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Andhra Pradesh Municipalities Act, 1965

(Andhra Pradesh Act No. 6 of 1965)

Last Updated 12th October, 2020 [ap062]

[Dated 17.2.1965]

LEGISLATIVE HISTORY ▼

An Act to consolidate and amend the law relating to municipalities in the State of Andhra Pradesh. Be it enacted by the Legislature of the State of Andhra Pradesh in the Sixteenth Year of the Republic of India as follows: -

Part 1

Preliminary

1. Short title, extent and commencement. - (1) This Act may be called the Andhra Pradesh Municipalities Act, 1965.

(2) It extends to the whole of the State of Andhra Pradesh.

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

Object & Reasons ▼

2. Definitions. - In this Act, unless the context otherwise requires, -

- (1) "*Andhra Area*" means the area in the State of Andhra Pradesh other than Telangana area;
- (2) "*appointment*" , "*appoint*" , includes temporary appointment and officiating appointment or to appoint temporarily or in an officiating capacity;
- (2-a) "*Backward Classes*" means any socially and educationally backward classes of citizens recognised by the Government for purposes of Clause (4) of Article 15 of the Constitution of India.
- (3) "*building*" means any structure constructed of any materials for any purpose, and includes a house, out-house, shop, stable, latrine, shed, hut, wall (other than a boundary wall not exceeding two metres in height), or any part of such building;
- (4) "*building line*" means a line which is in rear of the street alignment and to which the main wall of a building abutting on a street may lawfully extend;
- (5) "*carriage*" means any wheeled vehicle with springs or other appliances acting as springs and includes any kind of bicycle, tricycle, rickshaw and palanquin but does not include any motor vehicle within the meaning of the Motor Vehicles Act, 1939; (Central Act 4 of 1939).
- (6) "*cart*" includes any wheeled vehicle which is not a carriage but does not include any motor vehicle within the meaning of the Motor Vehicles Act, 1939; (Central Act 4 of 1939).
- (7) "*casual vacancy*" means a vacancy occurring otherwise than by efflux of time and casual election' means an election held to fill a casual vacancy:
- (7-a) "*ceiling limit*" means the ceiling limit as specified in Section 4 of the Urban Land (Ceiling and Regulation) Act, 1976.
- (8) '*Chairperson*' means the Chairperson of the Council;
- (8-a) "*Commissioner*" means the person appointed as Commissioner under Sub-section (1) of Section 29
- (9) "*Company*" means a company as defined in the Companies Act, 1956; (Central Act 1 of 1956), and includes any foreign company within the meaning of Section 591 of that Act:
- (10) "*conservancy worker*" means a person employed in collecting or removing filth, in cleaning drains or slaughter houses or in driving cars used for the removal of filth;
- (11) "*Council*" means a municipal council constituted under this Act;
- (12) "*election authority*" means such officer or authority as may be appointed by the State Election Commission to exercise such powers and to perform such functions in connection with the conduct of elections to the Municipalities;
- (13)
- (14) "*factory*" means any premises including the precincts thereof,--
- (i) Where in any industrial or manufacturing process is carried on with the aid of steam, water, oil, gas, electrical or any other form of power which is mechanically transmitted and is not generated by human or animal agency; or
 - (ii) Whereon twenty or more workers are working or were working and in any part of which a manufacturing process is being carried on without the aid of power or is ordinarily so carried on; but does not include a mine subject to the operation of the Mines Act, 1952 (Central Act 35 of 1952) or a railway running shed;

(15) "*filth*" means--

- (a) night soil and other contents of latrines, cess-pools and drains;
- (b) dung and the refuses or useless or offensive material thrown out in consequence of any process of manufacture, industry or trade; and
- (c) putrid and putrefying substances;

(15-a) "*Finance Commission*" means the Finance Commission constituted by the Governor under Article 243-I of the Constitution of India;

(16) "*government*" means the State Government.

(17) "*house*" means a building or hut fit for human occupation, whether as a residence or otherwise, having a separate principal entrance from the common way, and includes any shop, workshop or warehouse or any building used for garaging or parking buses or as a bus-stand;

(18) "*hut*" means any building which is constructed principally of wood, mud, leaves, grass or thatch and includes any temporary structure of whatever size or any small building of whatever material made, which the council may declare to be a hut for the purposes of this Act;

(19) "*latrine*" includes privy, water-closet and urinal;

(20) "*local area*" includes any town, village, hamlet, bazar, station or other area or any group of the same in the immediate neighbourhood of one another but does not include a cantonment governed by the Cantonments Act, 1924; (Central Act 2 of 1924).

(21) "*municipal officer*" means the principal office of any council;

(22) "*municipality*" means a municipality of such grade as may be declared by the Government, from time to time, by notification in the Andhra Pradesh Gazette on the basis of its income and such other criteria as may be prescribed;

(22-a) "*Nagar Panchayat*" means a body deemed to have been constituted under Section 2-A, for a transitional area specified by the Governor under clause (42-a);

(23) "*nuisance*" includes any act, omission, place or thing which causes or is likely to cause injury, danger, annoyance or offence to the sense of sight, smell or hearing or disturbance to rest or sleep or which is or may be dangerous to life or injurious to health or property of the public or the people in general who dwell or occupy in the vicinity or persons who may have occasion to use any public right;

(24) "*occupier*" includes--

- (a) any person for the time being paying or liable to pay to the owner the rent or any portion of the rent of the land or building or part of the same in respect of which the word is used;
- (b) a rent-free occupant;

(25) "*ordinary vacancy*" means a vacancy occurring by efflux of time and "*ordinary election*" means an election held to fill an ordinary vacancy;

(26) "*owner*" includes--

- (a) the person for the time being receiving or entitled to receive, whether on his own account or as agent, trustee, guardian, manager or receiver for another person or estate for any religious or charitable purposes, the rent or profits of the property in connection with which the word is used;
- (b) the person for the time being in charge of the animal or vehicle in connection with which the word is used;
- (27) "*palanquin*" includes tonjons, manchils and chairs carried by men by means of posts, but not slings or cots used for the conveyance of children or aged or sick people;
- (27-a) "*population*" or population at the last census' with all its grammatical variations and cognate expressions, means the population as ascertained at the last census of which all the relevant and necessary figures have been published;
- (28) "*prescribed*" means prescribed by the Government by rules made under this Act;
- (29) "*private street*" means any street, road, square, court, alley, passage or riding path, which is not a public street but does not include a pathway made by the owner of premises on his own land to secure access to, or the convenient use of, such premises;
- (30) "*public place*" includes any path, garden or ground or any other place to which public have or are permitted to have access;
- (31) "*public street*" means any street, road, square, court, alley, passage or riding path over which the public have a right of way whether a thoroughfare or not, and includes-
- (a) the roadway over any public bridge or causeway;
 - (b) the footway attached to any street public bridge or causeway; and
 - (c) the drains attached to any such street, public bridge or cause way and the land, whether covered or not by any pavement, verandah, or other structure which lies on either side of the roadway upto the boundaries of the adjacent property whether that property is private property or property belonging to the Government;
- (32) "*public water-course, springs, wells and tanks*" include those used by the public to such an extent as to give a prescriptive right to such use,
- (32-a) "*qualifying date*" in relation to the preparation and publication of every electoral roll under this Act means the first day of January of the year in which it is so prepared and published;
- [(32-b) "Recognised Political Party" and "Registered Political Party" shall have the meanings respectively assigned to them in the Election Symbols (Reservation and Allotment) Order, 1968, issued by the Election Commission of India under Article 324 of the Constitution of India and in the registration of Political Parties and Allotment of Symbols Order, 2001, issued by the State Election Commission under Article 243-K read with Article 243-ZA of the Constitution of India.]
- (33) "*reconstruction*" of a building includes--
- (a) the re-erection, wholly or partially, of a building after more than one-half of its cubical contents have been taken down or burnt down or has fallen down whether at one time or not;

- (b) the re-erection, wholly or partially, of any building of which an outer wall has been taken down or burnt down or has fallen down to or within ten feet of the ground, adjoining the lowest storey of the building, and of any frame building which has so far been taken down or burnt down or has fallen down, so as to leave only the frame work of the lowest storey;
- (c) the conversion into a dwelling house or a place of public worship of any building not originally constructed for human habitation or for public worship as the case may be, or the conversion into more than one dwelling house of a building originally constructed as one dwelling house only or the conversion of a dwelling house into a factory, shop, office or warehouse;
- (d) the re-conversion into a dwelling house or a place of public worship or a factory of any building which has been discontinued as, or appropriated for any purpose other than, a dwelling house or a place of public worship or a factory, as the case may be.
- (34) "*Regional Director*" means the Regional Director of Municipal Administration having jurisdiction over the Municipality concerned;
- (35) "*residence*"-- "reside"-- a person is deemed to have his residence" or to reside" in any house, if he sometimes uses any portion thereof as a sleeping apartment; and a person is not deemed to cease to reside in any such house merely because he is absent from it or has elsewhere another dwelling house in which he resides, if he is at liberty to return to such house at any time and has not abandoned his intention of returning;
- (36) "*rubbish*" means dust, ashes, broken bricks, mortar, broken glass, and refuse of any kind which is not filth';
- (37) "*salary*" means pay and acting pay or payment by way of commission and includes exchange, compensation allowances but not allowances for house-rent, conveyance or travelling expenses;
- (38) "*scheduled castes*" means such castes, races or tribes or parts of or, groups within, such castes, races or tribes as are notified to be Scheduled Castes under Article 341 of the Constitution of India in relation to the State of Andhra Pradesh;
- (39) "*scheduled tribes*" means such tribes, or tribal communities or parts of, or groups within, such tribes or tribal communities as are notified to be Scheduled Tribes under Article 342 of the Constitution of India in relation to the State of Andhra Pradesh;
- (40) "*State Election Commission*" means the State Election Commission constituted in pursuance of Article 243- K of the Constitution of India;
- (41) "*street alignment*" means a line dividing the lands comprised in and forming part of a street from the adjoining land;
- (42) "*Telangana area*" means the territories specified in Sub-section (1) of Section 3 of the States Reorganisation Act, 1956; (Central Act 37 of 1956);
- (42-a) "*transitional area*" or a smaller urban area' means such area as the Governor may, having regard to the population of the area, the density of the population therein, the revenue generated for local administration, the percentage of employment in non-agricultural activities, the economic importance or such other factors as he may deem fit, specify by public notification for the purposes of this Act, subject to such rules as may be made in this behalf;

(42-b)'Wards Committee' means a Wards Committee constituted under Section 5-B;

(43) "watercourse" includes any river, stream or channel whether natural or artificial,

(44) "year" means the financial year.

2A. Constitution of Nagar Panchayats. - (1) Where an area is specified as a transitional area under clause (42-a) of Section 2, a Nagar Panchayat shall be deemed to have been constituted for such transitional area.

(2) The provisions of this Act shall apply to a Nagar Panchayat deemed to have been constituted under this section as they apply to a Municipality and to facilitate such application a Nagar Panchayat shall be deemed to be a Municipality;

Part 2

Constitution of Municipalities and constitution or appointment of Municipal Authorities

CHAPTER 1

Constitution of Municipalities

3. Constitution of Municipalities. - (1) Where a notification is issued specifying an area as a smaller urban area under clause (42a) of Section 2, a Municipality shall be deemed to have been constituted for such area; Provided that a Municipality under this clause may not be constituted in such urban area or part thereof as the Governor may, having regard to the size of the area of the Municipal Services being provided or proposed to be provided by an industrial establishment in that area and such other factors as he may deem fit, by public notification, specify to be an Industrial Township.

[(1A) The Government may, by notification and in accordance with such principles and procedure as may be prescribed in this behalf,-

(a) include within a Municipality any local area or part thereof, in the vicinity of such Municipality;

(b) exclude from a Municipality, any area comprised therein.]

[(2) Any resident of a local area or tax payer of a Municipality, as the case may be, in respect of which any such notification has been published may, if he desires to object to anything therein contained, submit his objection in writing to the Government within six weeks from the publication of the notification and the Government shall take all such objections into consideration.

(3) When six weeks from the publication of the notification have expired, and the Government have considered the objections, if any, which have been submitted, they may, as the case may be, by notification in the Andhra Pradesh Gazette, declare to be a Municipality or include in or exclude from a Municipality, the local area or any portion thereof.]

[***]

3A. Abolition of Municipalities. - (1) The Government may, by notification, abolish any municipality to which this Act applies, wherein the opinion of the Government it is not financially sound or for such other reasons as may be recorded in writing:-

Provided that-

- (a) the Government shall, before they issue such notification, communicate to the municipal council the grounds on which they propose to do so, fix a reasonable period for the municipal council to show cause against proposal and consider its explanations and objections, if any
- (b) the notification shall contain a statement of the reasons of the Government and shall be laid before the Andhra Pradesh Legislative Assembly.
- (2) From such date as may be specified in such notification, the provisions of this Act and all notifications, rules, bye-laws, regulations, orders, directions and powers issued, made or conferred under this Act, shall cease to apply to the area previously comprised in the municipality; the balance of the municipal fund and all other property vested in the municipal council and all its liabilities shall stand transferred to the Government or to such local or other authority or to such officer or other person as they may, by order, direct.

CHAPTER 2

Constitution or Appointment of Municipal Authorities

4. The Municipal authorities. - The municipal authorities charged with carrying out the provisions of this Act are-

- (a) a council;
- (b) a Chairperson;
- (c) a commissioner.
- (d) the Wards Committee.

5. Constitution of Municipal Council. - (1) There shall be constituted for each Municipality a body of members to be called the Municipal Council having authority over the Municipality.

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

- (i) Such number of elected members as may be notified from time to time by the Government in the Andhra Pradesh Gazette, in accordance with such principles as may be prescribed: Provided that the number of members to be elected in respect of each Council existing at the commencement of the Andhra Pradesh Municipal Laws (Second Amendment) Act, 1994 shall be as it stood at such commencement until such number is revised by the Government in accordance with the principles prescribed;
- (ii) every member of the Legislative Assembly of the State representing a constituency of which a Municipality or a portion thereof forms part:

[Provided that a Member of the Legislative Assembly representing a Constituency which comprises more than one Municipality including a part of any Municipality, shall be ex-officio member of one such Municipality, which he chooses within a period of thirty days from the date of conduct of ordinary elections to the Municipalities or the date of election as Member of the Legislative Assembly by notice in writing duly signed by him and delivered to the Commissioner of that Municipality or Nagar Panchayat and he shall also have the right to speak in and otherwise take part in the proceedings of any meeting of the other Councils comprised within the Constituency, but shall not be entitled to vote at any such meeting. The intimation so given shall be final and

irrevocable. In default of such intimation within the aforesaid period, the Election Authority shall decide the Municipality and inform the Member of the Legislative Assembly.]

- (iii) every member of the House of the People representing a constituency of which a Municipality or a portion thereof forms part:

[Provided that a Member of the House of the People representing a Constituency which comprises more than one Municipality including a part of any Municipality, shall be ex-officio member of one such Municipality, which he chooses within a period of thirty days from the date of conduct of ordinary elections to the Municipalities or the date of election as Member of the House of the People by notice in writing duly signed by him and delivered to the Commissioner of that Municipality or Nagar Panchayat and he shall also have the right to speak in and otherwise take part in the proceedings of any meeting of the other Councils comprised within the Constituency, but shall not be entitled to vote at any such meeting. The intimation so given shall be final and irrevocable. In default of such intimation within the aforesaid period, the Election Authority shall decide the Municipality and inform the Member of the House of the People.]

- (iv) every member of the Council of States registered as an elector within the Municipality ex-officio;

- (v) persons having special knowledge or experience in Municipal Administration co-opted by the Municipal Council whose number shall be one in the case of a Nagar Panchayat two in the case of a Municipality having population of less than three lakhs and three in the case of a Municipality having a population of three lakhs or more :

Provided that in the case of a Municipality which has more than one co-opted member, one member shall be a woman; Provided further that the member co-opted under this clause shall have the right to speak in and otherwise to take part in the meetings of Nagar Panchayat or the Municipality, as the case may be, but shall not have the right to vote.

- (vi) one person belonging to minorities to be co-opted in the prescribed manner by the members specified in clauses (i) to (iv) from among the persons who are registered voters in the Municipality and who are not less than twenty-one years of age:

Provided that the member co-opted under this clause shall have the right to speak in and otherwise to take part in the meetings of the Nagar Panchayat or the Municipality, as the case may be, without the right to vote.;

[5A. Symbols for direct elections. - The State Election Commission shall, as soon as may be, after the issue of election notification, for any direct election by the voters in the Municipality, to any office specify by notification published in the Andhra Pradesh Gazette, the symbols, (including the symbols reserved for recognised political parties and the symbols, if any, reserved for registered political parties, for exclusive allotment to contesting candidates set up by such parties), that may be chosen by the candidates contesting at such an election and the restrictions to which their choice shall be subject.]

Explanation. - In this section the term "recognised political party" shall have the meaning assigned to it in the Election Symbols (Reservation and Allotment) Order, 1968, issued under Article 324 of the Constitution of India.

5B. Constitution, powers and functions of the Wards Committees. - (1) In respect of a Municipality having population of three lakhs or more there shall be constituted by the Commissioner and Director of Municipal

Administration, by order, such number of Wards Committees as may be determined by him, so however, that each Wards Committee shall consist of not less than five Wards:

Provided that in constituting Wards Committees, the Commissioner shall maintain geographical contiguity as far as possible:

Provided further that the Commissioner and Director of Municipal Administration may in respect of Municipalities having population of less than three lakhs constitute Wards Committees subject to such conditions and in accordance with such rules as may be made in this behalf.

(2) Each Wards Committee shall consist of the members elected from the Wards for which the Wards Committee is constituted:

Provided that such officers of the Municipality as the Commissioner may specify shall attend the meetings of the Wards Committee, and shall have the right to speak in and otherwise to participate in the meetings of the Wards Committee, but shall not have the right to vote.

(3) The Chairperson of the Wards Committee shall be elected by the members thereof from among themselves in the prescribed manner. He shall hold office for a period of one year from the date of election and shall be eligible for re-election.

(4) The Chairperson shall cease to hold office if he ceases to be a member of the Wards Committee. Any casual vacancy in the office of the Chairperson shall be filled by election of another Chairperson from among the elected members of the Wards Committee as soon as may be after the occurrence of the vacancy.

(5) The powers and functions of the Wards Committee and the manner of conduct of business at its meetings shall be such as may be prescribed.

6. Incorporation of Council. - The council constituted under Section 5 shall, by the name of the municipality, be a body corporate, shall have perpetual succession and a common seal and subject to any restriction or qualification imposed by this Act or any other law shall be vested with the capacity of suing or being sued in its corporate name, acquiring, holding and transferring property, entering into contracts and doing all things necessary for the purposes of this Act.

7. Special provision in the case of newly constituted and reconstituted councils. - (1) Notwithstanding any other provision in this Act, where a municipality is constituted for the first time, the Government may appoint a Special Officer to exercise the powers, discharge the duties and perform the functions of the council, its Chairperson, its Wards Committees, its committees referred to in Sections 43 and 74, and the Commissioner.

(2) The Special Officer shall cause arrangements for election to be made so that the Chairperson and the elected members may come into office on such date as may be specified by the Government by an order made in this behalf;

Provided that the Government may, from time to time, postpone the date [within a period of two years] so specified it, for any reason, the elections cannot be completed before such date.

(2A) Notwithstanding anything contained in this Act, every Special Officer appointed under Sub-section (1) read with Sub-section (6) to any municipality in the State, shall cause arrangements for election to be made

to that municipality so that the elected members and the Chairperson thereof may come into office on such date as may be specified by the Government by an order made in this behalf;

(3) The Special Officer shall exercise the powers, discharge the duties and perform the functions, of the council until the elected members come into office, of the Chairperson until a Chairperson is elected, of the wards committees until the wards committees are constituted of the committees referred to in Sections 43 and 74 until committees thereof have been constituted and of the Commissioner until a Commissioner has been appointed, as the case may be.

(4) x x x

[***]

(6) The provisions of sub-sections (1) to (5) shall so far as may be, apply to all cases of reconstitution of councils, unless otherwise provided in this Act.

(7) Where the number of seats on a council is increased by or in consequence of a notification under sub-section (1) of Section 5, the members elected for the additional seats or the members elected in their places at casual vacancies shall hold office until the date on which the members elected to the original seats at the ordinary elections immediately preceding will vacate office.

8. Reservation of seats. - (1) In every municipality, out of the total strength of elected members determined under Section 5, the Government shall, subject to such rules as may be prescribed, by notification, reserve -

- (a) such number of seats to the Scheduled Castes and Scheduled Tribes as may be determined by them, subject to the condition that 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 to the Municipal Council, as the population of the Scheduled Castes, or as the case may be, of the Scheduled Tribes in that Municipality bears to the total population of that Municipality; and such seats may be allotted by rotation to different Wards in a Municipality;
- (b) one third of the total number of seats to the Backward Classes and such seats may be allotted by rotation to different Wards in the Municipality;
- (c) not less than one-third of the total number of seats reserved under clauses (a) and (b) for women belonging to the Scheduled Castes, Scheduled Tribes or as the case may be, the Backward Classes;
- (d) not less than one-third (including the number of seats reserved for women belonging to the Scheduled Castes, Scheduled Tribes and Backward Classes) of the total number of seats to be filled by direct election to every Municipal Council, for women and such seats may be allotted by rotation to different Wards in a Municipality.

Explanation-I. - In this section the expression "Scheduled Castes, Scheduled Tribes" shall have the meanings respectively assigned to them in clause (24) and clause (25) of Article 366 of the Constitution of India.

[Explanation-II. - In this section, the expression "Backward classes" means any socially and educationally Backward classes of citizens recognized by the Government for the purpose of clause (4) of Article 15 of the Constitution of India without reference to the classification but including the creamy layer amongst such Backward classes of citizens.]

(2) Nothing in sub-section (1) shall be deemed to prevent women and members of the Scheduled Castes, Scheduled Tribes or Backward Classes from standing for election to the non-reserved seats in the

Municipality.

9. Reservation of Office of members and Chairperson to cease after certain date. - The provisions of Sections 8 and 23 relating to the reservation of office of member or the Chairperson for the Scheduled Castes and Scheduled Tribes shall cease to have effect on the expiration of the period specified in Article 334 of the Constitution of India.

10. Division of municipalities into wards, etc., for the purpose of election of members. - (1) For the purpose of election of members to a council, the Government may, after consulting the council, by notification in the Andhra Pradesh Gazette,--

(a) divide the municipality into as many as single member wards as the number of members notified under Section 5.

x x x

(b) determine the wards in which the seats, if any, reserved under sub-section (1) of Section 8 shall be set apart; and

(c) declare for whom such seats are reserved.

(2) x x x

(3) All the electors of a ward shall be entitled to vote at an election to any seat in the ward whether reserved or not.

(3-A) Where a notification issued under sub-section (1) results in the material alteration of the existing division of a municipality into wards, the Government may direct that the alteration shall take effect from the date of next ordinary elections.

(3-B) Where any local area within the jurisdiction of any other local authority is included in a Municipality under Section 3, the local area shall be added to such adjoining ward or wards of the municipality, as the Government may direct.

(4) When a new ward is formed, or when an existing ward is abolished, the election authority shall, with the approval of the Government, determine--

(a) the ward which each elected member then on the council shall be deemed to represent; and

(b) the ward or wards in which elections shall be held to fill the vacancies, if any, in the council.

10A. State Election Commission. - The preparation of electoral rolls for, and the conduct of elections to, all municipalities in the State shall be under the super intendency, direction and control of the State Election Commission.

[10B. Powers and functions of the State Election Commission. - (1) All elections to the Municipalities shall be held under the supervision and control of the State Election Commission and for this purpose it shall have power to give such directions as it may deem necessary to the Commissioner and Director of Municipal Administration, District Collector or any officer or servant of the Government and the Municipalities so as to ensure efficient conduct of the elections under this Act.

(2) The preparation of electoral rolls for the conduct of all elections under the Act shall be done under the supervision and control of the State Election Commission.

(3) For the purposes of this section the Government shall provide the State Election Commission with such staff as may be necessary.

(4) On the request of the State Election Commission, the State Government shall place at the disposal of the Commission such staff of the State Government, Municipalities for the purpose of conduct of elections under this Act.

(5) The State Election Commissioner may, subject to control and revision, delegate his powers to such officers as he may deem necessary.]

11. Preparation and publication of electoral roll for a municipality. - (1) The electoral roll for a municipality shall be prepared and published by the person authorised by [the State Election Commissioner] in such manner by reference to such qualifying date as may be prescribed and the electoral roll for a municipality shall come into force immediately upon its publication in accordance with the rules made by the Government in this behalf. The electoral roll for a municipality shall consist of such part of the electoral roll for the Assembly constituency published under the Representation of the People Act, 1950 as revised or amended under the said Act, up to qualifying date as relates to municipality or any portion thereof:

Provided that any amendment, transposition or deletion of any entries in the electoral roll, any inclusion of names in the electoral roll of the Assembly Constituencies concerned, made by the Electoral Registration Officer under Section 22 or Section 23, as the case may be, of the Representation of the People Act, 1950, upto the date of election notification, for any election held under this Act, shall be carried out in the electoral roll of the municipality and any such names included shall be added to the part relating to the concerned ward.

Explanation. - When in the case of any Assembly Constituency there is no district part of the electoral roll relating to the municipality, all persons whose names are entered in such roll under the registration area comprising the municipality and whose addresses as entered are situated in the municipality shall be entitled to be included in the electoral roll for the municipality prepared for the purposes of this Act.

(2) The electoral roll for a municipality,-

(a) shall be prepared and published in the prescribed manner by reference to the qualifying date,-

(i) before each ordinary election; and

(ii) before each casual election to fill a casual vacancy in the office of the Chairperson or Member of Municipality; and

(b) shall be prepared and published, in any year, in the prescribed manner, by reference to the qualifying date, if so, directed by the State Election Commission:

Provided that if the electoral roll is not prepared and published as aforesaid, the validity, or continued operation of the said electoral roll, shall not thereby be affected.

(3) When a municipality has been divided into Wards, the Electoral Roll for the Municipality shall be divided into separate lists for each ward.

(4) Where after the electoral roll for a municipality or any alteration thereto have been published under subsection (2), the Municipality is divided into Wards for the first time or the division of the Municipality into wards is altered or the limits of the Municipality are varied, the person authorised by the State Election

Commission in this behalf shall, as soon as may be after such division or alteration or variation, as the case may be, in order to give effect to the division of the Municipality into wards or to the alteration of the variation of the limits, as the case may be, authorise a re-arrangement and republication of the electoral roll for the Municipality or any part of such roll, in such manner as the State Election Commission may direct.

(5) The electoral roll published under sub-section (1) or as the case may be under sub-section (4) shall be the electoral roll for the municipality and it shall remain in force till a fresh electoral roll for the municipality is published under this Section.

(6) Every person whose name appears in that part of the electoral roll relating to a ward shall subject to the other provisions of this Act, be entitled to vote at any election which takes place in that ward while the electoral roll remains in force and no person whose name does not appear in such part of the electoral roll shall vote at any such election.

(7) No person shall vote at an election under this Act in more than one ward or more than once in the same ward and if he does so, all his votes shall be invalid.

Explanation. - In this section, the expression "Assembly Constituency" shall mean a constituency provided by law for the purpose of elections to the Andhra Pradesh Legislative Assembly.

[12. Voter identity Cards. - With a view to preventing impersonation of electors, provision may be made by rules made under this Act, for the production before the Presiding Officer or Poling Officer of a Polling Station by every such elector, of his identity card before the delivery of a ballot paper or ballot papers to him, if under the rules made in that behalf under the Registration of Electors Rules, 1960 made under the Representation of the People Act, 1950, electors of the Legislative Assembly Constituency or Constituencies in which the Municipality is situated, have been supplied with identity cards with or without their respective photographs attached thereto.]

13. Qualification of candidates. - A person shall be qualified for election as a member only if his name appears on the electoral roll for the municipality and if he is not less than twenty one years of age.

13A. General Disqualification. - A person shall be disqualified for being chosen as, or for being a member of a Municipality if he is disqualified by or under any law for the time being in force for the purpose of elections to the legislature of the State concerned:

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

13B. Persons having more than two children to be disqualified. - A person having more than two children shall be disqualified for election or for continuing as member:

Provided that the birth within one year from the date of commencement of the Andhra Pradesh Municipal Laws (Second Amendment) Act, 1994 (hereinafter in this Section referred to as the date of such commencement) of an additional child shall not be taken into consideration for the purposes of this section:

Provided further that a person having more than two children (excluding the child if any born within one year from the date of such commencement) shall not be disqualified under this section for so long as the number of children he had on the date of such commencement does not increase:

Provided also that the Government may direct that the disqualification in this section shall not apply in respect of person for reasons to be recorded in writing.

14. Disqualification for election or for holding office as a member. - A person holding an office of profit under a municipality, the Central Government or the State Government shall be disqualified for election or for holding office as member.

Provided that a person shall not be deemed to hold an office of profit under municipality by reason only that he is a Chairperson or member of a municipality in the State.

Provided further that a village officer who is not actually performing the functions or discharging the duties as such officer shall not be so disqualified.

15. Other disqualifications of candidates. - (1) A person who has been sentenced by a criminal court

- (a) to imprisonment for an offence under the [Protection of Civil Rights Act, 1955]; (Central Act 22 of 1955).
- (b) x x x x for any offence other than an offence of political character or any offence not involving moral delinquency, such sentence not having been suspended, reversed or the offence pardoned. shall be disqualified for election as a member while undergoing the sentence and for five years from the date of the expiration thereof.

(2) A person shall be disqualified for election as a member if such person is, on the date fixed for scrutiny of nomination for election

- (a) of unsound mind and stands so declared by a competent court, a deaf-mute or suffering from leprosy;
- (b) an applicant to be adjudicated an insolvent or undischarged insolvent;
- (c) interested in a subsisting lease or contract entered into with or any work being done for, the council except as a share-holder, other than a director, in a company:

Provided that a person shall not be deemed to have any interest in such contract or work by reason only of his having a share or interest in

- (i) any sale or purchase of immovable property or any agreement for the same; or
- (ii) any public loan raised by municipality or any security for the payment of money only; or
- (iii) any newspaper in which any advertisement relating to the affairs of the council is inserted; or
- (iv) the sale to the council of any articles in which he regularly trades, or the purchase from the council of any articles to a value in either case not exceeding five hundred rupees in the aggregate in any year during the period of the contract or work;
- (v) the occasional letting out on hire to the municipality or hiring from the municipality of any article for an amount not exceeding in the aggregate in any one year five hundred rupees;
- (d) employed as a paid legal practitioner on behalf of the council or as a legal practitioner against the council;
- (e) an honorary magistrate for the municipal town;
- (f) already a member whose term of office as such will not expire before his fresh election can take effect, or has already been elected a member whose term of office has not yet commenced;

Explanation. - Nothing in this clause shall be construed as disqualifying a sitting member of a municipality for re-election as member to that municipality;

- (g) the employee or employer or the official subordinate or official superior of a member holding office on the said date;
- (h) in arrears of any kind due by him otherwise than in a fiduciary capacity to the municipality upto and inclusive of the previous year, in respect of which a bill or notice has been duly served upon him and the time if any specified therein for payment, has expired; or
- (i) dismissed from service of the Central Government, the State Government, any municipality or any local authority for misconduct.

[15A. Disqualification of ground of corrupt practice or election offences. - Any person who is convicted of any offence punishable under Chapter IX-A of the Indian Penal Code, 1860, or any person against whom a finding of having indulged in any corrupt practice is recorded in the verdict in an election petition filed under this Act or any person convicted of an offence punishable under Chapter III of Part VI of this Act, shall be disqualified for contesting in any election held under this Act, for a period of six years from the date of such conviction or verdict, as the case may be.]

[Provided that such convicted person shall cease to hold office in case he is already elected.]

[15B. Disqualification for failure to lodge account of election expenses. - If the State Election Commission is satisfied that a person, -

- (a) has failed to lodge an account of election expenses within the time limit prescribed and in the manner required by or under this Act, and
- (b) has no good reason or justification for the failure, the State Election Commission shall, after following the procedure prescribed, by order published in the Andhra Pradesh Gazette, declare him, -
 - (i) to be ineligible for a period of three years from the date of the said order to contest any election held for any office under this Act; and
 - (ii) to have ceased to hold office, in case he is elected.]

16. Disqualification of members. - (1) Subject to the provisions of Section 17, a member shall cease to hold his office, if he--

- (a) is sentenced by a criminal court to such punishment and for such offence as is described in sub-section (1) of Section 15;

[(aa) is elected to award/Office reserved for Scheduled Castes or Scheduled Tribes or Backward Classes, and subsequently the community certificate, on the basis of which he is elected is cancelled, under Section 5 of the Andhra Pradesh (Scheduled Castes, Scheduled Tribes and Backward Classes) Regulation of issue of Community Certificates Act, 1993;]

[(aaa) Notwithstanding any other provisions in this Act, if the Member of the ward fails in performing the functions or discharging the duties provided in the Act and omitted or refused to carry out the orders of the Government.]

- (b) becomes of unsound mind and stands so declared by a competent court;
- (c) is a deaf-mute or is suffering from leprosy;

- (d) applies to be adjudicated or is adjudicated an insolvent;
- (e) subject to the proviso to clause (c) of Sub-section (2) of Section 15, acquires any interest in any subsisting contract made with, or work being done for, the council except as a share-holder, other than a director, in a company;
- (f) is employed as a paid legal practitioner on behalf of the council or legal practitioner against the council;
- (g) is appointed as an officer or servant under this Act or as an honorary magistrate for the municipal town;
- (h) accepts employment under or becomes the official subordinate of any other member;
- (i) ceases to reside for a period of more than six months in the municipality or within two kilometers from the outer limits therefrom;
- (j) fails to pay arrears of any kind due by him, otherwise than in a fiduciary capacity, to the municipality within three months after a bill or notice has been served upon him under this Act, or where, in the case of any arrears, this Act does not require the service of any bill or notice, within three months after a notice requiring payment of the arrears, which notice it shall be the duty of the Commissioner to serve at the earliest possible date, has been duly served upon him by the Commissioner;
- (k) absents himself from the meetings of the council for a period of three consecutive months reckoned from the date of the commencement of his term of office, or of the last meeting which he attended, or of his restoration to office as member under Sub-section (3), as the case may be, or within the said period less than three ordinary meetings have been held absents himself from three consecutive ordinary meetings held after the said date:

Provided that in the case of a woman member a period of not more than two months at a time shall be excluded in reckoning the period of absence aforesaid if, for reasons of physical disability due to advanced stage of pregnancy and of delivery, such member absents herself from meetings of the council after giving a written intimation to the Commissioner of the date from which she would be absent:

Provided further that no meeting from which a member absented himself shall be counted against him under this clause if notice of that meeting was not duly served on him.

Provided also that nothing in this clause shall apply to an ex-officio member.

Explanation. - For the purpose of this clause, (i) ordinary meeting' shall mean a meeting referred to in sub-rule (1) of Rule (2) in Schedule I. (ii) where a meeting other than an ordinary meeting intervenes between one ordinary meeting and another ordinary meeting, those two ordinary meetings shall be regarded as being consecutive to each other.

(2) Where a person ceases to be a member under Clause (a) of sub-section (1) or under Section 19, he shall be restored to office for such portion of the period for which he was elected as may remain unexpired at the date of such restoration, if and when the sentence or order is annulled on appeal or revision and any person elected to fill the vacancy in the interim shall on such restoration, vacate office.

(3) Where a person ceases to be a member under clause (k) of sub-section (1), the Commissioner shall at once intimate the fact in writing to such person and report the same to the council at its next meeting. If such person applies for restoration to the council on or before the date of its next meeting or within fifteen days of

the receipt by him of such intimation; the council may, at the meeting next after the receipt of such application, or *suo motu* restore him to the office of member;

Provided that a member shall not be so restored more than thrice during his term of office.

17. District Judge to decide questions of disqualifications of members. - (1) Where an allegation is made by any voter or authority to the Commissioner in writing that any person who is elected a a member has not qualified or has become disqualified under Section 13, Section 13-A and Section 13- B Section 14, Section 15, Section 16 or Section 19 and the Commissioner has given intimation of such allegation to the member and such member disputes the correctness of the allegation so made or where any member himself entertains any doubt whether or not he has become disqualified under any of those sections.

(a) such member or any other member may, within a period of two months from the date on which such intimation is given or doubt is entertained, as the case may be, and

(b) the Commissioner shall, either on the direction of the council or with the approval of the Government if no such direction is given within a period of two months from the date of placing of the matter by the Commissioner before the council, apply for a decision to the District Judge of the district in which the municipality is situated.

(1A) x x x

(2) The said Judge, after making such inquiry as he deems necessary, shall determine whether or not such person is disqualified and his decision shall be final.

(3) Pending such decision, the member shall be entitled to act as if he was not disqualified.

18. Infringement of secrecy of [*].** - Every polling officer, clerk or other person in attendance at the polling room who, except for some purpose authorised by law, communicates to any person any information showing directly or indirectly for which candidate any voter, has voted, and every person who by any improper means procures any such information, shall be punished with imprisonment of either description which may extend to six months or with fine or with both.

19. Disqualification of persons convicted of [*].** - Every person convicted of an offence punishable under Section 18 or under Chapter IX-A of the Indian Penal Code shall be disqualified from voting or from being elected in any election to which this Act applies from holding the office of member for a period of five years from the date of his conviction or for such shorter period as the court may, by order, determine.

20. Term of office of members and filling of seats. - (1) (a) The term of office of elected members shall, save as otherwise expressly provided in this Act, be five years from the date appointed by the election authority for the first meeting of the Council;

x x x

(b) An ex-officio member shall hold office so long as he continues to be the member of the Legislative Assembly of the State or as the case may be, of the House of the People.

(2) Ordinary vacancies in the office of the members shall be filled at ordinary elections which shall be completed before the expiry of the term of office of the members.

(3) A member elected at an ordinary election held after the occurrence of a vacancy shall enter upon office forthwith but shall hold office only as long as he would have been entitled to hold office if he had been elected

before the occurrence of the vacancy;

[(4) ***]

[21. Casual vacancies of members. - (1) Every casual vacancy in the office of an elected member of a municipality shall be reported by the Commissioner to the State Election Commission within fifteen days from the date of occurrence of such vacancy and shall be filled within four months from that date.

(2) A member elected in a casual vacancy shall enter upon office forthwith but shall hold office only so long as the member in whose place he is elected would have been entitled to hold office if the vacancy had not occurred.

(3) No casual election shall be held to a municipality within six months before the date on which the term of office of its members expires by efflux of time.]

21A. Postponement of casual elections to the office of members and Chairperson. - Notwithstanding anything in this Act, or the rules made thereunder, [it shall be lawful for the State Election Commission], to postpone, from time to time by general or special order, and for reasons specified therein, any election to fill a casual vacancy in the office of a Chairperson or a member of a municipality:

Provided that the total period of such postponement shall in no case exceed one year.

22. Procedure when no member is elected. - (1) If at an ordinary or casual election held under Section 20 or Section 21, no member is elected, a fresh election shall be held on such day as the election authority may fix.

(2) The term of office of a member elected under this section shall expire at the time at which it would have expired if he had been elected at the ordinary or casual election, as the case may be.

23. Election of Chairperson. - (1) (a) In the case of every municipality, the Chairperson shall be elected by the persons whose names appear in the electoral roll for the municipality, from among themselves, in the manner prescribed. A person shall not be qualified to stand for election as Chairperson unless he is not less than twenty-one years of age.

(b) If at any election held under this sub-section no Chairperson is elected, a fresh election shall be held:

Provided that if a member of the Legislative Assembly of the State of of either House of Parliament is elected as Chairperson, he shall cease to hold the said office of Chairperson unless within fifteen days from the date of election to the said office, he ceases to be a member of the Legislative Assembly of the State or as the case may be, of either House of Parliament and if a Chairperson subsequently becomes a member of the Legislative Assembly of the State or as the case may be, of either House of Parliament, he shall cease to hold the said office of the Chairperson unless, within fifteen days from the date on which he so becomes such member he ceases to be member of Legislative Assembly of the State or as the case may be, of either House of Parliament:

x x x

x x x

(c) Out of the total number of offices of chairperson in the State, the Government shall, subject to such rules as may be prescribed, by notification reserve--

- (i) such number of offices to the Scheduled Castes and Scheduled Tribes as may be determined subject to the condition that the number of offices so reserved shall bear, as nearly as may be, the same proportion to the total number of offices to be filled in the State as the population of the Scheduled Castes or Scheduled Tribes, as the case may be, in the Municipalities of the State bears to the total population in the Municipalities of the State and such offices may be allotted by rotation to different Municipalities in the State;
- (ii) one-third of the offices to the Backward Classes and such offices may be allotted by rotation to different municipalities in the State;
- (iii) not less than one-third of the total number of offices reserved under clauses (i) and (ii) for women belonging to the Scheduled Castes, Scheduled Tribes, or as the case may be Backward Classes; and
- (iv) not less than one-third (including the number of offices reserved for women belonging to the Scheduled Castes, Scheduled Tribes and the Backward Classes) of the total number of offices to be filled in the State, for women; and such offices may be allotted by rotation to different Municipalities in the State.

(2) The election of the Chairperson may be held ordinarily at the same time and in the same place, as the ordinary election of the members of the municipality.

(3) Save as otherwise expressly provided in this Act, the term of office of the Chairperson who is elected at an ordinary election shall be five years from the date, appointed by the election authority for the first meeting of the council.

x x x

(4) Subject to the provisions of sub-section (5), any casual vacancy in the office of the Chairperson shall be filled at a casual election and a person elected as Chairperson in any such vacancy shall enter upon office forthwith and hold office only so long as the person in whose place he is elected would have been entitled to hold office, if the vacancy had not occurred.

(5) No casual vacancy in the office of the Chairperson shall be filled within six months before the date on which the ordinary election of the Chairperson under sub-section (1) is due.

(6) The provisions of Sections 13-A to 19 (both inclusive) shall, as far as may be, apply in relation to the office of the Chairperson, as they apply in relation to the office of an elected member.

(7) The Chairperson shall, by virtue of his office be a member of the municipality and shall have all the rights and privileges of an elected member of municipality and he shall be entitled to vote at all the meetings of the Council.

[23A. Disqualification on the ground of defection. - (1) Subject to the provisions of section 23B and 23C the Mayor or Councillor of a Municipal Corporation belonging to any political party shall cease to be such Mayor or Councillor -

- (a) if he has voluntarily given up his membership of such political party; or

- (b) if he votes or abstains from voting in such municipal Corporation contrary to any direction issued by political party to which he belongs or by any person or authority authorised by it in this behalf, without obtaining, in either case, the prior permission of such political party, person or authority and such voting or abstention has not been condoned by such political party, person or authority within fifteen days from the date of such voting or abstention.
- (c) if he has been expelled from such political party in accordance with the procedure established by the constitution, rules or regulations of such political party.

Explanation: - For the purposes of this sub-section the Mayor or elected councillor shall be deemed to belong to the political party, if any by which he was set up as a candidate for election as such Mayor or councillor and ex-officio councillor shall be deemed to belong to the political party, if any, by which he was set up as a candidate for election as a Member of the Legislative Assembly, House of the people or the Council of States, as the case may be.

(2) A Mayor or Councillor who has been elected as such otherwise than as a candidate set up by a political party may join any political party within a period of six months and on such joining he shall be deemed to belong to such political party as if he was set up as a candidate for election as Mayor or Councillor by that political party for purposes of this section.

(3) An intimation that a Mayor or Councillor has ex-facie ceased to hold office under this section shall be given by the Government.]

[23B. Disqualification on ground of defection not to apply in case of split. - Where the Mayor or a councillor makes a claim that he and any other members of his party constitute the group representing a faction which has arisen as a result of a split in his original political party and such group consists of not less than one-third of the members of such party,-

(a) he shall not be disqualified under such section (1) of section 23A on the ground-

- (i) that he has voluntarily given up his membership of his original political party; or
- (ii) that he has voted or abstained from voting in such Municipal Corporation contrary to any direction issued by such party or by any person or authority authorised by it in that behalf without obtaining the prior permission of such party, person or authority and such voting or abstention has not been condoned by such party, person or authority within fifteen days from the date of such voting or abstention; and

(b) from the time of such split, such faction shall be deemed to be the political party to which he belongs for the purpose of sub-section (1) of section 23A and to be his original political party for the purpose of this section.]

[23C. Disqualification on ground of defection not to apply in case of merger. - (1) A Mayor or Councillor of a Municipal Corporation shall not section 23A where his political party merges with another political party and he claims that he and any other members of his original political party.-

(a) have become members of such other political party or, as the case may be, of a new political party formed by such merger; or

(b) have not accepted the merger and opted to function as a separate group and from the time of such merger, such other political party or group, as the case may be, shall be deemed to be the political party to which he belongs for the purpose of sub-section (1) of section 23A and to be his original political party for the purposes of this sub-section.

(2) For the purposes of subsection (1) of section 23A, the merger of the original political party of a Mayor or Councillor shall be deemed to have taken place if, and only if, not less than two-thirds of the members of the party concerned have agreed to such merger.

Explanation. - For the Purposes of section 23B, and 23C, 'Original political party' in relation to a Mayor or Councillor means the Political party to which he belongs for the purposes of section 23A.]

[23D. Authority to decide Questions of disqualification of Councillors and Mayor. - (1) Where an allegation is made by any voter or authority to the Commissioner in writing that any person who is elected as a councillor has not qualified or has become disqualified under section 21, section 22 or section 23 and the Commissioner has given intimation of such allegation to the councillor and such councillor disputes the correctness of the allegation so made or where any councillor himself entertains any doubt whether or not he has become disqualified under any of those sections,-

(a) such councillor or any other councillor may, within a period of two months from the date on which such intimation is given or doubt is entertained, as the case may be, and

(b) the Commissioner shall, either on the direction of the councillor with the approval of the Government if no such direction is given within a period of two months from the date of placing of the matter by the Commissioner before the council, apply for a decision to the Chief Judge, City Civil Court, Hyderabad.

(2) Where an intimation is given by the Government under sub-section (3) of section 23A Councillor, such a person may, within a period of two months from the date on which such intimation is given, apply to the Chief Judge, City Civil Court, Hyderabad for a decision on the correctness of the fact so intimated.

(3) The said judge, after making such inquiry as he deems necessary, shall determine whether or not such person is disqualified and his decision shall be final.

(4) Pending such decision, the councillor shall be entitled to act as if he was not disqualified.]

[24. Reservation of Offices of Chairpersons. - Out of the total number of offices of Chairpersons in the State, the Government shall, subject to such rules as may be prescribed, reserve-

(i) such number of offices to the Scheduled Castes and Scheduled Tribes as may be determined subject to the condition that the number of offices so reserved shall bear, as nearly as may be, the same proportion to the total number of offices to be filled in the State as the population of the Scheduled Castes or Scheduled Tribes, as the case may be, in the Municipalities of the State bears to the total population of the Municipalities in the State and such offices may be allotted by rotation to different Municipalities in the State;

(ii) one-third of the Offices to the Backward Classes and such offices may be allotted by rotation to the different Municipalities in the State;

(iii) not less than one-third of the total number of offices reserved under clauses (i) and (ii) above for women belonging to the Scheduled Castes and Scheduled Tribes, or as the case may be, Backward Classes; and

(iv) not less than one-third (including the number of offices reserved for women belonging to Scheduled Castes and Scheduled Tribes and the Backward Classes) of the total number of offices to be filled in the State, for women and such offices may be allotted by rotation to different Municipalities in the State.]

25. Election of Vice-Chairperson. - (1) Every council shall elect one of its elected members to be its Vice-Chairperson within fifteen days from the date of election of the Chairperson, in the manner prescribed.

x x x

(2) The ex-officio members other than the ex-officio members specified in Clause (v) of sub-section (2) of Section 5 shall be entitled to participate in the meeting convened for the election of the Vice-Chairperson.

(3) If at any election held under sub-section (1) no Vice-Chairperson is elected, a fresh election shall be held for electing a Vice-Chairperson.

(4) The Vice-Chairperson shall be deemed to have assumed office on his being declared as such.

26. Cessation of office of Chairperson and Vice-Chairperson. - The Chairperson shall cease to hold office as such, on his becoming disqualified for holding the office or on his removal from office or on the expiry of his term or on his otherwise ceasing to be Chairperson: and the Vice-Chairperson shall cease to hold office as such, on the expiry of the term of office as a member or his otherwise ceasing to be a member.

26A. Procedure when office of Chairperson is vacant. - (1) Where the office of the Chairperson falls vacant, the Vice-Chairperson shall perform the functions of the Chairperson until a new Chairperson is elected. Immediately on the occurrence of such vacancy, the Commissioner shall intimate the fact to the election authority and the election authority shall arrange the election of the Chairperson.

(2) Where the office of the Chairperson is vacant and there is either a vacancy in the office of the Vice-Chairperson, or the Vice-Chairperson has been continuously absent from jurisdiction for more than fifteen days or is incapacitated for more than fifteen days, the District Collector in the case of a special selection grade municipality or the Revenue Divisional Officer, in the case of any other municipality, shall, notwithstanding anything in this Act or in the rules and notifications issued thereunder, exercise the powers and perform the functions of the Chairperson until a new Chairperson or Vice-Chairperson is elected, or the Vice-Chairperson returns to jurisdiction or recovers from incapacity.

27. Notification of elections. - All elections of members Chairperson and Vice-Chairperson shall, as soon as may be, be notified in the prescribed manner.

28. Requisitioning of premises and vehicles for election purposes. - (1) If it appears to the Government that in connection with any election held under this Act:-

(a) any premises are needed or are likely to be needed for the purpose of being used as a polling station or for the storage of ballot boxes after a poll has been taken, or

(b) any vehicle is needed or is likely to be needed for the purpose of transport of personnel or ballot boxes to or from any polling station, or transport of members of the police force for maintaining order during the conduct of such election, or transport of any officer or other person for performance of any duties in connection with such election, the Government may, by order in writing, requisition such premises or such vehicle, as the case may be, and may make such further orders as may appear to them to be necessary or expedient, in connection with the requisitioning;

Provided that no vehicle which is being lawfully used by a candidate or his agent for any purpose connected with the election of such candidate shall be requisitioned under this sub-section until the completion of the poll at such election.

(2) The requisition shall be effected by an order in writing addressed to the person deemed by the Government to be the owner or person in possession of the property, and such order shall be served in the prescribed manner on the person to whom it is addressed.

(3) Whenever any property is requisitioned under sub-section (1), the period of such requisition shall not extend beyond the period for which such property is required for any of the purposes mentioned in that sub-section.

Explanation. - For the purpose of this section, premises' means any land, building, part of a building and include a hut, shed or other structure or any part thereof; and vehicle' means any vehicle used or capable of being used, for the purpose of road transport, whether propelled by mechanical power or otherwise.

28A. Payment of Compensation. - (1) Whenever in pursuance of Section 28, the Government requisition any premises, there shall be paid to the person interested compensation the amount of which shall be determined by taking into consideration the following namely:

- (i) the rent payable in respect of the premises or if no rent is so payable, the rent payable for similar premises in the locality:
- (ii) if in consequence of the requisition of the premises, the person interested is compelled to change his residence or place of business, the reasonable expenses, if any, incidental to such change:

Provided that where any person interested, being aggrieved by the amount of compensation so determined, make an application within the prescribed time to the Government for referring the matter to an arbitrator, the amount of compensation to be paid shall be such as the arbitrator appointed in this behalf by the Government may determine;

Provided further that where there is any dispute as to the title to receive the compensation or as to the appointment of the amount of compensation, it shall be referred by the Government to an arbitrator appointed in this behalf by the Government for determination and shall be determined in accordance with the decision of such arbitrator.

Explanation. - In this sub-section, the expression person interested' means the person who was in actual possession of the premises requisitioned under Section 28 immediately before the requisition, or where no person was in such actual possession, the owner of such premises.

(2) Whenever in pursuance of Section 28, the Government requisition any vehicle, there shall be paid to the owner thereof compensation, the amount of which shall be determined by the Government on the basis of the fares or rates prevailing in the locality for the hire of such vehicle;

Provided that where the owner of such vehicle, being aggrieved by the amount of compensation so determined, makes an application within the prescribed time to the Government for referring the matter to an arbitrator the amount of compensation to be paid shall be such as the arbitrator appointed in this behalf by the Government may determine:

Provided further that where immediately before the requisitioning, the vehicle was by virtue of hire purchase agreement, in the possession of a person, other than the owner, the amount determined under this sub-section as the total compensation payable in respect of the requisition shall be apportioned between that person and the owner in such manner as they may agree upon and in default of agreement, in such manner as an arbitrator appointed by the Government in this behalf may decide.

28B. Power to obtain information. - The Government may, with a view to requisitioning any property under Section 28 or determining the compensation payable under Section 28-A, by order, require any person to furnish to such authority as may be specified in the order, such information in his possession relating to such property as may be so specified.

28C. Eviction from requisitioned premises. - (1) Any person remaining in possession of any requisitioned premises in contravention of any order made under 28 may be summarily evicted from the premises by any officer empowered by the Government in this behalf.

(2) Any officer so empowered may, after giving to any woman not appearing in public, reasonable warning and facility to withdraw, remove or open any lock or bolt or break open any door of any building or do any other act necessary for effecting such eviction.

28D. Penalty for contravention of any order regarding requisitioning. - If any person contravenes any order made under Section 28 or Section 28-B, he shall be punishable with imprisonment for a term which may extend to one year or with fine or with both,

28E. Voting machines at elections. - Notwithstanding anything contained in this Act or the rules made thereunder, the giving and recording of votes by voting machines in such manner as may be prescribed, may be adopted in such ward or wards as the State Election Commission may, having regard to the circumstances of each case, specify.

Explanation. - For the purpose of this section, 'voting machine' means any machine or apparatus whether operated electronically or otherwise used for giving 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.

29. Appointment of Commissioner. - (1) The Government shall appoint a Commissioner for a municipality who shall be the executive authority of that municipality.

Provided that person holding office as Commissioner or Executive Officer, as the case may be, of a municipality immediately before the commencement of this Act, shall be, deemed to have been appointed by the Government as Commissioner under this sub-section.

(2) In the case of any municipality where it is considered necessary to do so, the Government may also appoint a Deputy Commissioner to assist the Commissioner.

(3) The classification and methods, recruitment, conditions of service including pay, allowances and disciplinary conduct of the officers appointed under sub-sections (1) and (2) shall be subject to the rules made under Section 72:

Provided that the conditions of service, including pay and allowances of a person holding office as Commissioner or Executive Officer, as the case may be, of a municipality immediately before the

commencement of this Act shall not be varied to his disadvantage.

(4) The Government shall pay, out of the Consolidated Fund of the State, the salaries, allowances, leave allowances, pension and contributions, if any, towards the provident fund, or provident-cum-pension fund of the officers appointed under Sub-section (1) or sub-section (2), as the case may be.

(5) The withdrawal of any officer appointed under Sub-section (1) or Sub-section (2) from any municipality shall be governed by the provisions of Sub-section (2) of Section 72.

CHAPTER 3

Powers and Functions of the Municipal Authorities

30. Vesting of municipal administration in the council. - Subject to the provisions of this Act, the municipal administration shall vest in the Council, and for this purpose the council shall exercise such powers and perform such functions as may be conferred upon it by or under this Act:

Provided that the council shall not be entitled to exercise the powers or to perform the functions which are expressly assigned by or under this Act or any other law to the Chairperson or the Commissioner.

31. Council's power to call for records. - The council may, at any time, require the Chairperson to produce any document which is in his custody. The Chairperson shall comply with every such requisition unless in his opinion compliance therewith would be prejudicial to the interests of the council or of the public, in which case he shall make a declaration in writing to that effect.

31A. Appointment of Committees. - (1) A Council may constitute committees or may appoint individual members to enquire into and report or advise on any matters which it may refer to them and such committees or individuals shall have power to call for such records as are deemed necessary for examining the matters referred to them. In particular the council may constitute committees consisting of the Chairperson, the Commissioner and not less than three but not more than seven members, chosen in this behalf by the council from among its elected members in respect of matters pertaining to formulation review and general superintendence of development programmes relating to education, health, sanitation, water supply, drainage and welfare of the Scheduled Castes, Scheduled Tribes, Backward Classes, Women and children.

(2) It shall be lawful for the council, from time to time, by a resolution supported by not less than one-half of the sanctioned strength of the council to appoint as members of any committee any persons who are not members but who may in the opinion of such council possess special qualifications for serving on such committee. But the number of persons so appointed on any committee shall not exceed one-third of the total number of members of such committee. All the provisions of this Act relating to the powers, duties, liabilities and disqualifications and disabilities of members shall, save as regards the disqualification on the ground of residence, be applicable, so far as may be, to such persons.

(3) The term of the members of the committees constituted under sub-section (1) and of those constituted under Sections 43 and 74 shall be one year, and the retiring members shall be eligible for re-appointment or reelection as the case may be to such committees.

32. Rules and Regulations for proceedings of Council. - The council shall observe the rules in Schedule I and may make regulations not inconsistent therewith or with other provisions of this Act or any rules made by the Government in regard to the following matters, namely:-

- (a) the time and place of its meetings;
- (b) the manner in which notice thereof shall be given;
- (c) the preservation of order and the conduct of proceedings at meetings, and the powers which the Chairperson may exercise for the purpose of enforcing his decisions on points of order;
- (d) the transaction of business by any committee constituted under Section 31-A;
- (e) the persons by whom receipts may be granted for money paid to the council; and
- (f) all other similar matters.

33. Acts of council etc., not to be invalidated by defect in constitution, vacancy etc. - No act of a council or of any person acting as the Chairperson, Vice-Chairperson, or member shall be deemed to be invalid by reason only of a defect in the constitution of the municipality on the ground that the Chairperson, Vice-Chairperson or the member was not entitled to hold or continue in such office by reason of any disqualification or by reason of any irregularity or illegality in his election or by reason of such act having been done during the period of any vacancy in the office of the Chairperson, Vice-Chairperson or member.

34. Council to submit annual administration report to Government and to furnish information relating to its plan schemes to Zilla Parishad. - (1) As soon as may be after the first day of April, in every year, and not later than such date as may be fixed by the Government through the District Collector a report on the administration of the municipality during the preceding year in such form and with such details as the Government may direct. If the District Collector makes any remarks on the report, such remarks shall be forwarded to the council and the council shall be entitled, within such time as the Government may fix, to offer or make such explanations or observations as the council thinks fit.

(2) The Commissioner shall prepare the report and submit it to the council. The council shall consider the report and forward it to the Government with its resolution thereon, if any.

(3) The report and the resolutions thereon, if any, shall be published in the manner as the council, subject to the approval of the Government, may direct.

(4) The council shall furnish to the Zilla Parishad concerned such information relating to the plan schemes of the municipality as may, from time to time, be required by the Zilla Parishad.

35. Vesting of public streets and appurtenances in the council. - (1) All public streets in any municipality with the pavements, stones and other materials thereof and all works, materials and other things provided for such streets, all sewers, drains, drainage works, tunnels and culverts, whether made at the cost of the municipal fund or otherwise, in, along-side or under any street, whether public or private, and all works, materials and things appertaining thereto shall vest in the council.

(2) The Government may, after consultation with the council, by notification in the Andhra Pradesh Gazette, withdraw any such street, sewer, drain, drainage work, tunnel or culvert from the control of the council.

36. Duty of council in respect of public streets withdrawn from its control. - Where any public street has been withdrawn from the control of a council under sub-section (2) of Section 35 and placed under the control of the Highways Department of the Government, it shall be the duty of the Council to provide, at the cost of the municipal funds, to such extent as the Government may by general or special order direct:-

- (a) for the lighting, watering, scavenging, and drainage of such street;
- (b) for the provision, maintenance and repair of the water-supply mains, drains and sewers in, along-side or under such street;
- (c) for the provision, maintenance and repair of foot ways attached to such street:

Provided that where, in the discharge of such duties, it is necessary for the council to open and break up the soil or pavement of any such street, the council shall obtain the previous consent of such officer of the Highways Department as the Government may, by general or special order, specify;

Provided further that in cases of emergency the council may, without such consent, open and break up the soil or pavement of any such street, but shall, as far as practicable, restore such soil or pavement to the condition in which it was immediately before it was opened and broken up and a report of the action so taken and the reasons therefor shall be sent forthwith to the officer specified under the foregoing proviso.

37. Vacant lands belonging to Government situated in the municipality to be in the possession or under the control of the council. - (1) On and from the date of the commencement of this Act, all vacant lands belonging to or under the control of the Government situated within the local limits of a municipality shall, subject to the provisions of Sub-section (2) and (3) and to such conditions as may be prescribed, be deemed to be in the possession or under the control of the council concerned for purposes of this Act.

Explanation. - For the purpose of this section "vacant land" includes a poramboke, donka or kunta.

(2) The council shall keep all such vacant lands free from encumbrances and shall restore the possession or control of any such land to the Government free of cost whenever it is required by the Government for their use for any public purpose or for purpose of alienation to any person or local authority.

(3) The council shall not

- (a) construct or permit the construction of any building or other structure on any such vacant land;
- (b) use or permit the use of such vacant land for any permanent purpose;
- (c) alienate such vacant land to any third party, unless the prior permission of the Government is obtained by the council therefor, after furnishing such information as the Government may require, including the usefulness of the land or any housing scheme;

38. Collected sewage, etc., to belong to council. - All rubbish and filth and other matter collected by or on behalf of a council under this Act shall belong to the Council.

39. Power of Board of Revenue to transfer control of endowments to council. - (1) Subject to the control of the Government, the Board of Revenue may, by notification in the A.P.Gazette, with the consent of a council, make over to the council the management and superintendence of any Charitable Endowment in respect of which powers and duties attached to the Board of Revenue under the provisions of the Andhra Pradesh (Andhra Area) Endowments and Escheats Regulation, 1817 or any other law similar thereto for the

time being in force, and thereupon all powers and duties which attach to the Board of Revenue in respect thereof shall attach to the council as if it had been specially named in the said Regulation or law, and the council shall manage and superintend such endowment.

(2) The Board of Revenue may, of its own motion and shall on a direction from the Government, and after consultation with the council, by notification in the Andhra Pradesh Gazette, resume the management and superintendence of any endowment made over to a council under sub-section (1), and upon such resumption, all the powers and duties attaching to the council in respect of the endowment shall cease and determine.

40. Acceptance of donations, endowment or trust by the council. - The council may accept any donations, endowment or trust for the furtherance of any purpose for which the municipal fund may be applied.

41. Subjects not provided for by this Act. - The Government may, subject to such conditions as they may deem fit to impose and with the consent of council, transfer to the council the management of any institution or the execution of any work not provided for by this Act, and it shall thereupon be lawful for the council to undertake such management or execution:

Provided that in every such case, the funds required for such management or execution, shall be placed at the disposal of the council by the Government.

42. Procedure for acquisition of immovable property under the Land Acquisition Act, 1894. - (1) Any immovable property which any municipal authority authorised by this Act to acquire may be acquired under the provisions of the Land Acquisition Act 1894, (Central Act 1 of 1894), and, on payment of the compensation awarded under the said Act in respect of such property and of any other charges incurred in acquiring it, the said property shall vest in council.

(2) where a municipal authority proposes to acquire any immovable property otherwise than under the provisions of Land Acquisition Act, 1894, it shall obtain the previous approval of the District Collector therefor. While according his approval, the District Collector shall determine the value at which the property is to be acquired and every such acquisition shall be subject to the previous sanction of the Government.

43. Authority to contract and contractual power of persons appointed by Government. - (1) The power of making, on behalf of the council, any contract where of the value or amount does not exceed the monetary limits specified in column (2) of the Table below, shall be exercised by the authority specified in column (3) thereof.

(2) The power of making every contract whereof the value or amount exceeds the monetary limits mentioned in Sub-section (1) shall be exercised by the council concerned).

(3) Notwithstanding anything in the foregoing sub-sections, any person appointed by the Government to carry any work into execution on behalf of a council may, subject to such control as the Government may prescribe, make such contracts as are necessary for the purpose of carrying such work into execution to the extent of the sum provided for such work; and the council shall pay to the person so appointed such sums as may be required for the said purpose to the extent aforesaid.

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44. Rules regarding the conditions on which contracts may be made. - The power conferred by Section 43 to make or sanction contracts shall be subject to such rules as may be prescribed in regard to the conditions on which, and the mode in which contracts may be made or sanctioned by or on behalf of the council.

45. Mode of executing contracts. - (1) Every contract made by or on behalf of, a council whereof the value or amount exceeds one thousand rupees shall be in writing and, except in the case of contracts made under the provisions of Sub-section (3) of Section 43, shall be signed by the Commissioner.

(2) A contract executed or made otherwise than in conformity with the provisions of this section or of Section 43 and of the rules referred to in Section 44 shall not be binding on the council.

46. Power of Council to pass motion of no confidence in Vice-Chairperson. - (1) A motion expressing want of confidence in the Vice-Chairperson may be made in accordance with the procedure laid down in the following sub-sections.

(2) A written notice of intention to make the motion, in such form as may be specified by the Government, signed by such number of members, chairperson and the Ex-officio members as shall constitute not less than one half of the sanctioned strength of the councils, together with a copy of the proposed motion, shall be delivered in person by any two of the elected members signing the notice to the District Collector in the case of special or selection grade municipality, or to the Revenue Divisional Officer in the case of any other municipality.

Explanation. - For the removal of doubts, it is hereby declared that for the purpose of this section the expression sanctioned strength of the council' shall mean the total number of [members, chairperson and the ex-officio members].

(3) The District Collector or the Revenue Divisional Officer as the case may be, shall then convene a meeting for the consideration of the motion at municipal office on the date appointed by him which shall not be later than thirty days from the date on which the notice under Sub-section (2) was delivered to him. He shall give to the members, chairperson and the Ex-officio members notice of less than fifteen clear days of such meeting.

Explanation. - In computing the period of thirty days specified in this sub-section, the period during which a stay order, if any, issued by a competent court on a petition filed against a notice under sub-section (2) is in force shall be excluded.

(4) The District Collector or the Revenue Divisional Officer as the case may be, shall preside at such meeting. If within half an hour after the time appointed for the meeting, the District Collector or Revenue Divisional Officer as the case may be, is not present to preside at the meeting, the meeting shall stand adjourned to a date to be appointed by him under sub-section (5).

(5) If the District Collector or the Revenue Divisional Officer, as the case may be, is unable to preside at the meeting due to the circumstances beyond his control he may, after recording his reasons in writing, adjourn the meeting to such other date as he may appoint. The date so appointed by him shall not be later than fifteen days from the date fixed for the meeting under sub-section (3). Notice of not less than three clear days shall be given by him to the members members, chairperson and the Ex-officio members of the adjourned meeting.

- (6) Save as provided in sub-sections (4) and (5), a meeting convened for the purpose of considering a motion under this section shall not, for any reason, be adjourned.
- (7) As soon as the meeting convened under this section commences, the District Collector or the Revenue Divisional Officer as the case may be, shall read to the council the motion for the consideration of which the meeting has been convened, and declare it to be open for debate.
- (8) No debate of any motion under this section shall be adjourned.
- (9) Such debate shall automatically terminate on the expiration of two hours from the time appointed for the commencement of the meeting if it is not concluded earlier. On the conclusion of the debate or on the expiration of the said period of two hours, whichever is earlier, the motion shall be put to vote.
- (10) The District Collector or the Revenue Divisional Officer as the case may be, shall not speak on the merits of the motion and he shall not be entitled to vote thereon.
- (11) A copy of the minutes of the meeting together with a copy of the motion and the result of the voting thereon shall be forwarded immediately on the termination of the meeting by the District Collector or the Revenue Divisional Officer as the case may be, to the Government.
- (12) If the motion is carried with the support of majority of the strength of the members including the ex-officio members as on the date of the meeting, the District Collector or the Revenue Divisional Officer as the case may be, shall forthwith publish the result in the notice board at the municipal office and on such publication the Vice-Chairperson, shall be deemed to have been removed with immediate effect. Any such result be final and shall not be questioned in any court of law.
- (13) If the motion is not carried by such a majority as aforesaid, or if the meeting could not be held for want of a quorum, no notice of any subsequent motion expressing want of confidence in the same Vice-Chairperson shall be made until after the expiration of one year from the date of the meeting.
- (14) No notice of a motion under this section shall be made within one year of the assumption of office by a Vice-Chairperson.

47. Powers and functions of the Chairperson. - (1) The Chairperson shall

- (a) make arrangements for the election of the Vice-Chairperson;
- (b) convene the meeting of the council;
- (c) refer any resolution of the council for its re-consideration which, in his opinion is in excess of the powers of the council or inconsistent with any law; and
- (d) exercise all the powers and perform all the functions specifically conferred or imposed on the Chairperson by this Act.

[(e) Notwithstanding any other provisions in this Act, the Chairperson shall perform the following functions in the Municipality -

- (i) maintain proper sanitation, water supply, street lighting and scientific process and disposal of solid and liquid wastes.
- (ii) ensure 100% Households and commercial establishments in the Corporation segregate the waste and handover to person/agency authorised by the Municipality.

- (iii) ensure 100% removal of encroachments on Government/Municipal lands in the Municipality.
- (iv) ensure no unauthorized constructions in the Municipality.
- (v) develop and maintain Parks and play grounds in the Municipality.
- (vi) ensure construction of Rain Water Harvesting Structures in the Municipality.
- (vii) ensure proper tree plantation, survival and maintain Green coverage in the Municipality.]

(2) All official correspondence between the council and the Government or the Heads of the Departments shall be conducted in the name of the Chairperson.

48. Power of Chairperson to incur contingent expenditure. - (1) The Chairperson may incur in each case contingent expenditure incidental to the municipal administration--

- (i) in the case of third grade or second grade municipality, not exceeding one thousand and five hundred rupees.
- (ii) in the case of first grade or special grade or selection grade municipality, not exceeding three thousand rupees.

(2) He shall report the expenditure so incurred and the reasons therefor to the council at its next meeting; Provided that no such expenditure shall be incurred if there is no provision available to meet the expenditure under the relevant head of account in the budget framed by the council with the modifications, if any, made by the Government or where such expenditure was expressly prohibited by the council.

49. Emergency powers of the Chairperson. - The Chairperson may, in cases of emergency, direct the execution of any work or the doing of any act which would ordinarily require the sanction of the council 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 such work or doing such act shall be paid from the municipal fund; Provided that-

- (a) he shall not act under this Section in contravention of any resolution of the council prohibiting the execution of any particular act; and
- (b) he shall report the action taken under this Section and the reasons therefor to the council at its next meeting;

50. Delegation and devolution of functions of Chairperson. - (1) The Chairperson may, by an order in writing, delegate any of his functions to the Vice-Chairperson and any of his administrative functions to the Commissioner;

Provided that he shall not delegate any functions which the council expressly forbids him to delegate.

(2) If the Chairperson has been continuously absent from jurisdiction for more than ten days or incapacitated for more than ten days, his functions shall, during such absence or incapacity, devolve on the Vice-Chairperson.

Provided that where the absence from jurisdiction of the Chairperson is within the State of Andhra Pradesh, and is on business connected with the municipality, the Chair person's functions shall not, except to the

extent, if any, to which functions have been delegated by him under sub-section (1), devolve on the Vice-Chairperson.

(3) If the Vice-Chairperson has been continuously absent from jurisdiction for more than ten days or is incapacitated for more than ten days or if the office of Vice-Chairperson is vacant the Chairperson may by an order in writing, delegate any of his functions to any elected member;

Provided that -

- (i) when an order of delegation made under this sub-section is in force, no further order of delegation of any functions shall be made in favour of any member other than the member in whose favour the order in force was made;
- (ii) no delegation under this sub-section shall, without the special sanction of the council, be made for any period exceeding in the aggregate ninety days in any year; and
- (iii) every order made under this sub-section shall be communicated forthwith to the council and the Regional Director.

(4) The exercise of powers or performance of any functions delegated under sub-sections (1) and (3) shall be subject to such restrictions, limitations and conditions, if any, as may be laid down by the Chairperson and shall also be subject to his control and revision. The Chairperson shall also have power to control and revise the exercise of powers or performance of any function devolving on the Vice-Chairperson under sub-section (2).

51. Presidency of council and Chairperson. - (1) (a) Every meeting of the council shall be presided over by the Chairperson; in his absence by the Vice-Chairperson and in the absence of both the Chairperson and the Vice-Chairperson by a member included in the panel of temporary chairmen prepared in the manner specified in clause (b). Where no such temporary Chairperson is also present and if there is quorum, one of its members may be chosen by the meeting to preside for the occasion.

(b) At the first meeting in every year, of the council, the Chairperson may nominate from amongst the elected members a panel of not more than four temporary chairmen, any one of whom may preside at any meeting of the council in the absence of the Chairperson and the Vice-Chairperson in the order in which they are nominated in the panel. The panel of temporary chairmen so nominated shall remain in force until a new panel of temporary chairmen is nominated.

(2) The Chairperson shall preserve order and shall decide all points of order arising at or in connection with meetings. There shall be no discussion on any point of order and the decision of the Chairperson on any point of order shall, save as otherwise expressly provided in this Act, be final.

(3) (a) Where the conduct of a member is in the opinion of the Chairperson disorderly, he may direct that such member shall withdraw from the meeting of the council and such member shall thereupon withdraw and shall not be allowed to attend for the remainder of the day's meeting.

(b) If any member who has been ordered to withdraw, continues to remain in the meeting, the Chairperson may take steps to cause him to be removed.

(4) The Chairperson may, in the case of grave disorder arising in any meeting, suspend the meeting for a period not exceeding three days.

Explanation. - Chairperson in this section and Section 52 includes the Vice-Chairperson, temporary Chairperson or member presiding for the occasion.

(5)(a) The Chairperson may, if he deems it necessary, name a member who disregards the authority of the chair or abuses the rules, bye-laws or regulations of the council by persistently and wilfully obstructing the business thereof.

(b) If a member is so named by the Chairperson, the Chairperson shall at a meeting of the council forthwith put the question that the member (naming him) be suspended from functioning in the council as such for a period not exceeding three consecutive months reckoned from the date of that meeting. Provided that the council may, at any time resolve that such suspension be terminated.

(c) A member suspended under this sub-section shall forthwith withdraw from the precincts of the council.

52. Member when to abstain from taking part in discussion and voting. - (1) No member shall vote on, or take part in discussion of any question coming up for consideration at a meeting of the council, if the question is one in which, apart from its general application to the public, he has personal interest or he or his partner has any direct or indirect pecuniary interest.

(2) The Chairperson may prohibit any member from voting or taking part in the discussion of any matter in which he, for reasons to be recorded in writing, believes such member to have such interest, or he may require such member to absent himself during the discussion.

(3) Such member may challenge the decision of the Chairperson who shall, thereupon, put the question to the meeting and the decision of the meeting shall be final.

(4) If any member present at the meeting believes that the Chairperson has any such personal or pecuniary interest in any matter under discussion, the Chairperson shall, if a motion to that effect be carried, absent himself from the meeting during discussion.

(5) The member concerned shall not be entitled to vote on the question referred to in sub-section (3) and the Chairperson concerned shall not be entitled to vote on the motion referred to in sub-section (4).

53. Duties and powers of individual members. - (1) Any member may call the attention of the Chairperson to any neglect in the execution of municipal work, to any waste of municipal property or to the wants of any locality and may suggest any improvements which may appear desirable.

(2) Every member shall have the right to move resolutions and to interpellate the Chairperson on matters connected with municipal administration subject to such rules as may be made by the Government in this behalf.

(3) Every member shall have access during office hours to the records of the municipality after giving a reasonable notice to the Chairperson:

Provided that the member shall not have access to such records of the municipality as are classified as confidential or secret by the rules made by the Government in this behalf.

[(4) Every Member of the Council shall,

(a) maintain proper sanitation, water supply and street lighting in the Ward.

- (b) ensure 100% Households and commercial establishments in the ward segregate the waste and handover to person/agency authorized by the Municipality.
- (c) ensure 100% removal of encroachments on Government/Municipal lands in the Ward.
- (d) ensure no unauthorised constructions in the ward.
- (e) develop and maintenance of parks and play grounds in the ward.
- (f) ensure construction of Rain Water Harvesting Structures in the ward.
- (g) ensure proper tree plantation, survival and maintain Green coverage in the Ward.]

54. Payment of honorarium and conveyance allowance to Chairperson and conveyance allowance to members. - For any municipality, the Government may, after consultation with the council sanction out of the municipal fund, payment of honorarium and conveyance allowance to the Chairperson or the Vice-Chairperson on whom the functions of the Chairperson devolve under sub-section (2) of Section 50, as the case may be, and conveyance allowance to every member, at such rates as may be prescribed, Provided that the conveyance allowance shall be payable to the Chairperson or Vice-Chairperson, as the case may be, in case he maintains and uses a motor car.

55. Resignation of member,, Vice-Chairperson or Chairperson. - Any member, the Vice-Chairperson or the Chairperson may, by writing under his hand addressed to the Commissioner resign his office. The Commissioner shall, on receipt of such resignation, place it before the next meeting of the council. The council shall, if it is satisfied as to its genuineness from the concerned person, accept the resignation; and the resignation so accepted shall take effect from the date of such acceptance. If the council is not satisfied as to the genuineness of the resignation, the notice of resignation shall lapse. Before the resignation is so accepted, it shall be open to the person concerned to withdraw such resignation by writing under his hand addressed to the Commissioner. (c) Commissioner

56. Powers and functions of the Commissioner. - (1) The Commissioner shall, save as otherwise provided in this Act,

- (a) carry into effect all the resolutions of the council;
- (b) furnish to the council such periodical reports regarding the progress made in carrying out the resolutions of the council;
- (c) subject to all other restrictions, limitations and conditions hereinafter imposed, exercise the executive power for the purpose of carrying out the provisions of this Act, and be directly responsible for the due fulfillment of the purposes of this Act;
- (cc) exercise disciplinary control over the employees of the Municipal Council, who shall be subordinate to the Commissioner;
- (d) exercise all powers in relation to the collection of taxes and fees, the licences and the removal of encroachments;
- (e) be in charge of the office of the municipality and have custody of the municipal records;
- (f) inspect the places of entertainment for the purposes of verification of the sale of tickets; and

(g) exercise all the powers and perform all the functions specifically conferred or imposed on the Commissioner by or under this Act.

(2) The Commissioner may, for the purpose of performing his functions imposed by or under this Act, requisition the services of any of the officers and other employees of the municipality and the vehicles of the municipality under their control and the said officers or other employees shall comply with such requisition.

(3) Subject to any directions given, or restrictions imposed by the Government or the council, the Commissioner may, by order in writing, delegate any of his powers or functions to any officer or other employee of the council or to any employee of the Government. The exercise of any power or the performance of any function so delegated shall be subject to such restrictions, limitations and conditions as may be laid down by the Commissioner and shall be subject to his control and revision.

(4) The Commissioner shall, save as otherwise provided in the rules relating to discipline and conduct, be under such administrative control of the Chairperson, as may be prescribed.

(5) (a) The Commissioner may incur in each case contingent expenditure incidental to the municipal administration,

(i) in the case of a third grade or second grade municipality not exceeding one thousand rupees;

(ii) in the case of first grade municipality, not exceeding fifteen hundred rupees.

(iii) in the case of a special grade or a selection grade municipality, not exceeding two thousand rupees.

(b) He shall report the expenditure so incurred and the reasons therefor to the council at its next meeting.

Provided that no such expenditure shall be incurred if there is no provision available to meet the expenditure under the relevant head of account in the budget framed by the council with the modifications, if any, made by the Government or where such expenditure was expressly prohibited by the council.

57. [xxxxx]

58. Commissioner to attend the meetings of the council and its committees. - The Commissioner shall attend the meetings of the council, and where he is required to do so by the Chairperson, of any of its committees. He shall have the right to speak, and otherwise to take part, in the meetings of the council and of any of its committees but shall not be entitled to move any resolution, or to vote, at any such meeting.

CHAPTER 4

Controlling Authorities and their powers

59. Government's power to cancel or suspend resolutions etc. - (1) The Government may, either *suo motu* or on representation of any member, the Chairperson or the Commissioner by order in writing

(i) cancel any resolution passed, order issued, or licence or permission granted; or

(ii) prohibit the doing of any act which is about to be done or is being done, in pursuance or under colour of this Act, if in their opinion--

- (a) such resolution, order, licence, permission or act has not been passed, issued, granted or authorised in accordance with law; or
- (b) such resolution, order, licence, permission or act is in excess of the powers conferred by this Act or any other enactment; or
- (c) the execution of such resolution, or order, the continuance in force of such licence or permission or the doing of such act is likely to cause financial loss to municipality, danger to human life, health or safety or is likely to lead to a riot or breach of peace or is against public interest.

Provided that the Government shall, before taking action under this section on any of the grounds referred to in clauses (a) and (b), give the authority or person concerned an opportunity for explanation;

Provided further that nothing in this sub-section shall enable the Government to set aside any election which has been held.

(2) If, in the opinion of the Government, immediate action is necessary on any of the grounds referred to in clause (c) of sub-section (1), they may suspend the resolution, order, licence, permission or act, as the case may be, for such period as they think fit pending the exercise of the powers under sub-section (1).

59A. Government's power to suspend Chairperson or Vice-Chairperson or Member. - (1) The Government may, either *suo motu* or on a representation of a Chairperson or Vice-Chairperson or Member or Commissioner or employee of a Municipal Council, by notification in the Andhra Pradesh Gazette, suspend any Chairperson or Vice-Chairperson or Member who, in their opinion, wilfully misbehaved or manhandled any other Member or Officer or employee of the Council or destroyed the property of the Council or used unparliamentary language or abused his position in the course of meetings of the Council or during the discharge of any duty vesting upon any Chairperson or Vice-Chairperson or Member or Officer or employee, so as to lead to a situation in which the Municipal Administration cannot be carried on in accordance with the provisions of this Act or the financial stability of the Council is threatened.

(2) The Government shall, before taking action under sub-section (1) give the Chairperson or Vice-Chairperson or Member concerned an opportunity for explanation, and the notification issued under the said sub-section shall contain a statement of the reasons for the action taken by the Government.

(3) The Government may, *suo motu*, or on an application made by the Chairperson or Vice-Chairperson or Member revoke the order of suspension issued under sub-section (1).

60. Government's power to remove Chairperson or Vice-Chairperson. - (1) The Government may, by notification in the Andhra Pradesh Gazette, remove any Chairperson or Vice-Chairperson who, in their opinion wilfully omits or refuses to carry out or disobeys the provisions of the Act or any rules, bye-laws, regulations or lawful orders issued thereunder or abuses his position or the powers vested in him.

(2) The Government shall, when they propose to remove a Chairperson or Vice-Chairperson under sub-section (1), give the Chairperson or Vice-Chairperson concerned an opportunity for explanation, and the notification issued under the said sub-section shall contain a statement of the reasons of the Government for the action taken.

(3) Any person removed under sub-section (1) from the office of Chairperson or from the office of Vice-Chairperson shall not be eligible for election to either of the said offices until the date on which notice of the next ordinary elections to the council is published in the prescribed manner.

61. [xxxxx]

62. Government's power to dissolve the council. - (1) If, in the opinion of the Government, a council is not competent to perform, or persistently makes default in performing, the duties imposed on it by or under this Act or any other law for the time being in force or exceeds or abuses its position or powers or a situation exists in which the municipal administration cannot be carried on in accordance with the provisions of this Act or the financial stability or credit of the council is threatened, the Government may, by notification in the Andhra Pradesh Gazette, direct that the council be dissolved with effect from a specified date and reconstituted either immediately or with effect from another specified date not later than six months from the date of dissolution; and the notification shall be laid before both Houses of the State Legislature.

(2) x x x

(3) For purposes of reconstitution of dissolved council under this section, the vacancies in the office of all the elected members shall be deemed to be casual vacancies.

(4) Before publishing a notification under sub-section (1), the Government shall communicate to the council concerned the grounds on which they propose to do so, fix a reasonable period for the council to show cause against the proposal and consider its explanations or objections, if any: and the Chairperson of the Municipality concerned shall also be given a reasonable opportunity of being heard;

(5) On the date fixed for the dissolution of the council under sub-section (1), all its members including ex-officio members as well as its Chairperson, and Vice-Chairperson shall forthwith be deemed to have vacated their offices as such.

(6) During the interval between the dissolution and the reconstitution of the council, all or any of the powers and functions of the council and of its Chairperson and Wards Committees and of the Committees referred to in Section 43 and 47 may be exercised and performed, as far as may be, and to such extent as the Government may determine, by such person as the Government may appoint in that behalf, and any person who is not a District Collector or Revenue Divisional Officer may, if the Government so directs, receive payment for his services from the municipal fund; the Government may determine the relations of such person with the District Controlling Officers and with themselves and the Government may direct the Commissioner to exercise and perform any powers and duties under this Act in addition to his own.

(7) The members including the ex-officio members of the reconstituted Council shall enter upon their office on the date fixed for its reconstitution and the term of office of the elected members shall continue only for the remainder of the period for which the dissolved Municipality would have continued had it not been dissolved.

(8) The Government may reconstitute the council before expiry of the period notified under sub-section (1) or sub-section (2).

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

(9) When a council is dissolved under this section, the Government, until the date of the reconstitution thereof, and the reconstituted council thereafter, shall be entitled to all the assets and be subject to all the liabilities of the council as on the date of the dissolution and on the date of the reconstitution respectively.

62A. Appointment of Special Officer. - (1) Notwithstanding anything contained in this Act, where in the opinion of the Government it is not possible to hold the elections to the municipalities in accordance with the provisions of this Act, before the date of expiration of the term, and to bring the newly elected members into office on the date of expiration of the term as aforesaid the Government may, by notification appoint a Special Officer to exercise the powers, perform the duties and discharge the functions of--

- (a) the Council;
- (b) the Chairperson; and
- (c) the Commissioner;

Provided that the Government may, from time to time, by notification in the Andhra Pradesh Gazette and for reasons specified therein extend the said period of appointment of Special Officer beyond six years for a further period or periods, so however the period of appointment of the special officer shall not, [in the aggregate exceed three years] or till the newly elected councils assume office which ever is earlier.

(2) The Government shall cause elections to be held to the municipality under the Principal Act, so that the newly elected members may come into office on such date as may be specified by the Government in this behalf by a notification, in the Andhra Pradesh Gazette:

Provided that the Government may, from time to time, advance or postpone the date specified under this subsection and fix instead another date;

Provided further that the date fixed under this sub-section shall be the date on which the appointment of the Special Officer, expires.

(3) The Special Officer shall exercise the powers, perform the duties and discharge the functions of the council until the elected members come into office, of the Chairperson until a Chairperson is elected, and of the Commissioner until a Commissioner is appointed by the Government and the committees referred to in Sections 43 and 74 until such committees are constituted, as the case may be and any such officer may, if the Government so direct, receive remuneration for his service from the municipal fund.

[62B. Appointment of Special Officers to the Municipalities in Scheduled Areas. - Notwithstanding anything contained in Section 62-A or any other provisions of this Act, it shall be competent for the Government by notification, to appoint and continue a Special Officer to exercise the powers, perform the duties and discharge the functions of the Council, the Chairperson and the Commissioner in respect of the Municipalities located in the Scheduled areas until the Parliament by law extend the provisions of Part IX-A of the Constitution of India to the Scheduled areas under clause (3) of Article 243-ZC of the Constitution of India:

Provided that elections shall be held to the said Municipalities in the Scheduled areas within a period of one year after such extension of Part IX-A of the Constitution of India to the Scheduled areas and the Special Officers shall continue until the newly elected Councils assumes office.]

63. Government's power to appoint officers to supervise municipalities. - (1) The Government may appoint a Director of Municipal Administration and such number of Deputy Directors, Regional Directors and other officers as may be required for the purpose of inspecting or superintending the operations of all or any of the councils established under this Act.

(2) All schools, hospitals, dispensaries, vaccine stations, choultries and other institutions mentioned by any council and all documents relating thereto shall, at all times, be open to the inspection of such officers as the Government may appoint in that behalf.

(3) Municipal authorities and municipal officers and servants shall be bound to afford to inspecting or superintending officers appointed under this section such access at all reasonable times to municipal property or premises, and to all documents which, subject to any rules made in this behalf, the inspecting or superintending officers may consider to be necessary to enable them to discharge their duties of inspection or superintendence.

64. Government's power to take action in certain cases. - (1) If, at any time, it appears to the Government that a council, Chairperson, Vice-Chairperson Commissioner has made any default in performing any duty imposed by or under this Act or any other enactment for the time being in force, they may, by order in writing, fix a period for the performance of such duty.

(2) If such duty is not performed within the period so fixed, the Government may appoint some person to perform it, and may direct that the expense of performing it shall be paid, within such time as they may fix, to such person by the council.

(3) If the expenses which the Government have directed under sub-section (2) to be paid from the municipal fund are not so paid, the District Collector, with the previous sanction of the Government, shall make an order directing the Commissioner to pay it in priority to any other charges against such fund except establishment charges and charges for the service of authorised loans.

(4) The Commissioner shall, so far as the funds to the credit of the council permit, be bound to comply with such order.

65. Government's powers to undertake work for municipality. - (1) The Government may, with the consent of council, undertake on its behalf the construction of water supply, drainage or other works, appoint persons to carry out construction of such works and direct that the expenses including the pay of such persons be paid from the municipal fund and thereafter the provisions of Sub-sections (3) and (4) of Section 64 shall apply.

(2) The Government may, after consultation with the council, constitute planning committees for any municipality, consisting of such members as may be appointed by them, for the purpose of preparing plans in respect of such developmental works as may be approved by the Government for execution within the municipality; and the council shall undertake all such works. The expenses incurred towards the planning committees, the preparation of plans and the execution of developmental works under this section shall be paid from the municipal fund.

66. District Collector's power to enforce execution of resolutions. - (1) If it appears to the District Collector that the Chairperson or Commissioner has made default in carrying out any resolution of the council,

the said Collector shall, after giving the Chairperson or the Commissioner as the case may be, a reasonable opportunity of explanation, send a report on such resolution together with the explanation if any received, to the Government and at the same time forward a copy of the same to the council.

(2) The Government shall, as soon as may be, after the receipt of the report of the Collector under sub-section (1), consider the same and the explanation, if any, received therewith and, if necessary, take action under subsection (2) of Section 64.

67. Power District Collector and Government for purposes of control. - (1) The District Collector may enter on and inspect, or cause to be entered on and inspected, any immovable property or any work in progress under the control of any municipal authority in his district.

(2) The Government or the District Collector may-- (a) call for any document in the possession, or under the control, of any council or the Chairperson or Commissioner; (b) require any council, the Chairperson or Commissioner to furnish any return, plan, estimate, statement, account or statistics; (c) require any council, the Chairperson or Commissioner to furnish any information or report on any municipal matter; (d) record in writing, for the consideration of the council, the Chairperson or Commissioner, any observations they or he may think proper in regard to its or his proceedings or duties.

68. Emergency powers of District Collector. - (1) The District Collector may, in cases of emergency, direct or provide for the execution of any work or the doing of any act which the council or the Commissioner is empowered to execute or to do and the immediate execution or the doing of which is, in his opinion, necessary for the safety of the public and may direct that the expenses incurred for executing such work or doing such act, as the emergency may require, shall be paid from the municipal fund.

(2) If the expenses are not so paid, such Collector may make an order directing the person having the custody of the municipal fund to pay them in priority to any other charge against the fund.

(3) Such person shall, so far as the funds to the credit of the council admit, be bound to comply with such order.

(4) Every case in which the powers conferred by this section are exercised shall be forthwith reported to the Government by the District Collector with the reasons in full, for the exercise of such powers; and a copy of the letter shall at the same time be sent to the council for information.

69. Powers of officers acting for, or in default of, council and liability of municipal fund. - When the District Collector or a person appointed by the Government lawfully takes action on behalf, or in default, of the council or the Commissioner under this Act, he shall have all such powers as are necessary for the purpose, and shall be entitled to the same protection under this Act as the Municipal Authority whose powers he is exercising, and compensation shall be recoverable from the municipal fund by any person suffering a damage from the exercise of such power to the same extent as if the action has been taken by such municipal authority.

70. Power of District Collector to suspend a resolution, etc. - If in the opinion of the District Collector, immediate action is necessary on any of the grounds referred to in clause (c) of sub-section (i) of Section 59 he may suspend the resolution, order, licence, permission or act, as the case may be, and report to the Government who may thereupon either rescind the Collectors order or, after giving the authority or person

concerned a reasonable opportunity of explanation, direct that it shall continue in force with or without modification permanently or for such period as they think fit.

Part 3

Municipal Establishment

71. Appointment of Municipal Health Officer, Municipal Engineer, Education Officer and Town Planning Officer. - (1) For any municipality the Government may sanction a post of Municipal Health Officer, a post of Municipal Engineer, a post of Education Officer and a post of Town Planning Officer;

Provided that in the case of a municipality which has an annual income of less than three lakhs of rupees from ordinary receipts, the Government may, without sanctioning the post of a Municipal Health Officer, a Municipal Engineer, an Education Officer, or a Town Planning Officer, appoint any officer of the Public Health Department, the Public Works Department, the Education Department or the Town Planning Department, on such terms as may be specified by the Government to exercise the power and discharge the functions of a Municipal Health Officer, a Municipal Engineer, an Education Officer, or a Town Planning Officer, as the case may be:

Provided further that when the officer of the Public Health Department or the Public Works Department Education Department or the Town Planning Department is appointed to exercise the powers and discharge the functions under this Act, such of the powers and functions as are exercisable by any authority under this Act in consultation with the Municipal Health Officer, Municipal Engineer, Education Officer or Town Planning Officer shall be exercised by such authority after consultation with the concerned officer appointed under the foregoing proviso.

Provided also that where there is no Municipal Health Officer, Municipal Engineer, Education Officer, or Town Planning Officer, the Commissioner shall exercise the powers and discharge the functions of such officer.

(2) Before sanctioning any post under sub-section (1) the Government shall consult the council concerned.

(3) The Municipal Health Officer, Municipal Engineer, Education Officer or Town Planning Officer shall devote his whole time to the duties of his office and shall not undertake any work unconnected with the municipality except with the sanction or under the direction of the Government.

(4) All the appointments to posts sanctioned under sub-section (1) shall be made by the Government.

(5) All the officers appointed under sub-section (4) shall, save as otherwise provided in the rules relating to the discipline and conduct of those officers, be deemed, for all purposes, as officers of the council and shall, in the exercise of the powers and discharge of the functions under this Act, be subject to such control and direction of the Commissioner as may be prescribed.

(6) The Government shall pay out of the Consolidated Fund of the State, salaries, allowances, pension and contribution, if any, towards the provident fund or pension-cum-provident fund of every officer appointed by the Government under sub-section (4).

72. Government's power to regulate the methods of recruitment, conditions of service, etc., Officers appointed under Sections 29 and 71. - (1) The Government shall have power-

- (a) to make rules to regulate the classification and methods of recruitment, conditions of service, pay and allowances and disciplinary conduct of the officer appointed under Section 29 or Section 71, as the case may be;
- (b) to recover from the council concerned the whole or such proportion of the salary and allowances paid to any such officer and such contribution towards his leave allowances, pension or provident-cum-pension fund of such officer as the Government may, by general or special order, determine.

(2) The Government may, at any time, withdraw any officer appointed under Section 29 or Section 71 and appoint another in his place, and they shall withdraw such officer if such withdrawal is recommended by a resolution passed at a special meeting called for the purpose and supported by the votes of not less than three-fifths of the sanctioned strength of the council.

Provided that no such resolution shall be moved before the expiry of one year from the date of assumption of charge by such officer.

73. Other officers and employees of council. - (1) All proposals for fixing or altering the number, designations and grades of officers other than those referred to in Section 72 and employees of the council and the salaries, fees and allowances payable to them shall be placed before the council by the Commissioner for consideration and sanction of the council.

(2) The council may, after consideration of such proposals, sanction them with or without modification; Provided that no proposal adversely affecting any municipal officer or employee who has been in the permanent service of the municipality for more than five years and is drawing a salary of not less than fifty rupees per mensem shall be considered except at a special meeting convened for the purpose and no such proposal shall be given effect to unless assented to, by atleast one-half of the members then on the council.

(3) Notwithstanding any thing in sub-sections (1) and (2), the Government shall have power to sanction and fix or alter the number, designations and grades of, and the salaries, fees and allowances payable to, the officers, and employees of any council or any class of such officers and employees and, it shall not be open to the council to vary the number, designations, grades, salaries, fees or allowances as so fixed or altered except with the previous sanction of the Government.

[74. Appointment to posts of officers and employees of council sanctioned under Section 73. - Subject to any rules including the rule for the representation of Scheduled Castes, Scheduled Tribes and the socially and educationally backward classes of citizens which the Government may make in this behalf, and notwithstanding anything in the Andhra Pradesh (Andhra Area) Public Health Act, 1939 or any other law similar thereto for the time being in force, appointment to posts of officers and employees sanctioned under Section 73, shall be made by the chair-person:

Provided that an appointment to the post of a Headmaster or Headmistress of a High School maintained by the Council shall be made from a panel prepared by a committee consisting of the Chairperson, the Commissioner, the District Educational Officer having jurisdiction and not less than three but not more than seven members chosen in this behalf by the council:

Provided further that appointment [to all the other posts except all categories of posts of teachers the pay or the maximum pay] of which exceeds rupees one hundred shall be made from a panel prepared by a

committee consisting of the Chair-person, the Commissioner and not less than three but not more than seven members chosen in this behalf by the council.]

[Provided also that appointment to all categories of posts of teachers shall be made as per the procedure prescribed by the Government from time to time.]

75. Power of Government to transfer officers and employees of municipalities. - (1) Notwithstanding anything in this or any other enactment for the time being in force, the Government shall have power to transfer any officer or employee of a municipality to the service of any other municipality or of any other local authority.

(2) The Government shall have power to issue such general or special directions as they may think necessary for the purpose of giving due effect to transfers made under sub-section (1).

76. Power of council to frame regulations. - (1) Subject to the provisions of this Act and the rules which the Government may make in this behalf, the council may frame regulations in respect of officers and employees of the municipality appointed under Section 74

- (a) fixing the amount and nature of security to be furnished;
- (b) prescribing educational or other qualifications;
- (c) regulating the grant of leave, leave allowances, acting allowances and travelling allowances;
- (d) regulating the grant of pensions and gratuities;
- (e) establishing and maintaining provident funds and making contribution thereto compulsory;
- (f) regulating conduct; and
- (g) generally prescribing conditions of service;

Provided -

- (i) that the amount of any leave, leave allowances, travelling allowances, pension or gratuity provided for in such regulations shall, in no case without the special sanction of the Government, exceed what would be admissible in the case of Government employees of similar standing and status; and
- (ii) that the conditions under which such allowances are granted or any leave, superannuation or retirement is sanctioned, shall not without similar sanction be more favourable than those for the time being prescribed for such Government employees.

(2) Until rules and regulations are made under sub-section (1), the rules and regulations which were applicable to such officers and employees immediately before the commencement of this Act in respect of the matters specified in that sub-section shall continue to apply to them.

[77. Power to punish municipal employees. - (1) Subject to the provisions of Sections 79 and 80 and to such control as may be prescribed, the Commissioner may censure, fine, withhold increment in the time-scale of pay of, withhold promotion from, suspend or reduce in rank any officer or other employees in the service of the municipality except an officer appointed under Section 29 or Section 71, or an officer, or other employee belonging to a municipal service for the State constituted under Section 80 for any breach of departmental rule or discipline or for carelessness, unfitness, neglect of duty or other misconduct after giving an opportunity of showing cause against the penalty proposed:

Provided that a fine shall not be imposed on any officer or other employee unless he is a Bill-Collector or is the holder of such post as may be prescribed.

(2) Subject to such control as may be prescribed, the Chair-person shall have the power to impose penalty of removal or dismissal on such officer or other employee after giving him a reasonable opportunity of showing cause against the action proposed to be taken in regard to him.

Provided that he may, in public interest, suspend any such officer or other employee pending action proposed to be taken in regard to him under this sub-section.]

78. Power to grant leave to officers and employees. - Subject to the rules made under Section 72 or Section 76 the Commissioner may grant any leave to the officer and other employees in the service of the municipality.

79. Special provisions regarding Government employees lent to council. - (1) The Government may, on the application of any council, place the services of any Government employee employed in connection with the affairs of the State at the disposal of the council to be employed by it for the purposes of this Act. The council shall pay any Government employee so employed the salary he may be entitled to receive under the rules of the branch of Government service to which he belongs, and shall also make any contribution towards the pension and leave allowances of such employee as may be required by the conditions of his service under the Government to be paid by him or on his behalf.

(2) If such employee, while employed by the council or if any other employee of the council does any work for the Government, the Government shall contribute to the municipal funds so much of salary of such employee as the Government may consider to be an equivalent for such work.

(3) No Government employee employed by a council shall be dismissed or removed from such employment,

(a) if he is employed as a Medical Officer, without the consent of the Government; and

(b) in any other case, without the consent of the Government or until three month's notice in writing to that effect shall have been given to the Chief Controlling Authority of the branch of the Government service to which the Government employee belongs.

(4) No Government employee employed by a councils shall, except in cases of emergency, be withdrawn from the service of the council without the consent of the council until the Government shall have given three month's notice in writing to that effect to the council or unless some other Government employee has been deputed to replace the one withdrawn.

(5) Government employees employed by councils shall be entitled to leave and other privileges in accordance with the regulations applicable to the general branch of the Government service to which they belong.

80. Constitution of a municipal service for the State for any class of municipal officers and employees. - (1) Notwithstanding anything in this Act or the rules made thereunder, the Government may, after consulting all the councils, by notification in the Andhra Pradesh Gazette, constitute any class of officers or employees of councils into a municipal service for the State.

(2) Upon the issue of a notification under sub-section (1), the Government shall have power to make rules to regulate the classification, methods of recruitment, conditions of service, pay and allowances and discipline

and conduct of the municipal service thereby constituted and such rules may vest jurisdiction in relation to such service in the Government or in such other authority or authorities as may be prescribed therein.

(3) Nothing in this section shall affect the operation of the Andhra Pradesh (Telangana Area) Local Government service (Declaration as the State Civil Service) Act, 1956 (Act XX of 1956), in so far as it relates to the municipal officers and municipal employees who are declared to be borne on the State Civil Service as declared under Section 3 of that Act.

Part 4

CHAPTER 1

Taxation

81. Levy of ordinary taxes and the control of Government in respect thereof. - (1) (a) Every council shall, by resolution, levy the following taxes, namely:-

- (i) a property tax;
- (ii) x x x
- (iii) a tax on carriages and carts; and
- (iv) a tax on animals.

[***].

(2) Any resolution of a council determining to levy a tax shall specify the rate at which and the date from which any such tax shall be levied;

Provided that, before passing a resolution imposing a tax for the first time or increasing the rate of an existing tax, the council shall publish a notice in at least one newspaper published in the main language of the district having circulation in the municipality, on the notice board of the municipal office and in such other places within municipal limits as may be specified, by the council and by beat of drum, of its intention, fix a reasonable period not being less than one month for submission of objections and consider the objections, if any, received within the period specified.

Provided further that any resolution abolishing an existing tax or reducing the rate at which a tax is levied shall be immediately reported to the Government; and in municipalities which have an outstanding loan either from the Government or from the public or from any banking, insurance or financial corporation or from any other local authority, such abolition or reduction shall not be carried into effect without the sanction of the Government.

82. Duty on transfers of property. - In every municipality, a duty shall be levied on certain transfers of property in accordance with the provisions hereinafter contained in this Act.

83. Notification of new taxes. - When a council determines, subject to the provisions of Section 81, to levy any tax for the first time or at a new rate, the Commissioner shall forthwith publish a notification in the prescribed manner specifying the rate at which, the date from which and the period of levy, if any, for which, such tax shall be levied.

84. Saving for certain provisions of the Constitution of India. - Nothing in this part of this Act shall authorise a council to levy any tax which the State Legislature has no power to impose in the State under the Constitution of India:

Provided that a council which immediately before the commencement of the Constitution was lawfully levying any such tax under any law then in force may continue to levy that tax until provision to the contrary is made by Parliament by law.

85. Levy of property tax. - (1) Where the Council by resolution determines that a property tax shall be levied, such tax shall be levied on all buildings and lands within the municipal limits save those exempted by or under this Act or any other law.

The property tax may comprise

- (a) a tax for general purposes;
- (b) a water and drainage tax to provide for expenses connected with the construction, maintenance, repair, extension or improvement, of water or drainage works here to before provided or hereafter to be provided;
- (c) a lighting tax to provide for expenses connected with the lighting of the municipality by gas or electricity; and
- (d) a scavenging tax to provide for expenses connected with the removal of rubbish, filth or the carcasses of animals from private premises:

Provided that where the water and drainage tax is levied, the council shall declare what proportion of tax is levied in respect of water-works and the remainder shall be deemed to be levied in respect of drainage works and the proportion so declared shall also be specified in the notification published under Section 83:

Provided further that the proportion so fixed shall not be altered without the previous sanction of the Government.

(2) Save as otherwise provided in this Act and subject to the provisions of Sections 81 and 87 and in accordance with the rules made by the Government in this behalf these taxes shall be levied at such percentages of the annual rental value of lands or buildings or both as may be fixed by the council; Provided that in the case of lands and buildings vested in the trustees of Port of Visakhapatnam, these taxes levied in any half-year shall be at one per centum of the annual gross earnings of the Visakhapatnam Port Trust in the year immediately preceding such levy.

Provided further that the percentage of the property tax fixed under this sub-section shall be such that the incidence of property tax together with the education tax and library cess levied under the relevant law, shall not exceed twenty five per centum of the annual rental value in the case of residential buildings and thirty-three per centum of the annual rental value in the case of non-residential buildings.

(3) (a) Save as otherwise provided in clause (b), the council shall, in the case of lands which are not used exclusively for agricultural purposes and are not occupied by, or adjacent and appurtenant to building, levy these taxes, at such percentages of the capital value of the lands or at such rates with reference to the extent of the lands as may be fixed by the council;

Provided that such percentages or rates shall not exceed the maximum, if any, fixed by the Government and that the capital value of such lands shall be determined in such manner as may be prescribed.

(b) In the case of railway lands which are not used exclusively for agricultural purposes and are not occupied by or adjacent and appurtenant to, buildings, the council shall levy these taxes at such percentages of the capital value of such lands, and the Government shall have power to make rules regarding the manner in which, the person or persons by whom and the intervals at which, the capital value of such lands shall be determined, and they may also by such rules restrict or modify the application of the provisions contained in Schedule II to such lands.

(4) The council may, in the case of lands used exclusively for agricultural purposes, levy these taxes at such proportions of land revenue payable thereon as it may fix with the approval of the Government.

[(5) Notwithstanding anything contained in this Act and the Rules made thereunder, where a building is constructed or re-constructed, or some structures are raised unauthorisedly, it shall be competent to the assessing authority to levy property tax on such building or structure with a penalty of ten percent on the amount of tax levied till such unauthorised construction is demolished or regularised.

(6) A separate receipt for the penalty levied and collected shall be issued.]

[85A. Constitution of the Andhra Pradesh State Property Tax Board. - The Government shall, by notification, within three months from the date of commencement of the Andhra Pradesh Municipal Laws (Amendment) Act, 2012, constitute a State Property Tax Board called as the Andhra Pradesh State Property Tax Board (hereinafter referred to as the Board) to provide assistance and technical guidance to all Municipalities in the State for proper assessment of property tax on buildings and lands, in their respective jurisdictions.]

[85B. Composition of the Board. - The Board shall consist of a Chairperson five members as specified below:

- | | |
|---|-------------------|
| (i) Commissioner and Director of Municipal-Administration, Government of Andhra Pradesh. Ex-officio | Vice-Chairperson |
| (ii) Secretary to Government, Information Technology and Communications Department, Government of Andhra Pradesh or an Expert in Information Technology | Member |
| (iii) An expert in valuation of building and lands for assessment of property tax | Member |
| (iv) President, Chamber of Municipal Chairman, Andhra Pradesh Ex-officio | Member |
| (v) One person in the category of Additional Director of Municipal Administration appointed by the Government | Member-Secretary] |

[85C. Qualification for the Chairperson and Members. - (i) The Chairperson shall be a person who/has held the Office of Judge of a High Court;

- (ii) The members shall be persons who are having knowledge and experience in the fields of valuation of properties for assessment of property tax, Information Technology (I.T.) as may be prescribed.]

[85D. Term and other conditions of service of Chairperson and Members. - The Chairperson and the members of the Board shall hold office for a period of three years and the terms and conditions of their service, including salaries and allowances, shall be such as may be prescribed by the State Government.]

[85E. Resignation. - The Chairperson or a member of the Property Tax Board may resign his office by a letter signed by him and addressed to the Government and on acceptance of such resignation by the Government, his office shall fall vacant on the date on which such resignation is accepted.]

[85F. Removal from Office. - The person appointed as Chairperson of the State Property Tax Board may be removed from office in the manner as may be prescribed.]

[85G. Staff of the Board. - The Board shall be provided with such number of officers and staff as may be determined by the State Government.]

[85H. Functions of the Board. - The Board shall discharge the following functions, namely:

- (i) To make arrangements for preparation of data base of property tax in all Municipalities, for proper maintenance of all record and registers relating to assessment of property tax.
- (ii) to make arrangements for assessment of property tax on all buildings and lands situated in the Municipalities as per the provisions of the Act and the Rules issued thereunder.
- (iii) to monitor that the assessment books shall be completely revised by the Commissioner once in five years as per the provisions of the Act and the Rules issued thereunder.
- (iv) to make arrangements that all new constructions or additions or improvements to the existing buildings in the Municipalities are assessed to Property Tax within thirty days from the date of completion of the building or occupation of the building whichever is earlier.
- (v) to conduct study on prevailing rental value of buildings from time to time in Municipalities.
- (vi) to make arrangements for the calculation of payment of service charges in respect of Central Government properties as per the instructions of State Government and Government of India.
- (vii) to review the present Property Tax assessment system in Municipalities and make suggestions to the Government in this regard.
- (viii) to make arrangements for assessment or revision of property tax relating to at least 25% of the aggregate number of estimated properties across all Municipalities in the State by 31st March, 2015.
- (ix) to prepare a work plan to achieve the above coverage and publish the work plan in the Andhra Pradesh Gazette.
- (x) to make arrangements for disposal of revision petitions and appeals filed for revision of Property Tax by the concerned officers within three months from the date of filing such revision petitions or appeals.
- (xi) to suggest the Government about the criteria to be adopted for exemption of buildings and lands in Municipalities from payment of Property Tax.
- (xii) to make arrangements for maintenance of register of properties exempted from the payment of Property Tax by all the Municipalities.

(xiii) to undertake training of Officers and Staff of Municipalities in the assessment and revision of Property Tax directly or through any institution.

(xiv) to discharge such other functions in the field of assessment of Property Tax including development of expertise in valuation of lands and buildings.]

[85I. Powers of the Board. - (1) The Board shall Exercise the following powers, namely:-

(i) to issue instructions to the Municipalities for assessment and revision of Property Tax as per the provisions of the Act and the Rules issued thereunder which shall be complied with by all the Municipal Commissioners.

(ii) The Municipal Commissioner shall consult the Board before issue of draft notification fixing monthly rent proposed per square metre of plinth area for assessment or revision of property tax. The Board shall study the draft notification and make a comparative study of the monthly rental values proposed by other Municipalities in the District in this regard and offer its views in the matter. The Municipal Commissioner shall give due consideration to the views offered by the Board before adopting the final notification showing monthly rent per square metre of plinth area as prescribed.

(iii) to make a test check of the assessments made by the Commissioner both at the time of assessment of new buildings and revision of Property Tax.

(iv) to inspect any building or land in the Municipality or take measurements of the property for verification of the Property Tax assessment.

(v) to call for particulars relating to the building or land from any owner or occupier by serving a notice for the purpose of verification of the assessment of Property Tax.

(vi) to inspect records and registers relating to assessment and revision of property tax in Municipalities.

(vii) to call for information from Municipal Commissioners on assessment and revision of Property Tax.

(viii) to conduct review meetings with Commissioners of Municipalities and Regional Directors of Municipal Administration on assessment and revision of Property Tax and to issue suitable instructions in the matter.]

[85J. Meetings of the Board. - (1) The Board may hold ordinary meetings at such intervals as may be prescribed and a special meeting may be convened by Chairperson at any other time for the transaction of urgent business.

(2) The number of members necessary to constitute a quorum at a meeting and procedure to be followed there at shall be such as may be prescribed.]

[85K. Funds of the Board. - (1) The Board shall have a Fund to be called the State Property Tax Board Fund, to which the following moneys shall be credited,-

(i) such moneys as may be paid to the Board by the State Government or any other authority or agency; and

(ii) such moneys as may be paid to the Board by the Municipalities as may be prescribed.

(2) All moneys received by the Board shall be deposited in the State Bank of India or any Nationalized Bank as may be prescribed.]

[85L. Expenditure. - (1) The expenditure to be incurred by the Board for meeting the salaries and allowances including contingencies of the Chairperson, Members, Secretary, Officers and employees serving under or for the Board shall be defrayed out of the Fund to be provided by the State Government.

(2) The expenditure towards contingencies for undertaking normal activities of the Board shall be met out of the Fund provided by the State Government.]

[85M. Budget. (1) The Board shall prepare each year in such form and within such time, as may be prescribed, a budget in respect of the ensuing financial year, showing the estimated receipts and expenditure and shall forward a copy of the same, to State Government for approval.

(2) The State Government may, in accordance with such approval, make such additions, alterations and modifications thereon as it thinks fit;

Provided that before taking such additions, alterations or modifications the State Government shall give the Board an opportunity to express its views thereon within such period as may be prescribed.]

[85N. Accounts. - (1) The Board shall have the same financial powers as are exercisable by the Secretary or a Head of the Department of the State Government. Matters beyond such financial powers shall be referred to by the Board to the State Government for a decision.

(2) The Board shall keep accounts of all receipts and expenditure and prepare annual accounts in such manner as may be prescribed.]

[85O. Audit. - (1) The Board shall cause its accounts to be audited annually by an auditor to be appointed by the State Government and the auditor so appointed shall have the right to demand the production of books, accounts documents and other papers of the Board.

(2) As soon as the accounts have been audited, the Board shall send a copy thereof together with a copy of the report of the auditor to the State Government.

(3) The Board shall comply with such directions as the State Government may, after perusal of the report of the auditor, think fit to issue in this behalf.

(4) The Board shall pay out of the Fund such sum as may be determined by the State Government by way of fees, if any, for such audit.]

[85P. Annual Report. - The Board shall prepare an Annual Report of its activities during the year in such form as may be prescribed by the State Government and the Annual Report shall be placed before the Legislature of the State.]

[85Q. Delegation of powers and functions by the Board. - (1) The Board may delegate its powers and functions including financial powers to the Chairperson of the Board by a resolution adopted by it in this behalf.

(2) The Board may also delegate any of its powers or functions to the Secretary or any Officer of the Board by a resolution adopted by it in this behalf.]

[85R. Members, officers and employees to be public servants (Central Act 45 of 1860). - Chairperson, every Member of Board or every Officer or employee of the Board shall, when acting or purporting to act under the provisions of this Act, be deemed to be a public servant within the meaning of Section 23 of the Indian Penal Code, 1860.]

86. Levy of property tax on a direction by Government. - (1) The Government may, after consultation with the council by order published in the Andhra Pradesh Gazette, direct any council to levy the property tax referred to in sub-section (1) of Section 81 or any class of such tax, at such rate and with effect from such date, not being earlier than the first day of the half year immediately following that in which the order is published, as may be specified in the order.

(2) When an order under sub-section (1) has been published, the provisions of this Act relating to property tax shall apply as if the council had, on the date of publication of such order, by resolution, determined to levy the tax at the rate and with effect from the date specified in the order and as if no other resolution of the council under Section 81 determining the rate at which and the date from which property tax shall be levied, had taken effect.

(3) A council shall not alter the rate at which the property tax or any class of such tax is levied in pursuance of an order under sub-section (1) or abolish such tax except with the previous sanction of the Government.

87. Method of assessment of property tax. - (1) Every building shall be assessed together with its site and other adjacent premises occupied as an appurtenance thereto unless the owner of the building is a different person from the owner of such site or premises.

(2) The annual rental value of lands and buildings shall be deemed to be the gross annual rent at which they may reasonably be expected to be let from month to month or from year to year with reference to its location, type of construction, plinth area, age of the building, nature of use to which it is put and such other criteria as may be prescribed.

(3) Notwithstanding anything in the Andhra Pradesh Buildings (Lease, Rent and Eviction) Control Act, 1960, the gross annual rent at which the lands and buildings might reasonably be expected to be let from month to month or from year to year, shall be determined by the Commissioner, with reference to its location, type of construction, plinth area, age of the building, nature of use to which it is put and such other criteria as may be prescribed:

Provided that in the case of any Government or railway building or any building or a class of buildings not ordinarily let, the gross annual rent of which cannot in the opinion of the Commissioner be estimated, the annual rental value of the premises shall be deemed to be nine percent of the estimated value of the land and the present cost of erecting the building after deducting a reasonable amount towards depreciation which shall in no case be less than ten percent of such cost.

(4) The annual rental value of lands and buildings shall be deemed to be the gross annual rent at which they may reasonably be expected to let from month to month or from year to year, less a deduction at the rate of ten per cent for buildings upto the age of 25 years and twenty per cent for buildings above the age of 25 years and thirty percent for buildings above the age of 40 years of that portion of such gross annual rent which is attributable to the building apart from their sites and adjacent lands occupied as an appurtenance thereto and the said deduction shall be in lieu of all allowances for repairs or on any other account whatsoever:

Provided that a rebate of forty per cent of the annual rental value shall be allowed in respect of the residential buildings occupied by the owner inclusive of the deduction permissible under this sub-section.

Provided further that in respect of such municipalities on the sea-shore as may be specified by notification from time to time, a rebate of five per cent of the annual rental value shall be allowed in addition to the rebates allowed under the other provisions of the Act in respect of all the buildings;

Explanation. - For the purposes of this section, an area not exceeding three times the plinth area of the building including its site or a vacant land to the extent of one thousand square meters, whichever is less shall be deemed to be adjacent premises occupied as an appurtenant to the building, and assessed to tax in accordance with the provisions of this section, and the area, if any, in excess of the said limit shall be deemed to be land not occupied by or adjacent and appurtenant to such building and the tax shall be levied thereon in accordance with the provisions of sub-section (3) of Section 85 as if it were land to which that sub-section applied.

88. General exemptions. - (1) The following buildings and lands shall be exempt from the property tax:

- (a) places set apart for public worship and either actually so used or used for no other purpose;
- (b) choultries for the occupation of which no rent is charged and choultries the rent charged for the occupation of which is used exclusively for charitable purposes.
- (c) recognised educational institutions including hostels, public buildings and places used for the charitable purpose of sheltering destitute or animals and libraries and play-grounds which are open to the public;
- (d) such ancient monuments protected under the law relating to preservation of ancient monuments for the time being in force, or parts thereof as are not used as residential quarters, or as public offices;
- (e) charitable hospitals and dispensaries;
- (f) such hospitals and dispensaries maintained by railway administration as may, from time to time, be notified by the Government in the Andhra Pradesh Gazette:
- (g) burial and burning grounds included in the book kept at the municipal office under Section 303;
- (h) buildings and lands belonging to the council;
- (i) any irrigation work vesting in the Government including the bed of water-course or any building or land adjacent and appertaining to such irrigation work; all lands belonging to or under the control of the Government including the vacant lands specified in Section 37 and all such other Government property, being neither buildings nor land, from which, in the opinion of the Government the income could be derived as may, from time to time, be notified by the Government in the Andhra Pradesh Gazette;

Provided that nothing in clauses (a), (c) and (e) shall be deemed to exempt from property tax any building or land for which rent is payable by the person or persons using the same for the purposes referred to in the said clauses.

Explanation. - The exemption granted under this section shall not extend to residential quarters attached to schools and colleges not being hostels or to residential quarters attached to hospitals, dispensaries and libraries'.

(1-A)

(2) The water and drainage tax shall not be levied on any land used exclusively for agricultural purposes and not deriving any benefit from the water or drainage works on account of which the tax is imposed.

(3) The council may, with the previous sanction of the Government, exempt any particular part of a municipality from the payment of the whole or a portion of the water and drainage tax or of the lighting tax on the ground that such area is not deriving full benefit from the water-supply and drainage or from the lighting system.

(4) The council may exempt by building or land from the whole or any portion of the scavenging tax if it is satisfied that the owner or occupier has made efficient arrangements for the daily removal there from of rubbish, filth and carcasses of animals.

(5) The council may, by resolution, exempt any class of buildings or lands from the property tax

(i) x x x x

(ii) If the annual rental value of the same does not exceed Rs. 300/- in the case of owner occupied residential buildings within the municipal limits:

Provided that in respect of houses constructed for urban poor, the municipality shall collect one rupee for every half-year towards property tax.

(iii) the person to be assessed does not own any other building or land assessed to the property tax and is not liable to profession tax or income tax.

89. Taxation to be uniform. - Save as otherwise provided in this Act, the rate of any class of property tax on lands, when levied on their capital value, or the rate of any class of property tax on lands, when levied on their annual rental value, may be lower than the rate of the same class of property tax on buildings and there shall be uniformity in the levy of each such rate throughout the municipal area in respect of the lands or buildings as the case may be.

90. Property tax a first charge on property. - The property tax on buildings and lands shall, subject to the prior payment of land revenue, if any, due to the Government thereon, be a first charge upon the said buildings or lands and upon the movable property, if any found, within or upon the same and belonging to the person liable to such tax. If the tax due in respect of a building or land under this section is not paid within the time specified therefor, it may be recovered in the first instance by distraint under the warrant of the Commissioner, and sale of movable property of the defaulter and if for any reason, the distraint or a sufficient distraint of the defaulter's movable property is impracticable, the tax may be recovered by attachment and sale of the said building or land in such manner as may be prescribed.

91. Property tax when payable. - The property tax shall be levied every half-year and shall, save as otherwise expressly provided in Schedule II, be paid by the owner of the assessed premises within thirty days after the commencement of the half-year.

Provided that a simple interest at the rate of two percent per men sum shall be charged in case of failure to pay property tax within the due date.

Provided further that when payment of property tax is not made within the due date, the Commissioner may, after giving notice to the owner or occupier, disconnect the essential services to the premises:

Provided also that all the taxes and dues to the Municipality including the property tax payable to the Municipality shall be liable to be recovered as if they were areas of land revenue.

91A. Power to correct the assessment records. - (1) If at any time it appears to the council that any person or property has been inadvertently omitted from the assessment records or inadequately or improperly assessed relating to any tax, or a clerical or arithmetical error is committed in the records maintained in relation to such assessment, it may direct the Commissioner to assess or reassess or correct the errors as the case may be:

Provided that no such direction shall be given where it involves an increase in the assessment unless the person affected is afforded an opportunity to show cause against the proposed action.

(2) Such assessment or reassessment or correction of records shall not relate, to a period earlier than the five half-years immediately preceding the current half-year.

92. Vacancy remission. - (1) When any building or land or any portion of any premises which has been treated as a separate property for the purposes of assessing the property taxes has been vacant thirty or more consecutive days in the half year the Commissioner shall, subject to the provisions hereinafter contained, remit the property taxes, if any, to a maximum of one half of the amount paid in respect of taxes for the number of days that such vacancy lasted.

(2) For the purpose of sub-section (1),

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

(3) Every demand for remission under sub-section (1) shall be made during the half-year in respect of which the remission is sought or in the following half-year and not after wards.

(4) (a) No demand for such remission shall be entertained unless the owner of the building, land or premises or his agent has previously thereto delivered notice to the Commissioner. (i) that the building, land or premises is vacant and unlet; or (ii) that the building, land or premises will be vacant and unlet from a specified date either in the half-year in which notice is delivered or in the succeeding half-year.

(b) No demand for such remission shall be entertained in the case of a person who is in arrears of property tax due by him otherwise than in a fiduciary capacity to the municipality, in respect of which a bill has been duly served upon him and the time, if any, specified therein for payment has expired.

(c) The period in respect of which the remission is made shall be calculated

- (i) if remission is sought in respect of the half-year in which notice is delivered, from the date of delivery of the notice or from the date on which the building, land or premises became vacant and unlet whichever is later; and

(ii) If remission is sought in respect of the half-year succeeding that in which the notice is delivered, from the commencement of the half-year in respect of which remission is sought or from the date on which the building, land or premises became vacant and unlet, whichever is later.

(d) Every notice under clause (a) shall expire which the half-year succeeding that during which it is so delivered and shall have no effect thereafter.

93. Obligation of transferor and transferee to give notice of transfer. - (1) Whenever the title of any person, primarily liable to the payment of property tax on any premises, to or over such premises is transferred, the person whose title is transferred and the person to whom the same shall be transferred shall, within three months after the execution of the instrument of transfer or after its registration if it be registered, or after the transfer is effected, if no instrument be executed, give notice of such transfer to the Commissioner.

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

(3) The notice to be given under this section shall be in such form as the Commissioner may direct and the transferee or the person to whom the title passes, as the case may be, shall, if so required, be bound to produce before the Commissioner any documents evidencing the transfer or succession.

(4) Every person who makes a transfer as aforesaid without giving such notice to the Commissioner shall in addition to any other liability which he incurs through such neglect, continue to be liable for the payment of property tax assessed on the premises transferred until he gives notice or until the transfer shall have been recorded in the municipal registers, but nothing in this section shall be held to affect

(a) the liability of the transferee for the payment of the said tax; or

(b) the prior claim of the council under Section 90.

94. Owner's obligation to give notice of construction, reconstruction or demolition of building. - (1)

(a) If any building in a municipality is constructed or reconstructed, the owner shall give notice thereof to the Commissioner within thirty days from the date of completion or occupation of the building whichever is earlier.

(b) If such date falls within the last two months of a half-year, the owner shall subject to notice being given under clause (a), be entitled to a remission of the whole of the tax or enhanced tax, as the case may be, payable in respect of the building only for that half-year.

(c) If such date falls within the first four months of a half-year, the owner shall, subject to notice being given under Clause (a) be entitled to a remission of so much, not exceeding a half of the tax or enhanced tax, as the case may be, payable in respect of the building only, for that half-year. as is proportionate to the number of days in that year preceding such date.

(2)(a) If any building in a municipality is demolished or destroyed, the owner shall, until notice thereof is given to the Commissioner, be liable for the payment of the property tax which would have been leviable had the building not been demolished or destroyed.

(b) If such notice is given within the first two months of a half-year, the owner shall be entitled to a remission of the whole of the tax payable in respect of the building for that half-year.

- (c) If such notice is given within the last four months of a half-year, the owner shall be entitled to a remission of such sum not exceeding a half of the tax payable in respect of the building for that half-year as is proportionate to the number of days in that half-year succeeding the demolition or destruction, as the case may be.

95. Power of Commissioner or valuation officer to call for information and to enter upon premises. -

(1) For the purpose of assessing the property tax, the Commissioner or valuation officer appointed under Rule 9 of Schedule II, may, by notice, call on the owner or occupier of any land or building to furnish him, within thirty days after the service of the notice, where the notice is served upon the Government, Railway Administration or a company and within seven days after service in other cases, or which such further period, not exceeding seven days, as may be specified by the Commissioner or valuation officer, with returns of the rent payable for the land or building, the cost of erecting the building and the measurements of the land with such other information as the Commissioner or valuation officer may require; and every owner and occupier on whom such notice is served shall be bound to comply with it and to make a true return to the best of his knowledge or belief.

(2) For the purpose aforesaid the Commissioner or Valuation Officer or any other person authorised by them in this behalf may enter, inspect, survey and measure such building or land after giving reasonable notice to the owner or occupier.

96. Tax on Carriages and Carts. - x x x x

97. Tax on Carriages and Carts. - x x x x

98. Tax on Carriages and Carts. - x x x x

99. Tax on Carriages and Carts. - x x x x

100. Tax on Carriages and Carts. - x x x x

101. Tax on Carriages and Carts. - x x x x

102. Tax on Carriages and Carts. - x x x x

103. General provisions regarding tax on carriages and carts. - (1) If the council by a resolution determines that a tax on carriages and a tax on carts shall be levied, the Commissioner shall take steps to levy the said tax yearly on carriages and carts kept or used within the municipality.

(2) The rates of tax shall be determined by the council, provided that in no case they shall exceed the maximum laid down in Schedule II in respect of carriages, and in respect of carts, such rates shall not exceed eight rupees per cart per year.

104. Liability to tax according to period for which carriage has been kept. - (1) Every person having possession, custody or control of any taxable carriage shall be liable for the yearly tax, if the carriage has been kept or used within the municipality for an aggregate period of not less than one hundred and twenty days in the year.

(2) If such aggregate period exceeds thirty days but is less than one hundred and twenty days, a moiety of the yearly tax shall be leviable.

(3) If such aggregate period does not exceed thirty days, no tax shall be leviable for the year.

(4) Every person having possession, custody or control of any taxable carriage within the municipality shall, until the contrary is shown, be presumed to have kept or used the same within the municipality for one hundred and twenty days in the year.

105. Cart liable to tax to be registered. - (1) Every owner of any such cart shall register it once in every year in the municipal office.

(2) The council may direct that a municipal number shall be affixed to every registered cart.

(3) The Commissioner shall notify certain days in every year for the registration and numbering of carts and the payment of the tax.

(4) All registrations made and numbers affixed under this Section shall be entered in a book to be kept for the purpose at the municipal office.

(5) Such book shall be open at all reasonable times to the inspection, free of charge, by any person who pays any tax to the municipality.

(6) No tax shall be levied on any cart which is shown to the satisfaction of the Commissioner to have been kept or used within the municipality for an aggregate period not exceeding thirty days in an year.

106. Non-liability to tax in certain cases. - Notwithstanding anything in Section 104, no person shall be liable

(a) to pay tax to the municipality during any year on any carriage or cart in respect of which the tax for the same year has already been paid to the municipality by some other person; or

(b) to pay to the municipality on any carriage or cart in respect of which tax has already been paid to any other municipality or any other local authority or cantonment board, whether under this Act relating to such other local authority or the Cantonments Act, 1924 (Central Act 2 of 1924) more than the excess, if any of the tax payable in the municipality in respect of such carriage or cart over the tax already paid to the other municipality, the other local authority or the cantonment board, as the case may be.

107. Exemptions. - A carriage or cart tax shall not be levied on-

(a) carriages or carts belonging to the Government and used for defence purposes;

(b) carriages or carts belonging to the council;

(c) carriages or carts kept solely for sale by carriage or cart makers and dealers;

(d) carriages or carts which have been under repair or kept by a carriage or cart maker during the whole of the year;

(e) children's parambulators and tricycles;

(f) carriages or carts kept solely to be used for the conveyance of the sick, the injured or the dead, free of charge.

(g) private bicycles and owner driven rickshaws.

108. Compounding of tax. - With the sanction of the council or in accordance with regulations framed by that body, the Commissioner may compound, for at any period with any livery stable keeper or other person keeping carriages for sale or hire, for a certain sum to be paid in lieu of the carriage tax.

109. Forms to be sent to and returned by tax payers. - (1) The Commissioner shall send to every person liable to the tax on carriages a printed table to be filled up with such information respecting the carriages kept or used by him as the Commissioner considers necessary for the assessment of the tax.

(2) Such table shall be filled up with such information in writing and signed and dated and returned within thirty days of its receipt to the municipal office by the person to whom it has been sent.

(3) On the expiry of the period of thirty days referred to in sub-section (2), the Commissioner shall cause a notice to be served on such person requiring him to pay within thirty days of the date of such service the sum for which, in the opinion of the Commissioner such person is liable on account of the tax on carriages.

110. Grant of licence to carriages on payment of tax and prepayment of tax -- conditions precedent to registration of carriages. - (1) When any person pays the amount of tax due in respect of any carriage the Commissioner shall grant him a licence to keep or use such carriage for the period to which the payment relates.

(2) Where the Andhra Pradesh (Andhra Area) Hackney Carriages Act, 1911 (Act V of 1911), or any other law similar thereto for the time being in force, is in force in any area of a municipality, the person appointed to perform the functions of the Commissioner under the said Act or law in respect of such area shall, before registering any carriage thereunder, satisfy himself that the council has received payment of the tax, if any, due under Section 103 on account of the last preceding year and the current year.

111. Power to require numbers to be affixed to bicycles etc. - (1) The Commissioner may direct that a municipal number shall be affixed

- (a) to every carriage let out for hire within the municipality; and
- (b) to every bicycle and tricycle kept or used within the municipality.

(2) The numbers affixed under sub-section (1) shall be registered in the municipal office.

(3) The owner of every carriage, bicycle or tricycle shall pay such fee as the Commissioner may fix towards the cost of the plate or disc containing the number.

112. Seizure of vehicles not bearing numbers. - (1) If a municipal number is not affixed to a cart or carriage (hereinafter referred to as vehicle) in pursuance of a direction issued under Section 105 or Section 111, as the case may be, the Commissioner may, at any time, seize and detain the vehicle and the animal, if any, by which it is drawn:

Provided that no vehicle other than bicycle, or tricycle shall be seized or detained when actually employed in the conveyance of any passenger or goods.

(2) If the vehicle or animal seized be not claimed and the tax due thereon be not paid within ten days from the date of seizure, the Commissioner may direct that the vehicle or animal shall be sold in public auction and the proceeds of the sale applied to the payment of--

- (i) the tax, if any, due on the vehicle or animal sold;
- (ii) such penalty not exceeding the amount of the tax as the Commissioner may direct and
- (iii) the charges incurred in connection with the seizure, detention and sale.

(3) If the owner of the vehicle or animal or other person entitled thereto claims the same within ten days from the date of seizure or at any time before the sale, it shall be returned to him on payment of--

- (i) the tax due thereon;
- (ii) such penalty not exceeding the amount of the tax as the Commissioner may direct; and
- (iii) the charges incurred in connection with the seizure and detention Tax on Animals

113. Tax on Animals. - (1) If the council by a resolution determines that a tax on animals shall be levied, the Commissioner shall take steps to levy the said tax yearly on the animals which are kept or used within the municipality and which are of the kinds specified in Schedule II.

(2) The rates of tax shall be determined by the council provided that in no case they shall exceed the maximum laid down in Schedule II.

(3) The provisions of Sections 104 and 106 to 110 in so far as they relate to the levy of tax on carriages shall, with the necessary modifications, apply to the levy of tax on animals.

114. Tax on advertisements. - Every person who erects, exhibits, fixes, or retains upon or over, any land, building, wall, hoarding or structure, any advertisement or who displays any advertisement to public view in any manner whatsoever, in any place whether public or private, shall pay on every advertisement which is so erected, exhibited, fixed, retained or displayed to public view, a tax calculated at such rates and in such manner and subject to such exemptions as the council may, with the approval of the Government, by resolution determine:

Provided that the rates shall be subject to the maximum and minimum laid down by the Government in this behalf:

Provided further that no tax shall be levied under this section on any advertisement or a notice--

- (a) of a public meeting; or
- (b) of an election to any legislative body or to the council; or
- (c) of a candidature in respect of such an election:

Provided also that no such tax shall be levied on any advertisement which is not a sky-sign and which--

- (a) is exhibited within the window of any building; or
- (b) relates to the trade or business carried on within the land or building upon or over which such advertisement is exhibited or to any sale, or letting of such land or building or any effects therein or to any sale, entertainment or meeting to be held upon or in the same; or
- (c) relates to the name of the land or building upon or over which the advertisement is exhibited or to the name of the owner or occupier of such land or building; or
- (d) relates to the business of any railway administration; or
- (e) is exhibited within any railway station or upon any wall or other property of a railway administration except any portion of the surface of such wall or property fronting any street.

Explanation 1. - The word "structure" in this section shall include any movable board on wheels used as an advertisement or an advertisement medium.

Explanation II. - The expression "sky-sign" shall, in this section, mean any advertisement, supported on or attached to any post, pole, standard, frame-work or other support wholly or in part upon or over any land, building, wall or structure, which, or any part of which, shall be visible against the sky from some point in any public place and includes all and every part of any such post, pole, standard, frame-work or other support. The expression "sky-sign" shall also include any balloon, parachute or other similar device employed wholly or in part for the purposes of any advertisement upon or over any land, building or structure or upon or over any public place but shall not include--

- (a) any flagstaff, pole, vane or weathercock, unless adapted or used wholly or in part for the purpose of any advertisement: or
- (b) any sign or any board, frame or other contrivance securely fixed to or on the top of the wall or parapet of any building or on the cornice or blocking course of any wall or to the ridge of a roof:

Provided that such board, frame or other contrivance be of one continuous face and not open work, and does not extend in height more than one metre above any part of the wall, or parapet or ridge, to against or on which it is fixed or supported; or

- (c) any advertisement relating to the name of the land or building upon or over which the advertisement is exhibited or to the name of the owner or occupier of such land or building; or
- (d) any advertisement relating exclusively to the business of a railway administration and placed wholly upon or over any railway, railway station, yard, platform or station approach belonging to a railway administration and so placed that it cannot fall into any street or public place; or
- (e) any notice of land or building to be sold or let, placed upon such land or building.

Explanation III. - "Public place" shall, for the purpose of this section, means any place which is open to the use and enjoyment of the public, whether it is actually used or enjoyed by the public or not.

115. Prohibition of [Display Devices] without written permission of Commissioner. - (1) No [Display Device] shall be erected, exhibited, fixed or retained upon or over any land, building, wall, hoarding or structure within the municipality or shall be displayed in any manner whatsoever in any place without the written permission of the Commissioner.

(2) The Commissioner shall not grant such permission if -

- (i) the [Display Device] contravenes any bye-laws made by the council under clause (3) of Section 330; or
- (ii) the [fee], if any, due in respect of the [Display Device] has not been paid.

[(3) Subject to the provisions of sub-section (2) in the case any Display Device liable to the registration and permission fee, the Commissioner shall grant permission for the period to which the payment of the fee relates.]

116. Permission of the commissioner to become void in certain cases. - The permission granted under Section 115 shall become void in the following cases, namely:-

- (a) if the [Display Device] contravenes any bye-law made by the council under clause (30) of Section 330;
- (b) if any addition to the [Display Device] be made except for the purpose of making it secure under the direction of Municipal Engineer, or the Commissioner;

- (c) if any material change be made in the [Display Device] or any part thereof;
- (d) if the [Display Device] or any part thereof falls otherwise than through accident;
- (e) if any addition or alteration be made to or in the building, wall or structure upon or over which the [Display Device] is erected, exhibited, fixed or retained, if such addition or alteration involves the disturbance of the [Display Device] or any part thereof; and
- (f) if the building, wall or structure upon or over which the [Display Device] is erected, exhibited, fixed or retained, be demolished or destroyed.

117. Owner or person in occupation to be deemed responsible. - Where any [Display Device] is erected, exhibited, fixed or retained upon or over any land, building, wall, hoarding or structure in contravention of the provisions of Section 114 or Section 115 or after the written permission for the erection, exhibition, fixation or retention therefor for any period has expired or become void, the owner or person in occupation of such land, building, wall, hoarding or structure shall be deemed to be the person who has erected, exhibited, fixed or retained such [Display Device] in such contravention, unless, he proves that such contravention was committed by a person not in his employment or under his control or was committed without his connivance.

118. Removal of unauthorised [Display Devices] . - If any [Display Device] is erected, exhibited, fixed or retained contrary to the provisions of Section 114 or Section 115 or after the written permission for the erection, exhibition, fixation or retention thereof for any period has expired or become void, the Commissioner may, by notice in writing require the owner or occupier of the land, building, wall, hoarding or structure upon or over which the same is erected, exhibited, fixed or retained, to take down or remove such [Display Device] or may enter any building, land or property and have the [Display Device] removed, and the costs thereof shall be recoverable in the same manner as property tax.

[119. Collection of fee on Display Devices. - The Commissioner may form out the collection of registration fees and permission fees on Display Devices, for any period not exceeding one year at a time on such terms and conditions as may be determined by the council.]

120. Method of assessments of duty on transfers of property. - The duty on transfers of property shall be levied

- (a) in the form of a surcharge on the duty imposed by the Indian Stamp Act, 1899, (Central Act 2 of 1899) for the time being in the State, on every instrument of the descriptions specified below, in respect of the whole or part of the immovable property, as the case may be, situated within the limits of a municipality; and
- (b) at such rate as may be fixed by the Government, not exceeding five per centum on the amount specified below against such instrument; Description of instrument Amount on which duty shall be levied
 - (i) Sale of immovable property. The amount of value of the consideration for the sale, as set-forth in the instrument or the market value of the property which is the subject matter of the sale whichever is higher
 - (ii) Exchange of immovable property The market value of the property of greater value, which is the subject matter of exchange.

- (iii) Gift of immovable property The market value of the property which is the subject matter of the gift.
- (iv) Mortgage with possession of immovable property The amount secured by the mortgage, as set forth in the instrument.
- (v) Lease for a term exceeding one hundred years or in perpetuity of immovable property An amount equal to one-sixth of the whole amount or value of the rents which would be paid or delivered in respect of the first fifty years of the lease as set forth in the instrument.

121. Provisions of the Indian Stamps Act, 1899, applicable on the introduction of duty on transfers of property. - On the introduction of the duty on transfers of property--

- (a) Section 27 of the Indian Stamp Act, 1899 (Central Act 2 of 1899) shall be read as if it specifically requires the particulars to be set forth separately in respect of property situated within the limits of a municipality and outside such limits; and
- (b) Section 64 of the same Act shall be read as if it referred to the Council concerned as well as the Government.

122. Power to make rules regarding assessment and collection of duty on transfer of property. - The Government may make rules not inconsistent with this Act for regulating the collection of the duty on transfer of property, the payment thereof to the councils concerned and the deduction of any expenses incurred by the Government in the collection thereof.

[123. ***]

OLD LAW ▼

124. Power to write off irrecoverable taxes, etc. - The council may write off any tax, fee or other amount whatsoever due to it, whether under a contract or otherwise, or any sum payable in connection therewith, if, in its opinion, such tax, fee, amount or sum is irrecoverable.

CHAPTER 2

Finance Municipal Fund

125. Definition of Municipal Fund. - All moneys received by the council shall constitute a fund which shall be called the municipal fund and shall be applied and disposed of subject to the provisions of this Act or other laws. Budget

126. Budget estimate. - The council shall, in each year, frame a budget showing the probable receipts and the expenditure which it proposes to incur during the following year and shall submit a copy of the budget to the Government before such date as may be fixed by them in that behalf. The budget shall contain provisions, adequate in the opinion of the Government, for the due discharge of all liabilities in respect of loans contracted by the council, for the maintenance of a working balance, and for the execution of such works as the Government may undertake or approve under Section 65. If the budget as submitted to the Government fails

to make those provisions, the Government may modify any part of the budget so as to ensure that such provisions are made.

127. Revised or supplementary budget. - If, in the course of a year, a council finds it necessary to modify the figures shown in the budget with regard to its receipts or to the distribution of the amounts to be expended on the different services it undertakes, it may submit a supplemental or revised budget provided that no alteration shall be made without the consent of Government in the amount allotted for the service of debt or in the working balance.

[127A. Preparation of annual accounts. - (1) The Commissioner shall prepare annual accounts in such form with such information, as may be prescribed. In particular, the annual accounts comprises the financial statements consisting of income and expenditure, assets and liabilities, and receipts and payments.

(2) The annual accounts shall be prepared within such time as may be prescribed and be placed before the Council for approval.

(3) On approval by the Council, the annual accounts shall be forwarded to the auditor appointed by the Government for audit.]

128. Appointment of auditors [to audit the annual accounts]. - The Government shall appoint auditors of the accounts of receipts and expenditure of the municipal fund. Such auditors shall be deemed to be 'public servants' within the meaning of Section 21 of the Indian Penal Code.

129. Contribution to expenditure by other local authorities. - (1) If the expenditure incurred by the Government or by any other municipality to which this Act applies or by any other local authority in the State for any purpose authorised by or under Part II of Schedule II is such as to benefit the inhabitants of a municipality, the council may, with the sanction of the Government, make a contribution towards such expenditure.

(2) The Government may direct a council to show cause, within a month after receipt of the order containing the direction, why any contribution described in sub-section (1) should not be made.

(3) If the council fails to show cause within the said period to the satisfaction of the Government, the Government may direct it to make such contribution as they may specify and it shall be paid accordingly.

130. Application of Schedule II. - The rules and tables embodied in Schedule II shall be read as part of this chapter. Loans and Advances

131. Guarantee of Government of principal of, and interest on, the loans floated by council for purposes of the Act. - (1) The principal of and, interest on the loans floated by a council, to such maximum amount as may be fixed by the Government and subject to such condition as they may think fit to impose, shall carry the guarantee of the Government.

(2) The Government may increase the maximum amount of any guarantee given by them.

(3) The Government may, after consulting the council,-

(a) by notification in the Andhra Pradesh Gazette, and

(b) by notice for not less than fourteen days in such of the principal newspapers in the municipality as the Government may select in this behalf. discontinue any guarantee given by them or restrict the maximum amount thereof or modify the conditions subject to which it is given with effect from a

specified date not being earlier than six months from the date of publication of the notification in the Andhra Pradesh Gazette;

Provided that in cases where the maximum amount of the guarantee is to be restricted or the conditions subject to which the guarantee is given are to be modified, the notification and notice aforesaid shall set forth with sufficient clearness the scope and effect of the restriction or modifications.

Provided further that the withdrawal, restriction or modification of any guarantee under this sub-section shall not affect in any way the guarantee carried by any loan taken prior to the date on which such withdrawal, restriction or modification takes effect.

132. Recovery of loans and advances made by the Government. - Notwithstanding anything in the Local Authorities Loans Act, 1914, (Central Act 9 of 1914), or any other law similar thereto for the time being in force, the Government shall be entitled to recover in the manner provided by sub-section (1) of Section 64 of this Act or by suit, any loan or advance made to any council for any purpose to which the funds of the said council may be applied under this Act.

132A. Finance Commission. - (1) The Finance Commission constituted by the Governor in pursuance of Article 243-I of the Constitution shall also 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 under this part and the allocation between the Municipalities of their respective shares of such proceeds;

(ii) the determination of the taxes, 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 needed to improve the financial position of the Municipalities;

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

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

Part 5

Public Health, Safety and Convenience

CHAPTER 1

Water-supply Lighting and Drainage

133. Vesting of works in councils. - (1) All public water courses and springs, all public reservoirs, tanks, cisterns fountains, wells, stand-pipes and other water- works existing at the commencement of this Act or after wards made, laid or erected, and whether made, laid or erected at the cost of the council or otherwise, and also any adjacent land, not being private property, appertaining thereto shall vest in the council and be subject to its control;

Provided that nothing in this section shall apply to any work which is, or is connected with, a work of irrigation or to any adjacent land appertaining to any such work

(2) The Government may, by notification in the Andhra Pradesh Gazette, limit or define such control or may assume the administration of any public source of water-supply and public land adjacent and appertaining thereto after consulting the council and giving due regard to its objections, if any.

134. Construction and maintenance of water-works. - (1) The council may, with the sanction of the Government direct the construction of such works as it deems fit outside the limits of the municipality for supplying it with water and may provide channels, tanks, reservoirs cisterns, engines, mains, wells, fountains, stand-pipes and other works as it may deem fit within the said limits for the use of the inhabitants.

(2) The council may cause existing works, for the supply of water to be maintained and supplied with water, or it may close any such works and may cause them to be maintained and supplied with water.

(3) The council may, if it deems fit, entrust water and drainage works to private firms, with the previous approval of the Government.

135. Constitution of water boards for local authorities. - (1) Notwithstanding anything in Section 133, the Government may constitute a water board for one or more municipalities or other local authorities for the construction and maintenance of water works for the supply of water to such municipalities or local authorities.

(2) The local authority or authorities, for which water board is constituted under sub-section (1), shall, subject to such conditions as may be prescribed, be bound to take water from such water board on and from the date of completion of the construction or the commencement of the maintenance of a water works by such water board.

136. Trespass on premises connected with water supply. - It shall not be lawful for any person except with permission duly given and obtained to enter upon land belonging to, or vested in, a council along which a conduit or pipe runs, or upon any premises connected with the water-supply.

137. Prohibition of building over water mains. - (1) Without the permission of the council, no building, wall or other structure shall be newly erected and no street or railway shall be constructed over any municipal water mains.

(2) If any building, wall or other structure be so erected or any street or railway be so constructed, the council may cause the same to be removed or otherwise dealt with as shall appear to it fit, and the expenses thereby incurred shall be paid by the persons offending.

138. Council to provide water for use. - The council shall so far as the funds at its disposal may admit, provide a sufficient supply of water fit for the use of the inhabitants.

139. Control over connections. - All connections whether within or outside the premises to which they belong, with any water-supply mains constructed by a council shall be under the control of the council, but shall be altered, repaired and kept in proper order at the expense of the owner of the premises to which they belong or for the use of which they were constructed and in conformity with bye-laws and regulations framed by the council in this behalf.

140. Private water-supply for consumption and use and power of the Chairperson to enforce provision of water supply. - (1) In municipalities in which there is a pipe supply of water the Chairperson may, on application by the owner or occupier of any building arrange, in accordance with the bye-laws, to supply water thereto for consumption and use.

(2) Whenever it appears to the Chairperson that any building assessed, at an annual rental value of not less than three hundred rupees is without a proper supply of water for consumption and use and that such a supply can be furnished from a main not more than thirty metres distant from any part of such building, the Chairperson may, by notice, require the owner to obtain such supply and to execute all such works as may be necessary for that purpose in accordance with the bye-laws and regulations.

(3) The cost of making the connections and the cost of hire of meters shall be borne by the owner or applicant and shall be recoverable in the same manner as the property tax.

141. Power of council to make bye-laws for water supply. - (1) For all water supplied under Section 140, payment shall be made on such basis, at such times, and on such conditions as may be laid down in the bye-laws made by the council, and shall be recoverable in the same manner as the property tax.

(2) In particular and without prejudice to the generality of the foregoing power, such bye-laws may-

(a) provide for the classification of supply of water under the following categories, namely:-

(i) supply to residential buildings;

(ii) supply to residential hotels;

(iii) supply to shops, commercial establishments (other than industrial undertakings), restaurants, eating houses, theaters and places of public amusement or entertainment;

(iv) supply to industrial undertakings;

(v) supply to non-residential buildings not falling within the scope of category (ii), category (iii) or category (iv).

Explanation. - In this clause, unless the context otherwise requires, the expression 'commercial establishment', 'eating house', 'residential hotel', 'restaurant', 'shop', and 'theatre', shall have the meanings assigned to them in the Andhra Pradesh (Andhra Area) Shops and Establishments Act, 1947 (Act XXXVI of 1947);

(b) provide for the levy of different rates of charge in respect of water supplied to the different categories specified in clause (a);

(c) in cases of supply to residential buildings, lay down the maximum free allowances to be made and the rates of charge to be levied in respect of water supplied in excess of such allowance; and

(d) in cases of supply to all buildings lay down that the charge for water supplied shall be based on the number of taps allowed, irrespective of the quantity of water consumed.

142. Levy and collection of pipe-line service charges. - The Government may, by notification, direct the council to levy and collect pipeline service charges from every owner or occupier of a premises to which water connection has been given at such rate as may be prescribed to the different categories specified in Clause (a) of sub-section (2) of Section 141 to defray the capital cost of pipeline service works undertaken by the Council and the operation and maintenance of the pipeline system from time to time:

Provided that no such charges shall be levied on the owner or occupier of any premises situated in the areas which are not served by the pipeline system of the Council.

143. Supply beyond the limits of municipality. - The council may, with the sanction of the Government and shall, on the direction of the Government, supply water to local authority or other person outside the municipality on such terms, if any, as may be approved by the Government.

144. Power to disconnect water-supply. - (1) The Commissioner or any person authorised by him in this behalf may cause to disconnect the supply of municipal water from any premises where-

- (a) the premises are unoccupied;
- (b) any water tax or any sum due for water for the cost of making a connection or for the cost or hire of a meter or for the cost of carrying out any work or test connected with the water-supply, which is chargeable to any person by or under this Act, is not paid within fifteen days after a bill for such tax or sum has been presented;
- (c) after receipt of a notice from the Commissioner requiring him to refrain from so doing, the owner or occupier continues to use the water or to permit it to be used in contravention of any bye-laws made under this Act;
- (d) the owner or occupier neglects within a period specified in any notice issued by the Commissioner under any bye-law made under this Act to put a meter or to comply with any other lawful order or requisition:
- (e) the owner or occupier wilfully or negligently damages his metre or any pipe or tap conveying municipal water;
- (f) the occupier refuses to admit the Commissioner or the person authorised into premises which he proposes to enter for the purpose of executing any work or of placing or removing any apparatus or of making any examination or inquiry in connection with the water supply, or prevents the Commissioner or the person authorised from doing such work, placing or removing such apparatus or making such examination or inquiry;
- (g) any pipes, taps, works or fittings connected with the municipal water-supply are found on examination by the Commissioner or the person authorised to be out of repair to such an extent as to cause waste or contamination of water;
- (h) the owner or occupier causes pipes, taps, works or fittings connected with the municipal water supply to be placed, removed, repaired or otherwise interfered with in violation of the bye-laws;

Provided that in a case falling under clauses (e), (f), (g) or (h), the Commissioner or the person authorised shall not take action, unless notice of not less than twenty-four hours is given to the owner or occupier of the

premises.

(2) The expense of disconnecting the supply shall be paid by the owner or occupier of the premises.

(3) In cases falling under clause (b) of sub-section (1), as soon as any money for non-payment of which water is disconnected together with the expense incurred thereof is paid by the owner or occupier, the Commissioner shall cause water to be supplied as before on payment of the costs, if any, of reconnecting the premises with the municipal water-works.

(4) No action taken under this section shall relieve any person from any penalties or liabilities which he may otherwise have incurred.

145. Non-liability of council for disconnection, or stoppage of supply in certain cases. -

Notwithstanding anything in any agreement the council shall not be liable to any penalty or damages for disconnecting supply of water or for not supplying water, in the case of any drought, or other unavoidable cause or accident, or the necessity for relaying or repairing pipes. Lighting

146. Provision for lighting in public streets. - The council shall, so far as the funds at its disposal permit, cause the public streets to be lighted and for that purpose shall provide such lamps and works as it thinks necessary.

147. Maintenance of system of drainage by council. - The council shall, so far as the funds at its disposal may permit, provide and maintain a sufficient system of public drains.

[147A. Acceptance of contributions towards the capital cost of underground drainage. - The Government may, by notification, direct the council to levy and collect pipe-line service charges from every owner or occupier of a premises, to which underground drainage connection has been given at such rate as may be prescribed to the different categories specified therein to defray the capital cost of sewerage and sewage treatment works undertaken by the council and the operation and maintenance of the sewerage system from time to time;

Provided that no such charges shall be levied on the owner or occupier of any premises situated in the areas which are not served by the sewerage system by the council.]

148. Owners of buildings to pay for clearance of sullage from their buildings by connecting their house-drains with public drains. - (1) For the discharge of drainage from private premises by connecting house-drains with municipal drains, payment shall be made under any one of the basis mentioned in sub-section (2) which the council may, by resolution, specify, at such times, and on such conditions as may be laid down in the bye laws made by the council and shall be recoverable in the same manner as the property tax.

(2) The basis referred to in sub-section (1) shall be the following:

- (a) a monthly rent at such rate for each building as may be laid down in the bye-laws;
- (b) such percentage of the capital value of the building as may be laid down in the bye-laws;
- (c) the number of taps allowed, irrespective of the quantity of water consumed.

149. Control over house drains, privies and cess pools. - All house drains whether within or outside the premises to which they belong and all private latrines and cess polls within the municipality shall be under the

control of the council but shall be altered, repaired, cleaned and kept in proper order at the expense of the owner of the premises to which the same belong or for the use of which they were constructed, and in conformity with bye-laws and regulations framed by the council in this behalf.

150. Connection of house-drains of private latrines with public drains of underground sewers. - (1)

The Commissioner shall, on an application by the owner or occupier of any premises or the owner of private street, arrange in accordance with the bye-laws, for the connection of the applicant's drain with any public drain, and where there is underground sewer, any private latrine with any underground sewer, at a distance not exceeding one hundred meters therefrom at the applicant's expense.

(2) (a) If there is a public drain or underground sewer or out-fall within a distance not exceeding thirty metres of the nearest point on any premises, or if within such distance, a public drain or underground sewer or out-fall is about to be provided or is in the process of construction, the Commissioner may, by notice, direct the owner or occupier of the said premises to construct a drain leading therefrom to such drain or underground sewer or place of out-fall, and to execute all such works, as may be necessary in accordance with the bye-laws and regulations at owner's expense. (a) Where the said owner or occupier fails to comply with the notice specified in clause (a) within fifteen days of its service, the Commissioner may construct the said drain and may direct that the expenses of constructing it shall be recovered in the same manner as property tax.

(3) If any premises are, in the opinion Commissioner, without sufficient means of effectual drainage, but no part thereof is situated within thirty metres of a public drain or underground sewer or its place of out-fall, the Commissioner may, by notice, direct the owner or occupier of the said premises to construct a cess-poll or septic tank or filters of such material, dimensions and description in such position and at such level as the Commissioner thinks necessary, and to construct a drain or drains emptying into such cess-poll, tank or filters, and to execute all such works as may be necessary in accordance with the bye-laws and regulations.

Provided that--

- (a) no requisition shall be made under this section on any person who has been exempted from payment of the property tax under sub-section (5) of Section 88; and
- (b) no person shall be required under this section to expend a sum exceeding ten times the property tax on any such building, with the land assessed with it as part of the same premises or, in the case of buildings exempted under Sec. 88, ten times the property tax which would be payable on such building with the land which would be assessed with it to the property tax, if such building were not exempt; and if any amount exceeding the said sum is expended, the excess shall be borne by the council.

151. Commissioner may close or limit the use of existing private drains. - (1) Where a drain connecting any premises with a public drain or other place set apart by the council for discharge of drainage is sufficient for the effectual drainage thereof and is otherwise unobjectionable, but is not, in the opinion of the Commissioner, adapted to the general drainage system of the municipality or of the part of the municipality in which such drain is situated, the Commissioner with the approval of the council may

- (a) subject to the provisions of sub-section (2), close discontinue or destroy the said drain and do any work necessary for that purpose; or

(b) direct that such, drain shall, from such date as he specifies in this behalf, be used for sullage and sewage only, or for water unpolluted with sullage or sewage only, and by notice require the owner of the premises to make, at his own expense an entirely distinct drain for water unpolluted with sullage or sewage or for sullage and sewage.

(2) No drain may be closed, discontinued or destroyed by the Commissioner under clause (a) of sub-section (1), except on condition of his providing another drain as effectual for the drainage of the premises and communicating with a public drain or other place aforesaid, and the expense of the construction of any drain so provided by the Commissioner and of any work done under clause (a) of Section (1) shall be paid by the council.

152. Power of Commissioner to drain premises in combination. - (1) When the Commissioner is of opinion that any group or block of premises, any part of which is situated within thirty metres of a municipal drain already existing or about to be provided or in the process of construction, may be drained more economically or advantageously in combination than separately, the Commissioner may cause such group or block of premises to be drained and the expenses incurred by the Commissioner in so doing shall be paid by the owners in such proportions as the Commissioner may decide.

(2) Not less than fifteen days before any work under this section is commenced, the Commissioner shall give notice to the owners of

- (a) the nature of the intended work,
- (b) the estimated expenses thereof, and
- (c) the proportion of such expenses payable by each owner:

(3) The owners, for the time being, of the several premises constituting a group or block, drained under subsection (1), shall be the joint owners of every drain constructed, erected or fixed, or continued for the special use and benefit only of such premises and shall, in the proportion in which it is determined that they are to contribute to the expenses incurred by the Commissioner under sub-section (1), be responsible for the expense of maintaining every such drain in good repair and efficient condition.

153. Building etc., not to be erected without permission over drains. - (1) Without the permission of the council, no person shall place or construct any fence, building culvert, drain covering, drain or other structure or any street, railway or cable over, under, in or across, any public drain, or stop up, divert, obstruct or in any way interfere with, any public drain, whether it passes through public or private ground.

(2) The Commissioner may remove or otherwise deal with anything placed or constructed in contravention of Sub-section (1) as he shall think fit and the cost of so doing shall be recoverable from the owner thereof in the manner provided in Section 364.

154. Construction of culverts or drain coverings by owner or occupier. - (1) The Commissioner may by notice require the owner or occupier of any building or land adjoining a public street to construct culverts or drains-coverings over the side channels or ditches at the entrances to the said building or land.

(2) All culverts or drain-coverings or pails maintained over side channels or ditches by the owners or occupiers of adjacent buildings or lands shall be of such form and size and consist of such materials and be

provided with such means of ventilation as the Commissioner may by notice require and shall be maintained and kept free from all obstruction at the expense of the said owners or occupiers.

155. Power to regulate discharge of water from building or land. - (1) The owner or occupier of any building in a public street shall, within fifteen days after receipt of notice in that behalf from the Commissioner put up and thenceforward, keep and maintain in good condition proper troughs and pipes built and fixed in accordance with the directions, if any, issued by the Commissioner or contained in the bye-laws of the council, for catching and carrying the water from the roof and other parts of such building and for discharging such water in such manner as the Commissioner may permit.

(2) For the purposes of efficiently draining any building or land the Commissioner may, by notice-

- (a) require any court-yard, alley or passage between two or more buildings to be paved by the owners of such buildings with such materials and in such manner as may be approved by him; and
- (b) require such pavement to be kept in proper repair.

156. Provision of public latrines and urinals. - The council shall, as far as the funds at its disposal may permit, provide and maintain in proper and convenient places a sufficient number of public latrines and urinals and shall cause the same to be daily cleaned and kept in proper order.

156A. Licensing of public latrines and urinals. - (1) On receipt of an application from any person in the prescribed form and on payment of the fee prescribed, the Commissioner may issue a licence for a period not exceeding one year for maintaining a latrine or urinal for public use.

(2) No person shall keep or maintain a public latrine or urinal without a licence under sub-section (1).

(3) Every licensee of a public latrine or urinal shall maintain it cleanly and keep it in proper order.

157. Provision of latrines by owner or occupier. - (1) The municipal health officer may by notice require the owner or occupier of any building within the time specified in such notice to provide a latrine or alter or remove from an unsuitable to a more suitable place any existing latrine in accordance with the direction contained in such notice for the use of the persons employed in or about or occupying such building and to keep it clean and in proper order.

(2) Every owner or occupier of the ground on which any group of six or more huts stand shall provide latrines of such description and number and in such position as the municipal health officer may by notice require within such time as may be fixed in the notice for the use of the inhabitants of such huts.

(3) Where the owner or occupier of the building or ground has made any default in providing any such latrine within the time specified, the Chairperson may construct the latrine and may direct that the expense of constructing it shall be recovered in the same manner as the property tax.

158. Provision of latrines for labourers. - Every person employing workmen, labourers or other persons exceeding ten in number, shall provide and maintain for the separate use of persons of each sex so employed, latrines of such description and number and in such position, as the municipal health officer may, by notice require, within such time as may be fixed in the notice.

159. Provision of latrines for markets, cart-stands, cattle sheds, choultries, etc. - The Municipal health-officer may by notice require the owner or manager of a market, cart-stand, cattle-shed, country, theatre,

railway station, dock, wharf or other place of public resort within the time specified in such notice to provide and maintain for the separate use of persons of each sex, latrines of such description and number and in such position as may be specified in such notice.

160. Latrines to be screened from view and kept clean. - All latrines shall be so constructed as to screen persons using the same and the filth from the view of the persons passing by or residing in the neighbourhood and shall be kept clean and in proper order.

161. Power to carry wire, pipes, drains, etc., through private property subject to causing as little inconvenience as possible and paying for direct damage. - The Commissioner may carry any cable, wire, pipe, drain or channel of any kind to establish or maintain any system of drainage, water-supply or lighting, through, across, under, or over any road, street or place laid out for a road or street, and after giving reasonable notice to the owner or occupier, through, across, under, over or up the side of any land or building in the municipality and may place and maintain posts, poles, standards, brackets or other contrivances, to support wires and lights on any pole or post in the municipality not vested in the Government and may do all acts necessary for repairing or maintaining any such cable, wire, pipe, drain, channel, post, pole, standard, bracket, or other similar contrivance in an effective state for the purpose of which it is intended to be used or for removing the same: Provided that such work shall be done so as to cause the least practicable nuisance or inconvenience to any person;

Provided further that the Commissioner shall, with the sanction of the council, pay compensation to any person who sustains damage by the exercise of such power.

162. Prohibition against making connection with mains without permission. - (1) No person shall, without the permission of the Commissioner make any connection with any municipal cable, wire, pipe, drain, channel or with the connection of any other person.

(2) The Commissioner may by notice require any connection made in contravention of Sub-section (1) to be demolished, removed, closed, altered or remade.

163. Powers in respect of works outside the municipality. - (1) The council shall not undertake new works beyond the limits of the municipality without the sanction of the Government.

(2) The Council may, in the execution and for the purpose of any works beyond the limits of the municipality sanctioned by the Government whether before or after the passing of this Act, exercise all the powers which it may exercise within the municipality throughout the line of the country through which conduits, channels, pipes, line of posts and wires and the like run, and with the sanction of the Government.

(a) over any lake, tank or reservoir, from which a supply of water for drinking for producing electric energy or for other purposes is derived and over all lands within one kilometre water level of any such lake, tank or reservoir;

(b) over any water-course from which a supply of water for drinking for producing electric energy or for other purposes is derived within one kilometre above and half kilometre below any point at which water is taken for such area; and

(c) over any lands used for sewage, farms, sewage disposal tanks, filters and other works connected with the drainage of the municipality.

CHAPTER 2***Scavenging***

164. Council to arrange for the removal of rubbish and filth and for the preparation and sale of compost. - The council shall make adequate arrangements for--

- (a) the regular sweeping and cleaning of the streets and removal of sweeping therefrom;
- (b) the daily removal of filth and carcasses of animals from private premises;
- (c) the daily removal of rubbish from dust-bins and private premises, and with this object, it shall provide-
 - (i) depots for the deposits of filth, rubbish and the carcasses of animals;
 - (ii) covered vehicles or vessels for the removal of filth;
 - (iii) vehicles or other suitable means for the removal of the carcasses of large animals and rubbish;
 - (iv) dust-bins for the temporary deposit of rubbish;
- (d) utilization of road sweepings, rubbish and filth for preparation of compost and its sale;
- (e) the utilization of carcasses of animals for the supply of bones for the purpose of manures and its sale.

165. Contribution from persons having control over places of pilgrimage. - Where a mosque, temple, mutt, or any place of religious worship or instruction or any place which is used for holding fairs, festivals or for other like purpose, is situated within the limits of a municipality or in the neighbourhood thereof and attracts either throughout the year or in particular occasions a large number of persons any special arrangements necessary for public health, safety or convenience whether permanent or temporary shall be made by the council and the council may require the trustee or other person having control over such place to make such recurring or non-recurring contribution as the Government may determine to the funds of the council

166. Prohibition of improper disposal of carcasses, rubbish and filth. - No person shall, after due provision has been made under Section 164 by the council for deposit and removal of the same,

- (a) deposit the carcasses of animals, rubbish or filth in any street, or on the varandah of any building, or on any unoccupied ground alongside any street or any public quarry, jetty or landing place, or on the bank of a watercourse or tank; or
- (b) deposit filth or carcasses of animals in any dust-bin or in any vehicle not intended for the removal of the same; or
- (c) deposit rubbish in any vehicle or vessel intended for the removal of filth save for the purpose of deodorizing or disinfecting the filth.

167. Prohibition against keeping night-soil, etc. - No owner or occupier of any premises shall keep or allow to be kept for more than forty-eight hours night-soil, putrid, putrefying substances or any offensive matter on such premises of any building or on the roof thereof or in any out-building, or any place thereof, or fails to comply with any requisition of the municipal health officer as to the construction, repair, paving or cleaning of any latrine, on or belonging to, his premises.

168. Prohibition against allowing out flow of filth. - No owner or occupier of any premises shall allow water from any sink, drain, latrine or stable, or any other filth to flow out of such premises to any portion of a street except a drain or a cesspool or to flow out of such premises in such manner as to cause an avoidable nuisance by the soakage of the said water or filth into the walls or grounds at the side of a drain forming a portion of a street.

169. Prohibition against using any cart without cover in the removal of filth, etc. - No person shall, in the removal of filth, use any cart or receptacle not having a proper covering for preventing the escape of the contents thereof, or of the stench therefrom, or intentionally or negligently spill any filth in the removal thereof, or omit carefully to sweep and clean every place in which any such filth has been spilled or placed or set down in any public place any filth whether in a vessel closed or open.

170. Prohibition against throwing rubbish or filth into drains. - No person shall put or cause to be put any rubbish or filth into any public drain not intended for rubbish or filth or into any drain communicating with any such public drain.

170A. Disposal of waste. - Every Municipal Council shall arrange for the disposal of the waste collected by it in such manner as may be prescribed.

CHAPTER 3

Streets

171. Maintenance and repair of streets. - (1) The Council shall, at the cost of the municipal fund, cause the public streets and bridges to be maintained and repaired and may, from the same fund, meet the cost of all improvements to the same which are necessary or expedient for the public safety or convenience.

Provided that the powers of the council under this sub-section shall also be exercisable by the Chairperson where the cost of maintenance, repair or improvement does not exceed

- (a) rupees one thousand five hundred per annum in the case of second grade or third grade municipality;
- (b) rupees three thousand per annum in the case of any other municipality.

(2) The council may entrust to any other local authority with the consent of such authority the maintenance of any public street or portion thereof, the cost of maintenance being provided by the Council.

171A. Government's power to repair the public streets vested in the Municipal Council. - (1) Notwithstanding anything contained in this Act, it shall be competent for the Government or any other agency authorised by them in this behalf to exercise the powers of the Council and the Commissioner vested in them by or under this Act for the purpose of repairing the public streets and bridges vested in the Council and also to lay new roads at their own expense in public interest.

(2) For the purpose of enabling the Government or the agency authorised by them to undertake repairs under sub-section (1), the public streets and bridges shall vest in the Government temporarily from a date to be notified by them in this behalf and thereupon it shall be competent for the Government to take over possession of the public streets and bridges from the said date. The public streets and bridges or any new roads laid

under sub-section (1) shall continue to vest in the Government until the notification is revoked and thereafter stand transferred to the Council.

(3) It shall be the duty of the Council and the Commissioner to carry out any directions issued by the Government for the purposes of sub-sections (1) and (2).

172. Powers of municipal authorities. - (1) The council may--

- (a) lay out and make new public streets;
- (b) construct bridges and sub-ways;
- (c) turn, divert or with the special sanction of the Government permanently close any public street or part thereof;
- (d) widen, open, extend or otherwise improve any public street.

(2) The owners and occupiers of any land or buildings which are acquired for, or affected by any such purposes shall be paid such reasonable compensation as may be determined by the executive committee.

173. Power to dispose of permanently closed streets. - (1) When a public street is permanently closed under Section 172 the council may, with the sanction of the Government, dispose of the site or of so much thereof as is no longer required in such manner as may be approved by the Government, provided that due compensation is made to any person injured by such closing.

(2) In determining such compensation, allowance shall be made for any benefit accruing to the same premises or any adjacent premises belonging to the same owner from the construction or improvement of any other public street, at or about the same time that the public street, on account of which the compensation is paid, is closed.

174. Acquisition of land and buildings for improvement of streets. - (1) The council may acquire-

- (a) any land required for the purpose of turning, diverting, opening, widening, extending, or otherwise improving any public street, or of making any new public street, and the buildings, if any, standing upon such land; and
- (b) any land outside the proposed street alignment, with the buildings, if any, standing thereupon:

Provided that in any case in which it is decided to acquire any land under clause (b) of this sub-section, the owner of such land may retain it by paying to the council an annual sum to be fixed by the council in that behalf, or a lump-sum to be fixed by the council, not being less than twenty-five times such annual sum and subject to such conditions as the council thinks fit as to the removal of the existing building, if any, the description of the new building, if any, to be erected, the period within which the new building, if any, shall be completed and any other similar matters.

(2) If any sum payable in pursuance of the proviso to sub-section (1) in respect of any land be not duly paid, it shall be recoverable in the manner provided by this Act for the collection of taxes, and, if not so recovered, the Commissioner may enter upon the land, and sell it, with any erections standing thereon, by public auction subject to the conditions, if any, imposed under sub-section (1) above and may deduct the said sum and the expenses of the sale from the proceeds of the sale and shall pay the balance, if any, to the defaulter.

(3) Any sum paid in pursuance of the proviso to sub-section (1) or recovered under sub-section (2) in respect of any land shall be left out of account in determining the capital value or the annual rental value of such land for the purpose of assessing it to the property tax.

(4) Any land or building acquired under clause (b) of sub-section (1) may be sold, leased or otherwise disposed of after public advertisements, and any conveyance made for that purpose may comprise such conditions as the council think fit as to the removal of the existing building, if any, the description of the new building, if any, to be erected, the period within which the new building, if any, shall be completed and any other similar matters.

(5) The council may require any person to whom any land or building is transferred under sub-section (4) to comply with any conditions comprised in the said conveyance before it places him in possession of the land or building.

175. Power to specify building line and street alignment. - (1) The council may -

- (a) specify for any public street a building line or a street alignment or both;
- (b) from time to time, define a fresh line in substitution for any line so defined or for any part thereof:

Provided that in either case--

- (i) at least one month before the meeting of the council at which the matter is decided, public notice of the proposal has been given and special notice thereof has also been put up in the street or part of the street for which such line is proposed to be defined, and
- (ii) the council has considered all objections to the said proposal made in writing and delivered at the municipal office not less than three clear days before the day of such meeting.

(2) A register with plans attached shall be kept by the Commissioner showing all publicities in respect of which a building, lane or street alignment or both have been specified and such register shall contain such particulars as may appear to the Commissioner to be necessary and shall, at all reasonable times, be open for public inspection.

176. Buildings not to be constructed within street alignment or building line. - (1) No person shall construct any portion of any building within a street alignment defined under Section 175.

(2) No person shall erect or add to any building between street alignment and a building line defined under Section 175 except with the permission of the Commissioner who may, when granting the permission, impose such conditions as the council may lay down for such cases.

177. Setting back projecting buildings or walls. - (1) When any building or part thereof abutting on a public street is within a street alignment defined under Section 175, the Commissioner may, whenever it is proposed--

- (a) to rebuild such buildings or take it down to an extent exceeding one half thereof above the ground level, such half to be measured in cubic centimetres, or
- (b) to remove, reconstruct or make any addition, to any portion of such building which is within the street alignment, by an order require such building, addition or alteration to be set back to the street alignment;

Provided that such setting back shall not be required in respect of such building or a portion thereof which has not been demolished and rebuilt.

(2) When any building or any part thereof within the street alignment falls down or is burnt down or is, whether by order of the Commissioner or otherwise, taken down, or when any private land without any building thereon lies within the street alignment, the Commissioner may forthwith take possession on behalf of the council of the portion of land within the street alignment, and if necessary, clear it.

(3) Land acquired under this section shall be deemed to be a part of the public street and shall vest in the council.

(4) When any building is set back in pursuance of any requisition made under sub-section (1), or when the Commissioner takes possession of any land under sub-section (2), the council shall, within ninety days from the date of such setting backing or taking possession, make full compensation to the owner for any direct damage which he may sustain thereby.

Explanation. - The expression 'direct damage', as used in sub-section (4) with reference to land, means the market value of the land taken and the depreciation, if any, in the ordinary market value of the rest of the land resulting from the area being reduced in size; but does not include damage due to the prospective loss of any particular use to which the owner may allege that he intended to put the land, although such use may be injuriously affected by the reduction of the site.

178. Setting buildings forward to improve line of street. - The council may, upon such terms as it thinks fit, allow any building to be set forward for the purpose of improving the line of a public street and may, by notice, require any building to be so set forward in the case of re-construction thereof or of a new construction.

Explanation. - For the purpose of this section, a wall separating a premises from a public street shall be deemed to be a building; and shall be deemed a sufficient compliance with permission or requisition to set forward a building to the street alignment, if a wall of such material and dimensions as are approved by the Commissioner is erected along the side line.

179. Projected streets. - (1) The council may prepare schemes and plans of proposed public streets showing the direction of such streets, the street alignment and building line on each side of them, their intended width and such other details as may appear desirable.

(2) The width of such proposed streets shall not ordinarily be less than twelve metres, or in any area covered by huts, nine metres.

(3) It shall be the duty of the council to lay out public streets in areas covered by huts, so far as may be practicable, both for the purpose of securing proper ventilation for huts in such areas, and in view of the contingency of buildings being erected therein.

(4) When any plan has been prepared under sub-section (1) the street to which it refers shall be deemed to be a projected public street, and the provisions of Section 177 shall apply to all buildings, so far as they stand across the street alignment or building line of the projected street.

180. Watering of streets. - The council shall, so far as it considers it requisite for the public convenience, and so far as funds permit, cause the chief public streets to be watered, and for that purpose may provide such water-carts, animals and apparatus as it thinks necessary.

181. Temporary closure of streets. - The Commissioner may by an order in writing temporarily close any street to traffic for repair, or in order to carry out any work connected with drainage, water-supply or lighting or any of the purposes of this Act;

Provided that such work shall be completed and such street re-opened to traffic with all reasonable speed.

182. Protection of appurtenances and materials of streets. - It shall not be lawful for any person, without the permission of the Commissioner, to displace, take up, or make any alteration in the fences, posts, pavements, flags or other materials of any public street.

183. Power of municipality to recover expenses caused by extraordinary traffic. - When by a certificate of an officer of the Government of a rank not below that of Executive Engineer it appears to the council, that having regard to the average expense of repairing roads in the neighbourhood, extraordinary expenses have been incurred by the council in repairing a street by reason of the damage caused by excessive weight passing along the street, or extraordinary traffic thereon, the council may recover, in the civil court, having jurisdiction, from any person by or in consequence of whose order such weight or traffic has been conducted, the amount of such expenses as may be proved to the satisfaction of such court to have been incurred by such council by reason of the damage arising from such weight or traffic as aforesaid;

Provided that any person against whom expenses are or may be recoverable under this section, may enter into an agreement with the council for the payment to it of a compensation in respect of such weight or traffic and thereupon the persons so paying shall not be subject to any proceedings under this section. Private Streets.

184. Owner's obligation to make a layout and to form a street or road when disposing of lands as building sites. - (1) The owner of any agricultural land who intends to utilise or sell such land for building purposes shall pay to the council such conversion fee as may be fixed by the council, not being less than twenty-five paise and not more than one rupee per square metre:

Provided that no such conversion fee shall be payable where an agricultural land belonging to charitable, religious or such other institutions as may be prescribed is intended to be utilised or sold for building purposes.

(2) The owner of any land shall, before he utilises, sells, leases, or otherwise disposes of such land or any portion thereof, as sites for construction of buildings-

- (a) make a layout and form a street or road giving access to sites and connecting them with an existing public or private street except in the cases where the sites abut on an existing public or private street;
- (b) set apart in the layout adequate area of land on such a scale as may be prescribed for a play-ground, a park, an educational institution or for any other public purpose.

(3) Unless the conditions specified in Clauses (a) and (b) of Sub-section (2) are satisfied, the owner shall not be entitled to utilise, sell, lease, or otherwise dispose of his land or any portion thereof for the construction of buildings.

(4) No permission for the construction of buildings in such land or portion thereof shall be granted unless

- (i) the street or road as required in clause (a) of sub-section (2) is laid out and the condition required in clause (b) thereof is fulfilled:

- (ii) all layouts indicating sub-divisions of land, however small they are, are approved by the council;
- (iii) any proposal for sub-division before it is registered in the records of the municipality is certified by the town planning officer as having been approved;
- (iv) in all cases of sub-division--
 - (a) the plot is not less than the size fixed by the council from time to time;
 - (b) the streets and lanes proposed conform to the minimum standards fixed by the council.
- (v) a copy of the title deed of the land duly attested by a Gazetted Officer of the Government together with an urban land ceiling clearance certificate, in case the extent of land exceeds the ceiling limit and if it does not exceed the ceiling limit an affidavit declaring that the total extent of land held by such holder, his or her spouse and unmarried minor children does not exceed the ceiling limits are furnished.

185. Making of a layout and forming of new private streets or road. - (1) Any person intending to make a layout and form a new private street or road shall send to the municipal office a written application with plans and sections showing the following particulars namely:-

- (a) the intended level, direction and width of the street:
- (b) the street alignment and the building line:
- (c) the arrangements to be made for levelling, paving, metalling, flagging, channelling, severing, draining, conserving, lighting the street, and the provision for water-supply mains; and
- (d) the area set apart for public purposes under clause (b) of sub-section (2) of Section 184.
- (e) a copy of the title deed of the land duly attested by a Gazetted Officer of the Government together with an urban land ceiling clearance certificate, or as the case may be an affidavit, referred to in Section 184.

(2) In addition to the particulars referred to in sub-section (1), such person shall-

- (i) where there is conversion of agricultural land, enclose a certificate to the effect that conversion fees as required under sub-section (1) of Section 184 has been paid; and
- (ii) for the purpose of fulfilling the obligations imposed under Section 184, deposit as security such amount, as may be prescribed, in the municipal treasury, or give as security in favour of the municipality and such extent of the land, and of such value, as may be prescribed, in the area covered by his layout.

(3) The Commissioner shall, within fifteen days from the date of its receipt in the municipal office, call for further particulars, where necessary or forward the same to the Director of Town Planning. Where further particulars are called for, they shall be furnished by the applicant within ten days from the date of receipt of the notice by him, and the Commissioner shall forward to the Director of Town Planning, the layout plan with full particulars within a period of fifteen days from the date of receipt of particulars from the applicant. The Director of Town Planning shall, within sixty days from the date of receipt of the layout plan in his office, forward his recommendations to the municipality. The council may, within sixty days from the date of receipt of the recommendation of the Director of Town Planning, sanction the layout having due regard to such recommendations and subject to such conditions as it may deem fit or refuse to sanction for reasons to be recorded in writing.

(4) Such sanction may be refused on any of the following grounds namely--

- (i) if, in the opinion of the council, the proposed street or road is likely to disturb any arrangements made or to be made, for carrying out of any general scheme for the laying out of street or road either in the master plan or a detailed town planning scheme prepared therefor under the relevant law relating to the town planning for the time being in force;
- (ii) if the proposed street or road in the layout does not conform to the provisions of the Act or the rules made thereunder;
- (iii) if the proposed street or road is not so designed as to connect atleast at one end with a street which is already open; or
- (iv) if adequate area has not been set apart for public purposes under clause (b) of sub-section (2) of Section 184,
- (v) if a copy of the title deed of the land duly attested by a Gazetted Officer of the Government together with an urban land ceiling clearance certificate, or as the case may be, an affidavit referred to in Section 184 are not furnished as required under sub-section (1) thereof;

(5) No person shall make a layout and form any new private street or road without, or otherwise than in conformity with, the orders of the council. If further information is called for, no steps shall be taken to make a layout and form the street or road until orders are passed in that regard. Any application not disposed of within a period of one hundred and fifty days from the date of receipt in the municipal office of the required particulars in respect of such application shall be deemed to have been sanctioned in accordance with the provisions of this Act.

186. Alteration or demolition of street or road made in breach of Section 185. - (1) If any person makes a layout and forms any street or road referred to in Section 185 without, or otherwise than in conformity with, the orders of the council, the Commissioner may, whether or not such person be prosecuted under this Act, by notice-

- (a) require such person to show sufficient cause, by a written statement signed by him and sent to the Commissioner on or before such days as may be specified in the notice, why such street or road should not be altered to the satisfaction of the Commissioner or if such alteration is impracticable, why such street or road should not be demolished; or
- (b) require such person to appear before the Commissioner either personally or by a duly authorised agent on such day and at such time and place as may be specified in the notice, and show cause as required in clause (a).

(2) If any person on whom such notice is served fails to show cause to the satisfaction of the Commissioner why such street or road should not be so altered or demolished, the Commissioner may pass an order directing the alteration or demolition of such street or road.

187. Power of Commissioner to order work to be carried out or to execute it in default. - (1) Where any private street or road or part thereof, is not levelled, paved, metalled, flagged channelled, sewerred, drained, conserved or lighted, or where in any street or road water supply mains are not laid, to the satisfaction of the Commissioner, he may, by notice, require the owner of the land which abuts on such street or road or part thereof to carry out any work specified in such notice within such time as is fixed therein.

(2) Where such work is not carried out within the time specified in the notice, the Commissioner may, if he thinks fit, execute it and the expenses incurred therefor as determined by him shall be paid by the owner.

(3) Where the owner of such land fails to pay the expenses due from him under sub-section (2), the Commissioner shall deduct the same from the deposit made by him or, as the case may be, from the amount realised by auctioning the land given as security by him, under clause (ii) of sub-section (2) of Section 185 and refund to him the balance, if any. Where the deposit or the amount realised by auctioning the land given as security is not sufficient to meet the expenses, the balance of the expenses, shall be recovered from him in the same manner as property tax.

(4) The amount deposited or the land given as security, under clause (ii) of sub-section (2) of Section 185, may be refunded or released only on the production of a certificate from the municipal engineer that the owner has fulfilled the obligations imposed under this section and Section 184 or where the council is satisfied that the owner has given up his intention to make a layout and form a new private street or road.

Explanation. - In this section, 'the owner' means the person referred to in Section 185.

188. Right of owner to require street to be declared public. - If any street has been levelled, paved, metalled, flagged, channelled, drained, conserved and lighted under the provisions of Section 187, such street shall, on the requisition of not less than three-fourths of the owners thereof, be declared a public street by notification in the District Gazette, or, where there is no such District Gazette, in the Andhra Pradesh Gazette.

Encroachments on streets

189. Prohibition against obstruction in, or over streets. - No one shall build any wall or erect any fence or other obstruction or projection or make any encroachment in or over any street except as hereinafter provided.

190. Streets open to all. - All streets vested in, or to be vested in, or maintained by a council, shall be open to all persons.

191. Prohibition and regulation of doors, ground-floor windows and bars opening outwards. - (1) No door, gate, bar or ground-floor window shall, without a licence from the Commissioner, be hung or placed so as to open outwards upon any street.

(2) The Commissioner may, by notice, require the owner of such door, gate, bar or window to alter it so that no part thereof when open shall project over the street.

192. Removal of encroachments. - (1) The Commissioner may cause to be removed or altered

- (a) any projection, encroachment or obstruction (other than a door, or gate or a necessary access thereto, or bar or ground floor windows) situated against, or in front of such premises and in, or over any street;
- (b) any article whatsoever, hawked or exposed for sale in a public place or in any public street in contravention of the provisions of this Act, together with any vehicle, package, box or any other thing in or on which such article is placed.

(2) If the owner or occupier of the premises proves that any such projection, encroachment or obstruction under clause (a) of sub-section (1) has existed for a period sufficient under the law of limitation to give any person a prescriptive title thereto or that it was erected or made with the permission or licence of any municipal authority duly empowered in that behalf, and that the period, if any, for which the permission or

licence is valid has not expired, the council shall make reasonable compensation to every person who suffers damage by the removal or alteration of the same.

(3) No decision made or order passed or proceeding taken by the Commissioner effecting removal of encroachments shall be called in question before a civil court in any suit, application or other proceeding and no injunction shall be granted by any court in respect of any proceeding taken by the Commissioner.

193. Power to allow certain projections and erections. - (1) The Commissioner may grant a licence, subject to such conditions and restrictions as he may think fit, to the owner or occupier of any premises to put up verandahs, balconies, sun-shades, weather-frames and the like, to project over a street, or in streets in which the construction of arcades has been sanctioned by the Commissioner to put up an arcade, or to construct any step or drain-covering necessary for access to the premises.

(2) The Commissioner may grant a licence subject to such conditions and restrictions as he may and think fit, for the temporary erection of pandals and other structures, in a street vested in the council or in any other public place, the control of which is vested in the council.

(3) The Commissioner shall have power to lease road sides and street margins vested in the Council for occupation for a temporary purpose on such terms and conditions and for such period not exceeding thirty days as the Commissioner may fix.

(4) But neither a licence under sub-section (1) nor a lease under sub-section (3) shall be granted if the projection, construction or occupation is likely to be injurious to health or cause public inconvenience or otherwise materially interfere with the use of the road as such.

(5) The exercise by the Commissioner of the powers under this section shall be in accordance with such rules as the Government may make in this behalf.

(6) On the expiry of any period for which a licence or lease has been granted under this section, the Commissioner may, without notice, cause any projection or construction put up under sub-section (1) or subsection (2) to be removed, or cause the occupier to be evicted and the cost of so doing shall be recoverable in the manner provided in Section 364 from the person to whom the licence or lease was granted.

194. Power to evict certain persons from municipal premises. - (1) If the Commissioner is satisfied--

(a) that a person authorised to occupy any premises vesting in or belonging to, the council has, whether before or after the commencement of this Act--

(i) Not paid rent lawfully due from him in respect of such premises for a period of more than three months;

(ii) sublet, without the permission of the council, the whole or any part of such premises;

(iii) otherwise acted in contravention of any of the terms, express or implied, under which he is authorised to occupy such premises, or

(b) that any person without the previous permission or licence from the council is in unauthorised occupation of any premises of the council, he may notwithstanding anything in any law for the time being in force, by notice served by post, or by affixing a copy of it on the outer door or some other conspicuous part of such premises, or in such other manner as may be prescribed, order that such

person as well as any other person, who may be in occupation of the whole or any part of the premises shall vacate the same within one month of the date of the service of the notice, and where such notice relates to any land shall also remove any building or other construction or anything deposited on it.

(2) If any person refuses or fails to comply with an order made under sub-section (1), the Commissioner may, after giving such person an opportunity of making his representation, confirm such order and evict that person from, and take possession of, the premises and may for that purpose use such force as may be necessary.

(3) If a person, who has been ordered to vacate any premises under sub-clause (i) or sub-clause (iii) of clause (a) of sub-section (1) within one month of the date of service of the notice or such longer time as the competent authority may allow pays to the council, the rent in arrears or as the case may be, carries out or otherwise complies with the terms contravened by him to the satisfaction of the Commissioner, the Commissioner shall, in lieu of evicting such person under sub-section (2), cancel his order made under sub-section (1) and thereupon such person shall hold the premises on the same terms on which he held them immediately before such notice was served on him.

(4) If any damage to the property of the council is caused by any person occupying any such premises, he shall be liable to pay such compensation to the council for the damage as may be fixed by the council, and the amount of such compensation shall, in case of dispute, be determined and recovered in the manner hereinafter provided.

Explanation. - For the purpose of this section, the term "premises" shall mean any land or building or part of a building and includes

- (i) gardens, grounds and out-houses, if any, appertaining to such building or part of a buildings, and
- (ii) any fittings affixed to such building, or part of a building for the more beneficial enjoyment thereof.

195. Precautions during repairs of streets. - (1) The Municipal Engineer or where there is no Municipal Engineer, the Commissioner shall during the construction or repair of any street, drain or premises vested in the council--

- (a) cause the same to be fenced and guarded;
- (b) take proper precautions against accident by shoring up and protecting the adjoining building; and
- (c) cause such bars, chains or posts to be fixed across or in any street in which any such work is under execution as are necessary in order to prevent the passing of vehicles or animals and avert danger.

(2) The said officer shall cause such drain, street, or premises to be sufficiently lighted or guarded during the night while under construction or repair.

(3) The said officer shall, with all reasonable speed, complete the said work, fill in the ground and repair the said drain, street, or premises and remove the rubbish occasioned thereby.

196. Prohibition against removal of bars and lights. - No person shall without lawful authority, remove any bar, chain, post or shoring timber or remove or extinguish any light set up under Section 195.

197. Prohibition against making holes and causing obstruction. - (1) No person shall make a hole or cause obstruction in any street, unless he previously obtains the written permission of the Commissioner and complies with such conditions as the Commissioner may impose.

(2) When such permission is granted, such person shall at his own expense, cause such hole or obstruction to be sufficiently fenced and enclosed until the hole or obstruction is filled up or removed and shall cause such hole or obstruction to be sufficiently lighted during the night.

198. Licence for work on buildings likely to cause obstruction. - If any person intends to construct or demolish any building or to alter or repair the outward part thereof, and if any street or foot-way is likely to be obstructed or rendered inconvenient by means of such work, he shall first obtain a licence from the Commissioner in that behalf and shall also--

- (a) cause the said building to be fenced and guarded;
- (b) sufficiently light it during the night; and
- (c) take proper precautions against accidents during such time as the public safety or convenience requires.

199. Clearing of debris of fallen houses etc., by occupier. - If any obstruction is caused in any street by the fall of trees, structures or fences, the owner or occupier of the premises concerned shall, within twelve hours of the occurrence of such fall, or within such further period as the Commissioner may by notice allow, clear the street of such obstruction.

199A. Punishment for destroying road direction. - Whoever without authorisation from the Commissioner, defaces, disturbs or destroys or damages any municipal direction post, lamp post, or lamp or extinguishes any municipal light in public place, shall be punishable with fine which may extend to rupees five hundred.

200. Naming of public streets. - (1) The council shall give names to all public streets and may, with the approval of the Government, alter the name of any public street.

(2) The Municipal Engineer or where there is no Municipal Engineer, the Commissioner shall cause to be put up or painted in English and in the main language of the district on a conspicuous part of some buildings wall or place, at or near each end, corner or entrance, the name of every public street.

(3) No person shall, without lawful authority, destroy, pull down, or deface any such name or put up any name different from that put up by order of the said officer.

201. Numbering of buildings. - (1) The Commissioner shall cause a number to be affixed or painted to the side or outer door of any building or to some place at the entrance of the premises.

(2) No person shall, without lawful authority, destroy, pull down or deface any such number.

(3) When a number has been affixed or painted under sub-section (1) the owner of the building shall be bound to maintain such number and to replace it, if removed or defaced; and if he fails to do so, the Commissioner may, by notice, require him to replace it.

CHAPTER 4

Building Regulations

202. Construction of buildings for public worship. - No site shall be used for the construction of a building intended for public worship if the construction of a building thereon will wound the religious feelings of any

class of persons.

203. Permission for construction of new building not to be granted on certain sites. - No permission shall be granted for the construction of new building on any site which has been filled up with faecal or offensive vegetable or animal matter or upon which any such matter has been deposited unless the Municipal Health Officer certifies that such matter has been properly removed by excavation or otherwise or has become or been rendered innocuous.

204. Building site and construction of buildings. - No piece of land shall be used as a site for the construction of a building and no building shall be constructed or reconstructed otherwise than in accordance with the provisions of this part and of any rules or bye-laws made under this Act, relating to the use of building sites or the construction or reconstruction of buildings;

Provided that the Government may, in respect of all municipalities or with the consent of the council, in respect of any particular municipality or portion thereof, exempt all buildings or any class of buildings from all or any of the provisions of this chapter or the said rules.

205. Powers of council to regulate future construction of certain classes of buildings in particular streets or localities. - (1) The council may give public notice of its intention to declare--

(a) that in any streets or portions of streets specified in the notice--

(i) continuous building will be allowed;

(ii) the elevation and construction of the frontage of all buildings thereafter constructed or reconstructed shall, in respect of their architectural features, be such as the council may consider suitable to the locality; or

(b) that in any localities specified in the notice, the construction of only detached buildings will be allowed;
or

(c) that in any streets, portions of streets or localities specified in the notice, the construction of shops, warehouses, factories, huts or buildings of a specified architectural character, or buildings destined for particular uses, will not be allowed without the special permission of the council.

(2) No objections to any such declaration shall be received after a period of three months from the publication of such notice.

(3) The council shall consider all objections received within the said period and may then confirm the declaration, and before doing so, may modify it but not so as to extend its effect.

(4) The Commissioner shall publish any declaration so confirmed and it shall take effect from the date of publication.

(5) No person shall, after the date of publication of such declaration, construct or reconstruct any building in contravention of any such declaration.

206. Buildings at corner of streets. - (1) The Council may require any building intended to be erected at the corner of two streets to be rounded off or splayed off to such height and to such extent otherwise as it may determine and may acquire such portion of the site at the corner as it may consider necessary for public convenience or amenity and for any land so acquired the council shall pay compensation.

(2) In determining such compensation, allowance shall be made for any benefit accruing to the same premises from the improvement of the streets.

207. Prohibition against use of inflammable materials for buildings without permission. - No external roof, varandah, pendal or wall of a building shall be constructed or reconstructed of grass, leaves, mats or other inflammable materials, except with the permission of the Commissioner.

208. Prohibition against constructing doors, ground-floor windows and bars so as to open outwards.

- No door, gate, bar or ground-floor window which opens on any public street shall be constructed or reconstructed so as to open outwards except with the licence of the Commissioner under Section 191.

Building other than Huts

209. Application to construct or reconstruct buildings. - (1) If any person intends to construct or reconstruct a building other than a hut, he shall send to the Commissioner--

(a) an application in writing for the approval of the site, together with a site plan of the land, and

(b) an application in writing for permission to execute the work together with ground-plan, elevations and sections of the building, and a specification of the work.

(c) a copy of the title deed of the land duly attested by a Gazetted Officer of the Government together with an urban land ceiling clearance certificate or as the case may be, an affidavit referred to in Section 184.

Explanation. - 'Building' in this sub-section shall include a wall or fence of whatever height bounding or abutting on any public street.

(2) Every document furnished under sub-section (1) shall contain such particulars and be prepared in such manner as may be required under rules or bye-laws.

210. Necessity for prior approval of site. - The Commissioner shall not grant permission to construct or reconstruct a building unless and until it has approved of the site or an application made under Section 209.

211. Prohibition against commencement of work without permission. - The construction or reconstruction of a building shall not be begun unless and until the Commissioner has granted permission for the execution of the work.

212. Period within which Commissioner is to signify approval or disapproval. - Within sixty days after the receipt of any application made under Section 209 for approval of a site or of any information or further information required under rules or bye-laws, the Commissioner shall, by written order, either approve the site or refuse on one or more of the grounds mentioned in Section 215 to approve the site.

213. Period within which Commissioner is to grant or refuse to grant permission to execute work. -

Within sixty days after the receipt of any application made under Section 209 for permission to execute any work or of any information or of documents or further information or documents required under rules or byelaws, the Commissioner shall by written order either grant such permission or refuse on one or more of the grounds mentioned in Section 215 to grant it;

Provided that the said period of sixty days shall not begin to run until the site has been approved under Section 212.

214. Effect of delay in grant or refusal of approval or permission. - If within the period prescribed by Section 212 or Section 213, as the case may be, the Commissioner has neither given nor refused its approval of a building site, or its permission to execute any work, as the case may be, such approval or permission shall be deemed to have been given; and the applicant may proceed to execute the work, but not so as to contravene any of the provisions of this Act or any rules or bye-laws made under this Act.

215. Grounds on which approval of sites for or licence to construct or reconstruct building may be refused. - The only grounds on which approval of a site for the construction or reconstruction of a building or permission to construct or reconstruct a building may be refused are the following, namely:-

- (1) that the work, or use of the site for the work or any of the particulars comprised in the site plan, ground plan elevations, sections or specifications would contravene some specified provision of any law or some specified order, rule, declaration or bye-laws made under any law.
- (2) that the application for such permission does not contain the particulars or is not prepared in the manner required under rules or bye-laws;
- (3) that any of the documents referred to in Section 209 have not been signed as required under rules or byelaws;
- (4) that any information or a copy of the title deed of the land duly attested by a Gazetted Officer of the Government together with an urban land ceiling clearance certificate, or as the case may be, an affidavit referred to in Section 184 are not furnished or documents required by the Commissioner under rules or bye-laws have or have not been duly furnished.
- (5) that streets or roads have not been made as required by Section 184.
- (6) that the proposed building would be an encroachment upon Government or municipal land.

Whenever the Commissioner refuses to approve a building site for a building or to grant permission to construct or reconstruct a building, the reasons for such refusal shall be specifically stated in the order.

216. Lapse of permission. - If the construction or reconstruction of any building is not completed within the period specified, the permission shall lapse and a fresh application shall be made before the work is continued.

217. Power to require alteration of work. - (1) If the Commissioner finds that the work--

- (a) is otherwise than in accordance with the plans or specifications which have been approved; or
- (b) contravenes any of the provisions of this Act or any bye-law, rule, order of declaration made thereunder he may, by notice, require the owner of the building within a period stated either--
 - (i) to make such alterations as may be specified in the said notice with the object of bringing the work into conformity with the said plans or provisions; or
 - (ii) to show cause why alteration should not be made.

(2) If the owner does not show cause as aforesaid, he shall be bound to make the alterations specified in such notice.

(3) If the owner shows cause as aforesaid, the Commissioner shall by an order cancel the notice issued under sub-section (1), or confirm the same subject to such modifications as it may think fit.

218. Stoppage of work endangering human life. - Notwithstanding anything in any of the preceding sections the Town Planning Officer may, at any time, stop the construction or reconstruction of any building if in his opinion the work in progress endangers human life and shall report the fact to the Commissioner who shall have powers to pass such orders as he thinks fit for reasons to be recorded in writing.

219. Application of certain sections to wells. - The provisions of Section 209, Section 210, Section 211, Section 216, Section 217 and Section 221 shall, so far as may be, apply to a well.

220. Application to construct or reconstruct huts. - (1) Every person who intends to construct or reconstruct hut shall send to the Commissioner.

- (a) an application for permission to execute the work; and
- (b) a site plan of the land.

(2) Every such application and plan shall contain the particulars and be prepared in the manner required by rules or bye-laws.

221. Prohibition against commencement of work without permission. - The construction or reconstruction of a hut shall not be begun, unless and until the Commissioner has granted permission for the execution of the work on an application sent to him under Section 220

222. Period within which Commissioner is to grant or refuse to grant permission to execute the work.

- Within fourteen days after the receipt of any application made under Section 220 for permission to construct or reconstruct a hut or of any information or plan or further information or fresh plan required under rules or byelaws, the Commissioner shall, by written order, either grant such permission or refuse on one or more of the grounds mentioned in Section 224 to grant it.

223. Effect of delay in grant or refusal of permission. - If within the period prescribed by Section 222, the Commissioner has neither granted nor refused to grant permission to construct or reconstruct a hut such permission, shall be deemed to have been granted and the applicant may proceed to execute the work but not so as to contravene any of the provisions of this Act or any rules or bye-laws made under this Act.

224. Grounds on which permission to construct or reconstruct hut may be refused. - The only grounds on which permission to construct or reconstruct a hut may be refused are the following, namely:-

- (1) that the work or use of the site for work would contravene some specified provisions of any law or some specified order, rule, bye-law or declaration made under any law.
- (2) that the application for permission does not contain the particulars or is not prepared in the manner required under rules or bye-laws;
- (3) that any information or plan required by the Commissioner under rules or bye-laws has not been duly furnished;
- (4) that streets or roads have not been made as required by Section 184; or
- (5) that the proposed building would be an encroachment upon Government or municipal land.

Whenever the Commissioner refuses to grant permission to construct or reconstruct a hut, the reasons for such refusal shall be specifically stated in the order.

225. Lapse of permission. - If the construction or reconstruction of any hut is not completed within the period specified, the permission shall lapse and a fresh application shall be made before the work is continued.

226. Maintenance of external walls in repair. - The owner or occupier of any building adjoining a public street shall keep the external part thereof in proper repair with lime plaster or other material to the satisfaction of Commissioner.

227. Application of provisions to alterations and additions. - (1) The provisions of this chapter and of any rules or bye-laws made under this Act relating to construction and reconstruction of buildings shall also be applicable to any alteration thereof or addition thereto.

Provided that works of necessary repair which do not affect the position or dimension of a building or any room therein shall not be deemed as an alteration or addition for the purposes of this section.

x x x x

228. Demolition or alteration of building work unlawfully commenced, carried on or completed. - (1) If the Commissioner is satisfied--

(i) that the construction or reconstruction of any building or well--

(a) has been commenced without obtaining the permission of the Commissioner or the Chairperson as the case may be, or where an appeal has been made to the council, in contravention of any order passed by the council; or

(b) is being carried on, or has been completed, otherwise than in accordance with the plans or particulars on which such permission or order was based; or

(c) is being carried on, or has been completed, in breach of any of the provisions of this Act or of any rule or bye-law made under this Act or of any direction or requisition lawfully given or made under this Act or such rules or bye laws; or

(ii) that any alterations required by any notice issued under Section 217 have not been duly made; or

(iii) that any alteration of or addition to any building or any other work made or done for any purpose into or upon, any building, has been commenced or is being carried on or has been completed in breach of Section 227.

(2) The said officer shall serve a copy of the provisional order made under sub-section (1) on the owner of the building or well, together with a notice requiring him to show cause within a reasonable time to be named in such notice why the order should not be confirmed.

(3) If the owner fails to show cause to the satisfaction of the said officer, he may confirm the order with such modification as he thinks fit to make, and such order shall then be binding on the owner.

229. Exemptions. - (1) Any building constructed and used or intended to be constructed and used, exclusively for the purpose of a plant-house, summer-house, not being a dwelling, house, poultry house or aviary, shall be exempted from the provisions of this chapter other than Section 208 provided the building be wholly detached from, and situated at a distance of at least three meters from the nearest adjacent building.

(2) The Commissioner may grant permission at his discretion on such terms as he may decide in each case to erect for a specified period temporary huts or sheds for stabling, for watching crops, for storing tools or

materials, or for other similar purposes. On expiry of the period specified, the Commissioner may, by notice, require the owner of such hut or shed to demolish it.

230. Application of Schedule III. - The rules embodied in Schedule III shall be read as part of this chapter.

CHAPTER 5

Nuisance

231. Precautions in case of dangerous structures. - (1) If any structure appears to the Commissioner to be in a ruinous state and dangerous to the passersby or to the occupiers of neighbouring structures, he may by notice require the owner or occupier to fence off, take down, secure or repair such structures so as to prevent any danger therefrom.

(2) If immediate action is necessary, the Commissioner shall himself before giving such notice or before the period of such notice expires, fence off, take down, secure or repair such structure or fence off a part of any street or take such temporary measures as he thinks fit to prevent danger and the cost of doing so shall be recoverable from the owner or occupier in the manner provided in Section 364.

(3) If in the opinion of the Commissioner the said structure is imminently dangerous to the inmates thereof, he shall order the immediate evacuation thereof, and any person disobeying may be got removed with the help of any police officer.

232. Precautions in case of dangerous trees. - (1) If any tree or any branch of a tree or the fruit of any tree appears to the Commissioner to be likely to fall and thereby endanger any person or any structure, he may by notice require the owner of the said tree to secure, lop or cut down the said tree so as to prevent any danger therefrom.

(2) If immediate action is necessary, the Commissioner shall himself before giving such notice or before the period of such notice expires, secure, lop or cut down the said tree or remove the fruits thereof or fence off a part of any tree or take such other temporary measures as he thinks fit to prevent danger and the cost of so doing shall be recoverable from the owner of the tree in the manner provided in Section 364.

233. Precautions in case of dangerous tanks, wells, holes, etc. - (1) If any tank, pond, well, hole, stream, dam, bank or other place appears to the Commissioner to be, for want of sufficient repair, protection or enclosure, dangerous to the passers-by or to persons living in the neighbourhood, he may, by notice require the owner to fill in, remove, repair, protect or enclose the same so as to prevent any danger therefrom.

(2) If immediate action is necessary, he shall, before giving such notice or before the period of notice expires, himself take such temporary measures as he thinks fit to prevent danger and the cost of doing so, shall be recoverable from the owner in the manner provided in Section 364.

234. Power to stop dangerous quarrying. - If, in the opinion of the Commissioner the working of any quarry, or the removal of stone, earth or other material, from any place is dangerous to persons residing in, or having legal access to, the neighbourhood thereof or creates or is likely to create a nuisance, he may require the owner or person having control of the said quarry or place to discontinue working the same or to discontinue removing stone, earth or other material from such place or to take such order with such quarry or place as he

shall deem necessary for the purpose of preventing danger or of abating the nuisance arising or likely to arise therefrom

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

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

(3) Where the Commissioner is of opinion that the means of egress from any building are insufficient to allow of safe exit in the event of fire, he may, with the sanction of the council, by notice, require the owner or occupier of the building to alter or reconstruct any staircase in such manner or to provide such additional or emergency stair-cases as he may direct; and when any building, booth or tent is used for purposes of public entertainment, he may require, subject to such sanction as aforesaid, that it shall be provided with an adequate number of clearly indicated exists so placed and maintained, as readily to afford the audience ample means of safe egress, that the seating be so arranged as not to interfere with free access to the exits and that gangways, passages and staircases leading to the exists shall, during the presence of the public, be kept clear of obstructions.

236. Prohibition of construction of, wells, tanks etc., without the permission of the Chairperson. - (1) No new well or tank shall be dug or constructed without the permission of the Chairperson.

(2) The Chairperson may grant permission, subject to such conditions as he may deem necessary, or may, for reasons to be recorded by him refuse it.

(3) If any such work is began or completed without such permission.--

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

(b) the Chairperson may grant permission to retain such work, but such permission shall not exempt such owner from proceedings for contravening the provisions of sub-section (1).

237. Filling in of pools etc., which are a nuisance. - (1) If in the opinion of the municipal health officer--

(a) any pool, ditch, tank, well, pond, bog, swamp, quarry-hole, drain, cess-pool, pit, water-course, or any collection of water; or

(b) any land on which water may at any time accumulate, is or is likely to become a breeding place of mosquitoes or in any other respect a nuisance, the said officer may by notice require the owner or person having control thereof to fill up, cover over, weed and stock with larvicidal fish, or petrolize in such manner and with such materials as the said officer shall direct or to take such action for removing or abating the nuisance as the said officer shall direct.

(2) If a person on whom a requisition is made under sub-section (1) to fill up, cover over, or drain off a well, delivers to the municipal health officer within the time specified for compliance therewith, written objections to

such requisition, the said officer shall report such objections to the Commissioner and shall make further enquiry into the case, and shall not institute any prosecution for failure to comply with such requisition except with the approval of the Commissioner but the municipal health officer may nevertheless, if he deems the execution of the work called for by such requisition to be of urgent importance, proceed in accordance with Section 364 and, pending the Commissioner's disposal of the questions whether the said well be permanently filled up, covered over or otherwise dealt with, may cause such well to be securely covered over so as to prevent the ingress of mosquitoes, and in every such case the municipal health officer shall determine with the approval of the Commissioner whether the expenses of any work already done as aforesaid shall be paid by such owner or by the municipal health officer out of the municipal fund or shall be shared and, if so, in what proportions.

238. Regulation or prohibition of certain kinds of cultivation. - The Council on the report of the municipal health officer that the cultivation of any description of crop, or the use of any kind of manure, or the irrigation of land in any place within the limits of the municipality, is injurious to the public health may, with the previous sanction of the Government, by public notice, regulate or prohibit the cultivation, use of manure, or irrigation so reported to be injurious:

Provided that when such cultivation or irrigation has been practised during the five years preceding the date of such public notice, with such continuity as the ordinary course of husband any admits of, compensation shall be paid from the Municipal Fund to all persons interested, for any damage caused to them by absolute prohibition.

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

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

- (a) refrain from using or permitting the use of such water, or
- (b) close or fill up such place or enclose it with a substantial wall or fence.

240. Duty of council in respect of public well or receptacle of stagnant water. - The council shall maintain in a cleanly condition all wells, tanks and reservoirs which are not private property and may fill them up or drain them when it appears necessary to do so.

241. Public wells etc, open to all. - All such wells, tanks and reservoirs when maintained by the council shall be open to use and enjoyment by all persons.

242. Prohibition against or regulation of washing animals or clothes or fishing or drinking in public water courses, tanks etc. - The council may, in the interest of the public health, regulate or prohibit the washing of animals, clothes or other things or fishing in any public spring, tank well, public-water course or

part thereof within the municipality and may set apart any such place for drinking or for bathing or for washing clothes or animals respectively or for any other specified purpose.

243. Provision of public wash houses. - (1) The council may construct or provide and maintain public wash-houses or places for the washing of clothes, and may require the payment of such rents and fees for the use of any such wash-house or place as it may determine.

(2) The council may farm out the collection of such rents and fees for any period not exceeding three years at a time on such terms and conditions as it may think fit.

(3) If a sufficient number of public wash-houses or places be not maintained under sub-section (1), the council may, without making any charge therefor appoint suitable places for exercise by was her men of their calling.

244. Prohibition against washing by was her men at unauthorised places. - (1) The council may, by public notice, prohibit the washing of clothes by was her men in the exercise of their calling, either within the municipality or outside the municipality, within three kilometres of the boundary thereof except at--

(a) public wash-houses or places maintained or provided under Section 243, or

(b) such other places as it may appoint for the purpose.

(2) When any such prohibition has been made, no person who is by calling a washerman shall, in contravention of such prohibition, wash clothes except for himself or for personal and family service or for hire on and within the premises of the hirer, at any place within or outside municipal limits other than a public wash-house or a place maintained or appointed under this Act:

Provided that this section shall apply only to clothes washed within or be brought within the municipality.

245. Prohibition against defiling water of tanks etc., whether public or private. - It shall not be lawful for any person to--

(a) bathe in or in any manner defile the water in any place set apart by the council or by the owner thereof for drinking purposes;

(b) deposit any offensive or deleterious matter in the dry bed of any place set apart as aforesaid for drinking purposes; or

(c) wash clothes in any place set apart as aforesaid for drinking or bathing; or

(d) wash any animal or any cooking utensil or wool, skins, or other foul or offensive substances or deposit any offensive or deleterious matter in any place set apart as aforesaid for bathing or washing clothes, or

(e) cause or permit to drain into or upon any place set apart as aforesaid for drinking, bathing or washing clothes, or cause or permit any thing to be brought therein or do anything whereby the water may be fouled or corrupted. Control over abandoned Lands. Untrimmed Hedges, etc.

246. Untenanted buildings or lands. - If any building or land, by reason of abandonment, disputed ownership or other cause remains untenanted, and thereby becomes a resort of idle and disorderly persons or in the opinion of the municipal health officer becomes a nuisance, the municipal health officer may, after due enquiry, by notice require the owner or person claiming to be the owner to secure, enclose, clear or cleanse the same.

247. Removal of filth or noxious vegetation. - The municipal health officer may, by notice require the owner or occupier of any building or land which appears to the said officer to be in filthy or unwholesome state, or overgrown with any thick or noxious vegetation, trees or undergrowth injurious to health or offensive to the neighbourhood to clear, cleanse or otherwise put the land in proper state or to clear away and remove such vegetation, trees or undergrowth within twenty-four hours or such longer period and in such manner as may be specified in the notice.

248. Fencing of buildings or lands and pruning of hedges and trees. - The Commissioner may, by notice and for the reasons specified therein, require the owner or occupier of any building or land near a public street to --

- (a) fence the same to the satisfaction of the said officer; or
- (b) prune any hedges bordering on the said street so that they may not exceed such height from the level of the adjoining roadway as the said officer may determine; or
- (c) cut any hedges or trees overhanging the said street and obstructing it or the view of traffic or causing it damage; or
- (d) lower an enclosing wall or fence which by reason of its height and situation, obstructs the view of traffic so as to cause danger.

249. Lime quashing, cleaning, etc., of buildings. - The municipal health officer, if it appears to him necessary for sanitary purposes so to do, may, by notice require the owner or occupier of any building to lime-wash or otherwise cleanse or disinfect the building inside and outside or cleanse or disinfect any article therein which is likely to retain infection, in the manner and within a period to be specified in the notice.

250. Further powers with reference to insanitary buildings. - (1) Whenever the municipal health officer considers--

- (a) that any building or portion thereof is, by reason of its having no plinth, or having a plinth of insufficient height or by reason of the want of proper drainage or ventilation or by reason of the impracticability of cleansing, attended with danger of disease to the occupier thereof or to the inhabitants of the neighbourhood, or is, for any reason, likely to endanger the public health or safety, or
- (b) that a block or group of buildings is, for any of the said reasons or by reason of the manner in which the buildings are crowded together, attended with such risk as aforesaid, he may, by notice, require the owners or occupiers of such buildings or portions of buildings, or at his option, the owners of the land occupied by such buildings or portions of buildings, to execute such works or to take such measures as he may deem necessary for the prevention of such danger.

(2) No person shall be entitled to compensation for damages sustained by reason of any action taken under or in pursuance of this section save when a building is demolished in pursuance of an order made hereunder, or so far demolished as to require reconstruction in which case the council shall make compensation to the owner thereof.

(3) When any building is entirely demolished under this section and the demolition thereof adds to the value of other buildings in the immediate vicinity, the owners of such other buildings shall be bound to contribute

towards the compensation payable to the owner of the first named building in proportion to the increased value acquired by their own property.

(4) When any building is so far demolished under this section as to require reconstruction, allowance shall be made in determining the compensation for the benefit accruing to the premises from the improvement thereof.

251. Buildings unfit for human habitation. - (1) If any building or portion thereof intended for or used as a dwelling place appears to the municipal health officer to be unfit for human habitation, he may by order prohibit the further use of such structure for such purpose, after giving the owner and occupier of the structure a reasonable opportunity of showing cause why such order should not be made.

(2) When any such prohibitory order has been made, the municipal health officer shall communicate the purport thereof to the owner and occupier of the structure and on expiry of such period as is specified in the notice, not being less than thirty days after the service of the notice, no owner or occupier of such structure shall use or allow it to be used for human habitation, until the said officer certifies in writing that the causes rendering it unfit for human habitation have been removed to his satisfaction.

(3) When such prohibitory order has remained in operation for three months, the said officer shall report the case to the Commissioner, who shall place the matter before the council for considering the question whether the structure should not be demolished. The Council shall give the owner not less than thirty days notice of the time and place at which the question will be considered and the owner shall be entitled to be heard when the question is taken into consideration.

(4) If upon such consideration the Council is of the opinion that the structure has not been rendered fit for human habitation and that steps are not being taken with due diligence to render it so fit, it shall record a decision to that effect with the grounds of the decision and the municipal health officer shall, in pursuance of the said decision by notice, require the owner to demolish the structure.

(5) If the owner undertakes to execute forthwith the works necessary to render the structure fit for human habitation and the municipal health officer considers that it can be so made fit, the council may postpone the execution of its decision for such time not exceeding six months as it thinks sufficient for the purpose of giving the owner an opportunity of executing the necessary works.

252. Abatement of over-crowding in dwelling houses or dwelling place. - (1) If it appears to the municipal health officer that any dwelling house or other building which is used as a dwelling place or any room in such dwelling house or building is so over-crowded as to endanger the health of the inmates thereof, he may report to the Commissioner who shall place the matter before the council for an order to abate such over crowding; and the council may, by written order, require the owner of the building, or room, within a reasonable time not exceeding thirty days to be specified in the said order, to abate such overcrowding by reducing the number of lodgers, tenants or other inmates of the building or room, or may pass such other orders as it may deem just and proper.

(2) The Council may, by written order, declare what amount of superficial and cubic space shall be deemed for the purpose of sub-section (1) to be necessary for each occupant of a building or room.

(3) If any building or room referred to in sub-section (1) has been sublet, the landlord of the lodgers, tenants, or other actual inmates of the same, shall for the purposes of this section, be deemed to be the owner of the

building or room.

(4) Notwithstanding anything in the Andhra Pradesh Buildings (Lease, Rent and Eviction) Control Act, 1960, it shall be incumbent on every tenant, lodger or other inmate of a building or room to vacate on being required by the owner so to do, in pursuance of any requisition made under sub-section (1).

253. Prohibition against feeding certain animals on filth. - No person shall feed any animal, which is kept for dairy purposes or may be used for food on filth.

254. Prohibition against keeping animal so as to be a nuisance or dangerous. - No person shall keep any animal on his premises so as to be a nuisance or so as to be a dangerous to the public.

255. Power to destroy stray pigs and dogs. - (1) The Commissioner may give public notice that unlicensed pigs or dogs straying within specified limits will be destroyed.

(2) When such notice has been given, any person may destroy, in any manner not inconsistent with the terms of the notice, any unlicensed pig or dog, as the case may be, found straying within such limits.

256. Power to use or sell materials of dangerous structures taken down etc. - When any officer of the municipality pulls down any structure or part thereof or cuts down any tree or hedge or shrub or part thereof or removes any fruit by virtue of his powers under this chapter, such officer may sell the materials or things taken down, cut down or removed and apply the proceeds towards, payment of the expenses incurred.

257. Procedure where there is no owner or occupier. - If after reasonable inquiry, it appears to any officer of the municipality that there is no owner or occupier to whom notice can be given under any section in this chapter, he may himself take such action as may appear to him to be necessary.

258. Limitation of compensation. - No person shall be entitled, save as provided in Sections 237, 238 and 250 to compensation for any damages sustained by reason of any action taken by the municipal authorities in pursuance of their powers under this chapter.

CHAPTER 6

Licences and fees

259. Central or State Government not required to take out licence etc. - (1) The State Government or the Central Government shall not be required to take out any licence as provide by or under this Act in respect of their property or in respect of any place in their occupation or under their control.

(2) The State Government or the Central Government shall not be required to obtain any permission as provided by or under this Act in respect of erection, re-erection, construction, alteration or maintenance of buildings used or required for the public service or for any public purpose which is the property, or in the occupation of the Government concerned, or which is to be erected on land, which is the property, or in the occupation, of the Government concerned:

Provided that, where the erection, re-erection, construction or material or structural alteration of any such building as aforesaid (not being a building connected with defence, or a building the plan or construction of which, in the opinion of the Government concerned, is treated as confidential or secret) is contemplated, reasonable notice of the proposed work shall be given to the council before it is commenced.

(3) In the case of any such building (not being a building connected with defence or a building the plan or construction of which in the opinion of the Government concerned, is treated as confidential or secret) the Chairperson or any person, authorised by him in this behalf, may, under intimation to the State Government, inspect the land and building and all plans connected with its erection, re-erection, construction, or material structural alteration, as the case may be, and may submit to the State Government a statement in writing of any objections or suggestions which the Chairperson may deem fit to make with reference to such erection, reaction, construction or material structural alteration.

(4) Every objection or suggestion submitted as aforesaid shall be considered by the State Government, which shall, after such investigation if any, as they shall think advisable, and after obtaining the views of the Central Government in the matter, where necessary pass orders thereon, and the building referred to therein shall be erected, re-erected, constructed or altered, as the case may be, in accordance with such orders:

Provided that, if the State Government over-rule or disregard any such objection or suggestion as aforesaid, they shall give reasons for so doing in writing.

260. Licences for places in which animals are kept. - (1) The owner or occupier of any stable, veterinary infirmary, stand, shed, yard or other place in which animals are kept or taken in for purposes of profit shall apply to the municipal health officer for a licence not less than thirty days and not more than ninety days before the opening of such place, or the commencement of the year for which the licence is sought to be renewed, as the case may be.

(2) The municipal health officer may, by an order and under such restrictions and regulations as he thinks fit, grant or refuse to grant such licence.

(3) No person shall, without or otherwise than in conformity with a licence, use any place for such a purpose: Provided that this section shall not apply to any such place licensed as a place of public entertainment or resort under the Andhra Pradesh (Andhra Area) Places of Public Resort Act, 1888 (Act II of 1888), or any other law similar thereto for the time being in force.

261. General powers of control over stables, cattle-sheds and cow-houses. - (1) All stables, cattle-sheds and cow-houses whether they are built separately or whether they form part of the residential buildings, shall be under the control of the municipal health officer as regards their site, construction, materials and dimensions.

(2) The municipal health officer may by notice require that any stable, cattle-shed or cow-house be altered, paved, drained, repaired, disinfected or kept in such a state as to admit of its being sufficiently cleaned or be supplied with water or be connected with a sewer.

(3) Every such notice shall be addressed to the owner of the building or land to which the stable, cattle-shed or cow-house belongs.

(4) The expense of executing any work in pursuance of any such notice shall be borne by the said owner.

262. Power to direct discontinuance of use of buildings as stable, cattle-shed or cow-house. - If any stable, cattle-shed or cow-house is not constructed or maintained in the manner required by or under this Act, the municipal health officer may, by notice, direct that the same shall be no longer used as a stable, cattleshed or cow-house. Every such notice shall state the grounds on which it proceeds.

263. Purposes for which places may not be used without licences. - (1) The council may publish a notification in the prescribed manner that no place within municipal limits or at a distance within three kilometres of such limits shall be used for any one or more of the purposes specified in Schedule IV without the licence of the Commissioner and except in accordance with the conditions specified therein:

Provided that no notification shall take effect--

- (a) until sixty days from the date of publication: and
 - (b) except with the previous sanction of the Government in any area outside the municipal limits.
- (2) The owner or occupier of every such place shall, within thirty days of the publication of such notification, apply to the Commissioner for a licence for the use of such place for such purpose.
- (3) Applications for renewal of such licences shall be made not less than thirty days and not more than ninety days before the end of every year and applications for licences for places to be newly opened shall be made not less than thirty days and not more than ninety days before they are opened.
- (4) The Commissioner may, by an order and under such restrictions and regulations as to supervision and inspection as he thinks fit, grant or refuse to grant or renew such licence.
- (5) In case the Commissioner refuses to grant or renew any such licence, he shall record the reasons therefor.
- (6) Every such licence shall expire at the end of the year, unless for special reasons the Commissioner considers it should expire at an earlier date when it shall expire at such earlier date as may be specified therein.
- (7) Where a licence is granted or renewed under this section for the use of any place outside the municipal limits, the council shall pay to the Gram Panchayat; if any, having jurisdiction over such place or if there is no such Gram Panchayat, to such other authority as the Government may specify such portion of the fee received for the grant or renewal of the licence as the Government may, by general or special order, direct.

264. Application to be made for construction, establishment or installation of factory, workshop or work-place in which steam or other power is to be employed. - (1) Every person intending--

- (a) to construct or establish any factory, workshop or work-place in which it is proposed to employ steam power, water-power or other mechanical power or Electrical power; or
 - (b) to install in any premises any machinery or manufacturing plant driven by steam, water or other power as aforesaid (not being machinery or manufacturing plant exempted by rules), shall, before beginning such construction, establishment or installation make an application in writing to the council for permission to undertake the intended work.
- (2) The application shall specify the maximum number of workers proposed to be employed on any day in the factory, workshop, work-place or premises and shall be accompanied by--
- (i) a plan of the factory, work-shop, work-place or premises prepared in such manner as may be prescribed by rules made in this behalf by the Government; and
 - (ii) such particulars as to the power, machinery, plant or premises as the council may require by bye-laws made in this behalf.

(3) The council shall, within sixty days after obtaining approval under sub-section (4)--

- (a) grant the permission applied for, either absolutely or subject to such conditions as it thinks fit to impose; or
- (b) refuse permission, if it is of opinion that such construction, establishment or installation is objectionable by reason of the density of the population in the neighbourhood or that it is likely to cause a nuisance.

(4)(a) Before granting permission under sub-section (3) the council shall obtain the approval of the Inspector of Factories appointed under the Factories Act, 1948 (Central Act 63 of 1948), having jurisdiction in the area of the municipality, or if there is more than one such inspector, of the inspector designated by the Government in this behalf by general or special order, as regards the plan of the factory, workshop, work-place or premises with reference to--

- (i) the adequacy of the provision for ventilation and light;
- (ii) the sufficiency of the height and dimensions of the rooms and doors;
- (iii) the suitability of the exists to be used in case of fire; and
- (iv) such other matters as may be prescribed by rules made by the Government.

- (b) Before granting permission under sub-section (3), the council shall consult and have due regard to the opinion of the Municipal Health Officer or where there is no such officer, of the District Medical and Health Officer, as regards the suitability of the site of the factory, work-shop, work-place or premises for the purpose specified in the application.

(5) No worker shall be employed on any day in any factory, workshop, work-place, or premises, unless the permission granted in respect thereof under sub-section (3) authorises such employment, or unless fresh permission authorising such employment has been obtained from the council. Before granting such fresh permission, the council shall obtain the approval of the Inspector of Factories referred to in sub-section (4) as regards the plan of the factory, work-shop, work-place, or premises, with reference to the matters specified in that clause.

(6) The grant of permission under this section--

- (a) shall, in regard to the replacement of machinery, the levy of fees, the conditions to be observed and the like, be subject to such restrictions and control as may be prescribed; and
- (b) shall not be deemed to dispense with the necessity for compliance with the provisions of Sections 209 and 211 or Sections 220 and 221, as the case may be.

Explanation. - The word 'worker' in sub-sections (2) and (5) shall, in relation to any factory, workshop, workplace or premises have the same meaning as in the Factories Act, 1948 (Central Act 63 of 1948).

265. Use of steam whistles etc. - (1) No person shall, without the written permission of the council, use or employ in any factory or other place any steam whistle or steam trumpet for the purpose of summoning or dismissing workers or persons employed.

(2) In granting such permission, the council may impose such conditions as it may think proper as to the times at which the whistle or trumpet may be used, and it may revoke any such permission by giving a week's notice.

266. Council may issue directions for abatement of nuisance caused by steam or other power. - (1) If, in any factory, work-shop or work-place in which steam-power, water-power or other mechanical power or electrical power is used, nuisance in the opinion of the council caused by reason of the particular kind of fuel employed or by reason of the noise or vibration created, the Council may issue such directions as it thinks fit for the abatement of the nuisance within a reasonable time to be specified for the purpose.

(2) If there has been wilful default in carrying out such directions or if abatement is found impracticable, the council may--

- (a) prohibit the use of the particular kind of fuel employed; or
- (b) restrict the noise or vibration by prohibiting the working of the factory, workshop or work-place between the hours of 9-30 p.m. and 5-30 a.m.

267. Power of Government to pass orders or give directions in respect of action taken or omitted to be taken under Section 264, Section 265 or Section 266. - The Government may, either generally or in any particular case, make such orders or give such directions as they may deem fit in respect of any action taken or omitted to be taken under Section 264, Section 265, or Section 266.

268. Notification of residential, industrial, commercial, etc., areas in the municipality. - (1) Every council shall, as soon as may be after commencement of this Act, and after consultation with the Director of Public Health and of the Director of Town-Planning, and with the previous approval of the Government, notify in the prescribed manner the localities, divisions, wards, streets or portions of streets, in its local limits which shall be reserved for residential, industrial, commercial or agricultural purposes.

(2) The council may, at any time subsequent to the issue of a notification under sub-section (1), in like manner and subject to the like consultation and approval, notify any additional localities, divisions, wards, streets or portions of streets as areas which shall be reserved for any of the purposes specified in sub-section (1).

(3)(a) A notification issued under sub-section (1) or Sub-section (2) may declare that a land in an area reserved for a particular purpose shall not be used for any other purpose and that the use of a land in any reserved area shall be confined only for the purpose for which the area is reserved or that the land may be used for any other purpose subject to such restrictions, limitations and conditions as are specified in that notification.

- (b) The notification shall contain also such general information as to the situation and limits of the areas proposed to be reserved for different purposes specified in sub-section (1) and the restrictions, limitations and conditions, if any, proposed to be imposed in regard to the use of land in each such reserved area.

(4) Any person aggrieved by the issue of a notification under sub-section (1) may appeal to the Government whose decision shall be final.

269. Power of Government to notify the location of the industries. - Where the council has not published a notification under Section 263 or 268, the Government may, by notification in the Andhra Pradesh Gazette, specify any particular industry or class of industries to be located in any area reserved for residential, industrial, commercial or agricultural purposes, under this Act.

270. The Commissioner may enter any factory, workshop or work place. - (1) The Chairperson, Commissioner or any person authorised by the Council in this behalf may enter any factory, workshop or work place

- (a) at any time between sunrise and sunset;
- (b) at any time when any industry is being carried on; and
- (c) at any time by day or by night, if he has reason to believe that any offence is being committed under Section 264, Section 265 or Section 266

(2) No claim shall lie against any person for any damage or inconvenience necessarily caused by the exercise of powers under this section or by the use of any force necessary for the purpose of affecting an entrance under this section.

271. Provision of municipal slaughter-houses. - (1) The council shall provide a sufficient number of places for use as municipal slaughter-houses and may charge rents and fees for their use at such rates as it may think fit.

(2) The council may,--

- (a) place the collection of such rents and fees under the management of such persons as may be appear to it proper; or
- (b) farm out such collection for any period not exceeding three years at a time and on such terms and conditions as it may think fit.

(3) Municipal slaughter-houses may be situated within or, with the sanction of the Government, outside the municipality.

272. Licence for slaughter-houses. - (1) The owner of any place within municipal limits or at a distance within three kilometres of such limits which is used as a slaughter-house for the slaughtering of animals or for the skinning or cutting up of any carcasses, shall apply to the municipal health officer for a licence not less than thirty days and not more than ninety days before the opening of such place as a slaughter-house, or the commencement of the year for which the licence is sought to be renewed as the case may be:

Provided that this sub-section shall not take effect in any area outside the municipal limits except with the previous sanction of the Government.

(2) The municipal health officer may, by an order and subject to such restrictions and regulations as to supervision and inspection as he thinks fit, grant, or refuse to grant such licence.

273. Slaughter of animals for sale as food. - No person shall slaughter within the municipality except in a public or licensed slaughter-house any cattle, horse, sheep, goat or pig, or any other animal for sale as food or skin or cut up any carcass without or otherwise than in conformity with a licence from the municipal health officer or dry or permit to be dried any skin in such a manner as to cause a nuisance.

274. Slaughter of animals during festivals and religious ceremonies. - Subject to the provisions of the law relating to the prohibition of sacrifices of animals and birds for the time being in force the municipal health officer may allow any animal to be slaughtered in such places as he thinks fit on occasions of festivals and religious ceremonies or as a special measure:

Provided that no such place shall be outside the premises where festivals and religious ceremonies are conducted.

275. Regulations of milk trade. - (1) No person shall, without, or otherwise than in conformity with a licence from the municipal health officer,--

- (a) carry on within the municipality the trade or business of a dealer in, or importer or seller or hawker of, milk, or dairy-produce;
- (b) use any place in the municipality for carrying on the trade or business or selling of milk or dairy-produce:

Provided that no such licence shall be given to any person who is suffering from an infectious disease.

(2) Such licence may be refused or may be granted on such conditions as the municipal health officer may deem necessary which may extend to the construction, ventilation, conservancy, supervision and inspection of the premises, whether within or outside municipal limits where the animals from which the milk supply is derived are kept.

276. Public markets. - (1) All markets which are acquired, constructed, repaired or maintained out of the municipal fund shall be deemed to be public markets; and such markets shall be open to all persons.

(2) Notwithstanding anything in the relevant law for the time being in force, every market situated within the municipal limits and belonging to a Gram Panchayat, Panchayat Samithi or Zilla Parishad shall vest in the municipality. The Government shall determine, in the manner prescribed, the amount of compensation payable therefor to the Gram Panchayat, Panchayat Samithi or the Zilla Parishad, as the case may be.

277. Power in respect of public markets. - (1) The council may provide places for use as public markets.

(2) The council may, in any public market, levy any one or more of the following fees at such rates and may place the collection of such fees under the management of such persons as may appear to it proper or may farm out such fees for any period not exceeding one year at a time and on such terms and subject to such conditions as it may deem fit--

- (a) fees for the use of, or for the right to expose goods for sale in such markets;
- (b) fees for the use of shops, stalls, pens or stands in such markets;
- (c) fees on vehicles or pack-animals carrying, or on persons bringing goods for sale in such markets;
- (d) fees on animals brought for sale into, or sold in such markets; and
- (e) licence fees on brokers, commission agents, weigh men and measurers practising their calling in such markets.

(3) The council may, with the sanction of the Government close any public market or part thereof.

(4) The council may lease any land, shop, godown, building or terrace of a building owned by it and situated anywhere in the municipality for any period not exceeding five years at a time and subject to such terms and conditions as the council may deem fit:

Provided that it shall be competent for the council to grant, with the prior sanction of the Government, any such lease for a period exceeding five years but not exceeding twenty-five years at a time.

278. Control of the Municipal Health Office over public markets. - (1) No person shall, without the permission of the municipal health officer, or if the fees have been farmed out, of the farmer sell or expose for sale any animal or article within any public market.

(2) The Municipal Health Officer may expel from any public market any person who or whose servant has been convicted of disobeying any bye-laws at the time in force in such market and may prevent such person from further carrying on by himself, or his servants or agents, any trade or business in such market or occupying any shop, stall or other place therein and may determine any lease or tenure which such person may possess in any such shop, stall or place.

279. Licence for private market. - (1) No person shall open a new private market or continue to keep open a private market unless he obtains from the Council a licence to do so.

(2) Application for such licence shall be made by the owner of the place in respect of which the licence is sought not less than thirty days and not more than ninety days, before such place is opened as a market, or the commencement of the year for which the licence is sought to be renewed, as the case may be.

(3) The Council shall, as regards private markets already lawfully established and may, at its discretion as regards new private markets, grant the licence applied for, subject to such regulations as to supervision and inspection and to such conditions as to sanitation, drainage, water-supply, width of paths and ways, weights and measures to be used, and rents and fees to be charged in such markets as the Council may think proper; or the Council may refuse to grant any such licence for any new private market. The Council may, however, at any time, for breach of the conditions thereof, suspend or cancel any licence which has been granted under this section. The Council may also modify the conditions of the licence to take effect from a specified date.

(4) When a licence is granted, refused, suspended cancelled or modified under this section, the Council shall cause a notice of such grant, refusal, suspension, cancellation or modification in English and in the main language of the district to be pasted in some conspicuous place at or near the entrance to the place in respect of which the licence was sought or had been obtained.

(5) Every licence granted under this section shall expire at the end of the year.

280. Fee for licence. - When a licence granted under Section 279 permits the levy of any fees of the nature specified in sub-section (2) of Section 277, a fee not exceeding fifteen per centum of the gross income of the owner from the market in the preceding year shall be charged by the Council for such licence.

281. Sale in unlicensed private markets. - It shall not be lawful for any person to sell, or expose for sale any animal or article in any unlicensed private market.

282. Powers of Council in respect of private markets. - The Council may, by notice, require the owner, occupier, or farmer of any private market to--

- (a) construct approaches, entrances, passages, gates, drains and cess pits for such market and provide it with latrines of such description and in such position and number as the Council may think fit;
- (b) roof and pave the whole or any portion of the floor with such material as will, in the opinion of the Council, secure imperviousness and ready cleansing;
- (c) ventilate it properly and provide it with supply of water;

- (d) provide passages of sufficient width between the stalls and make such alterations in the stalls, passage, shops, doors or other parts of the market as the Council may direct; and
- (e) keep it in a cleanly and proper state and remove all filth and refuse therefrom.

283. Suspension or refusal of licence in default. - (1) If any person, after notice given to him in that behalf by the council, fails within the period and in the manner laid down in the said notice, to carry out any of the works specified in Section 282, the Council may suspend the licence, or may refuse to grant the licence, until such works have been completed.

(2) It shall not be lawful for any person to open or keep open any such market after such suspension or refusal.

284. Prohibition against nuisances in private markets. - No owner, occupier, agent or manager in charge of any private market or of any shop, stall, shed or other place therein, shall keep the same so that it is a nuisance, or fall to cause anything that is a nuisance to be at once removed to a place to be specified by the Council.

285. Power to close private markets. - The Council or any officer duly authorised by it in that behalf, may close any private market in respect of which no licence has been applied for or the licence for which has been refused, withheld or suspended or which is held or kept open contrary to the provisions of this Act.

286. Acquisition of rights of private person to hold private markets. - (1) A Council may acquire the rights of any person to hold a private market in any place and to levy fees therein. The acquisition shall be made under the Land Acquisition Act, 1894 (Central Act 1 of 1894) and such rights shall be deemed to be laid for the purposes of this Act, subject, however, to the condition that the amount payable as compensation in respect of the rights so acquired shall be an amount equal to twelve times the net average annual income actually derived from such market during the period of five consecutive years immediately preceding the date of publication of the notification under sub-section (1) of Section 4 of that Act.

(2) On payment by the Council of the compensation as provided in sub-section (1) in respect of such property and any other charges incurred in acquiring it, the rights of such person to hold a private market and to levy fees therein shall vest in the Council.

287. Duty of expelling lepers, etc., from markets and power to expel disturbers. - The person in charge of a market or the Municipal Health Officer shall prevent the entry therein or expel therefrom any person suffering from leprosy, in whom the process of ulceration has commenced, or from any infectious or contagious disease who sells or exposes for sale therein any article or who, not having purchased the same, handles any articles exposed for sale therein, and he may expel therefrom any person who is creating a disturbance therein.

288. Butchers, fish-mongers, poulterer's licence. - (1) No person shall, without or otherwise than in conformity with a licence from the Municipal Health Officer, carry on the trade of a butcher, fish-monger or poulterer or use any place for the sale of flesh or fish intended for human food in any place within municipal limits at a distance within three kilometers of such limits: Provided that no licence shall be required for a place used for the selling or storing for sale of preserved flesh or fish contained in airtight and hermetically sealed receptacles;

Provided further that no licence shall be required for any place included in a public market established by or vested in a Panchayat Samithi or Zilla Parishad.

(2) The Municipal Health Officer, may, by an order and subject to such restrictions as to supervision and inspection as he thinks fit, grant or refuse to grant such licence.

(3) Every such licence shall expire at the end of the year in which it is granted, unless for special reasons the Municipal Health Officer considers that it should expire at an earlier date, when it shall expire at such earlier date as may be specified therein

289. Power to prohibit or regulate sale of articles in public streets. - (1) The Commissioner may, with the sanction of the Council, prohibit by public notice or licence or regulate the sale or exposure for sale, of any animals or articles in or on any public street or part thereof.

(2) The Commissioner may farm out the collection of fees for licences leviable under sub-section (1) for any period not exceeding one year at a time on such terms and conditions as may be determined by the Council.

290. Decision of disputes as to whether places are markets. - If any question arises whether any place where persons assemble for the sale or purchase of articles of food or clothing, or live-stock or poultry, or cotton, groundnut or other industrial crops or of any other raw or manufactured products is a market or not, the council shall make a reference to the Government and the decision of the Government on the question shall be final.

291. Provision of public cart-stands, etc. - The council may construct or provide and maintain public landing places, halting places and cart-stands.

292. Prohibition of use of public place or sides of public street as cart-stands, etc. - Where a council has provided a public landing place, halting place or cart-stand, the Commissioner may prohibit the use for the same purpose by any person within such distance thereof, as may be determined by the council, or any public place or the sides of any public street.

293. Duty of Municipal Health Officer to inspect. - It shall be the duty of the Municipal Health Officer to make provision for the constant and vigilant inspection of animals, carcasses, meat, poultry, game, flesh, fish, fruit, vegetables, corn, bread, flour, milk, ghee, butter, oil and any other edible articles exposed or hawked about for sale or deposited in or brought to any place for the purpose of sale or of preparation for sale.

294. Powers of Municipal Health Officer for purpose of inspection. - (1) The Municipal Health Officer or any person authorised by him in writing for the purpose may, without notice, enter any slaughter-house or any place where animals, poultry or fish intended for food are exposed for sale or where articles of food are being manufactured or exposed for sale, at any time by day or night, when the slaughter, exposure for sale or manufacture is being carried on and inspect the same and any utensil or vessel used for manufacturing, preparing or containing any such article.

(2) If the Municipal Health Officer or any person so authorised by him has reason to believe that in any place any animal intended for human food is being slaughtered or any carcass is being skinned or cut up or that any food is being manufactured, stored, prepared, packed, cleansed, kept or exposed for sale, or sold without or otherwise than in conformity with a licence, he may enter any such place without notice, at any time by day or

night, for the purpose of satisfying himself whether any provision of laws, bye-laws or regulations or any condition of licence is being contravened.

(3) No claim shall lie against the Municipal Health Officer or any person acting under his authority or the council, for any damage or inconvenience necessarily caused in good faith by the exercise of powers under this section or by the use of any force necessary for effecting any entry into any place under this section.

(4) In any legal proceedings in respect of powers exercised under this section in which it is alleged that any animals, poultry, fish or articles of food were not kept, exposed, hawked about, manufactured, prepared, stored, packed, or cleansed for sale, or that they were not intended for human food the burden of proof shall lie on the party so alleging.

295. Preventing inspection by Municipal Health Officer. - No person shall, in any manner whatsoever, prevent the Municipal Health Officer or person duly authorised by him from exercising his powers under the last preceding section.

296. Power of Municipal Health Officer to seize diseased animals, noxious food etc. - If any animal, poultry or fish intended for food appears to the municipal health officer or to a person duly authorised by him to be diseased, or any food appears to him to be noxious or if utensil or vessel used in manufacturing or preparing or containing such article, appears to be of such kind or in such state as to render the article noxious, he may seize or carry away or secure such animal, article, utensil, or vessel in order that the same may be dealt with as hereinafter provided.

Explanation. - Meat subject to the process of blowing and decomposition shall be deemed to be noxious.

297. Removing or interfering with articles seized. - No person shall remove or in any way interfere with an animal or article secured under the last preceding section.

298. Power to destroy article seized. - (1) Where any animal or article of food is seized under Section 296 it may, with the consent of the owner or person in whose possession it was found, be forthwith destroyed by the municipal health officer so as to prevent its being used for human food or exposed for sale, and if the article is perishable, without such consent.

(2) Any expenses incurred in destroying any animal or article under sub-section (1) shall be paid by the owner or person in whose possession it was at the time of its seizure.

299. Production of seized articles, etc., before magistrate and power of magistrate to deal with them.

- (1) Articles of food, animals, poultry, fish, utensils, vessels, etc., seized under Section 296 and not destroyed under Section 298, shall as soon as possible, be produced by the municipal health officer before a Judicial Second Class Magistrate.

(2) Whether or not complaint is laid before a Judicial Second Class Magistrate of any offence under the Indian Penal Code or under this Act, if it appears to the magistrate on taking such evidence as he thinks necessary that any such animal, poultry or fish is diseased, or any such article is noxious or any such utensil or vessel is of such kind or in such state as is described in Section 296, he may order the same--

(a) to be forfeited to the council; or

(b) to be destroyed at the expense of the owner or person in whose possession it was at the time of seizure so as to prevent the same being again exposed or hawked about for sale, or used for human food for the manufacture or preparation of, or for containing any such article as aforesaid.

300. Registration or closing of places for disposal of the dead. - (1) Every owner or person having the control of any place used at the date of the coming into operation of this Act, as a place for burying, burning, or otherwise disposing of the dead shall, if such place be not already registered, apply to the council to have such place registered.

(2) If it appears to the council that there is no owner or person having the control of such place, it shall assume control of and register such place, or may, with the sanction of the Government, close it.

301. Licensing of places for disposal of the dead. - (1) No place for the disposal of the dead, whether public or private, shall be opened, formed, constructed, or used, unless a licence has been obtained from the council on application.

(2) Such application for a licence shall be accompanied by a plan of the place to be registered, showing the locality, boundary and extent thereof, the name of the owner or person or community interested therein, the system of management and such further particulars as the council may require.

(3) On receipt of the application, the council shall cause a notice to be given inviting objections or suggestions from the public within a period of thirty days from the date of such notice. The council may, after considering the objections or suggestions received, if any,--

(a) grant or refuse a licence; or

(b) postpone the grant of a licence until objections to the site have been removed or any particulars called for by it have been furnished.

302. Provision of burial and burning grounds and crematoria within or outside municipality. - (1) The council shall provide, free of charge, places to be used as burial or burning grounds or crematoria either within or outside the limits of the municipality.

(2) If the council provides any such place outside the limits of the municipality, all the provisions of this Act and all bye-laws framed under this Act for the management of such places within the municipality, shall apply to such place.

303. Register of burial grounds. - (1) A book shall be kept at the municipal office containing a list of all the burial or burning grounds or crematoria, registered, licensed or provided by the municipality, together with the plans thereof.

(2) Notice that such place has been registered, licenced or provided as aforesaid shall be affixed in English and in the main language of the district in some conspicuous place at or near the entrance to the burial or burning ground or other place as aforesaid.

(3) No person shall bury, burn or otherwise dispose of any corpse except in a place which has been registered, licensed or provided as aforesaid.

304. Report of burials and burnings. - The person having control of a place for disposing of the dead shall give information of every burial burning or other disposal of a corpse at such place to any person appointed by the municipal health officer in that behalf.

305. Prohibition against use of burial and burning grounds dangerous to health or overcrowded with graves. - (1) If the council is satisfied--

- (a) that any registered or licensed place for the disposal of the dead is in such a state or situation as to be, or to be likely to become, dangerous to the health of persons living in the neighbourhood thereof, or
- (b) that any burial ground is overcrowded with graves and if in the case of a public burial or burning ground or other place as aforesaid, another convenient place duly authorized for the disposal of the dead exists or has been provided for the persons who would ordinarily make use of such place, it may, with the previous sanction of the Government, give notice that it shall not be lawful after a period to be named, in such notice to bury, burn or otherwise dispose of any corpse at such place.

(2) Every notice given under sub-section (1) shall be published in the prescribed manner.

(3) After the expiry of the period named in such notice it shall not be lawful to bury, burn or otherwise dispose of a corpse at such place.

306. Prohibition in respect of corpses. - No person shall--

- (a) bury or cause to be buried, any corpse or part thereof in a grave whether dug or constructed of masonry or other wise, in such manner that the surface of the coffin or the surface of the body where no coffin is used, is at a depth less than one and a half meters from the surface of the ground; or
- (b) build or dig or cause to be built or dug, any grave in any burial ground at a distance less than half a metre from the margin of any other existing grave; or
- (c) without the sanction in writing of the municipal health officer or an order in writing of a magistrate, reopen a grave; or
- (d) when burning or causing to be burnt a corpse or part thereof permit the same or any part thereof or its clothes to remain without being completely reduced to ashes; or
- (e) carry through any street a corpse or part thereof not decently covered; or
- (f) while carrying a corpse or part thereof within the municipality, leave the same in or near any street for any purpose whatever; or
- (g) remove, otherwise than in a closed receptacle any corpse or part thereof kept or used for the purpose of dissection.

307. Grave digger's licence. - No person shall discharge the office of a grave digger or other attendant at a public place for the disposal of the dead, other than a place provided by the Government, unless he has been licensed in that behalf by the municipal health officer. Such licence may be withdrawn or cancelled at the discretion of the council.

CHAPTER 7

Vital statistics and the prevention of diseases

308. Compulsory registration of vital statistics. - (1) The council shall register all births and deaths occurring in the municipality.

(2) Information of births and deaths shall be given and their registration shall be made and enforced in the prescribed manner.

309. Definition of infectious disease. - Infectious disease' means a disease specified in Schedule V.

310. Obligation of medical practitioner or owner or occupier of house to report infectious disease. -

(1) If any medical practitioner becomes cognizant of existence of any infectious disease in any private or public dwellings not being a public hospital, in the municipality, he shall inform the municipal health officer with the least practicable delay.

(2) The information shall be communicated in such form and with such details as the municipal health officer may require. The municipal health officer may pay a fee not exceeding one rupee for each intimation by a private medical practitioner of a case occurring in his practice.

(3) This section shall apply to a Hakeem or a Vaidya.

(4) With the previous approval of the Collector of the district, the municipal health officer may direct the compulsory notification by the owner or occupier of every house within the municipal limits during such period and to such officer as the municipal health officer may specify of all deaths from or occurrence of infectious diseases in his house.

311. Power of entry into suspected places. - The municipal health officer shall, at any time by day or by night without notice, or after giving such notice as may appear to him reasonable, inspect any place in which any infectious disease is known or suspected to exist, and take such measures as he may think fit to prevent the spread of such disease beyond such place.

312. Disinfection of buildings and articles. - (1) If the Municipal Health Officer is of opinion that the cleansing or disinfecting of any premises or part thereof, or of any article therein which is likely to retain infection, will tend to prevent or check the spread of any infectious disease, he may by notice require the occupier to cleanse or disinfect the same in the manner and within the time specified in such notice.

(2) If the municipal health officer considers that immediate action is necessary, or that the occupier is, by reason of poverty or otherwise unable effectually to comply with his requisition, the municipal health officer may himself, without notice, cause such premises or article to be cleansed or disinfected and for this purpose may cause such article to be removed from the premises; and the expenses incurred by the Municipal Health Officer shall be recoverable from the said occupier in cases in which he is, in the opinion of the municipal health officer, not unable by reason of poverty effectually to comply with such requisition.

313. Provision of places for disinfection and power to destroy infected articles. - (1) The Municipal Health Officer shall, from time to time, notify places at which conveyances, clothing, bedding, or other articles which have been exposed to infection from any infectious disease shall be washed or disinfected.

(2) The municipal health officer may direct any clothing, bedding or other articles likely to retain such infection to be disinfected or destroyed and shall, on demand, give compensation for any article destroyed under this subsection.

(3) No person shall wash such clothing or bedding or other articles in any places other than those set apart for such purposes under sub-section (1).

314. Prohibition against transfer of infected articles. - No person shall without previously disinfecting it give, lend, let, hire, sell, transmit or otherwise dispose of any article, which he knows or has reason to know, has been exposed to infection from any infectious disease:

Provided that nothing in this section shall apply to a person who transmits with proper precautions any article for the purpose of having it disinfected.

315. Power of "Chairperson" to prohibit use of water likely to spread infection. - If the chief medical officer of the district, the municipal health officer or the local medical officer certifies that the water in any well, tank or other place within the limits of the municipality, is likely if used for drinking, to endanger or cause the spread of any infectious disease, the Chairperson shall by public notice, prohibit the use of such water for drinking and domestic purposes during a specified period.

316. Municipal health officer may order removal of patients to hospitals. - When a hospital or other place for the reception of persons suffering from infectious diseases is provided by the council, the municipal health officer may, on a certificate signed by a medical practitioner registered under the law relating to the registration of medical practitioners for the time being in force, arrange for, or direct the removal to such hospital or place, or any person suffering from an infectious disease who is, in the opinion of such medical practitioner without proper lodging or accommodation, or without medical supervision directed to prevent the spread of the disease, or who is in a place occupied by more than one family.

317. Prohibition against infected person carrying on occupation. - If any person knows or has been certified by the municipal health officer, the local medical officer, or a registered medical practitioner that he is suffering from an infectious disease, he shall not engage in any occupation, or carry on any trade or business, which involves the risk of spreading the disease.

318. Prohibition against person suffering from infectious disease entering public conveyance. - (1) No person who is suffering from any infectious disease shall, without taking proper precautions against spreading such disease, cause or allow himself to be conveyed in a public conveyance.

(2) No person who is suffering from any infectious disease shall enter a public conveyance without previously notifying to the owner or driver or person-in-charge of such conveyance that he is so suffering.

(3) No owner, driver, or person-in-charge of a public conveyance shall knowingly carry or permit to be carried in such conveyance any person suffering as aforesaid in contravention of sub-section (1).

(4) No owner or driver or person-in-charge of a public conveyance shall be bound to convey any person suffering as aforesaid, unless and until the said person pays or tenders a sum sufficient to cover any loss and costs that may be incurred in disinfecting such conveyance, anything in any Act relating to public conveyances, for the time being in force to the contrary notwithstanding.

(5) A court convicting any person of contravening sub-section (1) or sub-section (2) may levy, in addition to the penalty for the offence provided in this Act, an additional fine of such amount as the Court deems sufficient to cover the loss and costs which the owner or driver must incur for the purpose of disinfecting the conveyance. The amount of any additional fine so imposed shall be awarded by the court to the owner or driver of the conveyance.

Provided that if such additional fine is imposed in a case which is subject to appeal, the amount shall not be paid to the owner or driver before the period allowed for presenting the appeal has elapsed, or, if an appeal is presented, before the decision of the appeal.

(6) At the time of awarding compensation in any subsequent civil suit relating to the same matter, the court shall take into account any sum which the plaintiff shall have received under this section.

319. Letting of infected buildings. - (1) No person shall let or sub-let or allow any person to enter a building or any part of a building in which he knows or has reason to know, that a person has been suffering from any infectious disease without having the same and all articles therein liable to retain infection, disinfected to the satisfaction of the municipal health officer.

(2) For the purpose of sub-section (1), the keeper of a hotel or lodging house shall be deemed to let the same or part of the same to any person accommodated therein.

320. Power to order closure of places of public entertainment. - In the event of the prevalence of any infectious disease within the municipality, the council may by notice require the owner or occupier of any building, booth or tent used for purposes of public entertainment to close the same for such period as it may fix.

321. Minor suffering from infectious disease not to attend school. - No person, being the parent or having the care or charge of a minor who is or has been suffering from an infectious disease or has been exposed to infection therefrom shall, after a notice from the municipal health officer or the local medical officer that the minor is not to be sent to school or college, permit such minor to attend school or college without having procured from the municipal health officer, the local medical officer or a registered medical practitioner a certificate that in his opinion such minor may attend without undue risk of communicating such disease to others. No fee shall be charged by the Municipal Health Officer or the Local Medical Officer for the grant of a certificate under this section. Small-pox

322. Compulsory vaccination. - (1) Vaccination shall be compulsory in every municipality in respect of such persons and to such extent as may be prescribed.

(2) The procedure prescribed in such rules for enforcing vaccination shall be observed.

323. Obligation to give information of small-pox. - Where an inmate of any dwelling place is suffering from small-pox, the head of the family to which the inmate belongs, and in his default, the occupier or person-in-charge of such place, shall inform the Municipal Health Officer with the least practicable delay.

324. Mosquito control. - The council shall take such measures as may be necessary to prevent or eradicate the breeding of mosquitoes in any area in the municipality.

325. Power of access to Commissioner for anti-malarial operations. - The Commissioner or any person authorised by him in this behalf shall, for the purpose of anti-malarial operation, have access to any area in the municipality which has been or is a breeding place for mosquitoes.

Part 6

Subsidiary Legislation and Penalties

CHAPTER 1***Rules, Bye-Laws and Regulations***

326. Power of Government to make rules. - (1) The Government may by notification in A.P.Gazette make rules for carrying out all or any of the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power they may make rules

(a) with reference to all matters expressly required or allowed by this Act to be prescribed;

[(b) with regard to all matters not expressly provided for in this Act, relating to electoral rolls, conduct of elections and resolution of disputes relating to elections to any office, including deposits to be made by candidates standing for direct elections and the conditions under which such deposits may be forfeited;]

(c) as to the conditions on which property may be acquired by the council or on which property vested in or belonging to the council may be transferred by sale, mortgage, lease, exchange or otherwise;

(d) as to the working of provident funds;

(e) as to the matters mentioned in Rule 39 of the Taxation and Finance Rules in Schedule II; as to the conditions on which grants-in-aid shall be paid from municipal fund for purposes of education and medical relief and as to the conditions on which grants and loans may be made to co-operative building societies;

(f) as to the intermediate offices, if any, through which correspondence between the municipal authorities and the Government or officers of the Government shall pass;

(g) as to the preparation of plans and estimates for works which are to be partly or wholly constructed at the expense of the council and the power of to municipal authorities or officers of the Government, to accord professional or administrative sanction to estimates;

(h) as to the accounts to be kept by the council, the manner in which such accounts shall be audited and published and as to the conditions under which the rate-payers may appear before auditors, inspect books and vouchers and take exception to items entered or omitted therein;

(i) as to the estimates of receipts and expenditure, returns, statements and reports to be submitted by council;

(j) as to the modes in which the officers of the Government shall advise and assist council in carrying out the purposes of this Act;

(k) as to the interpellation of the Chairperson by the Members;

(l) as to the moving of resolutions at the meetings of the Council;

(m) for regulating the sharing between local authorities of the proceeds of the x x x tax on carriages and carts, tax on animals, and other taxes or income levied or obtained under this or any other Act;

(n) as to the form of registers and returns of births and deaths and the manner in which the registers shall be maintained, the dates on which returns shall be made and the officer to whom returns shall be sent;

(o) as to the transfer of allotments entered in the sanctioned budget of a council from one head to another;

- (p) as to the power of auditors, inspecting and superintending officers and officers authorised to hold inquiries, to summon and examine witnesses, and to compel the production of documents and all other matters connected with audit, inspection, and superintendence;
- (q) for determining the cost of buildings and lands;
- (r) as to the fines to be imposed in respect of breach of bye- laws made under Section 330;
- (s) as to the procedure to be followed in the making of a layout and forming of street or road and the setting apart of areas for public purposes and for determining the information and plans to be submitted with the applications for permission to make layouts and form streets or roads and set apart areas for public purposes and for regulating the level and width of public streets or roads and the height of buildings abutting thereon.

(3) In making any rules, the Government may provide that a breach thereof shall be punishable with a fine which may extend to one hundred rupees.

(4) Every rule made under this Act shall, immediately after it is made, be laid before each House of the State Legislature if it is in session, and if it is not in session, in the session immediately following for a total period of fourteen days which may be comprised in one session or in two successive sessions, and if before the expiration of the session in which it is so laid or the session immediately following, both Houses agree in making any modification in the rule or in the annulment of the rule, the rule shall from the date on which the modification or annulment is notified in the Andhra Pradesh Gazette, have effect only in such modified form or shall stand annulled, as the case may be; so however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

327. [xxxxx]

328. Power to amend Schedules. - (1) The Government may, by notification, alter, add to or cancel Schedules I, II, III, IV, V, VI and VII.

(2) Where a notification has been issued under sub-section (1), there shall, unless the notification is in the meantime rescinded, be introduced in the Legislative Assembly, as soon as may be, but in any case during the next session of the Legislative Assembly following the date of the issue of the notification, a Bill on behalf of the Government, to give effect to the alteration, addition or cancellation, as the case may be, of the Schedules specified in the notification, and the notification shall cease to have effect when such Bill becomes law, whether with or without modifications, but without prejudice to the validity of anything previously done thereunder:

Provided that if the notification under sub-section (1) is issued when the Legislative Assembly is in session, such a Bill shall be introduced in the Legislative Assembly during that session;

Provided further that where for any reason a Bill as aforesaid does not become law within six months from the date of its introduction in the Legislative Assembly the notification shall cease to have effect on the expiration of the said period of six months.

(3) All references made in this Act, to any of the Schedules shall be construed as relating to the Schedules as for the time being amended in exercise of the powers conferred by this Section.

329. [xxxxxx]

330. Power of council to make bye-laws. - The council may make bye-laws, not inconsistent with this Act or with any other law, to provide--

- (1) for all matters expressly required or allowed by this Act to be provided for by bye-law;
- (2) for the due performance by all municipal officers and employees of the duties assigned to them;
- (3) for the regulation of the time and mode of collecting the taxes and duties under this Act;
- (4) for determining the conditions under which lands shall be deemed to be appurtenant to buildings;
- (5)(a) for the use of public tanks, well, conduits and other places or works for water-supply;
 - (b) for the regulation of public bathing, washing and the like;
 - (c) for the maintenance and protection of the water-supply system, and the protection of the water-supply from contamination;
 - (d) for the conditions on which connections with the council's water-supply mains may be made, for their alteration and repair and for their being kept in proper order;
 - (e) for the supply of water for consumption and use;
 - (f) for the prevention of waste of water;
 - (g) for the measurement of water;
 - (h) for the compulsory provision of cisterns and meters;
 - (i) for the supply of water in case of fire;
- (6) for the maintenance and protection of the lighting system;
- (7)(a) for the maintenance and protection of the drainage system;
 - (b) for the construction of house-drains and for regulating their situation, mode of construction and materials;
 - (c) for the alteration and repair of house-drains;
 - (d) for the cleansing of house-drains;
 - (e) for the construction of cess-pools, septic-tanks, filters and drains;
 - (f) for the payment or apportionment of money payable on account of pipes or drains common to more premises than one;
- (8) for the cleansing of latrines, earth-closets, ash-pits and cess-pools and the keeping of latrines supplied with sufficient water for flushing;
- (9)(a) for the testing of water pipes and drains in private premises, the recovery or the apportionment of the cost of such testing, and the breaking up of ground or of buildings for the purposes of such testing;
 - (b) for the licensing of plumbers and fitters, and for the compulsory employment of licensed plumbers and fitters;
- (10) for the protection of avenues, streets grass and other appurtenances of public streets and other places;

- (11) for the regulation of the use of parks, gardens, and other public or municipal places and institutions, but not including the regulation of traffic therein, the reservation thereof for particular kinds of traffic, or the closing thereof or parts thereof to traffic;
- (12)(a) for the regulation of building;
- (b) for determining information and plans to be submitted with applications to build;
 - (c) for the licensing of builders and surveyors and for the compulsory employment of licensed builders and surveyors;
- (13) for the regulation of hotels, lodging houses, boarding houses, choultries, rest-houses, emigration depots, restaurants, eating houses, cafes, refreshment rooms, coffee-houses, tea stalls and any premises to which the public are admitted for repose or for the consumption of any food or drink;
- (14) for regulating the mode of constructing stables, cattle-sheds and cow-houses and connecting them with municipal drains;
- (15) for the sanitary control and supervision of places used for any of the purposes specified in Schedule IV and of any trade or manufacture carried on therein;
- (16)(a) for the control and supervision of slaughter houses and of places used for skinning and cutting up carcasses;
- (b) for the control and supervision of the methods of slaughtering;
 - (c) for the control and supervision of butchers carrying on business in the municipality or at any slaughter-house outside the municipality provided by the council or licensed by the municipal health officer, as the case may be;
- (17) for the inspection of milch cattle, and the regulation of the ventilation, lighting, cleaning drainage and water-supply of dairies and cattle-sheds in the occupation of persons following the trade of dairy-man or milk seller;
- (18) for enforcing the cleanliness of milk stores and milk shops and vessels and utensils used by the keepers thereof or by hawkers for containing or measuring milk or preparing any milk product and for enforcing the cleanliness of persons employed in the milk trade:
- (19) for requiring notice to be given whenever any milch animal is affected with any contagious disease and prescribing the precautions to be taken in order to protect milch cattle and milk against infection and contamination;
- (20)(a) for the inspection of public and private markets and shops and other places therein;
- (b) for the regulation of their use and the control of their sanitary condition;
 - (c) for licensing and controlling brokers, commission agents, weigh men and measurers practising their calling in markets;
- (21) for prescribing the method of sale of articles whether by measure, weight, tale or piece;
- (22) for the prevention of the sale or exposure for sale of unwholesome meat, fish or provisions and securing the efficient inspection and sanitary regulation of shops in which articles intended for human food are kept or sold;

- (23)(a) for the regulation of burial and burning grounds and other places for the disposal of corpses;
- (b) for the verification of deaths and the causes of death;
- (c) for the period for which corpses must be kept for inspection;
- (d) for the period within which corpses must be conveyed to a burial or burning ground, and the mode of conveyance of corpses through public places;
- (24) for the registration of births and deaths;
- (25) for the training and licensing of nurses, dhais and midwives;
- (26) for the enumeration of the inhabitants of the municipality;
- (27) for the prevention of infectious diseases of persons or animals;
- (28) for the enforcement of compulsory vaccination;
- (29) for the prevention of outbreaks of fire;
- (30) for the prohibition and regulation of advertisements in public streets or parks;
- (31) in general for securing cleanliness, safety and order and the good government and well-being of the municipality and for carrying out all the purposes of this Act.

330A. Power of Government to make rules in lieu of bye-laws. - (1) If, in respect of any matters specified in Section 330 the council has failed to make any bye-laws or if the bye-laws made by it are not, in the opinion of the Government, adequate, the Government may make rules providing for such matters as they may think fit.

(2) The rules made under this section may add to alter or cancel any bye-laws made by the council.

(3) If any provision of bye-laws made by the council is repugnant to any provision of a rule made under this section, the rule shall prevail, and the bye-laws, to the extent it is repugnant, be void.

(4) The provisions of Sections 331, sub-section (2) of Section 333 and Section 33-A shall apply to the rules made under this section as they apply to the bye-laws made under Section 330.

(5) Before making any rule under this section the Government shall give the council an opportunity of showing cause against the proposal.

331. Power to give retrospective effect to certain bye-laws. - Bye-laws with regard to the drainage of, and supply of water to, buildings and water-closets, earth-closets, privies, ash-pits and cess-pools in connection with buildings and the keeping of water-closets supplied with sufficient water for flushing may be made so as to affect buildings erected before passing of the bye-laws or this Act.

332. Conditions precedent to making bye-laws. - The council shall, before making or altering bye-laws, publish a draft of the proposed bye-laws and alterations together with a notice specifying a date at or after which such draft will be taken into consideration, and shall, before making the bye-laws or alterations, receive and consider any objection or suggestion which may be made in respect of such draft by any person interested therein before the date so specified.

333. Confirmation of bye-laws by Government. - (1) No bye-law or cancellation or alteration of bye-law shall have effect until the same is approved and confirmed by the Government.

(2) Any bye-law or cancellation or alteration of a bye-law when it is duly confirmed shall be published in the prescribed manner in English and in the main language of the district and shall come into operation three months after it is so published.

333A. Penalty for breaches of bye-laws. - In making bye-laws the Municipal Council may, subject to the provisions of Clause (1) of Article 20 of the Constitution, provide that a breach thereof shall be punishable--

- (a) with fine which may extend to fifty rupees and in case of a continuing breach with fine which may extend to fifteen rupees for every day during which the breach continues after conviction for the first breach; or
- (b) with fine which may extend to ten rupees for every day during which the breach continues after receipt of notice from the executive authority to discontinue such breach.

334. Copies of Act, rules and bye-laws to be sold at municipal office. - Complete copies in English and in the main language of the district--

- (a) of this Act,
- (b) of all rules framed by the Government under clause (b) of Sub-section (2) of Section 326, and
- (c) of all bye-laws in force for the time being, shall be kept at the municipal office and shall be sold to the public at cost price.

335. Publication of regulations. - Regulations made by the municipal authorities under this Act shall be published in such manner as the council may determine.

CHAPTER 2

Penalties

336. General provisions regarding penalties specified in Schedules VI and VII. - (1) Whoever -

- (a) contravenes any provision of any of the sections or rules specified in the first column of Schedule VI,
or
- (b) contravenes any rule or order made under any of the specified sections or rules in the said Schedule,
or
- (c) fails to comply with any direction lawfully given to him or any requisition lawfully made upon him under or in pursuance of the provisions of any of the said sections or rules, shall, on conviction, be punished with fine which may extend to the amount mentioned in that behalf in the forth column of the said Schedule:

Provided that the fine imposed shall, in no case, be less than one-third of the said amount.

(2) Whoever, after having been convicted of--

- (a) contravening any provision of the sections or rules specified in the first column of Schedule VII, or
- (b) contravening any rule or order made under any of the specified sections or rules in the said Schedule,
or

(c) failing to comply with any direction lawfully given to him or any requisition lawfully made upon him under or in pursuance of the provisions of any of the said sections or rules, continues to contravene the said provision or to neglect to comply with the said direction or requisition, as the case may be, shall, on conviction, be punished for each day after the previous date of conviction during which he continues so to offend, with fine which may extend to the amount mentioned in that behalf in the forth column of the said Schedule:

Provided that the fine imposed shall, in no case be less than one-third of the said amount.

Explanation. - The entries in the third column of Schedules VI and VII headed "subject" are not intended as definitions of the offences described in the sections, sub-sections, or clauses mentioned in the first and second columns or even as abstracts of those sections, sub-sections, or clauses, but are inserted merely as references to the subject of the sections, sub-sections or clauses, as the case may be.

337. Penalty for acting as Member, Chairperson, or Vice-Chairperson when disqualified. - (1) Whoever acts as a Member knowing that under this Act or the rules made thereunder he is not entitled, or has ceased to be entitled, to hold such office shall, on conviction, be punished with fine not exceeding two hundred rupees for every such offence.

(2) Whoever acts as or exercises the functions of the Chairperson or Vice-Chairperson of a council knowing that under this Act or the rules made thereunder he is not entitled, or has ceased to be entitled, to hold such office or to exercise such functions shall, on conviction, be punished with fine not exceeding one thousand rupees for every such offence.

(3) If the Chairperson or Vice-Chairperson of a council fails to hand over any documents of, or any moneys or other properties vested in, or belonging to, the council which are in or have come into his possession or control, to his successor in office or other prescribed authority, in every case as soon as his term of office as Chairperson or Vice-Chairperson expires and in the case of the Vice-Chairperson also on demand by the Chairperson, such Chairperson or Vice-Chairperson shall, on conviction, be punished with fine not exceeding one thousand rupees for every such offence.

338. Penalty for acquisition by any municipal officer of interest in contract or work. - If any municipal officer or employee knowingly acquires, directly or indirectly, by himself or by a co-sharer or servant, or near relative or any benamidar, any share or interest in any contract or employment with, by or on behalf of, the council, he shall be deemed to have committed an offence under Section 168 of the Indian Penal Code:

Provided that no person shall, by reason of being a share-holder in, or member of, any company, be held to be interested in any contract entered into between such company and the council unless he is a director of such company:

Provided further that nothing in this section shall apply to a teacher employed by a council who, with the sanction of the Government, enters into a contract with the council with regard to the utilization for the purpose of a school of any land or building owned by him or in which he has a share or interest.

339. Penalty for omission to take out licence for carriage or animal. - (1) Every owner or person in charge of any carriage or animal liable to tax who omits to obtain a licence shall, on conviction, be punished

with fine not exceeding fifty rupees and shall also pay the amount of the tax payable by him in respect of such carriage or animal.

(2) On payment of such fine and tax and of such costs as may be awarded, such owner or person shall receive a licence for the carriage or animal in respect of which he has been fined and for the period during which he has found to be in default.

(3) The provisions of this section shall apply to any person who having compounded for the payment of a certain sum under Section 108, fails to pay such sum, and the amount due for a licence shall, in such case, be taken as the amount so compounded for.

339A. Penalty for wilful prevention of distraint. - Any person wilfully preventing distraint or sufficient distraint of property subject to distraint for any tax due from any person, shall on conviction be liable to a fine not exceeding twice the amount of the tax found to be due.

340. Penalty for unlawful building. - If the construction or reconstruction of any building or well--

- (a) is commenced without the permission of the Commissioner, or
- (b) is carried on or completed otherwise than in accordance with the particulars on which such permission was based, or
- (c) is carried on or completed in contravention of any lawful order or in breach of any provision contained in this Act or in any rule or bye-law made thereunder or of any direction or requisition lawfully given or made, or

if any alterations or additions required by any notice issued under Section 217 or Section 228 are not duly made, or if any person to whom a direction is given under Section 228 to alter or demolish a building or well fails to obey such direction, the owner of the building or well or the said person, as the case may be, shall be liable on conviction to a fine which may extend in the case of a building to five hundred rupees subject to a minimum of fifty rupees and in the case of a well or hut to fifty rupees, subject to a minimum of ten rupees and to a further fine which may extend in the case of a building to one hundred rupees subject to a minimum of ten rupees and in the case of a well or hut to ten rupees subject to a minimum of two rupees, for each day during which the offence is proved to have continued after the first day.

341. Notice to conservancy worker before discharge, etc. - (1) Every conservancy worker employed by the council shall be entitled to one month's notice before discharge or to one month's wages in lieu thereof, unless he is discharged for misconduct or was engaged for a specified term and discharged at the end of it.

(2) Where any conservancy worker employed by the council, without reasonable cause, resigns his employment or absents himself from his duties without giving one month's notice to the council, or neglects or refuses to perform his duties, or any of them, he shall be liable on conviction to a fine not exceeding fifty rupees.

(3) The Government may, by notification in the Andhra Pradesh Gazette, direct that, on and from a date to be specified in the notification, the provisions of Sub-sections (1) and (2) with respect to conservancy workers shall apply also to any specified class of municipal employees whose functions intimately concern the public health or safety.

342. Wrongful restraint of municipal authority or officer and his delegate. - Every person, who prevents the municipal authority or officer or any person to whom the said authority or officer has lawfully delegated its or his powers of entering into or on any land or building, from exercising its or his lawful power of entering thereinto or thereon shall be deemed to have committed an offence under Section 341 of the Indian Penal Code.

343. Penalty for not giving information or giving false information. - If any person, who is required, by the provisions of this Act or by any notice or other proceedings issued under this Act to furnish any information,--

- (a) omits to furnish it, or
- (b) knowingly furnishes false information, such person shall be liable to a fine not exceeding one hundred rupees.

[CHAPTER III]

Corrupt Practices and Election Offences

Corrupt Practices

343A. Corrupt Practices. - The following shall be deemed to be corrupt practices for the purposes of this Act-(1) Bribery, that is to say,-

(A) Any gift, offer or promise by a candidate or his agent or by any other person with the consent of a candidate or his election agent of any gratification, to any person whomsoever, with the object directly or indirectly of inducing,-

- (a) a person to stand or not to stand as or to withdraw or not to withdraw from being a candidate at an election, or
- (b) an elector to vote or refrain from voting at an election, or as a reward to-
 - (i) a person for having so stand or not stood, or for having withdrawn or not having withdrawn his candidature; or
 - (ii) an elector for having voted or refrained from voting;

(B) The receipt of, or agreement to receive, any gratification, whether as a motive or a reward,-

- (a) by a person for standing or not standing as or for withdrawing or not withdrawing from being a candidate, or
- (b) by any person whomsoever for himself or any other person for voting or refraining from voting or inducing or attempting to induce any elector to vote or refrain from voting, or any candidate to withdraw or not to withdraw his candidature.

Explanation. - For the purposes of this clause the term 'gratification' is not restricted to pecuniary gratification or gratifications estimable in money and it includes all forms of entertainment and all forms of employment for reward but it does not include the payment of any expenses bona fide incurred at, or for the purpose of any election and duly entered in the account of election expenses.

(2) Undue influence, that is to say, any direct or indirect interference or attempt to interfere on the part of the candidate or his agent or of any other person with the consent of the candidate or his election agent with the free exercise of any elector right:

Provided that-

(a) without prejudice to the generality of the provisions of this clause any such person as is referred to therein, who-

(i) threatens any candidate or any elector or any person in whom a candidate, or an, elector is interested, with injury of any kind including social ostracism and excommunication or expulsion from any caste or community: or

(ii) induces or attempts to induce a candidate or an elector to believe that he, or any person in whom he is interested will become or will be rendered an object of divine displeasure or spiritual censure, shall be deemed to interfere with the free exercise of the electoral right of such candidate or elector within the meaning of this clause:

(b) a declaration of public policy, or a promise of public action, or the mere exercise of a legal right without intent to interfere with an electoral right, shall not be deemed to be interference within the meaning of this clause.

(3) The appeal by a candidate or his agent or by any other person with the consent of a candidate or his election agent to vote or refrain from voting for any person on the ground of his religion, race, caste, community or language or the use of, or appeal to religious symbols, or the use of, or appeal to national symbols such as the national flag or the national emblem, for the furtherance of the prospects of the election of that candidate or for prejudicially affecting the election of any candidate:

Provided that no symbol allotted under this Act to a candidate shall be deemed to be a religious symbol or a national symbol for the purposes of this clause.

(4) The promotion of, or attempt to promote feelings of enmity or hatred between different classes of the citizens of India on grounds of religion, race, caste, community, or language by a candidate, or his agent or any other person with the consent of a candidate or his election agent for the furtherance of the prospects of the election of that candidate or of prejudicially affecting the election of any candidate.

(5) The propagation of the practice or the commission of sati or its glorification by a candidate or his agent nor any other person with the consent of the candidate or his election agent for the furtherance of the prospects of the election of that candidate or for prejudicially affecting the election of any candidate.

Explanation. - For the purpose of this clause, "sati" and "glorification" in relation of sati shall have the meanings respectively assigned to them in the Commission of Sati (Prevention) Act, 1987.

(6) The publication by a candidate or his agent or by any other person, with the consent of a candidate or his election agent of any statement of fact which is false, and which he either believes to be false, or does not believe to be true in relation to the personal character or conduct of any candidate or in relation to the candidature, or withdrawal of any candidate, being a statement reasonably calculated to prejudice the prospects of that candidate's election.

(7) The hiring or procuring whether, on payment or otherwise of any vehicle or vessel by a candidate or his agent nor by any other person with the consent of a candidate or his election agent, or the use of such vehicle or vessel for the free conveyance of any elector other than that the candidate himself, the members of his family or his agent to or from any polling station:

Provided that the hiring of a vehicle or vessel by an elector or by several electors at their joint costs for the purpose of conveying him or them to and from any such polling station or place fixed for the poll shall not be deemed to be a corrupt practice under this clause if the vehicle or vessel so hired is a vehicle or vessel not propelled by mechanical power:

Provided further that the use of any public transport vehicle or vessel by any elector at his own cost for the purpose of going to or coming from any such polling station or place fixed for the poll shall not be deemed to be a corrupt practice under this clause. Explanation: In this clause the expression "vehicle" means any vehicle used or capable of being used for the purpose of road transport, whether propelled by mechanical power or otherwise and whether used for drawing other vehicles or otherwise.

(8) The incurring or authorizing of expenses in contravention of Section 343-ZC.

(9) The obtaining or procuring or abetting or attempting to obtain or procure by a candidate or his agent, or by any other person with the consent of a candidate or his election agent, any assistance (other than the giving or vote) for the furtherance of the prospects of that candidate's election, from any person in the service of the State or Central Government, Local Authority or a Corporation owned or controlled by the State or Central Government:

Provided that where any person, in the service of the State or Central Government or a Local Authority or a Corporation owned or controlled by the State or Central Government in the discharge or purported discharge of his official duty, makes any arrangements or provides any facilities or does any other act or things, for, to, or in relation to, any candidate or his agent or any other person acting with the consent of the candidate or his election agent (whether by reason of the office held by the candidate or for any other reason), such arrangements, facilities or act or thing shall not be deemed to be assistance for the furtherance of the prospects of that candidate's election.

(10) Booth capturing by candidate or his agent or other person.

Explanation. - (1) In this section the expression 'agent' includes and election agent, a polling agent, and any person who is held to have acted as an agent in connection with the election with the consent of the candidate.

(2) For the purposes of clause (9), a person shall be deemed to assist in the furtherance of the prospects of a candidate's election if he acts as an election agent of that candidate.

(3) For the purposes of clause (9), notwithstanding anything contained in any other law, the publication in the Andhra Pradesh Gazette of the appointment, resignation, termination of service, dismissal or removal from service of a person in the service of the Government shall be conclusive proof-

(i) of such appointment, resignation, termination of service, dismissal or removal from service, as the case may be; and

- (ii) where the date of taking effect of such appointment, resignation, termination of service, dismissal or removal from service, as the case may be, is stated in such publication, also of the fact that such person was appointed with effect from the said date, or in the case of resignation, termination of service, dismissal or removal from service, such person ceased to be in such service with effect from the said date.

Electoral Offences

343B. Promoting enmity between classes in connection with election. - Any person who, in connection with an election under this Act promotes or attempts to promote on grounds of religion, race, caste, community or language, feelings or enmity or hatred, between different classes of the citizens of India shall be punishable with imprisonment for a term which may extend to three years and with fine which may extend to three thousand rupees.

343C. Prohibition of public meetings during period of forty-eight hours ending with hour fixed for conclusion of poll. - (1) No person shall-

- (a) convene, hold, attend, join or address any public meeting or procession in connection with an election; or
- (b) display to the public any election matter by means of cinematography, television or other similar apparatus; or
- (c) propagate any election matter to the public by holding, or by arranging the holding of, any musical concert or any theatrical performance or any other entertainment or amusement with a view to attracting the members of the public thereto, in any polling area during the period of forty-eight hours ending with the hour fixed for the conclusion of the poll for any election in that polling area.

(2) Any person who contravenes the provision of sub-section (1) shall be punishable with imprisonment for a term which may extend to two years, or with fine or with both.

(3) In this section, the expression "election matter" means any matter intended or calculated to influence or affect the result of election.

343D. Disturbance at election meetings. - (1) Any person who at a public meeting to which this section applies acts or incites others to act in a disorderly manner for the purpose of preventing the transaction of the business for which the meeting was called together, shall be punishable with imprisonment for a term which may extend to six months or with fine which may extend to two thousand rupees or with both.

(2) An offence punishable under subsection (1) shall be cognisable.

(3) This section applies to any public meeting of a political character held in any Municipality/Nagar Panchayat between the date of the issue of notification under this Act calling upon the voters to elect a ward member or members or Chairperson and the date on which such election is held.

(4) If any police officer reasonably suspects any person of committing an offence under sub-section (1) he may, if requested to do by the Chairman of the meeting require that person to declare to him immediately his name and address and, if that person refuses or fails so to declare his name and address or if the police officer reasonably suspects him of giving a false name or address, the police officer may arrest him without warrant.

343E. Restrictions on the printing of pamphlets, posters etc. - (1) No person shall print or publish or cause to be printed or published, any election pamphlet or poster which does not bear on its face the names and addresses of the printer and the publisher thereof.

(2) No person shall print or cause to be printed any election pamphlet or poster:-

- (a) unless a declaration as to the identity of the publisher thereof, signed by him and attested by two persons to whom he is personally known, is delivered by him to the printer in duplicate; and
- (b) unless, within a reasonable time after the printing of the document, one copy of the declaration is sent by the printer, together with one copy of the document-
 - (i) where it is printed in the capital of the State, to the Election Authority, and
 - (ii) in any other case, to the District Magistrate of the District in which it is printed.

(3) For the purpose of this section,-

- (a) any process for multiplying copies of a document other than copying it by hand, shall be deemed to be printing and the expression 'printer' shall be construed accordingly; and
- (b) "election pamphlet or poster" means any printed pamphlet, handbill or other document distributed for the purpose of promoting or prejudicing the election of a candidate or group of candidates or any placard or poster having reference to an election, but does not include any handbill, placard or poster merely announcing the date, time, place and other particulars of an election meeting or routine instructions to election agents or workers.

(4) Any person who contravenes any of the provisions of sub-section (1) or sub-section (2) shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to two thousand rupees or with both.

343F. Maintenance of secrecy of voting. - (1) Every officer, clerk, agent or other person who performs any duty in connection with the recording or counting of votes at an election shall maintain, and aid in maintaining, the secrecy of the voting and shall not (except for some purpose authorised by or under any law) communicate to any person any information calculated to violate such secrecy.

(2) Any person who contravenes provisions of sub-section (1) shall be punishable with imprisonment for a term, which may extend to three months or with fine or with both.

343G. Officers etc. at elections not to act for candidates or to influence voting. - (1) No person who is a District Election Authority or an Election Officer or an Assistant Election Officer, or a Presiding Officer or Polling Officer at an election, or an officer or clerk, appointed by the Returning Officer or the Presiding Officer to perform any duty in connection with an election shall in the conduct or the management of the election do any act (other than the giving of vote) for the furtherance of the prospects of the election of a candidate.

(2) No such person as aforesaid, and no member of a police force, shall endeavour,-

- (a) to persuade any person to give his vote at an election, or
- (b) to dissuade any person from giving his vote at an election, or
- (c) to influence the voting of any person at an election in any manner.

(3) Any person who contravenes the provisions of sub-section (1) or subsection (2) shall be punishable with imprisonment, which may extend to six months, or with fine or with both.

343H. Prohibition of canvassing in or near polling stations. - (1) No person shall, on the date or dates on which a poll is taken at any polling station, commit any of the following acts within the polling station or in any public or private place within a distance of one hundred meters of the polling station, namely,-

- (a) canvassing for votes; or
- (b) soliciting the vote of any elector; or
- (c) persuading any elector not to vote for any particular candidate; or
- (d) persuading any elector not to vote at the election; or
- (e) exhibiting any notice or signs (other than an official notice) relating to the election.

(2) Any person who contravenes the provisions of sub-section (1) shall be punished with fine which may extend to two hundred and fifty rupees.

343I. Penalty for disorderly conduct in or near polling stations. - (1) No person shall, on the date or dates on which a poll is taken at any polling station,-

- (a) use or operate within or at the entrance of the polling station, or in any public or private place in the neighbourhood thereof, any apparatus for amplifying or reproducing the human voice, such as a megaphone or a loudspeaker, or
- (b) shout, or otherwise act in a disorderly manner within or at the entrance of the polling station or in any public or private place in the neighbourhood thereof, so as to cause annoyance to any person visiting the polling station for the poll, or so as to interfere with the work of the officers and other persons on duty at the polling station.

(2) Any person who contravenes, or willfully aids or abets the contravention of the provisions of sub-section (1) shall be punishable with imprisonment which may extend to three months or with fine or with both.

(3) If the presiding officer of a polling station has reason to believe that any person is committing or has committed an offence punishable under this section, he may direct any police officer to arrest such person, and thereupon the police officer shall arrest him.

(4) Any police officer may take such steps, and use such force as may be reasonably necessary for preventing any contravention of the provisions of sub-section (1), and may seize any apparatus used for such contravention.

343J. Penalty for misconduct at the polling station. - (1) Any person who during the hours fixed for the poll at any polling station misconducts himself or fails to obey the lawful directions of the presiding officer may be removed from the polling station by the presiding officer or by any police officer on duty or by any person authorised in this behalf by such presiding officer.

(2) The powers conferred by sub-section (1) shall not be exercised so as to prevent any elector who is otherwise entitled to vote at a polling station from having opportunity of voting at that station.

(3) If any person who has been so removed from polling station re-enters the polling station, without the permission of the presiding officer, he shall be punishable with imprisonment for a term which may extend to

three months, or with fine, or with both.

343K. Penalty for failure to observe procedure for voting. - If an elector to whom a ballot paper has been issued, refuses to observe the procedure prescribed for voting, the ballot paper issued to him shall be liable for cancellation.

343L. Penalty for illegal hiring or procuring of conveyance at elections. - If any person is guilty of any such corrupt practice as is specified in clause (7) of Section 343-A at or in connection with an election, he shall be punishable with imprisonment which may extend to [three years and with fine which may be extended upto Rupees twenty thousand.].

343M. Breaches of official duty in connection with elections. - (1) If any person to whom, this section applies is without reasonable cause guilty of any act or omission in breach of his official duty, he shall be punishable with fine, which may extend to five hundred rupees.

(2) An offence punishable under subsection (1) shall be cognisable.

(3) No suit or other legal proceedings shall lie against any such person for damages in respect of any such act or omission as aforesaid.

(4) The persons to whom this section " applies are the District Election Officers, Election Officers, Assistant Election Officers, Polling Officers, and any other person appointed to perform any duty in connection with the receipt of nominations or withdrawal of candidatures, or the recording or counting of votes at an election and the expression "official duty" shall for the purposes of this section be construed accordingly but shall not include duties imposed otherwise than by or under this Act.

343N. Penalty for Government Servants etc. for acting as election agent, polling agent or counting agent. - If any person in the service of the State or Central Government or a Local Authority or a Corporation owned or controlled by the State or Central Government acts as an election agent of a candidate at an election he shall be punishable with imprisonment for a term which may extend to three months, or with fine or with both.

343O. Prohibition of going armed to or near a polling station. - (1) No person other than the Returning Officer, any Police Officer and any other person appointed to maintain peace and order, at a polling station who is on duty at the polling station, shall, on a polling day, go armed with arms, as defined in the Arms Act, 1959, of any kind within the neighbourhood of a polling station.

(2) If any person contravenes the provisions of sub-section (1), he shall be punishable with imprisonment for a term which may extend to two years, or with fine, or with both.

(3) An offence punishable under subsection (2) shall be cognizable.

343P. Removed of ballot papers or ballot boxes from polling stations to be an offence. - (1) any person who, at any election, unauthorisedly takes or attempts to take a ballot paper or ballot box out of polling station, or willfully aids or abets the doing of any such act shall be punishable with imprisonment for a term which may extend to five years and with fine which may extend upto five thousand rupees.

(2) If the presiding officer of a polling station has reason to believe that any person is committing or has committed an offence, punishable under subsection (1), such officer may, before such person leaves the

polling station, arrest or direct a police officer to arrest such person and such person may cause him to be searched by a police officer:

Provided that when it is necessary to cause a woman to be searched the search shall be made by another woman with strict regard to decency.

(3) Any ballot paper found upon the person arrested on search shall be made over for safe custody to a police officer by the presiding officer or when the search is made by a police officer, shall be kept by such officer in safe custody.

(4) An offence punishable under subsection (1) shall be cognizable.

343Q. Offence of booth capturing. - (1) Whoever commits an offence of booth capturing shall be punishable with imprisonment for a term which shall not be less than one year but which may extend to three years and with fine, and where such offence is committed by a person in the service of the Government, he shall be punishable with imprisonment for a term which shall not be less than three years but which may extend to five years and with fine. Explanation: For the purposes of this sub-section and Section 343-ZE "booth capturing" includes, among other things, all or any of the following activities, namely-

- (a) seizure of a polling station or a place fixed for the poll by any person or persons making polling authorities surrender the ballot papers or voting machines and doing of any other act which affects the orderly conduct of elections;
- (b) taking possession of polling station or a place fixed for the poll by any person or persons and allowing only his or their own supporters to exercise their right to vote and prevent others from free exercise of their right to vote;
- (c) coercing or intimidating or threatening directly or indirectly threatening any elector and preventing him from going to the polling station or a place fixed for the poll to cast his vote;
- (d) seizure of a place for counting of votes by any person or persons, making the counting authorities surrender the ballot papers or voting machines and the doing of anything which affects the orderly counting of votes;
- (e) doing by any person in the service of Government, of all or any of the aforesaid activities or aiding or conniving at, any such activity in the furtherance of the prospects of the election of a candidate.

(2) An offence punishable under subsection (1) shall be cognizable.

343R. Liquor not to be sold, given or distributed on polling day. -(1) No spirituous, fermented or intoxicating liquors or other substances of a like nature shall be sold, given or distributed at a hotel, eating house, tavern, shop or any other place, public or private, within a polling area during the period of forth-eight hours ending with the hour fixed for the conclusion of the poll for any election in that polling area.

(2) Any person who contravenes the provisions of sub-section (1), shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to two thousand rupees, or with both.

(3) Where a person is convicted of an offence under this section, the spirituous, fermented or intoxicating liquors or other substances of a like

nature found in his possession shall be liable to confiscation and the same shall be disposed of in such manner as may be prescribed.

343S. Other offences and penalties thereunder. - (1) A person shall be guilty of an electoral offence if at any election he,-

- (a) fraudulently defaces or fraudulently destroys any nomination paper; or
- (b) fraudulently defaces or destroys or removes any list, notice or other documents affixed by or under the authority of a election officer; or
- (c) fraudulently defaces or fraudulently destroys any ballot paper or the official mark or any ballot paper or any declaration of identity or official envelope used in connection with voting by postal ballot; or
- (d) without due authority supplies any ballot paper to any person or receives any ballot paper from any person or is in possession of any ballot paper; or
- (e) fraudulently puts into any ballot box anything other than the ballot paper which he is authorised by law to put in; or
- (f) without due authority destroys, takes, opens or otherwt •; interferes with any ballot box or ballot papers then in use for the purposes of the election; or
- (g) fraudulently or without due authority, as the case may be, attempts to do any of the foregoing acts or willfully aids or abets the doing of any such acts.

(2) Any person guilty of an electoral offence under this section shall,-(a) if he is an election officer or an assistant election officer or a presiding officer at a polling station or any other officer or clerk employed on official duty in connection with the election, be punishable with imprisonment for a term which may extend to two years or with fine or with both;

- (b) if he is any other person, be punishable with imprisonment for a term which may extend to six months or with fine or with both.

(3) For the purposes of this section a person shall be deemed to be on official duty if his duty is to take part in the conduct of an election or part of an election including the counting of votes or to be responsible after an election for the used ballot papers and other documents in connection with such election, but the expression "official duty" shall not include any duty imposed otherwise than by or under this Act.

343T. Penalty for offences not otherwise providedfor. - Whoever does any act in contravention of any of the provisions of this Act, or of any rule, notification or order made, issued or passed, thereunder and not otherwise provided for in this Act shall, on conviction be punished with imprisonment which may extend to two years or with fine which may extend to two thousand rupees or with both.

[CHAPTER IV]

Miscellaneous Election Matters

343U. Adjournment of poll in emergencies. - (1) If at an election the proceedings at any polling station are interrupted or obstructed by any riot or open violence, or if at an election it is not possible to take the poll at any polling station or such place on account of any natural calamity, or any other sufficient cause, the presiding officer for such polling station shall announce an adjournment of the poll to a date to be notified later, and he shall forthwith inform the election officer concerned.

(2) Whenever a poll is adjourned under sub - section (1), the election officer shall immediately report the circumstances to the District Election Authority and the State Election Commission, and shall, as soon as may be, with the previous approval of the State Election Commission, appoint the day on which the poll shall recommence, and fix the hours during which, the poll will be taken, and shall not count the votes cast at such election until such adjourned poll shall have been completed.

(3) In every such case as aforesaid, the election officer shall notify in such manner as the State Election Commission may direct, the date and hours of polling fixed under subsection (2).

343V. Fresh poll in the case of destruction, etc., of ballot boxes. - (1) If at any election,-

(a) any ballot box used at a polling station is unlawfully taken out of the custody of the presiding officer or the election officer, or is accidentally or intentionally destroyed or lost, or is damaged or tampered with, to such an extent, that the result of the poll at that polling station cannot be ascertained; or

(b) any voting machine develops a mechanical failure during the course of the recording of votes; or

(c) any such error or irregularity in procedure as is likely to vitiate the poll is committed at a polling station, the election officer shall forthwith report the matter to the State Election Commission.

(2) Thereupon, the State Commission shall, after taking all material circumstances into account; either-

(a) declare the poll at that polling station to be void, appoint a day, and fix the hours, for taking a fresh poll at that polling station and notify the day so appointed and the hours so fixed in such manner as it may deem fit, or

(b) if satisfied that the result of a fresh poll at that polling station will not, in any way, affect the result of the election or that the mechanical failure of the voting machine or the error or irregularity in procedure is not material, issue such directions to the election officer as it may deem proper for the further conduct and completion of the election.

(3) The provisions of this Act and of any rules or orders made thereunder shall apply to every such fresh poll as they apply to the original poll.

343W. Adjournment of poll or countermanding of election on the ground of booth capturing. - (1) If at any election,-

(a) Booth capturing has taken place at a polling station or in such number of polling stations as is likely to affect the result of such election or that the result of the poll at that polling station cannot be ascertained; or

(b) booth capturing takes place in any place for counting of votes in such a manner that the result of the counting at that place cannot be ascertained, the Election Officer shall forthwith report the matter to the State Election Commission.

(2) The State Election Commission shall, on the receipt of a report from the Election Officer under subsection (1), and after taking all material circumstances into account, either,-

(a) declare that the poll at that polling station be void, appoint a day, and fix the hours, for taking fresh poll at that polling station and notify the date so appointed and hours so fixed in such manner as it may deem fit, or—

- (b) if satisfied that in view of the large number of polling stations involved in both capturing the result of the election is likely to be affected or that booth capturing had affected counting of votes in such manner as to affect result of the election, countermand the election in that constituency.

Explanation. - In this section, "booth capturing" shall have the same meaning as in Section 343-Q.

343X. Destruction, loss, etc., of ballot papers at the time of counting. - (1) If any time before the counting of votes is completed any ballot papers used at a polling station are unlawfully taken out of the custody of the election officer or are accidentally or intentionally destroyed or lost or are damaged or tampered with, to such an extent that the result of the poll at that polling station cannot be ascertained, the election officer shall forthwith report the matter to the State Election Commission.

(2) Thereupon, the State Election Commission shall, after taking all material circumstances into account, either-

- (a) direct that the counting of votes shall be stopped, declare the poll at that polling station to be void, appoint a day, and fix the hours, for taking a fresh poll at that polling station and notify the date so appointed and hours so fixed in such manner as it may deem fit, or
- (b) if satisfied that the result of a fresh poll at that polling station will not, in any way, affect the result of the election, issue such directions to the election officer as it may deem proper for the resumption and completion of the counting and for the further conduct and completion of the election in relation to which the votes have been counted.

(3) The provisions of this Act and of any rules or orders made thereunder shall apply to every such fresh poll as they apply to the original poll.

343Y. Electoral officers and staff etc. deemed to be on deputation. - (1) Any officer or staff employed in connection with the preparation, revision and correction of the electoral rolls for, and the conduct of all elections shall be deemed to be on deputation to the State Election Commission for the period during which they are so employed and such officers and staff shall during that period, be subject to the control, superintendence and discipline of the State Election Commission.

(2) The District Election Authority, Election Officer, Assistant Election Officer, Presiding Officer, Polling Officer and any other officer appointed under this Act, and any police officer designated for the time being by the State Government for the conduct of any elections shall be deemed to be on deputation to the State Election Commission for the period commencing on and from the date of notification calling for such elections and ending with the date of declaration of the results of such elections and such officer shall, during that period, be subject to the control, superintendence and discipline of the State Election Commission.

343Z. Delegation of the powers of the Commission. - The State Election Commissioner may, subject to such conditions and restrictions as he may specify, by general or special order, delegate to any officer or authority in the State Government, either generally or as respects any particular matter or class of matters any powers of the Commission under this Act.

343ZA. Election petitions. - No election held under this Act shall be called in question except by an election petition presented in accordance with such rules as may be made in this behalf and to such authority as may be specified in such rules.

[CHAPTER V]***Election Expenses***

343ZB. Applications of chapter. - This chapter shall apply to candidates of any election held under this Act.

343ZC. Account of election expenses. - (1) Every candidate, at any election held under this Act shall, either by himself, or by his election agent, keep a separate and correct account of all expenditure incurred in connection with the election, between the date on which the candidate concerned has been nominated, and the date of declaration of the result of the election, both date inclusive (hereinafter in this chapter referred as 'Election Expenses').

Explanation I. - 'Election expenses' for purpose of this Act shall mean all expenses in connection with the election,-

- (a) incurred, or authorized by the contesting candidate, or by his election agent;
- (b) incurred by any association, or body of persons, or by any individual (other than the candidate or his election agent), aimed at promoting or procuring the election of the candidate concerned; and
- (c) incurred by any political party, by which the candidate is set up, so as to promote or procure his election;

Provided that any expenses incurred by any political party as part of its general propaganda, (which is distinguishable from its election campaign, for the promotion or procuring the election of a particular candidate), by words, either written or spoken, or by signs or visible representations, or by audiovisual devices, or through print or electronic media or otherwise, shall not constitute 'election expenses' for purposes of this Act.

Explanation II. - (1) For the removal of doubts, it is hereby declared that any expenses incurred in respect of any arrangements made, facilities provided or any other act or thing done by any person in the service of the Government and belonging to any of the classes mentioned in clause (9) of Section 343-A in the discharge or purported discharge of his official duty as mentioned in the proviso to that clause shall not be deemed to be expenses in connection with the election incurred or authorized by a candidate or by his election agent for the purposes of this sub-section.

(2) The account of election expenses shall contain such particulars, as may by order, be specified by the State Election Commission.

(3) The total of the said expenses shall not exceed such amount, as may by order, be specified by the State Election Commission.

343ZD. Lodging of account with the District Election Authority. - Every contesting candidate at an election shall, within forty five days from the date of declaration of the result of the election, lodge with the District Election Authority, an account of his election expenses, which shall be a true copy of the account kept by him, or by his election agent, under Section 343-ZC";

[CHAPTER VI]

Appointment of Observers

343ZE. Appointment of Observers. - (1) The State Election Commission may nominate an Observer who shall be an officer of Government to watch the conduct of election or elections in a ward or a group of wards or for a Municipality or a group of Municipalities and to perform such other functions as may be entrusted to him by the Commission in relation thereto.

(2) The Observer nominated under subsection (1) shall have the power to direct the Election Officer for the or for any of the wards for which he has been nominated, to stop the counting of votes at any time before the declaration of the result, or not to declare the result, if in the opinion of the Observer, booth capturing has taken place at a large number of polling stations or at counting centers or any ballot papers used at a polling station are unlawfully taken out of the custody of the Election Officer or are accidentally or intentionally destroyed or lost or are damaged or tampered with, to such an extent that the result of the poll at that polling station cannot be ascertained.

(3) Where an Observer has directed the Election Officer under this section to stop counting of votes or not to declare the result, the Observer shall forthwith report the matter to the Commission and thereupon the Commission shall, after taking all material circumstances into account, issue appropriate directions under Section 343-W or Section 343-X in the matter of declaration of results.

(4) It shall be competent for the State Election Commission to appoint an Election Expenditure Observer for a group of wards or for a Municipality or group of Municipalities so as to ensure that the provisions of Chapter V are strictly adhered to and in that behalf the commission may issue such instructions as it deems fit, from time to time, to such Observers.

Part 7

Procedure and Miscellaneous

344. General provisions regarding licences and permissions. - (1) Every licence and permission granted under this Act or any rule or bye-law made under this Act shall specify the period if any for which, and the restrictions, limitations and conditions subject to which, the same is granted, and shall be signed by the Commissioner.

(2) Save as otherwise expressly provided in or prescribed under this Act, for every such licence or permission, fees be charged on such units and at such rates as may be fixed by the council.

(3) The council may -

- (a) place the collection of such fees under the management of such persons as may appear to it proper;
- (b) farm out such collection for any period not exceeding three years at a time and on such terms and conditions as it may think fit.

(4) Every order of a municipal authority granting or refusing a licence or permission shall be communicated to the person concerned.

(5) Every order of a municipal authority refusing, suspending, cancelling or modifying, a licence or permission shall be in writing and shall state the grounds on which it proceeds.

(6) Subject to the special provisions in Chapters IV and VI of Part V regarding buildings and private markets and subject to such sanction as may be required for the refusal of a licence or permission, any licence or permission, granted under this Act or any rule or bye-law made under it, may at any time be suspended or revoked by the Commissioner in consultation with the person or authority granting the licence or permission if any of its restrictions, limitations or conditions is evaded or infringed by the grantee, or if the grantee is convicted of a breach of any of the provisions of this Act, or of any rule, bye-law or regulation made under it in any matter to which such licence or permission relates, or if the grantee has obtained the same by misrepresentation or fraud;

Provided that the grantee shall be given an opportunity to show cause against such suspension or revocation.

(7) It shall be the duty of the Commissioner to inspect places in respect of which a licence or permission is required by or under this Act, and he may enter any such place between sunrise and sunset and also between sunset and sunrise, if it is open to the public or any industry is being carried on in it at the time; and if he has reason to believe that anything is being done in any place without a licence or permission where the same is required by or under this Act or otherwise than in conformity with the same, he may at any time by day or night, without notice, enter such place for the purpose of satisfying himself whether any provision of law, rules, byelaws or regulations, any condition of a licence or permission or any lawful direction or prohibition is being contravened and no claim shall lie against any person for any damage or inconvenience necessarily caused by the exercise of powers under this sub-section by the Commissioner or any person to whom he has lawfully delegated his powers, or by any force necessary for effecting any entrance under this sub-section.

(8) when any licence or permission is suspended or revoked or when the period for which it was granted or within which application for renewal should be made, has expired, whichever expires later, the grantee shall, for all purposes of this Act or any rule or bye-law made under this Act, be deemed to be without a licence or permission until the order suspending or revoking the licence or permission is cancelled or, subject to subsection (13), until the licence or permission is renewed as the case may be.

(9) Every grantee of any licence or permission shall, at all reasonable times, while such licence or permission remains in force, produce the same at the request of the Commissioner or any person authorised by him in this behalf.

(10) Whenever any person is convicted of an offence in respect of the failure to obtain a licence or permission or to make a registration required by the provisions of this Act or any rule or bye-law made under this Act, the magistrate shall, in addition to any fine which may be imposed, recover summarily and pay over to the council amount of the fee chargeable for the licence or permission or for registration, and may in his discretion also recover summarily and pay over to the council such amount, if any, as he may fix as the costs of the prosecution.

(11) Save as otherwise expressly provided in or prescribed under this Act, every application for a licence or permission or for registration or the renewal of a licence or permission or registration, shall be made not less than thirty days and not more than ninety days before the commencement of the year or of such less period as is mentioned in the application.

(12) Such recovery of the fee under sub-section (10) shall not entitle the person convicted to a licence or permission or to registration as aforesaid.

(13) The acceptance by council of the pre-payment of the fee for a licence or permission or for registration shall not entitle the person making such pre-payment to the licence or permission or to registration as the case may be, but only to refund of the fee, in the case of refusal of the licence or permission or registration; but an applicant for the renewal of a licence or permission or registration shall, until communication of orders on his application, be entitled to act as if the licence or permission or registration had been renewed; and save as otherwise specially provided in this Act, if orders on an application for or renewal of licence or permission, or registration are not communicated to the applicant within ninety days in the case of the grant of a licence, permission or registration and thirty days in the case of the renewal of a licence, permission or registration, after the receipt of the application by the Commissioner the application shall be deemed to have been allowed for the year or for such shorter period as is mentioned in the application subject to the conditions imposed by or under this Act. Appeals

345. Appeals. - (1) An appeal shall lie to the council from--

- (a) any notice issued or other action taken or proposed to be taken by the Chairperson, Commissioner, municipal health officer or any other officer of the municipality--
 - (i) under Sections 140, 150, 157 to 161 (both inclusive) sub-sections (1) and (3) of Section 217, Sub-section (3) of Section 228, Subsection (1) of Section 231, sub-section (1) of section 232, Sub-section (1) of Section 237 and Sections 239, 250, 261 and 262;
 - (ii) under any bye-law concerning house drainage and the connection of house drains with municipal drains or connections with municipal water supply or lighting mains; or
- (b) any order of the Commissioner, municipal health officer or any other officer of the municipality granting or refusing a licence or permission; or
- (c) any order of the Commissioner made under Section 212 refusing to approve the site for building, or under sub-section (6) of Section 344 suspending or revoking a licence; or
- (d) any other order of the Commissioner, municipal health officer or any other officer of the municipality that may be made appealable by rules under Section 326.

(2) The decision of the council on an appeal referred to it under sub-section (1) shall be final.

(3) An appeal under this section shall be presented and disposed of in the manner prescribed and no court-fee shall be chargeable therefor.

346. Limitation of time for appeal. - In any case in which no time is prescribed by the foregoing provisions of this Act for the presentation of an appeal allowed thereunder, such appeal, subject to the provisions of Section 5 of the Limitation Act, 1963. (Central Act 36 of 1963) shall be presented--

- (a) where the appeal is against an order granting a licence or permission, within thirty days after the date of the publication of the order on the notice board of the council; and
- (b) in other cases, within thirty days after the date of the receipt of the order or proceeding against which appeal is made.

347. Power of persons conducting election and other enquiries. - All persons authorised by rule to conduct enquiries relating to elections and all inspecting or superintending officers holding any enquiries into matters falling within the scope of their duties shall have, for the purposes of such enquiries the same powers in regard to the issue of summons for the attendance of witnesses and the production of documents, as are conferred on revenue officers by the law relating to the issue of revenue summonses for the time being in force and all persons to whom summonses are issued by virtue of the said powers shall be bound to obey such summonses.

348. Summons to attend and give evidence or produce documents. - The Chairperson, Commissioner, Municipal Health Officer, Municipal Engineer or Town Planning Officer may summon any person to appear before him, and to give evidence or produce documents in respect of any question relating to taxation, or inspection or registration, or to the grant of any licence or permission under the provisions of this Act.

349. Form of notices and permissions. - All notices and permissions given, issued or granted, as the case may be, under the provisions of this Act shall be in writing and in such form as may be prescribed.

350. Signature on documents. - (1) Every licence, permission, notice, bill, Schedule, summons or other document which is required by this Act or by any rule, bye-law or regulation made under it to bear the signature of the Chairperson or Commissioner or of any Municipal Officer shall be deemed to be properly signed if it bears a facsimile of the signature of the Chairperson, Commissioner or of such Municipal Officer, as the case may be stamped thereon.

(2) Nothing in Sub-section (1) shall be deemed to apply to a cheque drawn upon the municipal fund or to any deed of contract entered into by the council.

351. Publication of bye-laws, notices, orders etc. - Every bye-law, order, notice or other document directed to be published under this Act shall be written in, or translated into, the main language of the district and deposited at the municipal office, and a copy shall be posted up in a conspicuous position at such office and such other places as the council may direct, and a public proclamation shall be made throughout the municipality by beat of drum that such copy has been so posted up and that the original is open to inspection at the municipal office.

352. Notice of prohibition or setting apart of places. - Whenever the council has set apart any place for any purpose authorised by this Act or has prohibited the doing of anything in any place, the Commissioner shall forthwith cause to be put up a notice in English and in the main language of the district at or near such place. Such notice shall specify the purpose for which such place has been set apart or the act prohibited in such place.

353. Method of serving documents. - (1) When any notice, or other documents is required by this Act or by any rule, bye-law, regulation or order made under it, is to be served on or sent to any person, the service or sending thereof may be effected--

(a) by giving or tendering the said document to such person; or

(b) if such person is not found, by leaving such document at his last known place of abode or business or by giving or tendering the same to some adult member or servant of his family; or

(c) if such person does not reside in the municipality and his address elsewhere is known to the Commissioner by sending the same to him by post registered; or

(d) if none of the means aforesaid be available, by fixing the same in some conspicuous part of such place of abode or business.

(2) Where the person is an owner or occupier of any building or land, it shall not be necessary to name the owner or occupier in the notice or document, and in the case of joint owners and occupiers it shall be sufficient to serve it on, or send it to , one of such owners or occupiers.

(3) Whenever in any bill, notice, form or other document, served or sent under this Act, a period is fixed within which any tax or other sum is to be paid or any work executed or anything provided, such period shall save as otherwise provided in this Act, be calculated from the date of such service or sending. Relations of occupier to owner.

354. Recovery by occupier of sum leviable from owner. - If the occupier of any building or land makes on behalf of the owner thereof any payment for which under this Act the owner but not the occupier is liable, such occupier shall be entitled to recover the same from the owner and may deduct the same from the rent then or thereafter due by him to the owner.

355. Obstruction of owner by occupier. - (1) If the occupier of any building or land prevents the owner from carrying into effect in respect thereof any of the provisions of this Act, the Commissioner may by an order, require the said occupier to permit the owner, within eight days from the date of service of such order, to execute all such works as may be necessary.

(2) Such owner shall, for the period during which he is prevented as aforesaid, be exempt from any fine or penalty to which he might otherwise have become liable by reason of default in executing such works.

356. Execution of work by occupier in default of owner. - If the owner of any building or land fails to execute any work which he is required to execute under the provisions of this Act or of any rule, bye-law, regulation or order made under it, the occupier of such building or land may, with the approval of the Commissioner execute the said work and shall be entitled to recover from the owner the reasonable expenses incurred in the execution thereof, and may deduct the amount thereof from the rent then or thereafter due by him to the owner.

357. Power of entry to inspect, survey or execute the work. - The Chairperson or Commissioner or any person authorised by him in this behalf may enter into or on any building or land with or without assistants or workmen in order to make any enquiry, inspection, test, examination, survey, measurement, or valuation or for the purpose of lawfully placing or removing pipes or meters, or to execute any other work which is authorised by the provisions of this Act or of any rule, bye-law, regulation or order made under it, or which it is necessary for any of the purposes of this Act or in pursuance of any of the said provisions, to make or execute:

Provided that--

(a) except when it is in this Act otherwise expressly provided, no such entry shall be made after sunset and before sunrise;

- (b) except when it is in this Act otherwise expressly provided, no dwelling house, and no part of a public building, used as a dwelling place, shall be so entered without the consent of the occupier thereof, unless the said occupier has received at least two hours' previous notice of the intention to make such entry; and
- (c) sufficient notice shall be given in every case even when any premises may otherwise be entered without notice, to enable the inmates of any apartment appropriated to women to remove to some part of the premises where their privacy may be preserved;
- (d) due regard shall be had, so far as may be compatible with the exigencies of the purpose of the entry, to the social and religious usages of the occupants of the premises.

358. Power of entry on lands adjacent to works. - (1) Chairperson or Commissioner or any person authorised by him in this behalf may, with or without assistants or workmen enter on any land adjoining or within fifty meters of any work authorised by this Act or by any rule, bye-law, regulation or order made under it, for the purpose of depositing on such land any soil, gravel, stone or other materials, or of obtaining access to such work or for any other purpose connected with the carrying on thereof.

(2) The Chairperson or Commissioner or any person authorised by him as aforesaid, shall, before entering on any land under sub-section (1), give the owner or occupier three days previous notice of the intention to make such entry and state the purpose thereof, and shall if so required by the owner or occupier fence off so much of the land as may be required for such purpose.

(3) The Chairperson or Commissioner shall not be bound to make any payment, tender or deposit, before entering on any land under sub-section (1), but as little damage as may be shall be done and the Chairperson or Commissioner shall pay compensation to the owner or occupier of land for such entry and for any temporary or permanent damage that may result therefrom.

(4) If such owner or occupier is dissatisfied with the amount of compensation paid to him by the Chairperson or Commissioner he may appeal to the council. Power to enforce licensing provisions, orders etc.

359. Consequences of failure to obtain licences, etc., or of breach of the same. - If, under this Act or any rule, bye-law or regulation made under it, the licence or permission of the council Chairperson, Commissioner or other officer of the municipality or registration in the municipal office is necessary for the doing of any act, and if such act is done without such licence or permission or registration, or in a manner not consistent with the terms of any such licence or permission, then--

- (a) the Chairperson, Commissioner or other officer may, by notice, require the person so doing such act to alter, remove or, as far as practicable, restore to its original state the whole or any part of any property move-able or immovable, public or private affected thereby, within a time to be specified in the notice; and further.
- (b) if no penalty has been specially provided in this Act for so doing such act, the person so doing it shall be liable, on conviction before a magistrate, to a fine not exceeding fifty rupees for every such offence.

360. Time for complying with order and power to enforce in default. - (1) Whenever by in any notice, requisition, or order under this Act, or under any rule, bye-law or regulation made under it, any person is required to execute any work or to take any measures or to do anything, a reasonable time shall be named in

such notice, requisition or order within which the work shall be executed, the measures taken or the thing done.

(2) If such notice, requisition or order is not complied with, within the time so named, the Chairperson or Commissioner or other officer concerned may cause such work to be executed or may take any measures or do anything which may, in his opinion, be necessary for giving due effect to the notice; requisition or order as aforesaid; and further if no penalty has been specially provided in this Act for failure to comply with such notice, the said person shall be liable on conviction before a magistrate to a fine not exceeding fifty rupees for every such offence.

361. Recovery of expenses from persons liable and limitation of liability of occupier. - (1) The Commissioner may, subject to the provisions of Section 150, recover any reasonable expenses incurred under Section 360 from the person or any one of the persons to whom the notice, requisition or order was addressed, and may, in executing work or taking measures under Section 360 utilize any materials found on the property concerned or may sell them and apply the sale proceeds in or towards the payment of the expenses incurred.

(2) If the person to whom notice is given is the owner of the property in respect of which it is given, the Commissioner may, whether any action or other proceeding has been brought or taken against such owner or not, require the person, if any, who occupies such property, or any part thereof, under the owner, to pay to the council, instead of to the owner, the rent payable by him in respect of such property, as it falls due, upto the amount recoverable from the owner under sub-section (1) or to such smaller amount as the Commissioner may think proper; and any amount so paid shall be deducted from the amount payable by the owner.

(3) For the purpose of deciding whether action should be taken under sub-section (2), the Commissioner may require any occupier of property to furnish information as to the sum paid by him as rent on account of such property and as to the name and address of the person to whom it is payable; and such occupier shall be bound to furnish such information.

362. Power of Commissioner to agree to receive payment of expenses in instalments. - Instead of recovering any such expenses as aforesaid in the manner provided under Section 364, the Commissioner may, if he thinks fit, take an agreement from the person liable to the payment thereof, to pay the same in instalments of such amounts and at such intervals as will serve the payment of the whole amount due, with interest thereon, at such rates as may be prescribed at within a period of not more than five years. Payment of compensation, etc. by and to the municipality

363. Power of municipality to pay compensation. - If in any case not otherwise expressly provided for, in this Act, the Commissioner may, with the approval of the Council pay compensation to any person who sustains damage by reason of the exercise by any municipal authority, officer or servant of any of the powers vested in them by this Act or any other law, or by any rule, bye-law or regulation made under it.

364. Recovery of sums due as taxes. - All costs, damages, penalties, compensation charges, fees, other than school fees, expenses, rents, contributions and other sums which under this Act or any other law or rules or bye-laws made thereunder or under any contract in respect of water supply or drainage, made in accordance with this Act, the rules or bye-laws, are due by any person to the council, may, if there is no

special provision in this Act for their recovery be demanded by bill as provided in the rules in Schedule II and recovered in the manner provided therein.

365. Limitation for recovery of dues. - (1) No distraint shall be made, no suit shall be instituted and no prosecution shall be commenced in respect of any sum due to the council under this Act after the expiration of a period of three years from the date on which distraint might first have been made, or after the expiration of a period of nine years from the date on which a suit might first have been instituted, or after the expiration of a period of six years from the date on which prosecution might first have been commenced, as the case may be, in respect of such sum;

(2) It shall be the duty and responsibility of the Commissioner to place before the council a list of arrears due to the council under this Act which, if no action is taken within the period specified in sub-section (1), are likely to be time-barred, atleast one year before the expiry of the said period stating the reasons for the delay in the recovery of such amount and requesting for the instructions or directions of the Council in regard to the recovery of such arrears.

(3) If the Commissioner fails to furnish the list as aforesaid or omits to show in such list any arrears, or if the arrears shown in the list are due to the failure on the part of any bill collector or other employee of the council, entrusted with the collection of sums due to the council under this Act, the Commissioner or such bill-collector or other employee, as the case may be, shall be deemed to be negligent for which, action under sub-section (1) of Section 374 may be taken.

366. Persons empowered to prosecute. - Subject to the provisions of Section 365, no person shall be tried for any offence against the provisions of this Act, or of any rule or bye-law made under it, unless complaint is made by the Commissioner or by a person expressly authorized in this behalf by the Council within three months of the commission of the offence. But nothing therein shall affect the provisions of the Code of Criminal Procedure, 1973 (Central Act 2 of 1974), in regard to the powers of certain magistrates to take cognizance of offences upon information received or upon their own knowledge or suspicion;

Provided that failure to take out a licence, obtain permission or secure registration under this Act shall, for the purposes of this section, be deemed a continuing offence until the expiration of the period, if any, for which the licence permission or registration is required and if no period is specified, complaint may be made at any time within twelve months from the commencement of the offence.

367. Imprisonment in default of payment and application of costs etc. - (1) In case any fine or costs imposed or assessed by a magistrate under this Act or under any rule or bye-law made under it, shall not be paid, the magistrate may order the offender to be imprisoned in default of payment subject to all the restrictions, limitations and conditions imposed in Sections 64 to 70 (both inclusive) of the Indian Penal Code.

(2) Any fine, costs, tax or other sum imposed or assessed by a magistrate under this Act or under any rule or bye-law made under it shall be recoverable by such magistrate under the Code of Criminal Procedure, 1973 (Central Act 2 of 1974), as if it were a fine and the same shall, except in the case of a fine on recovery, be paid to the council, to be applied to the purposes of this Act.

368. Payment of compensation for damage to municipal property. - If, on account of any act or omission any person has been convicted of an offence against the provisions of this Act or against any rule or bye-law

made under it and by reason of such act or omission, damage has been caused to any property owned by or vesting in the council, the said person shall pay compensation for such damage, notwithstanding any punishment to which he may have been sentenced for the said offence. In the event of dispute, the amount of compensation payable by the said person shall be determined by the magistrate before whom he was convicted of the said offence on application made to him for the purpose of, by the Commissioner not later than three months from the date of conviction; and in default of payment of the amount of compensation so determined, it shall be recovered under a warrant from the said magistrate as if it were a fine inflicted by him on the person liable therefor.

369. Institution of suits against municipal authorities, officers and servants. - (1) No suit for damages or compensation shall be instituted against the council, any municipal authority, officer or servant, or any person acting under the direction of such council, municipal authority, officer or servant, in respect of any act done in pursuance of execution or intended execution of this Act or any rule, bye-law, regulation or order made under it or in respect of any alleged neglect or default in the execution of this Act, or any rule, bye-law, regulation, or order made under it, until the expiration of three months after a notice has been delivered or left at the municipal office or at the place of abode of such officer, servant or person, stating the cause of action, the relief sought and the name and the place of abode of the intending plaintiff and the plaint shall contain a statement that such notice has been so delivered or left.

(2) Every such suit shall be instituted within six months after the date on which the cause of action arose or in a case of a continuing injury or damage, during such continuance or within six months after the ceasing thereof.

(3) Where the defendant in any such suit is the Chairperson, the Commissioner or a municipal officer or employee, payment of the sum or any part of any sum, payable by him in, or in consequence of the suit whether in respect of costs, charges, expenses, compensation, for damages or otherwise, shall be met from the municipal fund.

370. Provisions respecting institution etc., of civil and criminal actions and obtaining of legal advice.

- The Commissioner may,

(a) take, or withdraw from, proceedings against any person who commits--

(i) any offence against this Act, rules, bye-laws or regulations;

(ii) any offence which affects or is likely to affect any property or interest of the council or the due administration of this Act;

(iii) any nuisance whatsoever;

(b) compound any offence against this Act, the rules, bye-laws or regulations which has been specified as compoundable in Schedule VI;

(c) take, withdraw from or compromise proceedings for the recovery of expenses or compensation claimed to be due to the council;

(d) withdraw or compromise any claim against any person in respect of a penalty payable under a contract entered into with such person;

- (e) defend any suit or other legal proceedings brought against the council or against any municipal authority, officer or employee, in respect of anything done or omitted to be done as aforesaid;
- (f) compromise any claim, suit or legal proceedings brought against the council or against any municipal authority, officer or employee, in respect of anything, done or omitted to be done as aforesaid;
- (g) institute and prosecute any suit or withdraw from or compromise any suit or claim, which has been instituted or made in the name of the council or any other municipal authority officer or employee;
- (h) obtain such legal advice and assistance as he may, from time to time, think it necessary or expedient to obtain, or as he may be desired by the council to obtain, for any of the purposes mentioned in the foregoing clauses of this section or for securing the lawful exercise or discharge of any power or duty vesting in or imposed upon, any municipal authority or officer or employee.

371. Power of election authority to defend himself, if sued. - The election authority may defend himself, if sued or joined as party in any proceeding relating to the preparation or publication of electoral rolls or the conduct of elections, as the case may be, and the expenses incurred by the election authority in so doing shall be payable from the municipal fund.

372. Injunctions not be granted in election proceedings. - Notwithstanding anything in the Code of Civil Procedure, 1908 (Central Act 5 of 1908), or in any other law for the time being in force, no court shall grant any temporary injunction or make any interim order restraining any proceeding which is being or about to be taken under this Act, for the preparation or publication of electoral rolls or for the conduct of any elections.

373. Indemnity to the Government, Collector, Revenue Divisional Officer, Municipal Authorities, Officers and Agents. - No suit shall be maintainable against the Government, the District Collector, the Revenue Divisional Officer or any Chairperson, Municipal Authority, officer or employee or any person acting under the direction of any Chairperson, municipal authority, officer or employee, or of a magistrate, in respect of anything done in good faith under this Act or any rule, bye-law, regulation or order made under it.

374. Liability for loss, waste or misapplication. - (1) The Chairperson, every Member, the Commissioner, the Municipal Health Officer, the Municipal Engineer, the Education Officer, the town planning officer and the bill collector or other employee of the council, entrusted with the collection of sums due to the council under this Act, shall be liable for the loss, waste or misapplication of any money or other property owned by or vested in the council, if such loss, waste or misapplication is a direct consequence of his neglect or misconduct and a suit for compensation may be instituted against him by the council with the previous sanction of the Government or by the Government.

(2) No such suit shall be instituted after three years after the accrual of the cause of action.

375. Sanction for prosecution of Chairperson, Council, Commissioner or Municipal Health. - Officer or any other officer When the Chairperson any Member, the Commissioner or municipal health officer or any other officer is accused of any offence alleged to have been committed by him while acting or purporting to act in the discharge of his official duty, no court shall take cognizance of such offence except with the previous sanction of the Government.

376. Assessments etc., not to be questioned. - (1) No assessment or demand made, and no charge imposed under the authority of this Act shall be questioned or affected by reason of any clerical error or by

reason of any mistake (a) in respect of the name, residence, place of business or occupation of any person or (b) in the description of any property or thing, or (c) in respect of the amount assessed, demanded or charged, provided that the provisions of this Act have been in substance and effect, complied with; and no proceedings under this Act shall, merely for defect in form, be quashed or set aside by any Court.

Provided that the person or property so assessed or charged is reasonably ascertainable.

(2) No suit shall be brought in any court to recover any sum of money collected under the authority of this Act or to recover damages on account of any assessment or collection of money made under the said authority;

Provided that the provisions of this Act have been, in effect, complied with.

(3) No distraint or sale under this Act shall be deemed unlawful, nor shall any person making the same be deemed a trespasser, on account of any error, defect or want of form in the bill, notice, Schedule, form, summons, notice of demand, warrant of distraint, inventory, or other proceeding relating thereto, if the provisions of this Act, the rules and bye-laws have in substance and effect been complied with:

Provided that every person aggrieved by any irregularity may recover compensation for any special damage sustained by him.

(4) Notwithstanding anything contained in sub-sections (1), (2) and (3), no suit shall be entertained by any Court of law unless the assessee pays fifty percent of the tax levied and demanded.

377. Injunctions not to be granted in respect of revisions or amendment of assessment books. -

Notwithstanding anything in the Code of Civil Procedure, 1908 (Central Act 5 of 1908) or in any other law for the time being in force, no court shall grant any interim or temporary injunction or make any interim orders restraining any proceeding which is being or about to be taken under Rule 8 in Schedule II to this Act, for the revision or amendment of the assessment books or restraining such revision or amendment from taking effect.

378. Duties of Police Officers. - (1) It shall be the duty of every police officer:

(a) to communicate without delay to the proper municipal officer any information which he receives of the design to commit or of the commission of any offence under this Act or any rule, bye-law or regulation made under it, and

(b) to assist the Chairperson, the Commissioner or any municipal officer or employee reasonably demanding his aid for the lawful exercise of any power vesting in the Chairperson or the Commissioner or in such municipal officer or employee under this Act, or any such rule, bye-law or regulation.

(2) Any police officer who omits or refuses to perform any duty imposed on him by this Act shall be deemed to have committed an offence under the law governing the police force for the time being in force.

379. Power of Police Officers to arrest persons. - (1) If any police officer sees any person committing an offence against any of the provisions of this Act or of any rule or bye-law made under it, he shall, if the name and address of such person are unknown to him, and if the said person on demand declines to give his name and address, or gives a name and address which such officer has reason to believe to be false, arrest such person.

(2) No person arrested under sub-section (1) shall be detained in custody

(a) after his true name and address are ascertained, or

(b) without the order of a magistrate for any longer time, not exceeding twenty-four hours from the hour of arrest than is necessary for bringing him before a magistrate.

380. Exercise of powers of Police Officer by Municipal Officers or Employees. - The Government may empower any municipal officer or employee or any class of municipal officers or employees to exercise the powers of police officer for the purposes of this Act and of the Andhra Pradesh Towns Nuisances Act, 1889 (Act III of 1889).

381. Application of term of 'Public Servant' to Municipal Officers, Agents and sub-agents. - Every municipal officer or employee, every contractor or agent for the collection of any municipal tax, fee or other sum due to the council and every person employed by any such contractor or agent for the collection of such tax, fee or sum shall be deemed to be a public servant within the meaning of Section 21 of the Indian Penal Code.

382. Prohibition against obstruction of municipal authorities, employees and contractors. - No person shall obstruct or molest the council, the Chairperson, any Member, the Commissioner or any other municipal officer or employee or any person employed by the council or any person with whom a contract has been entered into on behalf of the council, in the performance of their duty or of anything which they are empowered or required to do by virtue or in consequence of this Act or of any bye-law, rule, regulation or order made under it.

383. Prohibition against removal of mark. - No person shall remove any mark set up for the purpose of indicating any level or direction incidental to the execution of any work authorised by this Act or by any bye-law, rule or order made under it.

384. Prohibition against removal or obliteration of notice. - No person shall, without authority in that behalf, remove, destroy, deface or otherwise obliterate, any notice exhibited by, or under the orders of the council or the Commissioner or other officer authorised by him in this behalf.

385. Prohibition against unauthorised dealings with public place or materials. - No person shall, without authority in that behalf, remove earth, sand or other material or deposit any matter or make any encroachment from, in, or on, any land vested in the council, or river, estuary, canal, backwater or water course, not being private property or in any way obstruct the same.

386. Oath of allegiance to be taken by Chairperson or Members. - (1) Every person who is elected to be a Chairperson or Member shall, before taking his seat, make at a meeting of the council on oath or affirmation of his allegiance to the Constitution of India in the following form, namely:-

I, having become a Chairperson/Member of the Municipal Council swear in the name of God/solemnly affirm, that I will bear true faith and allegiance to the Constitution of India as by law established, that I will uphold the sovereignty and integrity of India and that I will faithfully discharge the duty upon which I am about to enter".

(2) Any such Chairperson or Member who fails to make, within three months of the date on which his term of office commences or at one of the first three meetings held after the said date, whichever is later, the oath or affirmation laid down in sub-section (1), shall cease to hold his office and his seat shall be deemed to have become vacant.

(3) No such Chairperson or Member shall take his seat at a meeting of the council or do any act as such Member, unless he has made the oath or affirmation as laid down in this section.

(4) Where a person ceases to hold office under Sub-section (2) the Commissioner shall report the same to the council at its next meeting and on application of such person made within thirty days of the date on which he has ceased to be a member under that Sub-section the council may grant him further time which shall not be less than three months for making the oath or affirmation and if he makes the oath or affirmation within the time so granted, he shall, notwithstanding anything in the foregoing sub-sections, continue to hold his office.

387. Delegation of powers by the Government. - (1) The Government may, by notification in the Andhra Pradesh Gazette, delegate to any person or authority all or any of the powers vested in them by this Act except the power to make rules and may, in like manner, withdraw any powers so delegated.

(2) The exercise of any powers delegated under Sub-section (1) shall be subject to such restrictions and conditions as may be prescribed or as may be specified in the notification and also to control and revision by the Government.

387A. Power to give directions. - The Government may from time to time give such directions not inconsistent with the provisions of the Act or the rules made thereunder to the municipalities as it may consider necessary for carrying out the purposes of this Act.

388. Adjudication of disputes between local authorities. - (1) When a dispute exists between a council and one or more than one local authority in regard to any matters arising under the provisions of this Act or any other enactment and the Government are of opinion that the local authorities concerned are unable to settle it amicably among themselves, the Government may take cognizance of the dispute; and

(a) decide it themselves, or

(b) refer it for inquiry and report to an arbitrator or a board of arbitrators.

(2) The report referred to in Clause (b) of sub-section (1) shall be submitted to the Government who shall decide the dispute in such manner as they deem fit.

(3) Any decision given under Clause (a) of sub-section (1) or under sub-section (2), may at the instance, whether before or after the commencement of this Act, of the local authorities concerned, be modified from time to time by the Government in such manner as they deem fit, and any such decision with the modifications, if any, made therein under this sub-section, may, at the instance of such local authorities be cancelled at any time by the Government. Any such decision or any modification therein or cancellation thereof, shall be binding on each of the local authorities concerned and shall not be liable to be questioned in any court of law.

389. Act to be read subject to Schedule IX in regard to first reconstitution of councils, etc. - In regard to the first constitution of a council for any local area under Section 3, or to the first reconstitution in accordance with the provisions of this Act, of a council in existence at the commencement thereof, and otherwise in first giving effect to the provisions of this Act, this Act shall be read subject to the rules in Schedule IX.

389A. Notified Areas. - (1) (a) The Government may by notification in the Andhra Pradesh Gazette, declare any local area to be a notified area, for the purpose of application of all or any of the provisions of this Act in the said notified area.

(b) Where any local area is declared as a notified area, the Government may pass such orders as they may deem fit, as to exclude the local area from the jurisdiction of the local authority concerned, as to the disposal of any part of the property vested in such local authority and as to the discharge of the liabilities of such local authority relating to the said property, or arising from such local area.

(2) The Government may, by notification in the Andhra Pradesh Gazette,

(a) apply or adopt to a notified area or any part thereof, any provision of this Act or of any rule or bye-law made thereunder.

(b) impose in a notified area or any part thereof,

(i) any tax, which might be imposed by the council under the provisions of this Act if the notified area were a municipality;

(ii) where it is a mining area, a tax on mineral rights, subject to any limitations which may be imposed by Parliament by law relating to mineral development and the rules made thereunder, and subject to such rules as may be prescribed in this behalf:

(c) appoint a committee for the purposes of -

(i) the assessment and recovery of any tax imposed under clause (b);

(ii) arranging the due expenditure of the proceeds of such taxes;

(iii) the preparation and maintenance of proper accounts; and

(iv) generally enforcing the provisions of this Act or any rule or bye-law applied or adopted under clause (a);

(d) provided for

(i) the total number of members of the committee, which shall not be less than seven but not more than fifteen, to be nominated by the Government of whom

(A) not less than two but not more than four shall be officials;

(B) not less than two but not more than four shall be persons representing the mining or industrial managements within the notified area;

(C) not less than two but not more than four shall be persons representing the employees of such managements; and

(D) not more than three shall be other persons residing within the notified area;

(ii) the persons who shall be the Chairperson and Vice-Chairperson of the committee, or the manner in which they shall be chosen, from among the members of the committee;

(iii) the term of office of the members of the committee; and

(iv) the restrictions and conditions subject to which the committee may perform its functions.

(3) The proceeds of any tax imposed in a notified area under this section shall be expended in the same manner in which the municipal fund might be expended under the provisions of this Act, if the notified area were a municipality.

(4) For the purpose of any provisions of this Act, which may be applied or adopted to a notified area the committee appointed for such area shall be deemed to be a council under this Act and the area shall be deemed to be a municipality.

(5) The Government may, at any time, modify or cancel any notification issued under this section.

(6) Where by reason of the cancellation under sub-section (5) of any notification issued under this section, any area ceases to be a notified area, the Government may pass such orders as they may deem fit, as to the transfer of the assets of the committee of such area, as to the discharge of the liabilities, if any, of such committee and as to the manner in which the expended funds shall be applied.

389B. Power to transfer functions of Municipalities to Andhra Pradesh Industrial Infrastructure Corporation. - Notwithstanding anything contained in this Act, or in any other law for the time being in force relating to the Municipalities or the notified area Committees, the Government may, in consultation with any Municipality or the notified area Committee, as the case may be, and also the Andhra Pradesh Industrial Infrastructure Corporation, by notification in the Andhra Pradesh Gazette, and subject to such restrictions and conditions including those relating to the remittance of such percentage of the property tax to a Municipality or to a notified area Committee and to such control and revision as may be specified therein direct that any power or function vested in the Municipality or the notified area Committee by or under this Act shall be transferred to and exercised and performed by the Andhra Pradesh Industrial Infrastructure Corporation.

390. Amendment of Andhra Pradesh (Telangana Area) Mining Settlements Act, 1956. - After Section 60 of the Andhra Pradesh (Telangana Area) Mining Settlements Act, 1956, (Act XLIV of 1956), the following section shall be inserted, namely:-

"60A. extension of provisions of law relating to municipalities or of rules thereunder: -

- (1) The Government may, at the request of the Board or otherwise by notification declare that any of the provisions of the Andhra Pradesh Municipalities Act, 1965, or of any rule made thereunder including those relating to taxation shall be extended to and be in force in the Mining Settlement or any specified area therein.
- (2) The provisions so notified shall be construed with such alterations not affecting the substance as may be necessary or proper for the purpose of adapting them to the Mining Settlement or any special area therein.
- (3) Without prejudice to the generality of the foregoing provision, all references to a council, or Chairperson thereof shall be construed as references to Board, or Chairperson thereof, all references to any officer or employee of a council as references to the corresponding officer or employee of Board and all references to Municipal limit as references to the limits of the Mining Settlement or the specified area therein, as the case may be."

391. Repeal of Andhra Pradesh (Andhra Area) District Municipalities Act, 1920 and Andhra Pradesh (Telangana Area) District Municipalities Act, 1956. - (1) The Andhra Pradesh (Andhra Area) District Municipalities Act, 1920 (Act V of 1920) is hereby repealed.

(2) On and from the commencement of this Act, except Chapter XIV, the other provisions of the Andhra Pradesh (Telangana Area) District Municipalities Act 1956 (Act, XVIII of 1956) are hereby repealed.

(3) The provisions of the Government Buildings Act, 1899, (Central Act 4 of 1899) shall cease to apply to buildings within the limits of municipalities constituted or deemed to be constituted under this Act.

(4) The provisions of Sections 89, 90 and 94 of the Andhra Pradesh (Andhra Area) Public Health Act, 1939 (III of 1939), shall cease to apply to municipalities.

Schedule

Rules regarding Proceedings of the Council

(Section 32)

Mode of transacting business.

1. The council shall provide an office and shall meet therein for the transaction of business atleast once in every month, upon such days and at such times as it may fix and also at other times as often as a meeting is called by the Chairperson:

Provided that [no meeting except a meeting referred to in clause (a) of sub-section (1) of Section 20 and subsection (3) of Section 23 of the Act] shall be held on a public holiday.

[Provided that if the Chairperson fails to convene two meetings of the Council consecutively within a period of two months from the date of last meeting held, the Government may, by notification in Andhra Pradesh Gazette remove the Chairperson who in his/her opinion willfully omits to convene the Council meeting after giving reasonable opportunity for his/her explanation.]

Explanation. - For the purposes of these rules, the expression `public holiday' includes Sundays and any other day declared by the Government, by notification in the Andhra Pradesh Gazette, to be a public holiday.

- (1) No meeting shall be held unless notice of the day and time when the meeting is to be held and of the business to be transacted thereat has been given at least three clear days before the day of the meeting.
 - (2) In cases of urgency the Chairperson may convene a meeting on giving shorter notice than that specified in sub-rule (1).
 - (3) The agenda for the meeting shall be prepared by the Commissioner in consultation with the Chairperson. The Commissioner may include in the agenda any subject which in his opinion should be considered by the council and shall include therein any subject specified by the Chairperson. On any subject included in the agenda the Chairperson as well as the Commissioner shall have the right of recording his views in a note and such note shall be circulated to the Members or placed before the council before or at the time of the consideration of such subject by the council.
2. (1) The Chairperson shall, on the requisition in writing of not less than one-third of the Members then on the council, convene a meeting of the council provided that the requisition specifies the day, other than a public holiday, the time and the purpose for which the meeting is to be held. The requisition shall be

delivered at the municipal office during office hours to the Chairperson or Commissioner, Manager or any other person who may then be in charge of the office, atleast ten clear days before the day of the meeting.

(2) Where the Chairperson fails within forty-eight hours from the delivery of such requisition to call a meeting, on the day specified therein, or within three days from such day, the meeting may be called by the Members who signed the requisition on giving the notice provided for in sub-rule (1) of Rule 2 to the other Members.

3. All meetings of the council shall be open to the public:-

Provided that the presiding Member may, and at the request of the council shall, in any particular case, for reasons to be recorded in minutes book kept under Rule 9, direct that the public generally, or any particular person, shall withdraw.

4. All questions which may come before the council at any meeting shall be decided by a majority of the Members present and voting at the meeting and, in every case of equality of votes, the presiding Member shall have and exercise a second or casting vote.
5. No business shall be transacted at a meeting unless there be present atleast six Members and if the number of Members then on the council exceeds sixteen, at least one third of that number.
6. If within half an hour after the time appointed for a meeting a quorum is not present, the meeting shall stand adjourned, unless all the Members present agree to wait longer.
7. No resolution of the council shall be modified or cancelled within three months after the passing thereof except at a meeting specially convened in that behalf and by a resolution of the council supported by not less than one-half of the number of Members than on the council.
8. Minutes of the proceedings at each meeting of the council shall be drawn up and entered in a book to be kept for that purpose; and shall be signed by the presiding member; and the said minutes shall, at all reasonable times and without charge, be open at the municipal office to the inspection of any person who pays any tax under this Act in the municipality.
9. Within three days of the date of the meeting, a copy of the minutes of the proceedings at such meeting in English and in the main language of the district, shall be forwarded by the Commissioner, to the Collector of the district and another copy to the Regional Director of Municipal Administration of the region, in which the municipality is situated. An authenticated copy of the said minutes shall also be affixed to the notice board of the municipal office and relevant extracts of the said minutes shall be sent to the heads of departments of the Government and to the superintending officers appointed under sub-section (1) of Section 63 for information and necessary action. The Chairperson shall immediately submit to the Collector and to the Regional Director a copy of any minute of dissent that may be forwarded to him within forty-eight hours of the meeting by any Member.

[When a Member gives a dissent note the Chairperson shall incorporate the same, in the Minutes Book. If the Chairperson fails to record the dissent note given by any Member in the Minutes Book, the Commissioner shall record the same and intimate the Member, who gave the dissent note].

10. The Commissioner shall have the custody of the proceedings and records of the council and may grant copies of any such proceedings and records on payment of such fees as the council may, by general or special order, determine. Copies shall be certified by the Commissioner as provided in

Section 76 of the Indian Evidence Act, 1872 (Central Act 1 of 1872) and copies so certified may be used to prove the records of the council in the same manner as they may, under sub-section (5) of Section 78 of the said Act, be used to prove the proceedings of that body.

11. The Chairperson elected by the council under Section 28 shall meet in the office provided by the council under Rule 1.
12. The proceedings of every Chairperson elected by the council shall be recorded in writing and submitted to the council.

Bare Acts Live

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