - (v) render licences necessary for hand carts employed for transport, or hawking articles for sale, and for the persons using such hand carts,

and prescribe the conditions for the grant and revocation of such licences;

(w) regulate the conditions on which and the periods for which permission may be given under sub-section (1) of Section 181 and sub-section (1) of Section 182, and provide for the levy of fees and rents for such permission;

(x) provide for the registration, inspection and proper regulation of building ordinarily utilized for the residence or treatment of persons suffering from infectious diseases and for the limiting of the number of such persons who reside in such buildings or part of such buildings :

[(xx) regulate the conditions for installation of tents by tent owners;]

[(xxx) regulate the laying of communication cables (underground as well as overground), erection of communication towers and dish antennas established and maintained by private agencies as well as semi-Government agencies;]

(y) generally provide for carrying out the purposes of this Act:

Provided that the State Government may of its own or on a representation from a committee alter, vary or modify the bye-laws so as to suit the particular needs of the committee.

201. Prohibition of building without sanction. - [(1) No person shall erect or re-erect or commence to erect or re-erect any building without the sanction of the committee :

Provided that erection or re-erection of any building in a controlled area shall be in conformity with the plans, the restrictions and conditions referred to in sections 203C to 203E."]

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

(3) The State Government shall by bye-laws -

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

(b) require that with every such notice shall be furnished a site plan of the land on which it is intended to erect or re-erect such building and a

plan and specification of the building, of such character and with such details as the bye-law may require;

- (c) where the building appears likely to be used as a factory, require the provision of adequate housing accommodation in connection therewith :

Provided that the State Government may of its own or on a representation from any committee alter, vary or modify the bye-laws so as to suit the particular needs of the committee.

(4) Where bye-laws have been framed under this section no notice under sub- section (2) shall be considered to be valid until the information, if any, required by such bye-laws has been furnished to the satisfaction of the committee.

202. Power of State Government to make bye-laws as to erection or re- erection of buildings. - (1) The State Government shall make bye-laws applicable to all or any of the municipalities as it may, by notification, specify, by which the committees shall regulate in respect of the erection or re-erection of any building within the municipality or part thereof -

- (a) the materials and method of construction to be used for external and party walls, roofs, floors, stair-cases, lifts, fire-places and chimneys;
- (b) the materials and method of construction and position of fire- place, chimneys, drains, [water seal latrines], privies, urinals and cesspools;
- (c) the height and slope of the roof above the uppermost floor upon which human beings are to live or cooking operations are to be carried on;
- (d) the ventilation and the space to be left about the building to secure the free circulation of air and for the prevention of fire;
- (e) the line of frontage where the building abuts on a street;
- (f) the number and height of the storeys of which the building may consist;
- (g) the means to be provided for egress from the building in case of fire;

- (h) the materials and method of construction to be used for godowns intended for the storage of foodgrains in excess of fifty mounds, in order to render them rat-proof;
- (i) the minimum dimensions of rooms intended for use as living rooms or sleeping rooms;
- (j) the ventilation of rooms and the minimum dimensions of doors and windows;
- (k) the position and dimensions of projections beyond the outer face of any external wall of a building;
- (l) the height of factory chimneys and the provision to be made for consumption of smoke arising from the combustible used in any fire-place or furnace in a factory:

Provided that the State Government may of its own or on a representation from any committee alter, vary or modify the bye-laws so as to suit the particular needs of the committee.

(2) Notwithstanding anything contained in Section 105, no person shall erect or re-erect any building in contravention of any bye-law made under subsection (1).

203. Building scheme. - (1) The committee may, and if so required by the Deputy Commissioner shall, within six months of the date of such requisition, draw up a building scheme for built areas, and a town planning scheme for unbuilt areas, which may among other things provide for the following matters, namely :-

- (a) the restriction of the erection or re-erection of buildings or any class of buildings in the whole of or any part of municipality, and of the use to which they may be put.

[Provided that where an individual or a company applies for preparation/approval of town planning scheme over its own land, then the un-built area shall not be declared. The committee shall pass a resolution for approval of town planning scheme within sixty days from the date such proposal is put up for its consideration for the first time, otherwise the Deputy Commissioner shall forward the proposal of the town planning scheme directly to the State Government.]

- (b) the prescription of a building line on either side or both side of any street existing or proposed;

[(c) the amount of land in such unbuilt area which shall be transferred to the committee for public purposes including use as public streets by owners of land either on payment of compensation or

Provided that the total amount so transferred shall not exceed fifty per centum;

Provided further that where owners of land offer land willingly without payment of compensation to draw up a town planning scheme they shall not be entitled to any compensation;]

- (d) the determination of the size and shape of a reconstituted plot so as to render it suitable for building purposes and where the plot is already built upon, to ensure that the building, so far as possible, complies with the provisions of the scheme in respect of open spaces;
- (e) the formation of a reconstituted plot by the alteration of the boundaries of an original plot;
- (f) the formation of a reconstituted plot by the transfer wholly or partly of the adjoining lands,
- (g) the allotment of a plot to any owner dispossessed of land in furtherance of the scheme;
- (h) the transfer of ownership of a plot from one person to another; and
- (i) the details of the internal services, estimated cost for providing them, the extent of the liability of the owners of the buildings and land for the payment of the cost and the manner of payment of the same.

Explanation. - For the purposes of this section, -

- (1) the reconstituted plot shall mean a plot which is altered in ownership or otherwise as a result of making of a town planning scheme;
- (2) internal services shall means -
 - (i) metalling of roads and paving of footpaths;
 - (ii) turfing and plantation with trees of open spaces;
 - (iii) street lighting;
 - (iv) adequate and wholesome water supply;

- (v) sewers and drains both for storm and sullage water and necessary provision for their treatment and disposal; and
- (vi) any other works that the committee may think necessary for the development of the area comprised in the scheme.

(2) When a scheme has been drawn up under the provisions of sub-section (1), the committee shall give public notice of such schemes and shall at the same time intimate a date not less than thirty days from the date of such notice by which any person may submit to the committee in writing any objection or suggestion with regard to such scheme which he may wish to make.

(3) The committee shall consider every objection or suggestion with regard to the scheme which may be received by the date intimated under the provisions of sub-section (2) and may modify the scheme in consequence of any such objection or suggestion and shall then forward such scheme as originally drawn up or as modified to the Deputy Commissioner who may if he thinks fit return it to the committee for reconsideration and resubmission by a specified date; and the Deputy Commissioner shall submit the plans as forwarded, or as re-submitted, as the case may be, with his opinion to the State Government, who may sanction such scheme or may refuse to sanction it, or may return it to the committee for reconsideration and re-submission by a specified date.

(4) If a committee fails to submit a scheme within six months of being required to do so under sub-section (1) or fails to re-submit a scheme by a specified date, when required to do so under sub-section (3) or re-submits a scheme which is not approved by the State Government, the Deputy Commissioner may draw up a scheme of which public notice shall be given by notification and by publication within the municipality together with an intimation of the date by which any person may submit in writing to the Deputy Commissioner any objection or suggestion which he may wish to make, and the Deputy Commissioner shall forward with his opinion any such objection or suggestion to the State Government and the State Government may sanction such scheme as originally notified or modified in consequence of any such objection or suggestion, as the State Government may think fit, and the cost on such scheme or such portion of the cost as the State Government may deem fit shall be defrayed from the municipal fund.

(5) When sanctioning a scheme the State Government may impose conditions for the submission of periodical reports on the progress of the scheme to the Deputy Commissioner or to the State Government, and for the inspection and supervision of the scheme by the State Government.

(6) After the scheme has been sanctioned, the committee shall proceed to provide internal services as soon as possible and complete it within a period of five years from the date of its sanction.

[203A. Regularisation of certain Buildings. - (1) Notwithstanding anything contained in Section 203, the State Government may in the public interest, regularise the buildings in any area whether constructed with or without sanction of the Municipal Committee and for which no building scheme or town planning scheme has been sanctioned.]

[(2) The Committee shall in respect of area covered under sub-section (1) prepared regularisation scheme as may be prescribed in the rules.

(3) Every house owner/plot under shall be liable to pay the regularisation fee on demand to the municipality within thirty days of demand notice.]

[203B. Constitution of District Planning Committee. - (1) The State Government shall, by notification in the Official Gazette, constitute in each district, a District Planning Committee to consolidate the plans prepared by the Panchayats and the municipalities in the district and to prepare a draft development plan for the district as a whole.

(2) The State Government may prescribe by rules the manner in which the seats in the District Planning Committees shall be filled in :

Provided that not less than four-fifths of the total number of members of such Committee shall be elected by and from amongst the elected members of the Panchayat at the district level and of the Municipalities in the district in proportion to the ratio between population of the rural areas and of the urban areas in the district.

(3) Every District Planning Committee shall, while preparing the draft development plan -

(a) have regard to -

(i) matters of common interest between the Panchayats and the municipalities including spatial planning sharing of water and other physical and natural resources, the integrated development of infrastructure and environmental conservation;

(ii) the extent and type of available resources whether financial or otherwise;

(b) consult such institutions and organisations as the Government may, by order, specify.

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

203C. Declaration of controlled area. - (1) Notwithstanding anything to the contrary contained in the Punjab Scheduled Roads and Controlled Areas Restriction of Unregulated Development Act, 1963 (Act 41 of 1963), the Director may, with prior approval of the State Government, by notification in the Official Gazette, declare any area within the limits of a municipality to be controlled area. In case any area has already been declared as controlled

area by the Director, Town and Country Planning, then the same shall be deemed to be the controlled area for the purpose of this Act.

(2) The Director shall not later than six months from the date of declaration under sub-section (1), or within such further period as the State Government may allow, pre-prepare plans showing the controlled area and signifying therein the nature of restrictions and conditions proposed to be made applicable to the controlled area and submit the plans to the State Government :

Provided that the plans of the areas already declared as controlled areas by the Director, Town and Country Planning and nature of restrictions and conditions made applicable to such controlled areas, may be adopted as such or with modifications by the Director, with prior approval of the State Government.

(3) Without prejudice to the generality of the powers specified in sub-section (2) above, the plans may provide for any one or more of the following matters, namely:-

- (a) the division of any site into plots for the erection or re-erection of any building and the manner in which such plots may be transferred to intending purchasers or lessees;
- (b) the allotment or reservation of land for roads, open spaces, gardens, recreation grounds, schools, market and other public purposes;
- (c) the development of any site into a colony and the restrictions and conditions subject to which such development may be undertaken or carried out;
- (d) the erection or re-erection of buildings on any site and the restrictions and conditions in regard to the open spaces to be maintained in or around buildings and the height and character of buildings;
- (e) the alignment of buildings on any site;
- (f) the architectural features of the elevation or frontage of buildings to be built on any site;
- (g) the amenities to be provided in relation to any site or buildings on such site whether before or after the erections or re-erection of buildings on such site and the person or authority by whom such amenities are to be provided;

- (h) the prohibition or restriction regarding erection or re-erection of shops, workshops, warehouses or factories or buildings of a specified architectural feature or buildings designed for particular purposes in any locality;
- (i) the maintenance of walls, fences, hedges or any other structural or architectural construction and the height at which they shall be maintained;
- (j) the restrictions regarding the use of any site for purposes other than the erection or re-erection of buildings;
- (k) any other matter which is necessary for the proper planning of any controlled area and for preventing buildings being erected or re-erected haphazardly in such area.

(4) The State Government may either approve the plans without modifications or with such modifications as it may consider necessary or reject the plans with directions to the Director to prepare fresh plans according to such directions.

(5) The Director shall cause to be published by notification the plans approved by the State Government under sub-section (4) for the purpose of inviting objections thereon.

(6) Any person without thirty days from the date of publication of the notification under sub-section (5) send to the Director, his objections and suggestions in writing, if any, in respect of such plans and the Director shall consider the same and forward them with his recommendations to the State Government within a period of sixty days from the aforesaid date.

(7) After considering the objections suggestions and representations, if any, and recommendations of the Director thereon, the State Government shall decide as to the final plans showing the controlled area and signifying therein the nature of restrictions and conditions applicable to the controlled area and publish the same in the Official Gazette and in such other manner as may be prescribed.

(8) Provision may be made by rules made in this behalf with respect to the form and content of the plans and with respect to the procedure to be followed, and any other matter in connection with the preparation, submission and approval of the plans.

[(9) Subject to the foregoing provisions of this section, the State Government may direct the Director to furnish such information as the State Government may require for the purpose of approving the plan submitted to it under this Section.]

203D. Prohibition on use of the land and building in controlled area. - [(1) No land and building within the controlled area shall, except with the permission of the Director and on payment of such conversion charges, scrutiny fee and development charges as may be prescribed from time to time, be used for purposes, other than those for which it was used on the date of publication of the notification under sub-section (1) of section 203 C and no land within such controlled area shall be used for the purposes of a charcoal-kiln, pottery-kiln, lime-kiln, brick-kiln or brick-field, or for quarrying stone, bajri, surkhi, kankar or for other similar or ancillary operation except under and in accordance with the conditions of a licence as may be prescribed.]

[(2) The licence so granted shall be valid for one year and may be renewed annually on payment of such fees as may be prescribed.]

203E. Application of permission or licence and the grant or refusal thereof. - (1) Every person desiring to obtain the permission or licence referred to in Section 203D shall make an application in writing to the Director in such form and containing such information in respect of the land, building, excavation or means of access to a road to which the application relates, as may be prescribed.

(2) On receipt of such application the Director, after making such enquiry as he may consider necessary, shall by order in writing either -

(a) grant the permission or licence subject to such conditions, if any, as may be specified, in the order; or

(b) refuse to grant such permission or licence; provided that the order of refusal shall not be passed unless the applicant has been afforded an opportunity of being heard.

(3) If, at the expiration of a period of three months after an application under sub-section (1) has been made to the Director, no order in writing has been passed by the Director, the permission shall be deemed to have been granted without the imposition of any conditions but subject to the restrictions and conditions signified in the plans published in the Official Gazette under Section 203C.

[(4) The Director shall maintain such registers as may be prescribed with sufficient particulars of all such cases in which permission or licence is given or deemed to have been given or refused by him under this section, and the said register shall be available for inspection without charge by all persons interested and such persons shall be entitled to take extract therefrom.]

[203F. Appeal. - Any person aggrieved or affected by an order of the Director under sub-section (2) of Section 203E may within sixty days from the date of such order, prefer an appeal to the State Government and the order of the State Government on such appeal shall be final.]

[203G. Powers and functions of Director. - All powers and functions of the Director, Town and Country Planning, Haryana, being performed under the Punjab Scheduled Roads and Controlled Areas Restriction of Unregulated Development Act, 1963 (Act 41 of 1963), and the rules made thereunder as applicable to the areas within municipal limits, shall be exercised and performed by the Director and the acts already done under the provisions of the said Act and the rules made thereunder, shall be construed to be acts done by the Director under this Act. The powers of the Commissioner and Secretary to Government, Haryana, Town and Country Planning Department under the above Act, shall be exercised by the Commissioner and Secretary to Government, Haryana, Urban Development Department, under this Act, within the municipal limits.]

[203H. Issue of no objection certificate for sanction/release of electricity, water and sewerage connection in buildings. - Within the limits of municipality every owner before applying for sanction/release of electricity, water and sewerage connection, shall obtain no objection certificate from the municipality.

203I. Establishment and constitution of Board.- (1) The State Government shall, for exercising the powers conferred on and performing the functions and duties assigned to the Board by or under This Act, establish and constitute the Haryana Urban Infrastructural Development Board.

(2) The Board so constituted shall be a body corporate having perpetual succession and a common seal with power, subject to the provisions of this Act, to acquire, hold and dispose of property, both movable and immovable, and to enter into contracts, and shall by the said name sue and be used.

(3) The Board shall consist of a Chairman, Vice-Chairman, Chief Administrator, Secretary and the following other ex-officio members, namely :-

- (i) Financial Commissioner and Secretary to Government, Haryana, Finance Department;
- (ii) Commissioner and Secretary to Government, Haryana, Town and Country Planning Department;
- (iii) Chief Administrator, Haryana Urban Development Authority;
- (iv) Chief Administrator, Housing Board, Haryana;
- (v) Project Director, Swarn Jayanti Shchri Rojgar Yojna and State Urban Development Society;
- (vi) Engineer-in-Chief, Public Works Department (Public Health Branch);

(vii) Engineer-in-Chief, Public Works Department (Building and roads Branch);

(viii) Chief Town Planner, Urban Development Department, Haryana;

(ix) Superintending Engineer, Urban Development Department, Haryana.

(4) The Minister, Urban Development Department, Haryana, Commissioner, Urban Development Department, Haryana, Director, Urban Development Department, Haryana and Additional Director, Urban Development Department, Haryana, shall be ex-officio Chairman, Vice-Chairman, Chief Administrator and Secretary of the Board, respectively. The Board may associate any person whose assistance or advice it may require for carrying out the purposes of this Act.

203J. Meetings of Board. - (1) The Board shall meet at least once in six months. Every meeting shall be presided over by the Chairman and in his absence by the Vice-Chairman. The Chairman may, whenever so required, call a special meeting.

(2) In every meeting one third of the members shall form the quorum.

(3) The minutes of each proceeding shall be recorded and maintained in such form as may be prescribed.

203K. Staff of Board. - To maintain the record, accounts, proceedings of the meeting and other works or any duty under this Act, the Chief Administrator may utilise the services of the Staff of Directorate of Urban Development Department. The Board may, with the prior approval of the State Government, create such posts and appoint such Officers and Servants thereto as it may consider necessary for the efficient discharge of its duties.

203L. Constitution of Fund.- (1) There shall be constituted a Fund to be called the Haryana Urban Infrastructural Development Fund which shall vest in the Board.

(2) It shall be administered by the Chief Administrator of the Board.

(3) to the credit of the Fund shall be placed -

(a) licence fee, scrutiny fee, service charges and composition fee realized on account of licences granted by the Director under the provisions of the Punjab Scheduled Roads and Controlled Areas Restriction of Unregulated Development Act, 1963 (Act 41 of 1963) and the Haryana Development and Regulation of Urban Areas Act, 1975 (8 of 1975), in the Municipal Areas of the State;

(b) grants, loans and financial assistance from the Central Government or State Government or from any other source which is deemed appropriate by the Government to be credited to the Fund;

(c) any other fee or charges to be specified by the Government.

203M. Utilization of Fund. - The Fund shall be utilized by the Board for -

(1) provision for and upgradation of Urban Infrastructure in all Municipalities in the State;

(2) upgradation and modernization of Town Planning and its implementation Techniques and Urban Affairs in all Municipalities in the State;

(3) providing training facilities in Urban management and Human Resource Development of Municipalities and the Urban Development Department;

(4) organizing seminars, workshops and conferences on Urban management;

(5) coordinating, planning and implementing the approved schemes and projects of the municipalities; and

(6) any other purpose as approved by the Board.

203N. Audit of Account of Fund. - The Directorate of Local Audit or the authority as specified by the State Government by order, shall audit the account of Fund annually.]

204. Punishment for erection or re-erection of a building on sanction of a building scheme under Section 203. - If under the provisions of any scheme sanctioned under Section 203 the erection or re-erection of buildings in a specified area for a specified purpose is prohibited, any person who after such scheme is sanctioned uses any building for such purpose shall, unless it was used for this purpose before the scheme was sanctioned, on conviction be liable to a fine which shall not be less than [one thousand rupees] and more than [five thousand rupees], and if after such conviction, he continues to use such building for such purpose shall be liable to a further fine of [five hundred rupees] for every day during which such use continues.

205. Powers of committee to sanction or refuse erection or re-erection of buildings. - (1) The committee or the Executive Officer, as the case may be, shall refuse to sanction the erection or re-erection of any

building in contravention of any bye-law made under sub-section (1) of Section 202 or in contravention of any scheme mentioned under sub-section (3) or sub-section (4) of Section 203, unless it be necessary to sanction the erection of a building in contravention of such a scheme owing to the committee's inability to pay compensation as required by Section 184 for the setting back of a building.

(2) When the erection or re-erection of a building is likely, in the opinion of the committee or the Executive Officer, as the case may be, to interfere with the enforcement of a scheme proposed under Section 203, the committee may refuse its sanction, and in such case shall communicate its refusal in writing together with the ground therefore, to the applicant within sixty days of the receipt of his application, and the applicant may thereafter by written notice require the committee to proceed with the preparation of the proposed scheme with all possible speed. The application shall be deemed to have been sanctioned if an order of refusal is not passed by the committee, or the Executive Officer, as the case may be within the time specified above, or if the proposed scheme has not received the sanction of the State Government within twelve months of the date of delivery of the applicant's written notice hereinbefore referred to :

Provided that should a resolution refusing such sanction be suspended under section 246, the period prescribed above shall commence to run afresh from the date of communication of final orders by the Commissioner of the Deputy Commissioner under Section 249.

Explanation. - A scheme shall be deemed to have been proposed under Section 203 if a requisition for its preparation has been received by the committee from the Deputy Commissioner or if the preparation of the scheme is under the consideration of the committee.

(3) The committee, or Executive Officer, as the case may be, may refuse to sanction the erection or re-erection of any building for any other reason, to be communicated in writing to the applicant, which it, or he as the case may be, deems to be just and sufficient as affecting such building, or if the land, on which it is proposed to erect or re-erect such building is vested in the Government or in the committee and the consent of the Government concerned or, as the case may be, of the committee has not been obtained, or if the title to the land is in dispute between such person, and the committee or any Government.

(4) Subject to the provisions of sub-section (1) the committee or the Executive Officer, as the case may be, may sanction the erection or re-erection of any building either absolutely or subject to such modifications in accordance with the bye-laws and rules as it, or he, as the case may be, may deem fit.

(5) Notwithstanding anything contained in sub-section (1) or sub-section (3) but subject to the provisions of sub-section (2) of Section 202 and sub-section (2) of this section if the committee or the Executive Officer, as the

case may be, neglects, or omits, within sixty days of the receipt from any person of a valid notice of such person's intention to erect or re-erect a building, or within one hundred and twenty days, if the notice relates to a building, on the same or part of the same site, on which sanction for the erection of a building has been refused within the previous twelve months, to pass orders sanctioning or refusing to sanction such erection or re-erection shall, unless the land on which it is proposed to erect or re-erect such buildings belongs to or vests in the committee, be deemed to have been sanctioned, except in so far as it may contravene any bye-law, or any building or town planning scheme sanctioned under section 203:

Provided that should a resolution conveying or refusing such sanction be suspended under Section 246, the period prescribed under this sub-section shall commence to run afresh from the date of communication of final orders by the Commissioner or the Deputy Commissioner under Section 249:

Provided further that if not less than one-fifth of the members present vote against a resolution, conveying sanction, the sanction shall be deemed not to have been conveyed until after the lapse of fourteen days from the passing of the resolution.

206. Power of committee to direct modification of a sanctioned plan of building before its completion. - If at time before the completion of a building of which the erection has been sanctioned under Section 205 the committee finds that any modification of the sanctioned plan is necessary, the committee may, subject to compensation for any loss to which the owner may be put, direct that the building be modified accordingly.

207. Lapse of sanction after one year from the date of such sanction. - Every sanction for the erection or re-erection of any building which shall be given or be deemed to have been given by a committee, or the Executive Officer, as the case may be, shall remain in force for one year only from the date of such sanction, or for such longer period as the committee, or the Executive Officer, as the case may be, may have allowed when conveying sanction under Section 201. Should the erection or re-erection of the building not have been commenced within one year and completed within two years or such longer period as may have been allowed by the committee, or the Executive Officer, as the case may be, the sanction shall be deemed to have lapsed, but such lapse shall not bar any subsequent application for fresh sanction under the foregoing provisions of the Act.

208. Order of demolition and stoppage of building and works in certain cases. - (1) Where the erection of any building or execution of any work has commenced or is being carried on, or has completed without or contrary to the sanction as required by sub-section (1) of section 201; or without notice as required by sub-section (2) of Section 201; or when sanction has been refused, or in contravention of any provisions of this act or bye-laws, made thereunder, the committee, the Executive Officer or the Secretary, as the Case may be, may, within six months from the completion

of the building, in addition to any other action that may be taken under this Act, make an order directing that such erection under this Act, make an order directing that such erection work shall be demolished by the person at whose instance the erection of work has been commenced or is being carried on or has been completed, within such period (not being less than five days and more than fifteen days from the date on which a copy of the order of demolition with a brief statement of the reasons therefor has been delivered to that person), as may be specified in the order of demolition :

Provided that no order of demolitions shall be made unless the person has been given by means of a notice served in such manner as the committee, the executive officer or the secretary, as the case may be, may think fit, a reasonable opportunity of showing cause as to why such order shall not be made :

Provided further that where the erection or work has not been completed, the committee, the executive officer or the secretary, as the case may be, may at the time of the issue of the notice under the first proviso or at any other time, direct the person to stop the erection or work until the expiry of the period within which an appeal against the order of demolition, if made, may be preferred under Section 209.

(2) Where no appeal has been preferred against an order of demolition made by the committee, the executive officer or the secretary, as the case may be, or the same has been confirmed on appeal, whether with or without variation by the Deputy Commissioner, the person against whom the order has been made shall comply with the order within the period specified therein, and on the failure of the person to comply with the order within such period, the committee, the executive officer or the secretary, as the case may be, may himself cause the erection of the work to which the order relates to be demolished and the expenses of such demolitions shall be recoverable from such person as arrears of taxes under this Act.

(3) Any person failing to comply with the terms of such notice shall be punishable with imprisonment for a term up to six months or with a fine which shall not be less than five thousand rupees and more than ten thousand rupees or both and when non-compliance is a continuing one, with a further fine of one hundred rupees every day the first offence during which the non-compliance continues, provided that the offence under this Section shall not be deemed to be compounded unless the offender has paid all the charges and got the building regularised by following due procedure:

Provided that the committee may, instead of requiring the alteration or demolition of any such building, accept by way of composition fee prescribed in the rules:

[Provided further that the committee may, instead of requiring the alteration or demolition of any such building constructed in contravention of the provisions made under Section 203C to 203E of this Act, accept by way

of composition fee as prescribed but such acceptance shall not be without the prior approval of the Director].

Provided further that if the violation of the building bye-laws is higher than the permissible limits under the rules, the building shall be demolished; [Provided further that the committee shall require a building to be demolished or altered so far as may be necessary to avoid contravention of a building scheme drawn up under Section 203.]

[208A. Power to seal premises. - (1) The Executive Officer or the Secretary of the municipal council or the committee, as the case may be, at any time, before or after making an order under section 208, may order to seal the premises.

(2) Where any premises has been sealed, the Executive Officer or the Secretary of the municipal council or the committee, as the case may be. may order such seal to be removed for the purpose of-

- (a) allowing an opportunity to the owner to bring it in conformity with the sanctioned building plan as per the provisions of this Act, rules or bye-laws framed thereunder within a period, which shall not exceed three months; or
- (b) allowing the functionaries of the municipality to bring it in conformity with the sanctioned building plan as per the provisions of this Act, rules or bye-laws framed thereunder at the cost of the owner; or
- (c) demolition, at the cost of the owner.

(3) Where any order to seal the premises has been passed under subsection (1), the owner may file an appeal before the Deputy Commissioner concerned within a period of seven days of passing of such order. The Deputy Commissioner may either reject the appeal or stay the order to allow the owner to bring the premises in accordance with the sanctioned building plan as per the provisions of this Act, rules or the bye-laws framed thereunder, with such conditions including furnishing of a bank guarantee of an amount, as deemed fit. On failure of the owner to adhere to the conditions of the order, bank guarantee shall be revoked and the premises shall be liable for demolition, at the cost of the owner. Such cost shall be paid by the owner within a period of one month from the date of demolition of the said premises.

(4) In the event of non-payment of the cost by the owner as per subsection (3), the same shall be recoverable as arrears of land revenue.

(5) No person shall remove such seal except-

(a) under an order made by the Executive Officer or the Secretary of the municipal council or the committee, as the case may be, under sub-section (2); or

(b) under an order of the appellate authority.]

[209. Appeal against the order of demolition. - (1) Any person aggrieved by an order of the committee, the executive officer or the secretary, as the case may be, made under Section 208 may prefer an appeal against the order to the Deputy Commissioner within the period specified in the order for the demolition of the erection of work to which it relates.

(2) Where an appeal is preferred under sub-section (1) against the order of demolition, the Deputy Commissioner may stay the enforcement of the order on furnishing of sufficient security and on such terms, if any, for such period, as it may think fit.

(3) The Deputy Commissioner after giving opportunity of hearing to both the parties shall dispose of the appeal by conferring, varying or setting aside the order appealed against or he may pass such other orders as he may deem fit.]

210. Compensation. - (1) No compensation shall be claimable by an owner for any damage which he may sustain in consequence of the prohibition or erection of any building.

(2) The committee shall make reasonable compensation to the owner for any damage or loss which he may sustain in consequence of the prohibition of the re-erection of any building or a part of a building except in so far as the prohibition is necessary under any bye-law:

Provided that the committee shall make full compensation to the owner for any damage he may sustain in consequence of his building or any part thereof being set back, unless for a period of three years or more immediately preceding such notice the building has by reason of its being in a ruinous or dangerous condition become unfit for human habitation or unless an order of prohibition issued under Section 123 has been and still is in force in respect of such building.

211. Restriction on transfer of land included in development scheme. - When the Improvement Trust adopts and communicates a resolution to the committee indicating its intention to take up preparation of development scheme in any part of the municipal area, the committee shall not lease, alienate or sell any part of the land covered under the scheme, except with the permission of the Deputy Commissioner.

212. Power of committee to regulate the manufacture, preparation and sale of food and drink. - The State Government shall make bye-law applicable to all or any of the municipalities as it may, by notification, specify, by which the committee shall-

- (a) prohibit the manufacture, sale, or preparation or exposure for sale, of any specified articles of food or drink, in any place or premises not licensed by the committee;
- (b) regulate the hours and manner of transport within the municipality of any specified articles of food or drinks, and prescribe the route by which such articles shall be carried;
- (c) prohibit the sale of milk, butter, ghee, curd, meat, game, fish and poultry by persons not licensed by the committee,
- (d) prohibit the import into the municipality for sale of milk, cream, butter, ghee, curd, meat, game, fish and poultry by persons not licensed by the committee;
- (e) regulate the grant and withdrawal of licences and the levying of fees therefor under this section :

Provided that the State Government may of its own or on a representation from a committee alter, vary or modify the bye-laws so as to suit the particular needs of any committee:

Provided further that no person shall be punishable for breach of any bye-law made under clause (a) of this section by reason of the continuance of such manufacture, preparation or exposure for sale, or sale, upon any premises which are, at the time of the making of such bye-law, used for such purpose until he has received from the committee six months' notice in writing to discontinue such manufacture, preparation or exposure for such sale, or such sale in such premises :

Provided further that nothing herein contained shall affect the operation of section 43 of the Punjab Laws Act, 1872, and the rules made thereunder.

213. Prohibition of possession or sale of wild animals. - No wild animal in respect of which any close time has been notified by the State Government under Section 16 of the Wild Life Protection Act, 1972, shall whether dead or alive be possessed or sold during such close time within any municipality, and no such animal shall at any other time be sold within any municipality except under an annual licence to be granted by the committee; Provided that these prohibitions shall not extend to wild animals possessed or sold as pets.

214. Penalty for infringement of bye-laws. - In making any bye-law under any section of this Chapter, the State Government may direct that a breach or an abetment of a breach of it shall be punishable with a fine which shall not be less than [three hundred rupees, and more than two thousand

rupees, and when the breach is a continuing breach, with a further fine of one hundred rupees] for every day after the first during which the breach continues :

[Provided that a breach or an abetment of a breach under clause (xx) of section 200 shall be punishable with a fine which shall not be less than two thousand five hundred rupees and more than five thousand rupees;]

[Provided that a breach or an abetment of a breach under clause (xxx) of section 200, shall be punishable with a fine which shall not be less than one lac rupees and more than two lac rupee's, and in the case of a continuing breach, with a further fine of two thousand rupees for every day during which the breach continues.]

215. Power of committee to make by-laws. - (1) In any case in which no bye- laws have been made by the State Government under Section 31 or Section 200 or Section 201, or Section 202 or Section 212, the committee may make bye-laws for that purpose.

(2) No bye-law made under sub-section (1) shall come into force until it has been confirmed by the State Government.

(3) The bye-laws made under the aforesaid sub-section shall cease to operate when the State Government makes bye-laws in that behalf.

216. Procedure for making laws. - All bye-laws made under this Act shall be subject to previous publication.

217. Bye-laws to be available for purchase and inspection. - (1) A copy of all bye-laws made under this Act for any municipality shall be kept at the committee's office, and shall be open during office hours without charge to the inspection of any habitant.

(2) Copies of all such bye-laws shall be kept at the committee's office for sale to the public at a price not exceeding one rupee.

CHAPTER XI

Procedure

Powers of Entry and Inspection

218. Inspection of drains, privies and cesspools. - (1) The committee or Executive Officer may authorize any person to enter, between sunrise and sunset, into any building or upon any land and to inspect any drain, privy, latrine, urinal, cesspool, cable, wire, pipes, sewer or channel therein, or thereon, and to cause the ground to be opened where such person as aforesaid may think fit for the purpose of preventing or removing any nuisance arising from the drains, privies, latrines, urinals, cesspools, cables, wires, pipes, sewers, or channels.

(2) If, on such inspection, it appears that the opening of the ground was necessary for the prevention or removal of a nuisance, the expenses thereby incurred shall be paid by the owner or occupier of the land or building; but if

it be found that no nuisance exists or but for such opening would have arisen, the ground or portion of any building, drain or other work, if any, opened, injured or removed for the purpose of such inspection shall be filled in, reinstated and made good by the committee.

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

219. Inspection of buildings, etc. - (1) The committee or Executive Officer may authorize any person after giving three hours' notice to the occupier, or if there be no occupier, to the owner of any building to enter and inspect it at any time between sunrise and sunset, where such inspection appears necessary for sanitary reasons.

(2) If the building to be inspected is a stable for horses or a horse or shed for cows or other cattle, previous notice shall not be requisite before inspection.

220. Other powers of entry on buildings or lands. - The committee, or Executive Officer, may authorize any person after giving twenty-four hours' notice to the occupier, or if there be no occupier, to the owner of any building or land, at any time between sunrise and sunset -

- (a) to enter on and to survey, and to take levels or measurements of any buildings or land;
- (b) to enter into any building or on any land for the purpose of examining works under construction, of ascertaining the course of sewers, drains, or of executing or repairing any work which it is by this Act empowered to execute or to maintain;
- (c) to enter into any building or on any land for the purpose of inspecting or repairing gas, water, telephonic, electric or other installations and for taking readings of meters connected therewith;
- (d) to enter into any building or on any land for the purpose of ascertaining whether any building is being or has been erected or re-erected without sanction or in contravention of any sanction given by the committee or Executive Officer of any bye-laws made under Section 202 or of any scheme sanctioned under Section 203 and to take such measurements and do any other such acts as may be necessary for such purpose.

221. Power to inspect places for sale of food or drinks etc. and to seize unwholesome articles exposed for sale. - The committee or Executive Officer may authorize any person at all reasonable times to enter into and to inspect any market, building, shop, stall or place used for the sale of food or drink for man, or as a slaughter-house, or for the sale of drugs, and to inspect and examine any food or drink animals or drug, which may be therein and, if any article of food or drink, or any animal therein appears to be intended for the consumption of man to be unfit therefor may seize and remove the same or may cause it to be destroyed or to be so disposed of as to prevent its being exposed for sale or used for such consumption; and in case it is reasonably suspected that any drug is adulterated in such manner as to lessen its efficacy or to change its operation or to render it noxious, to remove the same, giving a receipt therefor, and to cause the owner thereof to be brought before a Magistrate for enquiry whether any offence has been committed in respect thereof, and for orders as to the disposal of the said drug.

222. Inspection of places for illicit slaughter of animals. - If there are reasonable grounds for believing that any animal has been, is being, or is about to be slaughtered in any place or premises not fixed for such purpose under Section 170 or in contravention of any bye-law made under sub-clause (i) of clause (e) of Section 200, the Committee or Executive Officer or any person authorized by it or him in this behalf may, at all reasonable times, enter into and inspect any place or premises:

Provided that no entry shall be made under the provisions of this section without an order in writing from the president or from the Health Officer. Such order shall specify the place or premises, to be entered and the locality in which same is situate and the period which shall not exceed seven days for which it is to remain in force.

223. Refusal to allow inspection. - Whoever in contravention of Section 220 or Section 221 or Section 222 or Section 225, refuses to suffer inspection of any premises, food, drink, drug or animals, shall be punishable with a fine which shall not be less than twenty-five rupees and more than two hundred rupees.

224. Search for inflammable or explosive material in excess of authorized quantity. - (1) The committee or Executive Officer may authorize any person to enter upon, at any reasonable time, and inspect any house or building which is suspected to contain petroleum, explosive or other inflammable material in excess of the quantity permitted to be kept in such house or building under the provisions of this Act or of any bye-law or public made or published thereunder.

(2) Should any such excess quantity of such material be discovered, it may be seized and held subject to such order as a Magistrate may pass with respect to it.

(3) If the Magistrate decides that the material seized was stored in the house or building contrary to the provisions of this Act or any rule, bye-law or public notice made or published thereunder, he shall pass an order confiscating the same.

(4) Subject to any general rules for the time being applicable thereto, the material confiscated may be sold by order of the Magistrate, and the proceeds, after defraying the expenses of such sale, shall be credited to the municipal fund.

(5) No order of confiscation under this section shall operate to prevent any other criminal or civil proceedings to which the person storing the material in excessive quantity may be liable.

225. Power of entry for purpose of preventing spread of disease. -

(1) The Health Officer or any other officer authorised by the Committee may enter, at any time, after three hours' notice into any building or premises in which any infectious disease is reported or suspected to exist, for the purpose of inspecting such building or premises.

(2) No such inspection shall be made except in the hours between sunrise and sunset.

226. Authorisation of powers. - The committee or Executive Officer may authorize persons to exercise the powers of entry conferred by the foregoing sections of this Chapter either generally in regard to all buildings and land or particularly in regard to specified buildings and lands or classes of buildings and lands.

227. Precautions to be observed in entering dwellings. - When any building used as a human dwelling is entered under this Act, due regard shall be paid to the social and religious sentiments of the occupiers; and before any apartment in the actual occupancy of any woman, who according to custom does not appear in public, is entered under this Act, notice shall be given to her that she is at liberty to withdraw, and reasonable facility shall be afforded to her for withdrawing.

Notice and Consequences of Non-compliance

228. Reasonable time for compliance to be fixed. - When any notice under this Act requires any act to be done for which no time is fixed by this Act, it shall fix a reasonable time for doing the same.

229. Authentication, service and validity of notices. - (1) Every notice issued by a committee under this Act or under any rule or bye-law shall be in writing, signed by the President, Vice-President, Secretary or Assistant Secretary, or by the members of any sub-committee especially authorized by the committee in that behalf, and every such notice and every order made under Section 205 may be served on the person to whom it is addressed, or delivered or left at his usual place of abode or business with some adult male member or servant of his family, or, if it cannot be so

served, may be affixed to some conspicuous part of his place of abode or business :

Provided that such notice may be signed by the Health Officer when it is issued by the committee under any section of this Act under which power may be delegated to the Health Officer under clause (b) of Section 33 and has been so delegated.

(2) When the place of abode or business of the person to whom notice is addressed is not within the limits of the municipality, the notice may be served by posting it in a registered cover addressed to his usual place of abode.

(3) If the owner of any property has no place of abode or business within the municipality, every such notice addressed to him as such owner may be served on the occupier.

(4) When the place of abode or business of the occupier of any property is not known every such notice addressed to him as such occupier may be served by affixing it to some conspicuous part of the property.

(5) No notice issued by the committee under this Act or under any rule or bye-law shall be invalid for defect of form.

230. Service when owner and occupier are different persons. -

Whenever it is provided by this Act that any notice may be given to the owner or occupier of any land or building, and the owner and occupier are different persons, such notice shall be given to one of them primarily liable to comply with such notice, and in case of doubt to both of them:

Provided that in any such case, where there is no owner resident within the municipality, the delivery of such notice to the occupier shall be sufficient.

231. Mode of giving notice to owner or occupier of property. - When any notice is under the provisions of this Act to be given to or served on the owner or occupier of any property and he is unknown, it may be given or served -

(a) by delivering a written notice to some person on the property or should there be no person on the property to whom it can be delivered, by affixing it to some conspicuous part of the property; or

(b) by putting into the post a pre-paid letter containing a written notice and addressed by the description of the "owner" or "occupier" of the property, naming it; in respect of which the notice is given, without further name or description.

232. Publication of public notices. - Every public notice given by a committee under this Act or any rule or bye-law shall be published by proclamation or in such other manner as the State Government may, by rule, direct.

233. Penalty for disobedience of orders of committees. - Whoever disobeys any lawful direction or prohibition given by the committee by public notice under this Act or any written notice lawfully issued by it thereunder, or fails to comply with the conditions subject to which any permission was given by the committee to him under those powers, shall, if the disobedience or omission is not an offence punishable under any other section, be punishable with a fine which shall not be less than twenty-five rupees and more than two hundred rupees, and, in the case of a continuing breach, with a further fine of ten rupees for every day after the first during which the breach continues.

234. Compensation for damage. - Every person convicted of an offence under this Act on account of any act or omission, shall, notwithstanding any punishment to which he may have been sentenced for such offence, pay compensation, the amount of which shall be determined by the Magistrate before whom he was so convicted, to the committee for any damage that may have occurred to any property of the committee, in consequence of such act or omission.

235. Power of committee in the event of non-compliance. - Whenever the terms of any notice other than a notice under Section 181 have not been complied with, the committee may, after six hours' notice, by its officers, cause the act to be done.

236. Penalty for obstruction. - Any person wilfully obstructing the committee, or any employee of the committee, or any person authorised by the committee, in the exercise of the powers conferred by this Act, shall be punishable with a fine which shall not be less than twenty-five rupees and more than two hundred rupees.

237. Recovery of costs of execution. - (1) Where, under this Act, the owner or occupier of property is required by the committee to execute any work and default has been made in complying with the requirement, and the committee has executed the work, the committee may recover the cost of the work from the person in default.

(2) As between themselves and the committee both owner and occupier shall be deemed to be in default for the purposes of this section, but that one of them shall be deemed to be primarily in default, upon whom, as between landlord and tenant, the duty of doing the required act would properly fall either in pursuance of the contract of tenancy or by law.

(3) When the person primarily in default is the owner, and the committee has recovered the whole or any part of the cost from the occupier, or he has paid the same upon its demand, he may deduct the sum so recovered or paid from the rent from time to time becoming due from him to the owner, or otherwise recover it from such owner:

Provided that no occupier shall be required to pay under sub-section (3) any sum greater than the amount for the time being due from him to the owner, either in respect of rent due at the date of such demand as aforesaid or

thereafter accruing, unless he has refused on demand by the committee truly to disclose the amount of his rent and the name and address of the person to whom it is payable; but the burden of proof that the sum so demanded by the committee from the occupier exceeds the rent due at the time of the demand, or which has since accrued due, shall lie on, the occupier.

(4) All money recoverable by a committee under this section may be recovered on application to a Magistrate having jurisdiction within the municipality, by distress and sale of the movable property of the person from whom the money is recoverable, and if payable by the owner of the property shall, until it is paid, be a charge on the property.

(5) Nothing in this section shall affect any contract between an owner and an occupier.

(6) Where under Section 119 or Section 120 the committee has executed any work, the cost thereof may be recovered from the owner or occupier in connection with work done under Section 119, and from the owner in connection with work done under Section 120, in the manner herein provided for the recovery of the cost of work from a defaulting owner or occupier and subject to the provisions herein contained.

238. Relief to agents and trustees. - (1) When any person, by reason of his receiving, or being entitled to receive the rent of immovable property as agent or trustee of a person or society, would, under this Act, be bound to discharge any obligation imposed by this Act on the owner of the property for the discharge of which money is required, he shall not be bound to discharge the obligation unless he has, or but for his own improper act or default might have had, in his hand funds belonging to the owner sufficient for the purpose.

(2) The burden of proving the fact entitling an agent or trustee to relief under this section shall lie on him.

(3) When any agent or trustee has claimed and established his right to relief under this section, the committee may give him notice to apply to the discharge of such obligation as aforesaid the first moneys which shall come to his hands on behalf or for the use of the owner, and should he fail to comply with such notice, he shall be deemed to be personally liable to discharge such obligation.

Payment of Compensation by the Committee

239. Payment of compensation. - (1) The committee may make compensation out of the municipal fund to any person sustaining any damage by reason of the exercise of any of the powers vested in the committee, its employees, under this Act, and shall make such compensation where the damage was caused by the negligence of the

committee, its employees and the person sustaining the damage was not himself in default in the matter in respect of which the power was exercised. (2) Should any dispute, for the settlement of which no express provision is made by any other section, arise touching the amount of any compensation which the committee, is by this Act required to pay or empowered to receive for injury to or in respect of any building or land, it shall be settled in such manner as the parties may agree, or, in default of agreement, in the manner provided by the Land Acquisition Act, 1894, with reference to the acquisition of and payment of compensation for land for public purposes so far as it can be made applicable.

Appeal from Orders, etc.

240. Appeals from orders of committee. - (1) Any person aggrieved-

- (a) by the refusal of a committee under Section 205 to sanction the erection or re-erection of a building; or
- (b) by a notice from a committee under Section 180 requiring a street to be drained, levelled, paved, flagged, metalled or provided with proper means of lighting, or declaring a street to be a public street; [-] or
- (c) by any order made by a committee or Executive Officer under the powers conferred upon it by Section 116 or Section 123, or Section 128 or Section 131 or Section 233;

may appeal within thirty days, from the date of such prohibition, notice or order to such officer as the State Government may appoint for the purpose of hearing such appeals or any of them, or, failing such appointment, to the Deputy Commissioner, and no such refusal, notice or order shall be liable to be called in question otherwise than by such appeal.

(2) The appellate authority may, if it shall think fit, extend the period allowed by sub-section (1) for appeal.

(3) The order of the appellate authority confirming, setting aside or modifying the refusal notice or appealed from shall be final:

Provided that the refusal, notice or order shall not be modified or set aside until the appellant and the committee have had reasonable opportunity of being heard.

241. Prosecution to be suspended in certain cases. - When any order of the kind specified in Section 116, Section 131 and Section 233 is subject to appeal, and an appeal has been instituted against it, all proceedings to enforce such order and all prosecutions for any breach thereof shall be suspended pending the decision of the appeal, and if such order is set aside on appeal, disobedience thereto, shall not be deemed to be an offence.

242. Appeals from certain orders. - Every order of confiscation under Section 224 shall be subject to appeal to the next superior court, but shall not be otherwise open to appeal.

Offences and Prosecutions

243. Authority for prosecution. - Unless otherwise expressly provided, no court shall take cognizance of any offence punishable under this Act or any rule or any bye-law except on the complaint of, or upon information received from the committee or its Executive Officer or some person authorized by the committee or by the Executive Officer in this behalf.

Explanation. - The committee or its Executive Officer may authorize any person and shall be deemed to have authorized any person appointed to this end by the State Government to make complaints or give information, without previous reference to the committee, either generally in regard to all offences against this Act and the rules or bye-laws, or particularly in regard only to specified offences or offences of a specified class. The person authorized may be authorized by office, if he is President, Vice-President, Health Officer or Secretary of the committee, or officer-in-charge of a police station, in other cases the authority must be personal. The authority must in all cases be in writing, and may at any time be cancelled by the committee.

244. Power to compound offences. - [(1) Except as otherwise provided under any other provision of this Act, the Municipal Council or its Executive Officer and the Municipal Committee or its Secretary, may accept from any person who has committed an offence against this Act or any rule or bye-law, a sum of money not less than fifty rupees by way of composition for such offence.

(2) On payment of such sum of money such person if in custody shall be discharged, and no further proceedings shall be taken against him in regard to the offence or alleged so compounded.]

(3) Sums paid by way of composition under this section shall be credited to the municipal fund.

CHAPTER XII

Control

245. Control by Deputy Commissioner. - (1) The Deputy Commissioner or any officer not below the rank of Extra Assistant Commissioner authorized in writing by him or any person empowered by the State Government in this behalf by a general or special order, may -

- (a) enter on, inspect and survey, or cause to be entered on, inspected and surveyed, any immovable property occupied by any committee or joint committee, or any work in progress under its direction ;
- (b) by order in writing addressed to the Secretary call for and inspect or cause to be inspected any book or documents in the possession or under the control of any committee or joint committee and the member or employee of the committee in possession of such book or document shall immediately place such book or document at the disposal of the Secretary, who shall immediately comply with such order and shall immediately inform the President of the requisition. He shall also bring the matter to the notice of the committee at its meeting next following ;
- (c) by order in writing addressed to the Secretary require any such committee or joint committee to furnish within a specified period such statements, accounts, reports and copies of documents relating to the proceedings or duties of the committee as he may think fit to call for;
- (d) inquire generally into the affairs of a committee or joint committee with a view to ascertaining whether a municipality is being satisfactorily administered, and for the purposes of such inquiry make use of any property of the committee, and of the powers mentioned in clauses (a), (b) and (c), and the members and employees of the committee shall render such assistance in the inquiry as may be deemed necessary.

Explanation. - Any person so empowered shall be deemed to be a public servant within the meaning of Section 21 of the Indian Penal Code, 1860.

(2) The Deputy Commissioner may record in writing for the consideration of any such committee or joint committee any observations that he may think proper in regard to the proceedings or duties of the committee.

(3) Every committee shall submit such periodical reports to the Deputy Commissioner or other authority as the State Government may direct.

246. Powers to suspend any resolution or order of committee. - The Deputy Commissioner may, by order in writing, suspend the execution of any resolution or order of a committee, or joint committee or prohibit the doing of any act which is about to be done, or is being done in pursuance of or under cover of this Act, or in pursuance of any sanction or permission

granted by the committee in the exercise of its powers under this Act, if, in his opinion, the resolution, order or act is in excess of the powers conferred by law or contrary to the interests of the public or likely to cause waste or damage of municipal funds or property, or the execution of the resolution or order, or the doing of the act, is likely to lead to a breach of the peace, to encourage lawlessness, or it causes injury or annoyance to the public or to any class or body of persons.

247. Extraordinary power of Deputy Commissioner in cases of emergency. -

(1) In case of emergency the Deputy Commissioner may provide for the execution of any work, or the doing of any act which a committee is empowered to execute or do, and the immediate execution or doing of which is, in his opinion, necessary for the service or safety of the public and may direct that the expense of executing the work or of doing the act shall be forthwith paid by the committee.

(2) Should the expense be not so paid, the Deputy Commissioner may make an order directing the person having the custody of the balance of the municipal fund to pay the expense, or so much thereof as may from time to time be possible, from that balance, in priority to all other charges against the same.

248. Powers to provide for performance of duties in case of default of committee. -

(1) When the Deputy Commissioner after due enquiry is satisfied that a committee has made default in performing any duty imposed upon it by this Act, or by any order or rule under this Act, he may, by an order in writing, fix a period for the performance of that duty; and should it not be performed within the period so fixed, he may appoint some person to perform it, and may direct that the expense thereof shall be paid, within such time as he may fix, by the committee.

(2) Should the expense be not so paid, the Deputy Commissioner may make an order directing the person having the custody of the balance of the municipal fund to pay the expense, or so much thereof as may from time to time be possible, from that balance in priority to all other charges against the same.

249. Action of Deputy Commissioner to be immediately reported. -

When the Deputy Commissioner makes any order under Section 246 or Section 247 or Section 248 he shall forthwith forward it to the Commissioner a copy thereof, with a statement of reasons for making it with such explanation, if any, as the committee of such municipality may wish to offer and the Commissioner may thereupon confirm, modify or rescind the order: Provided that if an officer subordinate to the Deputy Commissioner under the delegated powers makes an order under Section 248 in the case of a [Municipal Committee], the power of confirmation, modification or rescission of such order shall vest in the Deputy Commissioner, who shall, before exercising such power, consider the explanation of the Committee of

such municipality which it may wish to offer and the Deputy Commissioner may thereupon confirm, modify or rescind the order.

250. Power of State Government to give directions. - The State Government may issue directions to any committee for carrying out the purposes of this Act and in particular with regard to -

- (a) various uses to which any land within a municipal area may be put ;
- (b) repayment of debts and discharging of obligations;
- (c) collection of taxes;
- (d) observance of rules and bye-laws;
- (e) adoption of development measures and measures for promotion of public safety, health, convenience and welfare;
- (f) sanitation and cleanliness;
- (g) establishment and maintenance of fire-brigade.

251. Exercise of committee's power pending establishment of committee. - (1) When a new municipality is constituted under this Act, the State Government may appoint a person to exercise the powers, discharge the duties and perform the functions of the committee until the committee is established and he shall for the purpose aforesaid be deemed to be the committee.

(2) The person so appointed under sub-section (1) shall comply with such directions as may be given to him by the State Government, from time to time, for carrying out the said purposes.

252. Power of State Government and its officers over committee. -

(1) The State Government and Deputy Commissioners, acting under the orders of the State Government, shall be bound to require that the proceedings of committees shall be in conformity with law and with the rules in force under any enactment for the time being applicable to Haryana generally or the areas over which the committees have authority.

(2) The State Government may exercise all powers necessary for the performance of this duty, and may among other things, by order in writing, annul or modify any proceeding which it may consider not to be in conformity with law or with such rules as aforesaid, or for the reasons which would in its opinion justify an order by the Deputy Commissioner under Section 246.

(3) The Deputy Commissioner may, within his jurisdiction for the same purpose, exercise such powers as may be conferred upon him by rule made in this behalf by the State Government.

253. General powers of State Government over officers. -

Notwithstanding anything in this Act, the State Government shall have the power of reversing or modifying any order of any officer of the State Government passed or purporting to have been passed under this Act, if it considers it to be not in accordance with the said Act or the rules or to be for any reason inexpedient, and generally for carrying out the purposes of this Act the State Government shall exercise over its officers all powers of superintendence, direction and control:

Provided that the power of reversing or modifying any order of any officer of the State Government shall not apply to the orders passed by the [Tribunal] or the District Judge in an election petition.

254. Power of State Government to dissolve committee in case of incompetence, persistent default or abuse of powers. -

(1) Should a committee be incompetent to perform, or persistently makes default in the performance of, the duties imposed on it by or under this or any other Act, or exceed or abuse its powers, the State Government may, by notification, in which the reasons for so doing shall be stated, declare the committee to be [dissolved]:

[Provided that no notification declaring the committee to be dissolved shall be made unless the matter has been enquired into by an officer, not below the rank of an Extra Assistant Commissioner, appointed by the State Government and the committee concerned has been given a reasonable opportunity of being heard.]

(2) When a committee is so dissolved, the following consequences shall ensure:-

- (a) all members of the committee shall, from the date of the notification, vacate their seats;
- (b) all powers and duties of the committee may, until the committee is reconstituted, be exercised and performed by such persons as the State Government may appoint in this behalf;
- (c) all property vested in the committee shall, until the committee is reconstituted, vested in the State Government.

(3) [-]

255. Taking over of certain branches or departments of the committee. -

When the State Government, after due enquiry, is satisfied that a committee has committed default in as much as its particular branch or a department is incompetent of performing or does not adequately perform any or all of its functions, it may take over the control of such branch or department of the committee under its control and may appoint additional staff, if necessary, for the efficient discharge of the functions of

such branch or department and may direct that the expenses thereof shall be paid by the committee within such time as the State Government may fix in this behalf.

256. Disputes. - (1) If any dispute, for the decision of which this Act does not otherwise provide, arises between two or more committees constituted under this Act, or between any such committee and a Zila Parishad or a Panchayat Samiti or a Cantonment authority, the matter shall be referred -

- (a) to the Deputy Commissioner if the local authorities concerned are in the same district;
- (b) to the State Government if the local authorities concerned are in different district;

(2) the decision of the authority to which any dispute is referred under this section shall be final :

Provided that where a dispute referred to the State Government under clause (b) or sub-section (1) is between a committee and a Cantonment authority, the decision of the State Government shall be subject to the concurrence of the Central Government.

257. Power of State Government to frame norms and make rules. -

(1) The State Government may frame norms for any proceeding of a committee and may make any rules consistent with this Act to carry out the purposes thereof and in particular and without prejudice to the generality of the foregoing power may make rules-

- (a) with respect to the powers and duties of committee [-]. ;
- (b) as to the division of municipalities into wards, or of the inhabitants into classes, or both;
- (c) as to the number of representatives proper for each ward or class;
- (d) as to the qualifications of electors and of candidates for election;
- (e) as to the registration of electors;
- (f) as to the nomination of candidates, the time of election and the mode of recording votes;
- (g) regulating the procedure for elections under this Act, the contribution towards election expenses by candidates, the deposit of security by candidates and the conditions of forfeiture of such deposits;

- (h) prescribing the qualifications requisite in the case of persons appointed by a committee to offices requiring professional skill;
- (i) as to the priority to be given to the several duties of the committee;
- (j) as to the authority on which money may be paid from the municipal fund;
- (k) as to the appointment, promotion, suspension, reduction, fining and dismissed of municipal watchmen;
- (l) as to the formation and working of municipal fire-brigades and the provision of implements, machinery or means of communicating intelligence for the efficient discharge of their duties by such brigades;
- (m) as to the procedure to be observed for the employment, punishment, suspension or removal or other conditions of services of members of Municipal Services and other employees of the committee and as to appeals from orders of punishment or removal;
- (n) as to the conditions on which property may be acquired by the committee or on which property vested in the committee may be transferred by sale, mortgage, leave, exchange or otherwise;
- (o) as to the intermediate office or offices, if any, through which correspondence between committees or members of committees and the State Government or officers of that Government shall pass;
- (p) for the preparation of plans and estimates for works, partly or wholly to be constructed at the expense of committees, and for the preparation and periodical revision of maps and registers made under Section 62 and for the authorities by which and the conditions, subject to which such plans, estimates, maps and registers are to be prepared and sanctioned;
- (q) for the regulation of contracts with electric supply companies for the supply of electric energy;

- (r) for the assessment and collection of, and for the compounding for, refunding or limiting refunds of taxes imposed under this Act, and for preventing evasion of the same; and for fixing the fees payable for notices of demand;
- (s) as to the conditions on which a municipal committee may receive animals or articles into a bonded-warehouse and as to the agreements to be signed by traders or others wishing to deposit animals or articles therein;
- (t) as to the accounts to be kept by committees, as to the conditions on which such accounts are to be opened to inspection by inhabitants paying any tax under this Act, as to the manner in which such accounts are to be audited and published, and as to the power of the auditors in respect of disallowance and surcharge;
- (u) as to the preparation of estimates of income and expenditure of committees, and as to the persons by whom, and the conditions subject to which, such estimates may be sanctioned;
- (v) as to the returns, statements and reports to be submitted by committees;
- (w) as to the powers to be exercised by Deputy Commissioner under Section 252 and the powers to be exercised by such Local Self-Government Board or Inspectorate as the State Government may establish;
- (x) as to the language in which business shall be transacted, proceedings recorded and notice issued;
- (y) as to the publication of notices;
- (z) to regulate the proceedings of persons empowered to accept composition under Section 244 alleged offences;
- (zi) mode of assessment, apportionment of compensation under Section 154 amongst, and payment to, the persons entitled thereto;

- (zii) mode of communication of the order under Section 154 to the persons affected thereby;
- (ziii) the manner in which the compost is to be made;
- (ziv) as to the establishment of training institution for employees of committees and course of training for different classes of employees;
- (zv) as to the imposition of fine where owners do not take advantage of amenities provided by the committees, such as electricity, tap-water supply, sewerage, etc.;
- (zvi) as to regulate the charges to be paid to the Safai Mazdoors engaged in house scavenging;
- (zvii) to regulate the erection and setting up of substantial boundary marks, defining the limits or altered limits of the area subject to its authority;
- (zviii) as to the penalty for cutting streets or removal of obstruction or encumbrances obstructing streets or drains;
- (zix) as to the exemption to a committee from liability to any forfeiture, penalty or damages for cutting of the supply of water or not supplying water in case of draught or other unavoidable cause of accidents, etc.
- (zx) as to regulate the licensing of markets, forming of markets, collections of rents and fees and removal of such persons who occupy stall, or places in markets in an unauthorised manner;
- (zxi) as to the constitution of committees consisting of official and non-official members at Divisional and District Headquarters, to examine and discuss the annual accounts and the reports of the committees and to suggest remedial measure thereto;
- [(zxii) as to the manner in which the seats in the District Planning Committees shall be filled in;

(zxiii) as to the manner in which the Chairpersons of the District Planning Committees shall be chosen;

(zxiv) as to the functions relating to the District Planning Committees;

(zxv) generally for carrying out the purposes of this Act.

(i) for the definition of corrupt practices at elections held under the provisions of this Act which are to be deemed to be corrupt;

(ii) for the investigation of allegations of corrupt practices;

(iii) for making void the election of any person proved to the satisfaction of the State Government to have been guilty of a corrupt practice or to have connived at or abetted the commission of a corrupt practice or whose agent has been so proved guilty, or the result of whose election has been materially affected by the breach of any law or rule for the time being in force;

(iv) for rendering incapable of municipal office, any person who may have been proved guilty as aforesaid of a corrupt practice or of conniving at or abetting the same;

(v) for prescribing the authority by which questions relating to the matters referred to in clauses (d), (e) and (f) of sub-section (1) shall be determined; and

(vi) for authorizing courts take to cognizance of the breach of any such rules on the complaint of the Deputy Commissioner or some person authorised by Deputy Commissioner; or

(3) The Municipal Account Code at person in operation in the municipalities in the State of Haryana shall be deemed to have been made in pursuance of the powers conferred upon the State Government by sub-section (1) of this section.

(4) In making rules under clauses (d) to (g), and clauses (l) and (r), of sub-section (1), the State Government may direct that a breach of any provision thereof shall be punished with a fine which shall not be less than fifty rupees and more than five hundred rupees.

(5) All rules made under this Act shall be subject to previous publication.

(6) A rule under this section may be general for all municipalities or may be special for the whole or any part of any one or more municipalities as the State Government directs.]

[(7) The State Government shall make rules pertaining to the matters of elections, in consultation with State Election Commission, under this Act.]

[CHAPTER XIII]

[Omitted vide Haryana Act No. 12 of 1979.]

258 to 263. [Omitted vide Haryana Act No. 12 of 1979.]

CHAPTER XIV

Municipal Election Inquiries

264. Definitions. - In this Chapter, unless there is anything repugnant in the subject or context;

- [(a) "Tribunal" means the Municipal Election Tribunal consisting of a person or persons appointed by the State Government to hold an inquiry in respect of an election petition under this Act.]
- (b) "costs" means all costs, charges and expenses of or incidental to an inquiry;
- (c) "election" means any election held under the provisions of this Act or the rules;
- (d) "inquiry" means an inquiry in respect of an election by the Tribunal;
- (e) "pleader" means any person entitled to appear and plead for another in a civil court and includes an advocate, a vakil and an attorney of a High Court.

265. Appointment of Tribunal by State Government. - The State Government may appoint a Tribunal consisting of one more person to hold an inquiry.

266. Powers of Tribunal. - In respect of the following matters a [Tribunal] shall have the powers which are vested in a court under the Code of Civil Procedure, 1908, when trying a suit :-

- (a) discovery and inspection,
- (b) enforcing the attendance of witnesses, and requiring the deposit of their expenses;
- (c) compelling the production of documents;
- (d) examining witnesses on oath;
- (e) grant adjournments;
- (f) reception of evidence taken on affidavit; and

(g) issuing commissions for the examination of witnesses and may summon and examine suo motu any person whose evidence appears to be material; and shall be deemed to be a civil court within the meaning of Sections 345, 346 of the Code of Criminal Procedure, 1973.

267. Application of Indian Evidence Act, 1872. - The provisions of the Indian Evidence Act, 1872, shall, subject to the provisions of this Chapter, be deemed to apply in all respects to an inquiry.

268. Admissibility of documents not duly stamped or registered. - Notwithstanding anything contained in any enactment to the contrary, no document shall be inadmissible in evidence on the ground that it is not duly stamped or registered.

269. Witness not excused from answering on ground that answer will incriminate. - No witness shall be excused from answering any question relating to any matter relevant to a matter in issue in an inquiry upon the ground that the answer to such question will incriminate or may tend directly or indirectly, to incriminate him or that it will expose, or tend directly or indirectly, to expose him to a penalty or forfeiture of any kind. Provided that -

(i) no person who has voted at an election shall be required to state for whom he has voted; and

(ii) a witness who in the opinion of the Tribunal, has answered truly all questions which he has been required by the said Tribunal to answer shall be entitled to receive a certificate of indemnity and such certificate may be pleaded by such person in any court and shall be deemed to be a full and complete defence, to or upon any charge under Chapter IX-A of the Indian Penal Code, 1860, arising out of the matter to which such certificate relates, nor shall any such answer be admissible in evidence against him in any suit on other proceedings.

(2) Nothing in sub-section (1) shall be deemed to relieve a person receiving a certificate of indemnity from any disqualification in connection with an election imposed by any law or any rule having the force of law.

270. Appearance, application or act before Tribunal. - Any appearance, application or act before the Tribunal may be made or done by the party in person or by a pleader duly appointed to act on his behalf :

Provided that any such appearance shall, if the Tribunal so directs, be made by the party in person.

271. Expenses incurred in attending to give evidence to be part of costs. - The reasonable expenses incurred by any person in attending to give evidence may be allowed by the Tribunal to such person, and shall, unless the Tribunal or otherwise directs, be deemed to be part of the costs.

272. Decision of Tribunal. - (1) At the conclusion of the trial of an election petition, the Tribunal shall make order -

- (a) dismissing the election petition;
- (b) declaring the election of all or any of the returned candidates to be void; and
- (c) declaring the election of all or any of the returned candidates to be void and the petitioner or any other candidate to have been duly elected.

(2) At the time of making an order under sub-section (1), the Tribunal shall also make an order -

- (a) where any charge is made in the petition of any corrupt practice having been committed at the election, recording -
 - (i) a finding whether any corrupt practice has or has not been proved to having been committed at the election, and the nature of that corrupt practice; and
 - (ii) the names of all persons, if any, who have been proved at the trial to have been guilty of any corrupt practice and the nature of that corrupt practice; and
- (b) fixing the total amount of costs payable, and specifying the persons by and to whom costs shall be paid.

(3) Corrupt practices shall entail disqualification for being elected as a member or [President] of a committee for such period, not exceeding [six] years, as the Tribunal may in its order direct: Provided that the State Government may, for reasons to be recorded, remove any disqualification under this Chapter or reduce the period of any such disqualification.

(4) The Tribunal after announcing the orders made under this section shall send a copy thereof to such authority as may be specified in this behalf by the State Government.

(5) Every order of the Tribunal under this section shall take effect as soon as it is pronounced by it:

Provided that where by any such order the election of a returned candidate is declared to be void, acts and proceedings in which that candidate has,

before the date of the order, participated as a member of the committee shall not be invalidated by reason of that order.

273. Appeal from orders of Tribunal. - (1) An appeal from the order of the [Tribunal] passed under Section 272 shall lie to the District Judge.

(2) The District Judge shall, subject to the provisions of this Act, have the same powers, jurisdiction and authority, and follow the same procedure, with respect to an appeal under this section as if it were an appeal from an original decree passed by a civil court situated within the local limits of his civil court appellant jurisdiction.

(3) Every appeal under this section shall be preferred within a period of thirty days from the date of the order appealed from:

Provided that the District Judge may entertain an appeal after the expiry of such period of thirty days if he is satisfied that the appellant had sufficient cause for not preferring the appeal within such period.

(4) The decision of the District Judge on appeal, and subject only to such decision, the order of the Tribunal under Section 272 shall be final and conclusive.

274. Payment of costs. - Any order as to costs under this Chapter may be produced before the principal civil court of original jurisdiction within the local limits of whose jurisdiction any person directed by such order to pay any sum of money has a place of residence or business, and such court shall execute such order or cause it to be executed in the same manner and by the same procedure as if it were a decree for the payment of money made by itself in a suit.

275. Secrecy of voting. - (1) Every employee, agent or other person who performs any duties in connection with the recording or counting votes at an election shall maintain an aid in maintaining the secrecy of the voting and shall not (except for some purpose authorized by or under any law) communicate to any person any information calculated to violate such secrecy.

[(1A). Notwithstanding anything contained in this Act or the rules made thereunder, the casting and recording of votes by voting machines may be adopted in such manner as may be prescribed, in such municipality or municipalities as the State Election Commissioner may, having regard to the circumstances of each case, specify.

Explanation. - For the purpose of this sub-section "voting machine" means any machine or apparatus whether operated electronically or otherwise used for casting or recording of votes and any reference to a ballot box or ballot paper in this Act or the rules made thereunder shall, save as otherwise provided, be construed as including a reference to such voting machine wherever such voting machine is used at any election.]

(2) Any person who wilfully acts in contravention of the provisions of this section shall be punished with imprisonment of either description for a term not exceeding three months, or with fine, or with both.

[275A. Electoral Offences. The provisions of sections 24 to 31 of the Haryana Municipal Corporation Act, 1994, shall so far as may be consistent with the provisions of this Act, shall apply mutatis mutandis to the Municipal Committees and Municipal Councils constituted or deemed to have been constituted by or under this Act.]

[275B. Bar to interference by Courts in electoral matters. - Notwithstanding anything contained in this Act -

- (a) the validity of any law relating to the delimitation of constituencies, made or purporting to be made under this Act, shall not be called in question in any court;
- (b) no election to any municipality shall be called in question except by an election petition presented to the Tribunal and in such manner as may be prescribed by rules.]

276. Power to make rules. - (1) The State Government may make rules consistent with this Act, to carry out the purposes of this Chapter, and all such rules shall be subject to previous publication.

CHAPTER XV

Miscellaneous

277. Term of existing committee. - (1) Any committee constituted under the Punjab Municipal Act, 1911, which has functioned for a period of [Six years] shall, from the date of commencement of this Act, cease to function. (2) When the committee ceases to function under this section, the same consequences shall follow as if the committee had been superseded under Section 254.

(3) [-][Omitted by Haryana Act No. 9 of 1980.]

[277A. Entrusting of functions, duties and responsibilities of committee to the P.W.D. (Public Health). - Notwithstanding anything to the contrary contained in any provision of this Act, the State Government may, by notification, published in the Official Gazette, entrust any of the functions, duties and responsibilities of a committee relating to water supply and sewerage to the [Public Health Engineering Department] which shall exercise such functions, duties and responsibilities.]

278. Power to remove difficulties. - If any difficulty arises in giving effect to the provisions of this Act, the State Government may by order do anything not inconsistent with such provisions which appears it to be necessary or expedient for the purpose of removing the difficulty.

279. Repeal and savings. - (1) As from the commencement of this Act, the following enactments shall stand repealed, namely -

- (i) the Punjab Municipal Act, 1911;
 - (ii) the Punjab Municipal (Executive Officer) Act, 1931;
 - (iii) the Patiala Municipal (Executive Officer) Act, 2003 BK;
- (2) Notwithstanding the provisions of sub-section (1) -
- (a) any appointment, notification, order, scheme, rule, form, notice or bye-law made or issued, and any licence or permission granted under any of the enactments referred to in sub-section (1) and in force immediately before the commencement of this Act, shall, in so far as it is not inconsistent with the provisions of this Act, continue in force and be deemed to have been made or issued or granted under the provisions of this Act, unless and until it is superseded by any appointment, notification, order, scheme, rule, form, notice or bye-law made issued or any licence or permission granted under the said provision;
 - (b) all debts, obligations and liabilities incurred, all contracts entered into and all matters and things engaged to be done by, with or for any of the committees constituted under the Punjab Municipal Act, 1911, before such commencement shall be deemed to have been incurred, entered into or engaged to be done by, with or for the committee concerned;
 - (c) all budget estimates, assessments, valuations, measurements or divisions made by any of the committees shall, in so far as they are not inconsistent with the provisions of this Act, continue in force and be deemed to have been made under the provisions of this Act unless and until they are superseded by any budget estimates, assessment, valuation, measurement or division made by the committee under the said provisions;
 - (d) all properties, movable and immovable and all interests of whatsoever nature and kind therein, vested in any of the committees immediately before such commencement shall with all rights of whatever description

used, enjoyed or possessed by any such committee, vest in the committee concerned;

- (e) all rates, taxes, fees, rents and other sums of money due to any of the aforesaid committees immediately before such commencement shall be deemed to be due to the committee concerned;
- (f) all rates, taxes, fees, rents, fares and other charges shall, until and unless they are varied by the committee concerned continue to be levied at the same rate at which they were being levied by the aforesaid committees immediately before such commencement; and
- (g) all suits, prosecutions and other legal proceedings, instituted or which might have been instituted by or against any of the aforesaid committees may be continued or instituted by or against the committee concerned.

[280. Transitional provisions. - (1) Any committee constituted as a result of the operation of the Haryana Municipal (Amendment) Act, 1979 in place of an existing committee or a notified area committee shall, notwithstanding anything contained in any other law for the time being in force, be deemed to be [a perpetual successor of such committee or the notified area committee, as the case may be, in respect of all its rules, orders, bye-laws, notifications, appointments, taxes and all other matters whatsoever,] and all assets and liabilities, rights and obligation vested in such committee or notified area committee immediately before the coming into force of the said Act shall vest in such committee.

(2) The president of the committee, as the case may be, of the notified area committee existing immediately before the commencement of the Haryana Municipal (Amendment) Act 1979 shall be deemed to have vacated his or their office immediately on such commencement of the said Act and the State Government may appoint a person to exercise the powers and perform the duties of a committee under this Act until a committee is reconstituted in accordance with the provisions of this Act.]

Schedule

[See Section 2A (2)]

Municipal Council

S. No.	Name	S. No.	Name	S. No.	Name
1.	Ambala City	8.	Panipat	15.	Narnaul

2.	Ambala Cantt	9.	Rohtak	16.	Bhiwani
3.	Yamunanagar	10.	Bahadurgarh	17.	Jind
4.	Jagadhri	11.	Sonepat	18.	Hisar
5.	Thanesar	12.	Gurgaon	19.	Hansi
6.	Kaithal	13.	Palwal	20.	Sirsa
7.	Karnal	14.	Rewari		

Municipal Committee

S. No.	Name	S. No.	Name
1.	Kalka	31.	Pataudi
2.	Naraingarh	32.	Punhana
3.	Chhachhrauli	33.	Haili Mandi
4.	Buria	34.	Hodel
5.	Radaur	35.	Hathin
6.	Sadhaura	36.	Hasanpur
7.	Shahabad	37.	Bawal
8.	Ladwa	38.	Ateli Mandi
9.	Pehowa	39.	Kanina
10.	Pundri	40.	Mohindergarh
11.	Cheeka	41.	Charkhi Dadri
12.	Kalayath	42.	Bawani Khera
13.	Gharaunda	43.	Loharu
14.	Indri	44.	Tosham
15.	Nilokheri	45.	Narwana
16.	Tarori	46.	Julana
17.	Assandh	47.	Uchana
18.	Samalkha	48.	Safidon
19.	Jhajjar	49.	Fatehabad
20.	Meham	50.	Tohana
21.	Kalanaur	51.	Jakhal
22.	Beri	52.	Ratia
23.	Gohana	53.	Barwala
24.	Ganaur	54.	Narnaund
25.	Kharkhoda	55.	Uklana Mandi
26.	Ferozpur Zirka	56.	Siwani

27.	Farukh Nagar	57.	Mandi Dabwali
28.	Nuh	58.	Kalanwali
29.	Sohna	59.	Ellenabad
30.	Taoru	60.	Rania."