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Mizoram Municipalities Act, 2007

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The Mizoram Municipalities Act, 2007

(Act No.6 of 2007)

[Received the assent of the Governor of Mizoram on 16th April/2007]

AN
ACT

to provide for the administration of town areas and to establish municipalities in towns, transitional areas and urban areas in Mizoram.

Whereas it is expedient and necessary to provide for the administration of town areas viz., transitional areas and urban areas and to introduce municipalities in Mizoram for the purpose of bringing them in conformity with the purpose, substance and direction of the Constitution (Seventy-fourth) Amendment Act, 1992 in general, and in particular to endow the municipalities with functions and powers so as to enable them to function as vibrant Institution of Local Self Government with greater People's participation in managing their own affairs besides importing certainty, continuity and democratic content and dignity, aiming among other things at the realisation of economic and social justice;

It is enacted by the Legislative Assembly of Mizoram in the Fifty-eighth Year of the Republic of India as follows:

CHAPTER - I
PRELIMINARY

1. Short title, extent and commencement: (1) This Act may be called the Mizoram Municipalities Act, 2007.

(2) It shall extend to the whole of the State of Mizoram except the area which has been or may hereafter be declared as, or included in, a Panchayat or a Village Council under the Provisions of any law in force in Mizoram, but shall not extend to the Mizoram Tribal Areas, as referred to in PART III of the paragraph 20 of the Sixth Schedule of the Constitution.

(3) It shall come into force on such date or dates and in such area or areas as the State Government may, by notification, appoint.

2. Definitions: In this Act, except where the context otherwise requires -

- (1) "annual valuation" means annual value, and includes determination of annual value where the context so requires;
- (2) "Assembly Constituency" means the Constituency of the Legislative Assembly of Mizoram;
- (3) "Bakery or Baking house" means any place where bread, biscuits, confectionary and such other things are baked for the purpose of sale;
- (4) "budget grant" means the total sum entered on the expenditure side of a budget estimate under a major head and adopted by a Municipality and includes any sum by which such budget grant may be increased or reduced by transfer from or to

other heads in accordance with the provisions of this Act and the regulations, rules or bys-laws made there under:

- (5) "building" means a house, out-house, stable, latrine, urinal, shed, hut, wall (other than a boundary wall) or any other structure, whether of masonry, bricks, wood, mud, metal or other material but does not include any portable shelter;
- (6) "building line" means the line upto which the main wall of a building abutting on a street or a projected public street may lawfully extend;
- (7) "bye-law" means a set of regulations made by a Municipality under this Act;
- (8) "carriage" means any wheeled vehicle, with springs or other appliances acting as springs, which is used for the conveyance of human beings or goods, and includes any kind of bicycle, tricycle, rickshaw or cycle rickshaw, but does not include a motor vehicle within the meaning of the motor vehicles Act, 1939;
- (9) "cart" means a vehicle ordinarily drawn by animals and not ordinarily used for conveyance of human beings;
- (10) "casual vacancy" means a vacancy occurring otherwise than by efflux of time, and "casual election" means an election to fill such casual vacancy;
- (11) "chairman" means the chairman elected under section 16;
- (12) "conservancy" means the removal and disposal of sewage, offensive, matter and rubbish;
- (13) "Constitution" means the Constitution of India.
- (14) "Company" means a company formed and registered under the Companies Act, 1956 and includes any firm or association carrying on business in the State of Mizoram whether incorporated or not and whether its principal place of business is situated within Mizoram or not;
- (15) "compound" means land, whether enclosed or nor, which is the appurtenance of a building or the common appurtenance of more than one buildings;
- (16) "councillor" means a person chosen by direct election from a ward of a municipality, and includes a person nominated by the State Government to be a councillor under this Act;
- (17) "dangerous disease" means -
 - (a) cholera, plague, small pox, cerebrospinal meningitis, diphtheria, tuberculosis, leprosy, influenza, encephalitis, poliomyelitis and syphilis; and
 - (b) any other epidemic, endemic, or infectious disease which the State Government may, by notification, declare to be a dangerous disease under this Act;
- (18) "Deputy Commissioner" means the Deputy Commissioner of Civil Administrative District in the State of Mizoram and includes any officer empowered by the State Government to act on his behalf;
- (19) "district" means a civil administrative district;
- (20) "District Magistrate" means the District Magistrate referred to in sub-section (1) of section 20 of the Code of Criminal Procedure, 1973 (2 of 1974);
- (21) "drain" includes a sewer, a house-drain, a drain of any other description, a tunnel, a culvert, a ditch, a channel and any other device for carrying off sullage, sewage, offensive matter, polluted water, rain-water or sub-soil water;

- (22) "dwelling house" means a building constructed, used or adapted to be used wholly or principally, for human habitation;
- (23) "eating house" means a house in which food is sold and served to customers on payment;
- (24) "electoral roll" means the electoral roll prepared, revised or corrected by the State Election Commission for the purpose of election to a municipality;
- (25) "Executive Council" means the Executive council of a municipality under clause (b) of section 11;
- (26) "Executive Officer" means the Executive Officer of a municipality under section 61;
- (27) "filth" includes sewage, night soil, dung, dirt, putrid and putrefying substance and offensive matter;
- (28) "food" includes every article used for food or drink by man, other than drugs or water, and any article which ordinarily enters into or is used in the composition or preparation of human food, and also includes confectionery, flavouring and colouring matters, spices and condiments;
- (29) "Governor" means the Governor of Mizoram;
- (30) "holding" means land held under one title or agreement and surrounded by one set of boundaries;

Provided that where two or more adjoining holdings form part and parcel of the site or premises of a dwelling house, manufactory, warehouse or place of trade or business, such holdings shall be deemed to be one holding for the purpose of the Act;

Explanation: Holdings separated by a street or other means of communication shall be deemed to be adjoining within the meaning of this proviso;

- (31) "house-drain" means any drain of one or more premises used for the drainage of such premises;
- (32) "house gully" a passage or strip of land constructed, set apart or utilised for the purpose of serving as a drain or of affording access to a privy, urinal cesspool or other receptacle for filth or polluted matter to municipal employees or to persons employed in the cleansing thereof or in the removal of such matter therefrom, and includes the air space above such passage or land;
- (33) "house" means a building for human occupation whether as a residence or otherwise, having a separate principal entrance from the common way and includes any shop, warehouse or workshop;
- (34) "hut" means any building constructed principally of wood, mud, leaves, grass or thatch and includes any temporary structure of whatever size, or any small building or whatever material made, which the municipality may declare to be a hut for the purpose of this Act;
- (35) "infectious disease" means any disease which may be transmitted from one person to another and declared as such by the State Government;
- (36) "land" includes benefits arising out of land and things attached to the earth;
- (37) "latrine" includes privy, water closet and urinal;
- (38) "market" includes any place where persons daily or periodically assemble for the sale of meat, butter, ghee, fish, fruit, vegetable or livestock, or any article of food or any other article for which there is a collection of shops or warehouses or stalls;

- (39) "masonry building" or "framed building" means any building other than a hut, and includes any structure, a substantial portion of which is made of masonry, reinforced concrete, steel, iron or other metal;
- (40) "municipal area" means the territorial area of a municipality;
- (41) "Municipality" means an institution of self government constituted under article 243 Q of the Constitution and under this Act;
- (42) "notification" means of notification published in the official gazette;
- (43) "nuisance" includes any act, omission, place or thing which causes or 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;
- (44) "occupier" means a person for the time being in actual occupation of any land or building whether or not paying or liable to pay rent to the owner of such land or building or a part thereof, and includes an owner living in his own house;
- (45) "offensive matter" means kitchen or stable refuse, putrid or putrefying substance of any kind;
- (46) "owner" includes person for the time being receiving the rent of any land or building or of any part thereof, whether on his own account or as agent or trustee for any person or society or for any religious or charitable purpose, or as a receiver who would receive such rent if the land or building or any part thereof were let to a tenant;
- (47) "Panchayat" means an institution (by whatever name called) of local-self Government constituted under or in the spirit envisaged by Article 243 of the Constitution of India, and includes a village council constituted under the Lushai Hills District (Village Council) Act, 1953 for the purpose of this Act;
- (48) "platform" means any structure which is placed on or covers or projects over any road or open drain;
- (49) "Premises" means any land or building or part of a building or any hut or part of a hut, and includes -
 - (a) the garden, ground and out-houses, if any, appertaining thereto; and
 - (b) any fittings or fixture affixed to a building or part of a building or hut or part of a hut for the more beneficial enjoyment thereof;
- (50) "prescribed" means prescribed by rules made under this Act;
- (51) "private drain" means a drain constructed and maintained by any person privately or jointly with another person or person for any building, holding or private street;
- (52) "private street" means any street, road, lane, gully, alley, passage or square which is not a public street as defined in this section, and includes any passage securing access thereto or to more premises belonging to the same or different owners;
- (53) "public building" means a building constructed or used or adapted to be used -
 - (a) as a place of public worship or as a school, college or other place of instruction (not being a dwelling so used) or as a hospital, nursing house, maternity house, factory, work house, public theatre, public cinema, public hall, public library or as a public place of assembly, or

- (b) as a hotel, eating house, lodging house, home, hostel, refuge or shelter, or
 - (c) for any other public purpose;
- (54) "public place" means a space not being private property which is open to the use of enjoyment of the public whether the space is vested in a municipality or not;
- (55) "public road" or "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 road way over any public bridge or causeway;
 - b) the footway attached to any such road, public bridge or causeway; and
 - c) the drains attached to any such road, street, bridge or causeway and, where there is no drain attached to any such road or street, shall be deemed to include all land upto the boundary wall, hedge or pillar of any premises abutting on such road or street unless the contrary is shown;
- (56) "public water courses, springs, wells and tanks" include those used by the public to such an extent as to give a prescriptive right to use;
- (57) "quorum" for a meeting means one-third of the total number of councillors holding office for the time being;
- (58) "reconstruction of a building" includes -
- a) the erection wholly or partially of a building after more than one half of its cubical contents has 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 has 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 not far been taken down or burnt down or has fallen down as to leave only the framework 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 houses of a building originally constructed as one dwelling house, of a building originally constructed as one dwelling house only for the conversion of a dwelling-house into a factory;
 - d) the re-conversion into a dwelling-house or place of public worship or a factory or any building which has been discontinued as, or appropriated for any purpose other than a dwelling-house or of a place of public worship or a factory, as the case may be;
 - e) the conversion of one or more huts or temporary structures into a masonry building; and
 - f) the extension of a building;
- (59) "regulation" means a regulation made by a Municipality under this Act;
- (60) "road alignment or street alignment" means a line dividing the lands comprised in and forming part of a road or street from the adjoining land;

- (61) "rubbish" means dust, ashes, broken bricks, mortar, broken glass and refuse of any kind other than filth;
- (62) "rules" means the rules made by the State Government under this Act;
- (63) "scavenger" means a person employed in collecting or removing filth, in cleansing drains or slaughter houses or in driving carts used for the removed of filth;
- (64) "sewage" means night soil and other contents of privies, urinals, cesspools or drains, and includes trade effluents and discharges from manufactories of all kinds;
- (65) "slaughter house" means any place used for the slaughter of cattle, sheep, goats, hinds or pigs or other eatable animals for the purpose of selling the flesh thereof as meat;
- (66) "State Government" means the Government of the State of Mizoram;
- (67) "State Election Commission" means the State Election Commission of Mizoram as contemplated in Article 243-ZA of the Constitution;
- (68) "State Finance Commission" means the State Finance Commission of Mizoram constituted by the Governor under Article 243-Y of the Constitution;
- (69) "street" means a public or private street;
- (70) "sub-divisional Magistrate" means the Sub-divisional Magistrate referred to in sub-section (4) of section 20 of the Code of Criminal Procedure, 1973 (2 of 1974);
- (71) "village council" means a village council constituted under the Lushai Hills District (Village Council) Act, 1953 as adapted and amended;
- (72) "ward" means an administrative division of a municipality;
- (73) "water course" includes any river, stream, channel or nullah, whether natural or artificial;
- (74) "year" means the financial year beginning on the first day of April.

CHAPTER - II CONSTITUTION OF MUNICIPALITIES

3. Declaration of intention to constitute a municipal area: (1) The Governor may, by notification and by such means as he may determine, declare his intention to constitute any transitional area or any smaller urban area or any larger urban area together with any village, building or land contiguous thereto to be specified in the notification, a municipal area under this Act.

(2) In this section, "a transitional area" "a smaller urban area" or "a larger 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 civic administration, the percentage of employment in non-agricultural activities, the economic importance or such other factors as he may deem fit, specify by notification under clause (2) of article 243Q of the constitution.

Explanation - For the purposes of this Section -

(a) Save as may otherwise be deemed fit by the Governor, a population of not less than fifty thousand, one lakh fifty thousand and five lakhs respectively, may be taken as sufficient population for the purpose of specifying respectively "a transitional area", "a smaller urban area" and "a larger urban area";

(b) the factors relating to density of population, percentage of employment in non-agricultural activities, generation of revenue for civic administration, economic importance and such other factors for the purpose of specifying, "a transitional area", "a smaller urban area" and "a larger urban area" shall be such as the Governor may, from to time, determine;

(c) Every notification published under sub-section (1) shall clearly define the limits of the local area to be included in the municipality.

4. Publication of declaration: (1) The notification about the constitution of a municipal area shall be published in the Official Gazette and in at least two leading newspapers, one of which shall be in vernacular intelligible to the inhabitants of the local area concerned.

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

5. Consideration of objection: Any inhabitant of the town or local area in respect of which the notification has been published under section 3 may, if he objects to anything contained in the notification, submit his objection in writing to the State Government within one month from the date of publication in the Official Gazette, and the State Government shall take his objection into consideration on merit and decide one way or other in a reasoned order.

6. Constitution of municipal area: On the expiry of three months from the date of publication of the notification in the Official Gazette and after consideration of all or any of the objections which may be submitted, the Governor may, by notification, constitute such area or any specified part thereof a municipal area under this Act.

7. Classification of municipalities: For the purpose of application of the provisions of this Act in any notified area under section 6, as the State Government may by separate notifications, determine, there shall be -

- (a) a Municipal Board for a specified transitional area;
- (b) a Municipal Council for a smaller urban area, and
- (c) a Municipal Corporation for a larger urban area.

Provided that a district headquarters having a population less than fifty thousand shall not be barred from being specified as a transitional area.

8. Power to determine the number of wards in municipal areas: The State Government may, by notification, determine the number of wards in any municipal area, having regard to population, dwelling pattern, geographical condition and economic considerations of the area included in each ward:

Provided that the number of wards in any municipal area shall be -

- (a) in the case of a municipal board, not less than five but not more than nine;
- (b) in the case of a Municipal Council, not less than eleven but not more than twenty three; and
- (c) in the case a Municipal Corporation, not less than fifteen but not more than thirty-one.

9. Power to abolish or alter the limits of a municipal area: The State Government may, by notification, -

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

Provided that the procedure laid down from the constitution of a municipal area under this Act shall be followed mutatis mutandis in each case:

Provided further that the views of the Municipality affected by any such order shall be taken into consideration before a final declaration is made.

10. Power to exempt municipal area from operation of any provisions of the Act unsuited thereto: (1) The State Government may, by notification and for reasons to be recorded in writing, exempt any municipal area or municipal areas of any classification from the operation of any of the provisions of this Act considered unsuited thereto, and thereupon the said provisions shall not apply to such municipal area or municipal areas until such provisions are applied thereto by notification.

(2) While the exemption as aforesaid remains in force, the State Government may make rules consistent with the provisions of this Act in respect of any matter within the purview of such provisions of this Act from the operation of which the municipal area or municipal areas as aforesaid are exempted.

CHAPTER - III MUNICIPAL AUTHORITIES

11. Municipal authorities: The Municipal authorities charged with the responsibility of carrying out of the provisions of this Act for each municipal area shall be -

- (a) the Municipality,
- (b) the Executive Council, and
- (c) the Chairman.

12. The Municipality: (1) The Municipality established for a transitional area or a smaller urban area or a larger urban area within the meaning of sub-section (2) of section 3 shall mean the Board of Councillors charged with the authority of the municipal government of such area, and shall consist of -

- (a) Such number of elected councillors or there are wards within the municipal area, and
- (b) Persons having special knowledge in municipal administration or local administration as may be appointed by the State Government from time to time;

Provided that the number of councillors so appointed shall not be more than one-sixth or nearest of the number of councillors elected;

Provided further that the councillors so appointed shall not have the right to vote in the meeting of the Municipality.

(2) The Municipality shall be a body corporate by its name having perpetual succession and common seal and shall, subject to any restriction and qualification imposed by or under this Act or any other law for the time being in force, have the power to acquire, hold, administer or dispose of properties and to enter into contracts and to do all other things necessary, proper or expedient for the purpose of this Act, and may sue and be sued in its corporate name.

(3) All executive actions of the Executive Council shall be expressed to be taken in the name of the Municipality.

13. Constitution of Board of Councillors: (1) The councillors elected in a general election or a casual election of a municipality and the councillors appointed by the State Government under clause (b) of sub-section (1) of section 12 shall constitute the Board of Councillors.

(2) The Board of Councillors, unless dissolved earlier, shall hold office for a period of five years from the date appointed for its first meeting after the general election and no longer:

Provided that the Board of Councillors, unless dissolved earlier, shall continue in office till the next Board of Councillors assume office.

(3) In a municipal area newly constituted, the local authority having jurisdiction over such area immediately before such area was constituted a municipal area, shall continue to have jurisdiction and to perform its functions till such time, not exceeding six months from the date of the notification under section 6 as may be necessary for holding elections.

(4) If, for any reason, it is not possible to hold the general election of a Municipality before the expiry of the period of five years specified in sub-section (2), the Board of Councillors shall stand dissolved on the expiration of the said period and thereupon all the powers and functions of the municipality shall be exercised by persons to be designated as Board of Administrators as the State Government appointed for the purpose.

14. Executive Council: (1) There shall be an Executive Council consisting of the Chairman, the Vice-Chairman and other members not exceeding, in the case of a Municipal Board, two, in the case of a Municipal Council, three and in the case of a Municipal Corporation, four.

(2) The Vice-Chairman and the other members referred to in sub-section (1) shall be nominated by the Chairman from amongst the Councillors of the Municipality as soon as possible after he enters into office, and shall assume office after taking oath of secrecy under section 50.

(3) All executive powers of the Municipality shall vest in the Executive Council.

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

(5) The Executive Council shall be collectively responsible to the Municipality.

15. Chairman: (1) The Chairman shall be the executive head of the Municipality, and the municipal administration shall be under his control.

(2) The Chairman shall allocate the business among the members of the Executive Council.

(3) The Chairman shall preside over the meetings of the Executive Council as well as the Board of Councillors.

(4) The Chairman may transact any business or make any order authorised by any law for the time being in force, unless it is otherwise expressly provided in such law;

Provided that the Chairman shall not act in opposition to or in contravention of any decision of the Board of Councillors.

16. Election of Chairman: (1) The Board of Councillors, in its first meeting shall elect in accordance with such procedure as may be prescribed, one of its elected members to be the Chairman who shall assume office forthwith after taking oath of secrecy under section 50.

(2) If the Board of Councillors fails to elect a Chairman in the manner prescribed, the State Government shall appoint by name one of the Councillors to be the Chairman.

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

(4) In the case of casual vacancies in the offices of both the Chairman and the Vice-Chairman caused by death, resignation, removal or otherwise, the State Government may appoint by name one of the Councillors to be the Chairman who shall hold office until a Chairman, elected under the provisions of sub-section (3), enters upon his office.

17. Terms of office of Chairman: (1) The Chairman shall cease to hold office if he ceases to be a Councillor of the municipal area.

(2) The Chairman may, at any time, by giving a notice in writing to the Board of Councillors, resign his office, and the procedure for acceptance or otherwise of the resignation shall be such as may be prescribed.

(3) The Chairman may be removed from office by a resolution carried by a majority of the total number of elected Councillors holding office for the time being at a special meeting to be called for this purpose in the manner prescribed upon a requisition made in writing by not less than one-third of the total number of elected Councillors, and the procedure for the conduct of business in the special meeting shall be such as may be prescribed:

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

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

18. Vice-Chairman: (1) The Vice-Chairman shall, in the absence of the Chairman, preside over the meetings of the Executive Council as well as the Board of Councillors.

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

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

19. Members of Executive Council: The members of the Executive Council shall exercise such powers and perform such functions as the Chairman may assign to them from time to time.

20. Delegation of powers and functions: (1) The Board of Councillors may, by resolution, delegate, subject to such conditions as may be specified in the resolution, any of its powers or functions to the Executive Council or the Chairman.

(2) The Executive Council may, by resolution, delegate, subject to such conditions as may be specified in the resolution, any of its powers or functions to the Chairman or a member of the Executive Council.

(3) Subject to such resolution as may be made by the Executive Council in this behalf, the Chairman may, by order, delegate, subject to such conditions as may be specified in the order, any of his powers or functions to the Vice-Chairman or to a member of the Executive Council or to the holder of any of the posts of officers referred to in sub-section (1) of section 61.

(4) Notwithstanding anything contained in this section, the Executive Council, the Chairman, the Vice-Chairman, a member of the Executive Council or a holder of the posts of officers referred to in sub-section (1) of section 61 shall not delegate -

- (a) any of its or his powers or functions delegated to it or him under this section, or
- (b) such of its or his powers as may be prescribed.

21. Term of office of Vice-Chairman and other members of Executive Council: The Vice-Chairman or any other member of the Executive Council shall hold office until -

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

22. Terms of office of Councillors: A Councillor shall hold office for a period of five years from the date of the first meeting of the Board of Councillors, but a Councillor elected to fill a casual vacancy shall hold office for the remaining period of the term, unless -

- (a) the Board of Councillors is dissolved earlier, or
- (b) he resigns his office by writing under his hand addressed to the Chairman and the resignation is accepted by the Board of Councillors at a meeting in which case the resignation shall take effect from the date of its acceptance.

23. Ward Committee: (1) When the State Government finds it necessary so to do, it may, by special order, form a Ward Committee of any ward in any Municipality and determine the composition and functions of such a Ward Committee. The Councillor elected from the ward shall be the Chairperson of that Ward Committee.

(2) The functions of the Ward Committee may include *inter alia*, powers to make local and internal arrangements and activities for the common benefits of the community including enforcement of Hnatlang and other matters according to the Mizo traditions, customs and practices.

(3) The ward committee may form a local committee in every locality inside the ward for matters of purely local and internal nature.

(4) The State Government may make rules for formation and functions of the local committee.

24. Formation of Special Committee: (1) The Board of Councillors may, from time to time, appoint a Special Committee to perform such specified functions, or conduct such enquiries, or undertake such studies including reports thereon, as may be contained in a resolution in this behalf.

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

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

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

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

- (i) two nominees of each constituent Municipality or local authority,
- (ii) one nominee of each of the concerned Departments of the State Government or of the concerned Municipalities or of the concerned local authority,
- (iii) such expert or experts as the State Government may nominate,
- (iv) Director of Local Bodies who shall also act as a convener of the Committee.

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

CHAPTER - IV **ELECTION OF COUNCILLOR**

26. Holding of general election: (1) A general election of the councillors shall be completed -

- (a) for the purpose of constituting new municipality, as soon as may be, but not later than one year after the publication of the notification under section 6;
- (b) for the purpose of subsequent general election, before the expiry of the term of office of councillors under section 22;
- (c) for reconstituting a municipality on the dissolution of a municipality, within six months of the date of its dissolution.

(2) Each ward of a municipal area shall elect a councillor during the general election.

(3) The names of all elected councillors shall be published in the official gazette soon after the results are declared. The names of the appointed members under clause (b) of sub-section (1) of section 12 shall be published in the official gazette so after the appointment is made.

27. Election of the Municipality: The superintendence, direction and control of the preparation of the electoral rolls for, and conduct of, all elections to the Municipalities shall vest in the State Election Commission which shall perform its functions in accordance with this Act and such rules as the State Government may make from time to time.

28. Electoral roll for a municipal ward: (1) For every municipal ward, there shall be an electoral roll showing the names of persons qualified to vote.

(2) The electoral roll for every municipal ward may be divided into several parts for different localities within the ward

(3) The electoral roll for a municipal ward shall be prepared, revised or corrected by the State Election Commission in accordance with the provision of this Act and such rules as may be made by the State Government in this behalf:

Provided that there shall be a preliminary publication of such electoral roll after preparation or revision, to be followed by final publication after disposal of claims and objections in the manner prescribed:

29. Condition for registration as a voter: (1) Every person who -

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

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

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

Explanation I - The expression "qualifying date" means the first day of January of the year in which the electoral roll is prepared.

Explanation II - The expression "ordinarily resident" shall have the same meaning as assigned to it in section 20 of the Representation of the People Act, 1950 (43 of 1950).

30. Disqualification for registration in an electoral roll: The disqualification for registration in an electoral roll for a municipal area shall be the same as provided in section 16 of the Representation of the People Act, 1950 (43 of 1950).

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

32. Offences in respect of electoral roll: (1) Every person who by claiming a qualification, which he knows that he does not possess, to vote at a municipal election or by using a false document or by a false declaration or by any other deceitful means, procures or attempts to procure the improper entry of the name, whether of himself or of any other person, in the electoral roll or the improper omission of any name

therefrom, shall be punished with imprisonment for a term which may extend to one year or with fine which may extend to two thousand rupees or with both.

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

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

34. Qualifications for election as a Councillor: No person whose name is not included in the electoral roll for the election of Councillors of a municipal area, shall be qualified to be elected a Councillor of that municipal area.

35. General disqualifications for a Councillor: (1) A person shall not be eligible for election or appointment as a Councillor if such person -

- (a) has been adjudged by a competent court to be of unsound mind; or
- (b) is under twenty-one years of age; or
- (c) is an undischarged insolvent; or
- (d) being a discharged insolvent, has not obtained from the court a certificate that his insolvency was caused by misfortune without any misconduct on his part; or
- (e) holds any office of profit under the Municipality; or
- (f) has, directly or indirectly by himself or by his partner or employer or any employee, any share or interest in any contract or employment with, by, or on behalf of, the Municipality; or
- (g) is in the service of, or receives remuneration from, the Central or the State Government or the Municipality; or
- (h) has been elected to, or appointed under, any other Municipality or any Panchayat:

Provided that notwithstanding anything contained in clause (f), no person shall be deemed to be disqualified there under by reason only of his having a share or interest in -

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

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

(3) If any question arises as to whether any person or any Councillor has become subject to any of the disqualifications mentioned in sub-section (1) and sub-section (2),

the question shall be referred for decision to such authority and in such manner as may be notified by the State Government from time to time.

36. Election of ineligible persons and disqualifications subsequently incurred:

(1) Where a person elected to be a Councillor was not eligible for such election on account of any disqualification referred to in section 34 or section 35 or where a person incurs such disqualification subsequent to his election as Councillor, the election of such person shall be void upon the State Government making a declaration to that effect:

Provided that no such declaration shall be made if the question of such disqualification was on account of his election petition presented under this Chapter.

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

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

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

Provided that -

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

38. Corrupt practices: A person shall be deemed to have committed an offence of corrupt practice if he commits an act relating to a corrupt practice within the meaning of section 123 of the Representation of the People Act, 1951 (43 of 1951).

39. Penal provision for corrupt practices: Whoever commits an offence of corrupt practice shall be punishable with imprisonment of either description for a term which may extend to one year or with fine or with both.

40. Prosecution and appeal: (1) No Magistrate other than a Judicial Magistrate of the first class shall take cognizance of any offence under this Chapter, -

- (a) except on the complaint of a person whose name is on the electoral roll;
- (b) unless such complaint has been made within fourteen days of -
 - (i) the date of declaration of the result of any election to which the offence relates, or
 - (ii) the date on which the offence is alleged to have been committed; and
- (c) in the case of an offence of corrupt practice, unless the person complaining shall have deposited one hundred rupees :

Provided that deposit mentioned in clause (c) shall be refunded to the complainant if the complaint is found to be true or if, for any other reason, the Magistrate or the Court of Sessions so directs.

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

41. Orders of disqualification: Every person convicted of an offence under this chapter shall be disqualified from being elected in any election to which this Act

applies and from holding the office of the Chairman or the Councillor under this Act for such period, not being less than three years or more than six years from the date of his conviction, as the Court may by order determine.

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

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

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

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

(2) The provisions of the Code of Civil Procedure, 1908 (5 of 1908), shall apply, as far as may be, in the matter of adjudication of an election petition under sub-section (1).

43. Setting aside of election: If the District Magistrate, after holding such inquiry as he deems fit in respect of an election petition, is satisfied that -

- (a) a candidate has committed any corrupt practice within the meaning of this Chapter, or
- (b) the result of the election has been materially affected by any act or omission in violation of the provisions of this Act or the rules made there under, or
- (c) the result of the election has been vitiated by any offence punishable under this Act or any law for the time being in force he shall set aside the election of such candidate, and may, if the election is set aside for any cause which is the result of any act of a candidate or his agent, declare that candidate to be disqualified for the purpose of a fresh election caused by such setting aside:

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

44. Scrutiny of votes and declaration or confirmation of result: (1) If the election petition is confined to the question of validity of votes cast or counting, the District Magistrate shall, after such scrutiny and computation of votes as may be deemed necessary, declare the result.

(2) If there be only two candidates contesting the election in dispute and the election petition contains a claim by one of the candidates for declaring him elected,

the District Magistrate may, while deciding upon the election petition, declare such candidate duly elected.

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

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

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

46. Fresh election when an election is set aside: If an election is set aside by the District Magistrate, a date shall forthwith be fixed and necessary steps shall be taken for holding a fresh election for filling up the vacancy, as a casual vacancy.

47. Saving of acts done by a Councillor before his election is set aside: Where a candidate, who has been elected to be a Councillor, is declared by the District Magistrate to have not been duly elected, no act done by him by virtue of the office of Councillor before such declaration, shall be invalidated by reason of such declaration.

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

CHAPTER - V

MEETING OF BOARD OF COUNCILLORS

49. Oath of allegiance to be taken by Councillors: (1) Notwithstanding anything contained in the Indian Oath Act, 1873 (10 of 1873), every person who is elected or appointed to be a Councillor shall, before assuming his office, make and subscribe before a District Magistrate in whose jurisdiction the Municipality is situated, or any Executive Magistrate authorised by the District Magistrate in this behalf, an oath or affirmation of his allegiance to the Constitution of India according to the form set out for the purpose in the Second Schedule.

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

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

50. Oath of secrecy to be taken by Chairman, Vice-Chairman and members of Executive Committee: (1) The Chairman, the Vice-Chairman, and a member of Executive Committee shall assume office after taking the oath of secrecy according to the form set out for the purpose in the Third Schedule.

(2) The oath of secrecy shall be administered by the District Magistrate or any other Executive Magistrate authorised on this behalf by the District Magistrate in whose jurisdiction the Municipality is situated.

51. First meeting of the Board of Councillors: (1) The first meeting of the Board of Councillors after the general election of Councillors to the Municipality shall be convened by the District Magistrate or any other Executive Magistrate authorised in this behalf by the District Magistrate in whose jurisdiction the Municipality is situated, for subscribing and taking oath or affirmation of allegiance to the Constitution under section 49, and for election of the Chairman under sub-section (1) of section 16.

(2) The first meeting of the Board of Councillors under this section shall be held as soon may be as possible after the names of the elected persons are published in the Gazette under sub-section (3) of section 26.

52. Meeting of the Board of Councillors: (1) The Board of Councillors shall meet not less than once in every month for the transaction of business:

Provided that if there is no business to be transacted at any monthly meeting, the Chairman shall give notice of the fact to Councillors.

(2) The Chairman shall, upon a requisition in writing by not less than one-third of the members of the Board of Councillors, convene a meeting of the Board.

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

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

53. Quorum: (1) The quorum necessary for the transaction of business at any meeting of a Municipality under this Act shall be one-third of the total number of Councillors of the Municipality.

(2) If at any time during a meeting of the Municipality there is no quorum, it shall be the duty of the Chairman or the person presiding over such meeting either to adjourn the meeting or to suspend it till there is a quorum.

(3) Where a meeting has been adjourned under sub-section (2), the business which would have been brought before such meeting if there had been a quorum, shall be brought before, and may be transacted at, an adjourned meeting, whether there is a quorum or not.

(4) All matters required to be decided by the Municipality at a meeting shall, save as otherwise provided in this Act, be determined by a majority of the members of the Municipality present and voting at such meeting.

54. Record and publication of the proceedings: (1) Minutes of the proceedings at each meeting of a municipality or committee shall be drawn up and recorded in Mizo language in a book to be kept for the purpose, and shall be signed by the Chairman or the Vice-Chairman who presided over such meeting, and shall be published in such manner as the State Government may from time to time direct, and shall at all reasonable times and without charge, be open to the inspection of any Councillor or any person who is authorised by the State Government in that behalf.

(2) A copy of every resolution passed by Municipality at a meeting shall, within three days of the date of the meeting, be forwarded to -

- (a) the District Magistrate of the District;
- (b) each Councillor of the Municipality; and
- (c) such officer or authority appointed by the State Government for the purpose of inspecting or superintending the operation of the municipal area.

55. Remuneration and allowances: The Councillors of the municipal area including the members of the Executive Council may receive such remuneration or allowance as may be prescribed:

Provided that different rates may be prescribed for different groups of municipalities and for different classes of functionaries in each municipality.

56. Powers to make regulations as to business and affairs: (1) Every municipality subject to the control and approval of the State Government, shall make regulations as to -

- (a) the time and place of its meetings, the business to be transacted at meeting and the manner in which notice of meetings shall be given;
- (b) preserving order and the conduct of proceedings at the meetings, the due record of all dissents and discussions and the adjournment of meetings and the powers which the Chairman or in his absence Vice-Chairman may exercise for the purpose of enforcing his decision on points of order;
- (c) the custody of the common seal and the purposes for which it shall be used;
- (d) the division of duties amongst its members and constitution and procedure of Committees;
- (e) delegation of powers, duties or functions of the municipality and the powers to be exercised by the Chairman or Vice-Chairman or councillors or officers or servants of the municipality or by Committees any one or more of their members;
- (f) the person by whom receipts shall be granted for money received under this Act;
- (g) the duties, appointment of the officers and servants of the municipality, and
- (h) other similar matters :

Provided that all regulations made under this section and all orders repealing or altering any such regulation, shall be considered by the municipality at a meeting specially convened for the purpose and be subject to the approval of not less than two thirds of the number of councillors present at the meeting.

(2) All regulations under Sub-Section (1) shall be published in the Gazette and in such other manner as the State Government may direct and so far as they are consistent with any rules made by the State Government under this Act, shall upon such publication have the force of law.

CHAPTER - VI

POWERS AND FUNCTION OF MUNICIPALITY

57. Functions of municipality: The State Government may assign to a municipality of any level all or any of the following functions in progressive manner considering the managerial, technical and financial capacities of the municipality:

Provided that it shall be the duty of the State Government to allocate to a municipality adequate and reasonable functions and powers once the municipality is in position to discharge the functions

(1) in the sphere of public works, -

- (a) providing by itself or by an agency, means for supply of water for public and private purposes;
- (b) construction, maintenance and cleansing of sewers and drains, sewerage and drainage works;
- (c) construction, maintenance and cleansing of public latrines, urinals and similar conveniences;
- (d) construction, maintenance, alteration and improvement of public streets and street furniture, bridges and culverts, flyovers, subways, causeways and the like;
- (e) naming of streets and numbering of premises;
- (f) lighting of public streets and other public places;
- (g) planting and care of trees on roadside and elsewhere;
- (h) construction and maintenance of municipal markets and slaughter houses and the regulation of all markets and slaughter houses;
- (i) maintenance of all monuments vested in the Municipality;
- (j) providing by itself or by an agency, means of supply of water for fire-fighting purposes;

(2) in the sphere of public health and sanitation, -

- (a) collection, removal and disposal of solid wastes including filth, rubbish and other obnoxious or polluted matters;
- (b) disposal of solid and liquid wastes consistent with efforts to cause recovery and re-use of all that can be salvaged;
- (c) reclamation of unhealthy localities, removal of noxious vegetation and abatement of all nuisances;
- (d) regulating and abating offensive and dangerous trades or practices;
- (e) cleansing of public streets and other public places;
- (f) ensuring the wholesomeness of water supplied for drinking and domestic purposes;
- (g) maintenance of all public tanks and regulating the re-excavation, repair and upkeep of all private tanks, wells and other sources of water supply on such terms and conditions as the Municipality may deem proper;

- (h) provide for places for the disposal of the dead and the regulation and maintenance of such places;
- (i) measures for preventing and checking the spread of dangerous diseases;
- (j) immunisation including public vaccination and inoculation;
- (k) removal and disposal of the unclaimed dead bodies and carcasses of dead animals;
- (l) abatement of nuisances from birds and animals including dog menace;
- (m) conversion of all service privies into sanitary latrines and providing adequate facilities for sanitation so that open defecation may be completely done away with;

(3) in the sphere of town planning and development, -

- (a) devising town planning within the limits of the municipal area in accordance with the laws relating to town planning for the time being in force;
- (b) planned development of the borders of the municipal area in accordance with the laws applicable for the purpose;
- (c) improvement of slums;
- (d) control of regular lines of streets;
- (e) control of all building operations and regulation of building uses;
- (f) co-ordination of all overground rights enjoyed by service agencies;
- (g) co-ordination of activities of agencies relating to laying and maintenance of underground pipelines, tubes, cables and the like;
- (h) laying out and maintenance of public parks, squares, gardens or recreational areas;
- (i) redevelopment of congested areas for providing better living conditions;
- (j) planned development of new areas for human settlement;
- (k) preservation of monuments and places of historical, artistic and other importance;
- (l) measures for beautification of the township by setting up fountains and statues, providing recreational areas, improving river banks, landscaping and the like;

(4) in the sphere of administration, -

- (a) survey of buildings and lands and preparation and maintenance from time to time survey maps and plans of the town and other records relating to survey;
- (b) removal of unauthorised encroachment on, or obstruction and projection in or upon, streets, bridges and other public places;
- (c) securing or removal of dangerous buildings and places;
- (d) registration of births and deaths;
- (e) providing boundary marks for the municipal area;
- (f) drawing up an Annual Administration Report on the activities and performances of the Municipality and submission, in the manner prescribed, of such report to the State Government;

- (g) compilation and maintenance of records and statistics relating to the administrative functions of the Municipality;
- (h) maintenance and development of all properties vested in or entrusted with the management of the Municipality;
- (i) checking the construction of unauthorised buildings and pulling down unlawful construction;
- (j) ensuring the stoppage of wastage of water supply and other civic facilities;
- (k) protecting public properties in general and civic properties in particular;
- (l) abatement of pollutions of all kinds;
- (m) measures as may be required for fire prevention and fire safety under any law for the time being in force;
- (n) providing for adequate training facilities for the municipal employees and equipping and motivating them for public service;
- (o) observance of occasions of national importance.

58. Discretionary functions of the Municipality: A Municipality may, at its direction, provide, either wholly or partly, out of the municipal property and fund, for the following matters within the limits of the municipal area:

- (1) in the sphere of public works, -
 - (a) giving relief to, and establishing and maintaining, in time of famine, flood or earthquake, relief works for, destitute persons within the limits of the municipal area;
 - (b) construction or maintenance of, or providing or giving aids for, passengers' sheds, libraries, museums, community halls, offices, godowns, shops, markets, dharmashalas, rest-houses, sports complex, place of entertainment, swimming pools, public wash-houses and bathing places and homes for the disabled and destitute and other public buildings designed for convenience of the community;
 - (c) construction and maintenance of old-age homes and orphanages, domiciliary care for the sick, orphan, destitute and aged people;
 - (d) construction or maintenance of, or providing aids to, hospitals, dispensaries, asylums, rescue homes, maternity houses, and child welfare centres;
 - (e) construction, purchase, organisation, maintenance, extension and management of mechanically propelled transport facilities for the conveyance of the public;
 - (f) construction, maintenance, repair, and purchase of any works for the supply of electrical energy or gas;
 - (g) construction of dwellings for the inhabitants, specially low-cost dwellings for the socially backward classes of citizens;
 - (h) providing accommodation for all classes of employees of the Municipality;
- (2) in the sphere of education, -

- (a) establishing and maintaining pre-primary schools such as balwadies and crèches;
- (b) promotion of civic education, adult education, social education, non-formal education and the like;
- (c) promotion of cultural activities including music, physical education, sports and theatres;
- (d) advancement of science and technology in the way of life;
- (e) advancement of civic consciousness of public health and general welfare by organising discourses, seminars and conferences;
- (f) publication of municipal journals, periodicals and souvenirs, purchase of books, and subscription to journals, magazines and newspapers;

(3) in the sphere of public health and sanitation, -

- (a) construction and maintenance of cattle pounds;
- (b) provision for unfiltered water-supply for non-domestic uses;
- (c) promotion of the use of bio-gas and other non-conventional energy sources;
- (d) provision for sewage treatment and preparation of compost manures from sewage and other refuse;
- (e) abatement of smoke nuisances;
- (f) setting up of milk dairies or farms (but not khatahs) for supply, distribution and processing of milk or milk products for the benefit of the people;

(4) in the sphere of administration, -

- (a) civic reception to persons of distinction and paying homage on death to persons of repute;
- (b) installation of statues, portraits and pictures in appropriate manner;
- (c) organisation and management of fairs and exhibitions;
- (d) organisation, establishment and maintenance of art galleries and botanical or zoological collections;
- (e) construction and maintenance of garages and sheds and stands for vehicles;
- (f) measures for eradication of addiction of all kinds like liquors and drugs;
- (g) organising voluntary labour and co-ordinating the activities of voluntary agencies for community welfare;

(5) in the sphere of development, -

- (a) encouraging formation of co-operative societies, and, in particular, housing co-operative societies, and assistance to such co-operative societies in construction of residential buildings;
- (b) providing shelter for the homeless;
- (c) undertaking manufacturing of building materials and their distribution at fair prices;
- (d) reclamation of waste lands and promotion of social forestry;

- (e) establishing and maintaining nurseries for plants, vegetables and trees and promotion of greenery through mass participation;
- (f) organisation of flower-shows and promotion of flower-growing as a civic culture;
- (g) promotion of agriculture, pisciculture, horticulture, poultry and improvement of cattle breed;
- (h) assistance to small-scale and cottage and craft industries;
- (i) programme for liberation and rehabilitation of scavengers and their families;
- (j) income-generating activities, particularly for the women belonging to the socially backward classes of citizens;
- (k) collection of statistics and data significant to the community;
- (l) integration of the development plans and schemes of the town with the district or regional development plan, if any;

(6) generally, taking all measures not specified in the foregoing provisions of this section, which are likely to promote public safety, health, convenience, education or welfare of the community.

59. Transfer of functions of State Government: (1) Notwithstanding anything contained in this Act or in any other law for the time being in force, the State Government may, subject to such conditions as it may think fit to impose, transfer, by an order published in the Official Gazette, to a Municipality any such functions and duties relating to Government under any law which the State Legislature is competent to enact, or which is otherwise within the executive power of the State, and appear to relate to matters arising within a municipal area being of an administrative character, and shall, on such transfer, allot to the Municipality such fund and personnel as may be necessary to enable the Municipality to discharge the functions and duties transferred.

(2) Without prejudice to the generality of the provisions of sub-section (1), the State Government may transfer to the Municipality such functions and duties as are performed by the departments of the State Government on any of the following matters:

- (a) town and country planning;
- (b) urban development;
- (c) water supply and sanitation;
- (d) transport system including regulation of traffic terminus;
- (e) employment schemes and programmes;
- (f) health and family welfare;
- (g) relief and social welfare including social security schemes and programmes;
- (h) public works including road construction and housing;
- (i) cottage and small-scale industries, business and services including programme for skill development;
- (j) education including primary education, adult education, vocational education, social education, non-formal education, audiovisual education and library services;
- (k) food and supplies including rationing and distribution;
- (l) civil defence;
- (m) fire protection and fire-fighting;

- (n) sports and youth services;
- (o) welfare of the Scheduled Castes and the Scheduled Tribes;
- (p) environmental safety and improvement;
- (q) social forestry and plantation programme.

(3) Where any function or duty under any law is so transferred, such law shall have effect as if this section has formed a part of such law, and thereupon such law shall be deemed to have been amended accordingly

60. Power to transfer any function of Municipality under the Act to the State Government or to any organisation: Notwithstanding anything contained in this Act or in any other law for the time being in force, the Municipality may, if it is of opinion that it is necessary so to do in the public interest, transfer, with the prior approval of the State Government, any function or functions of the Municipality under the Act to the State Government or to organisation, including a Government organisation, in such manner, and on such terms and conditions, as may be prescribed.

Explanation - "Government organisation" shall mean an organisation maintained or managed by the State Government:

Provided that such transfer of function or functions of the Municipality to such organisation shall not absolve the Municipality from the responsibility of carrying out the provisions of this Act in relation to the function or functions so transferred.

CHAPTER - VII MUNICIPAL ESTABLISHMENT

61. Municipal establishments: (1) Save as otherwise provided in this Act, a Municipal corporation or a municipal council may have all or any of the following officers:

- (a) an Executive Officer by whatever designation it is called;
- (b) a Health Officer;
- (c) an Engineer;
- (d) a Finance Officer;
- (e) a Town Planner;
- (f) a Secretary;
- (g) an Office Superintendent;
- (h) one or more than one Sub-Assistant Engineer;
- (i) one or more than one Sanitary Inspector;
- (j) a Head Clerk;
- (k) a Head Assistant;
- (l) an Accountant;
- (m) a Surveyor;
- (n) a Draftsman;
- (o) such other officers as may be designated by the State Government in this behalf:

Provided that the State Government may reduce the number of posts of the officers as aforesaid for any Municipality:

Provided further that the State Government may by order re-designate any of the posts of the officers as aforesaid in respect of any Municipality.

(2) A Municipal Board may have any one or more of the officer mentioned at sub-section (1) as the State Government may, having regard to the function of the Board and the revenue generated by the Board, sanction from time to time.

(3) Until the cadre of common municipal service for the State is constituted under sub-section (1) of section 62, and subject to the provisions of sub-section (1) of this section, the Board of Councillors may, at a meeting, determine which of the officers referred to in sub-section (1) of this section are necessary for a Municipality, and, with the prior sanction of the State Government, create posts of such officers and fix the salaries and allowances to be paid and granted to such officers.

(4) The Board of Councillors at a meeting may, subject to the norms regulating the size of the municipal establishment for each Municipality and the categories or designations of officers and other employees of each Municipality with their scales of pay as may be fixed by the State Government from time to time, determine what officers and other employees, other than the officers mentioned in sub-section (1), are necessary for a Municipality, create posts of such officers and other employees, and fix the salaries and allowances to be paid and granted to such officers and other employees.

(5) Subject to the norms regulating the size of a municipal establishment as may be fixed by the State Government under sub-section (4), no post of an officer or other employee shall be created under sub-section (4) by the Board of Councillors of a Municipality without the prior sanction of the State Government, if the number of posts to be so created in a year for a Municipality is more than one percent of the total number of sanctioned posts of officers and other employees in existence in the year immediately preceding:

Provided that the number of posts so admissible for creation in a year without the prior sanction of the State Government after the Commencement of this Act, if not created in that year, may be carried forward to the next year, subject to a minimum of one and a maximum of ten.

(6) Notwithstanding anything contained in sub-section (1), sub-section (3), sub-section (4) or sub-section (5), the Board of Councillors of a Municipality may, with the prior sanction of the State Government, create, if it considers necessary so to do for due discharge of municipal functions, a post of an officer or other employee which is not included in the norm as may be fixed by the State Government under sub-section (4), and fix the salaries and allowances to be paid and granted to such officer or other employee.

(7) Until norms are fixed under sub-section (4), no post of officer or other employee shall be created by the Board of Councillors of any Municipality without the prior sanction of the State Government.

62. Cadre of common municipal service, appointments, etc.: The State Government may constitute a cadre of common municipal service for the State in respect of Executive Officers, Health Officer, Engineers and Finance Officers referred to in sub-section (1) of section 61.

(1) The State Government shall be the appointing authority of all the officers borne in the cadres constituted under sub-section (1), and shall be authority to transfer such officers from one municipal area to another:

Provided that until the cadre is constituted under sub-section (1), the Board of Councillors may, with the prior approval of the State Government, engage the officers to the posts of Health Officers and Engineers, sanctioned by the State Government, on contract basis or otherwise, and the qualification and the recruitment procedure for such engagement shall be such as may be prescribed:

Provided that the remuneration for such engagement shall be paid from the Municipal Fund.

(2) The appointment of all other officers and employees, not included in sub-section (1) shall be made by the Municipality with the prior approval of the State Government.

(3) The recruitment to the post of officers and other employees not required to be made through the Municipal Service Commission constituted under sub-section (1) of section 63, shall be made through the local employment exchange or through such other method as the State Government may determine from time to time.

(4) Save as otherwise provided in this Act, the State Government may by rules provide for the qualification for appointment, conditions of service and other allied matters relating to the officers and employees of Municipalities.

63. Municipal Service Selection Board: (1) The State Government may appoint a selection Board Consisting of a Chairperson, a Secretary, and two other Members for selection of municipal officers and employees as may be required from time to time as under -

Chairman -	Member of Mizoram Public Service Commission
Secretary -	Director, Urban Development Department
Members -	Two Councillors of concerned municipality

(2) The State Government may by Rules provide for the manner in which the Selection Board shall work.

64. Salaries and allowances of officers and employees: (1) All officers and employees of a Municipality including the officers referred to in section 61 shall receive salaries and allowances out of the Municipal Fund:

Provided that the State Government may make such contribution towards the salaries and allowances as it may, from time to time, determine by an order.

(2) The Municipality may also provide for pension, gratuity, provident fund, incentive, bonus, reward or penalty for its officers and employees in accordance with such rules, norms, scales and conditions as may be prescribed.

65. Leave and other conditions of service: All officers and employees of the Municipality shall be subject to such conditions of service including leave and other benefits or obligations, not specifically provided for in this Act, as may be prescribed.

66. Compulsory retirement of municipal officers and other employees: (1) Notwithstanding anything contained in this Chapter or elsewhere in this Act or in any rules made there under, a municipal officer or other employee shall retire from service

compulsorily with effect from the afternoon of the last date of the month in which he attains the age of fifty eight years or other age of years as the State Government may by a notification fix from time to time.

(2) No municipal officer or other employee shall be re-employed after retirement in any post without the prior sanction of the State Government.

67. Power to declare essential service in municipalities: Notwithstanding anything to the contrary contained in any other law for the time being in force, the Board of Councillors may, with the sanction of the State Government, declare any cadre or class of municipal employees to be in essential service and upon such declaration, no employee of such cadre or class shall withdraw from his duties without the permission of the Chairman and, in no case, without giving prior notice of clear thirty days to the Chairman of his intention so to do.

68. Appointment of officers of State Government for Municipalities: Notwithstanding anything contained elsewhere in this Act, the State Government may appoint an officer of that Government possessing such qualifications as may be determined by it for a Municipality or group of Municipalities as Executive Officer, Health Officer, Engineer, Finance Officer or other officer or employee referred to in sub-section (1) of section 61 or with such designation as the State Government may consider necessary, in such manner, and on such terms and conditions of service, as may be determined by the State Government in this behalf. The expenditure on account of salaries and allowances of any such officer shall be borne by the State Government:

Provided that the officer so appointed shall be under the administrative control of the Board of Councillors of the Municipality and may be withdrawn by the State Government *suo motu* or if a resolution to that effect is passed by the Councillors at a meeting called for this purpose by a majority of the total number of members holding office for the time being and, in the case of a group of Municipalities, if such resolution is so passed by the Councillors of the majority of such group of Municipalities.

69. Powers and functions of Executive Officer and Finance Officer: (1) The Executive Officer shall be the principal executive officer of the Municipality and all officers and other employees of the Municipality shall be subordinate to him. He may be required to be present at a meeting of the Councillors or of any committee by the Chairman to make a statement or to explain facts, but he shall not vote for or against, or make any proposition at such meeting.

(2) Subject to the supervision and control of the Chairman, the Executive Officer and the Finance Officer shall exercise such powers and perform such functions as may be notified by the State Government from time to time.

70. Classification, control and appeal: (1) The Chairman shall be the executive head of the municipal administration and shall exercise control over all officers and employees in the matter of discipline.

(2) The Chairman may delegate his power to any other member of the Executive Council or an officer of the Municipality in such manner as he may specify by an order.

(3) Subject to the provision of sub-section (5) the punishment for breach of discipline may include dismissal from service, reduction in rank, withholding of increment, suspension including suspension pending proceedings, fine and censor.

(4) In all disciplinary matters involving dismissal from service and reduction in rank, an appeal shall lie before the Board of Councillors, which shall be the appellate authority.

(5) No disciplinary action shall be taken by a Municipality against any officer borne in cadre of common municipal service for the State constituted under sub-section (1) of section 62 or any officer of the State Government appointed for a Municipality or group of Municipalities under section 68.

(6) The State Government may by rules provide for the norms of conduct of the officers and employees of the Municipalities and such other matters regarding discipline and control as it may think fit.

71. Appointment of a Pay Review Committee: Notwithstanding anything contained elsewhere in this Act, the State Government may, if it considers necessary for the purpose of rationalising the scale of pay and other terms and conditions of service, including leave and retirement benefits, in respect of all or any category of municipal officers and employees, appoint a Pay Review Committee, and the decision of the State Government upon the recommendations of such Committee shall be binding on all.

CHAPTER - VIII MUNICIPAL FUND

72. Municipal Fund: There shall be constituted for each Municipality a fund to be called Municipal Fund to be held by the Board of Councillors in trust for the purposes of this Act, and all moneys realised or realisable under this Act and all moneys otherwise received by the Municipality shall be credited thereto.

73. Custody of Municipal Fund: All moneys received on account of the Municipal Fund shall be paid into a Government treasury or into any bank in the municipal area, and shall be credited to any account to be called the account of the Municipality to which they belong:

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

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

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

(3) Whenever any sum is paid for the purposes not covered by the budget grant, the matter shall forthwith be communicated to the Executive Council which shall take such action under the provisions of this Act as may appear to it to be feasible and expedient for covering the amount of such payments.

75. Exclusive use of fund for a particular purpose: Notwithstanding anything in this Act, the State Government may require a Municipality to earmark a particular portion of the Municipal Fund or a particular grant or a part thereof, or any item of receipt under any head or any percentage thereof, or any share of tax receivable by the Municipality under any other law for the time being in force or any part thereof, to be utilised exclusively for any specified purpose, and it shall be mandatory on the part of the Municipality to follow the same.

76. Financial assistance from the State Government: (1) The State Government may, from time to time, give grant or financial assistance to a Municipality with or without direction as to the manner in which the sum shall be applied.

(2) The State Government may also lay down a pattern for distribution of such grants or assistance which may include the conditions of release of grants and classification of municipalities for the purpose.

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

(2) The State Government may advance from the public funds or stand as guarantor for funds for any financial institution on the security of the Municipal Fund and, in the case of a joint scheme, on the security of the Municipal Fund and the fund of other local authorities, if any, to provide for the cost of installation or maintenance relating to any project or scheme for civic services and such advance shall be recoverable under such rules as may be made by the State Government for the purpose.

(3) The State Government may require the Municipality to observe such financial discipline in the matter of debt servicing, including creation of a sinking fund, as the State Government may think fit and proper and, in doing so, the State Government may prescribe different sets of rules for observance by different classes of Municipalities.

78. Power to incur expenditure beyond the limits of a Municipality: Notwithstanding anything contained elsewhere in this Chapter, the Board of Councillors may, with the approval of the State Government, authorise expenditure to be incurred beyond the limits of a municipal area for creation of physical assets outside the limits of such municipal area as well as for maintenance thereof for carrying out the purposes of this Act.

CHAPTER - IX MUNICIPAL PROPERTY

79. Power to acquire and hold property: The Board of Councillors shall, for the purposes of this Act, have power to acquire by gift, purchase or otherwise, and hold, moveable and immovable property or any interest therein, whether within or outside the limits of the municipal area.

80. Vesting of property: Notwithstanding anything contained in any other law for the time being in force, the moveable and immovable properties of the following categories within the limits of a municipal area shall vest in the Municipality, unless the State Government otherwise directs by a notification in the Official Gazette:

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

81. Acquisition of property by a Municipality by agreement, exchange, lease, grant, etc.: (1) The Board of Councillors may, on such terms and conditions as may be approved by it, acquire by agreement -

- (a) any immovable property,
- (b) any easement affecting immovable property.

(2) The Board of Councillors may also acquire a property by exchange on such terms and conditions as may be approved by it.

(3) The Board of Councillors may also hire or take on lease immovable property on such terms and conditions as may be approved by it from time to time.

(4) The Board of Councillors may receive, on behalf of the Municipality, any grant or dedication by donor, whether in the form of any income or any movable or immovable property, by which any obligatory or discretionary function of the Municipality may be benefited.

(5) It shall be lawful for the Municipality to be the beneficiary of any trust created under the Charitable and Religious Trusts Act, 1920 (14 of 1920), or the Indian Trusts Act, 1882 (2 of 1882).

82. Compulsory acquisition of land: (1) When any land, whether within or outside the limits of a municipal area, or any easement affecting any immovable property vested in the Municipality, is required for any public purpose under this Act, the State Government may, at the request of the Board of Councillors, proceed to acquire it under the Land Acquisition Act, 1894 (1 of 1894).

(2) The Board of Councillors shall be bound to pay to the State Government the cost including all charges in connection with the acquisition of the land under the Land Acquisition Act, 1894.

83. Special provisions for acquisition of lands adjoining streets: Whenever the Board of Councillors makes a request to the State Government for acquisition of land for the purpose of providing a new street or for widening or improving an existing street, it shall be lawful for the Board of Councillors to apply to the State Government for the acquisition of such additional land immediately adjoining the land to be occupied by such new street or existing street as is required for the sites of building to be erected on either side of the street, and such additional land shall be deemed to be required for the purposes of this Act.

84. Disposal of property: The property belonging to a Municipality may be disposed of in the manner provided in this section, namely -

- (a) the Executive Council may sell or grant lease of, or otherwise dispose of, by public auction, any movable property belonging to the Municipality;
- (b) the Board of Councillors may, with the prior approval of the State Government, may, for valuable consideration, let out on hire, grant lease of, or sell or otherwise transfer, any immovable property belonging to the Municipality but not required for carrying out the purposes of this Act :

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

- (c) the Municipality shall not transfer any immovable property vested in it by virtue of this Act, but shall cause the same to be maintained, controlled and regulated in accordance with the provisions of this Act and the rules and the regulations made there under:

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

85. Inventory of properties of the Municipality: (1) The Executive Council shall maintain an inventory of the movable and immovable properties of the Municipality in such form and in such manner as may be prescribed.

(2) The Executive Council shall, in case of the inventory of an immovable property, prepare an annual statement along with references therein and place the same before the Board of Councillors.

(3) Such statement shall be included as an appendix to the annual administration report to the Municipality.

CHAPTER - X BUDGETS, ACCOUNTS AND AUDIT

86. Annual Budget Estimates of a Municipality: (1) The budget estimate of a Municipality for a year shall be prepared in the prescribed form and presented before the Board of Councillors at a meeting, specially convened for the purpose, not later than the tenth day of March every year:

Provided that no deficit shall be shown in the budget estimate so prepared.

(2) The budget estimate for the ensuing year shall be adopted after discussion by the Board of Councillors within two weeks of presentation.

(3) A copy of the budget estimate adopted by the Board of Councillors shall be sent to the Director of Local Bodies of the Government of Mizoram for information and shall be available for inspection by the members of the public in the manner prescribed.

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

(5) Notwithstanding anything contained in the foregoing provisions of this section, the State Government may, on the prayer of a Municipality, direct that the budget estimate, or the revised budget estimate, of a Municipality may be presented or adopted at a later date for reasons to be recorded in writing.

87. Power to alter budget grants: (1) The Board of Councillors may, on the recommendation of the Executive Council, from time to time during the year, -

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

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

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

(2) A copy of the financial statement shall be given to the Director of Local Bodies of the Government of Mizoram and shall be available for inspection by the members of the public in the manner prescribed.

(3) Notwithstanding anything contained in the foregoing provisions of this section, the State Government may, on the prayer of a Municipality, extend the date for presentation of the financial statement of a Municipality for reasons to be recorded in writing.

89. Balance-sheet: (1) Every Municipality shall cause to be prepared annually a balance-sheet of assets and liabilities in the prescribed form within six months of the close of a year.

(2) The balance-sheet shall be placed before a meeting of the Board of Councillors.

(3) A copy of the balance-sheet shall be given to the Director of Local Bodies of the Government of Mizoram.

(4) Notwithstanding anything contained in the foregoing provisions of this section, the State Government may, on the prayer of a Municipality, extend the date of preparation and presentation of the balance-sheet of a Municipality for reasons to be recorded in writing.

90. Appointment and power of the Auditor: (1) The municipal accounts as contained in the annual financial statement shall be examined and audited by an Auditor appointed in that behalf by the State Government.

(2) The Executive Council shall submit such further accounts to the Auditor as may be required by him.

(3) The Auditor so appointed may -

(a) require, by written notice, the production before him or before any officer subordinate to him of any document which he considers necessary for the proper conduct of the audit,

(b) require, by written notice, any person accountable for, or having the custody or control of, any document, cash or article to appear in person before him or before any officer subordinate to him,

(c) require any person so appearing before him to make or sign a declaration with respect to such document, cash or article or to answer any question or prepare and submit any statement, and

(d) cause physical verification of any stock of articles in course of examination of accounts.

(4) The Auditor may, after giving the person concerned an opportunity of being heard, disallow any item of accounts contrary to the provisions of this Act, and surcharge the amount of any illegal payment on the person making or authorising it, and charge against any person responsible therefore the amount of any deficiency or loss incurred by the negligence or misconduct of such person or any amount which ought to have been, but is not, brought into accounts by such person, and shall, in every such case, certify the amount due from such person:

Provided that any person aggrieved by an order of payment of certified sums may appeal to the State Government whose decision on such appeal shall be final.

(5) Any person who wilfully neglects or refuses to comply with the requisition made by an Auditor shall, on conviction by a court, be punishable with fine which may extend to one hundred rupees in respect of each item included in the requisition.

91. Audit report: (1) As soon as practicable after the completion of the audit, but not later than three months thereafter, the Auditor shall prepare the report on the accounts audited and examined, and shall send such report to the Chairman and a copy thereof to the Director of Local Bodies of the Government of Mizoram or such other officers as the State Government may direct.

(2) The Auditor shall include in his report a statement showing -

- (a) every payment which appears to him to be contrary to law,
- (b) account of any deficiency or defalcation or loss which appears to have been caused by the gross negligence or misconduct of any person,
- (c) the account of any sum received, which ought to have been, but have not been, brought into any account by any person,
- (d) any other material impropriety or irregularity which may be observed in the accounts.

92. Executive Council to remedy the defects upon audit report: (1) The Executive Council shall forthwith remedy any defect or irregularity that may be pointed out by the Auditor in his audit report and shall report to the Director of Local Bodies of the Government of Mizoram or such other officers as the State Government may direct:

Provided that if there is a difference of opinion between the Executive Council and the Auditor, the matter may be referred to the Board of Councillors and, if the difference still persists, to the Director of Local Bodies of the Government of Mizoram or to such other officer as the State Government may direct.

(2) The State Government may pass such order upon the audit report as it thinks fit for compliance by the Municipality.

93. Power of the State Government to enforce an order upon audit report: If any order made by the State Government under this Chapter is not complied with, it shall be lawful for the State Government to take such steps as it thinks fit to secure the compliance of the order and direct that all expenses therefore shall be defrayed from the Municipal Fund.

94. Special audit: In addition to the audit of annual accounts, the State Government may, if it thinks fit, appoint an Auditor to conduct special audit pertaining to a specified item or series of items requiring thorough examination, and the procedure relating to audit shall also apply mutatis mutandis to such special audit.

95. Internal audit: The State Government may by rules provide for internal audit of the day to day accounts of a Municipality in such manner as it thinks fit.

96. Municipal Accounts Committee: (1) The Board of Councillors shall, at the first meeting in each year or as soon as may be at any meeting subsequent thereto, constitute a Municipal Accounts Committee.

(2) The Municipal Accounts Committee shall consist of such number of Councillors, not being less than three and not more than five, as the Municipality may determine, to be elected by the Councillors from amongst themselves:

Provided that the Chairman, the Vice-Chairman or any other member of the Executive Council shall not be a member of the Municipal Accounts Committee.

(3) The Board of Councillors may, from time to time, associate with the Municipal Accounts Committee such persons having special knowledge in public accounts and administration, not being Councillors and not exceeding one-half of the number of Councillors in such Committee, and for such term, as it thinks fit. Such persons shall not have the right to vote at the meeting of the Municipal Accounts Committee.

(4) The members of the Municipal Accounts Committee shall elect from amongst themselves one member to be its convenor.

(5) The members of the Municipal Accounts Committee shall hold office until a new Committee is constituted.

(6) Subject to the provisions of this Act and the rules and the regulations made there under, it shall be the duty of the Municipal Accounts Committee -

(a) to examine the accounts of the Municipality;

(b) to examine and scrutinise the report on the accounts of the Municipality by the Auditor appointed under this Chapter;

(c) to examine and scrutinise the report of special audit, if any;

(d) to examine and scrutinise the report of physical verification of stock, if any;

(e) to submit report to the Board of Councillors every year and from time to time on such examination and scrutiny;

(f) to discharge such other functions as may be entrusted to it by the Board of Councillors.

(7) The Municipal Accounts Committee may call for any book or document and send for such officer of the Municipality as it may consider necessary for explaining any matter in connection with his work.

(8) The manner of transaction of business of the Municipal Accounts Committee shall be such as may be determined by it from time to time.

CHAPTER - XI

PUBLIC STREETS, PUBLIC PLACES AND PRIVATE STREETS

97. Vesting of public streets, parking terminals, squares, parks and gardens in the Municipality: (1) All public streets, bus or taxi stands or other parking or transportation terminals, squares, parks and gardens within the municipal area including the soil, subsoil, side drains, footpaths, pavements, stones and other materials, and all erections, materials and trees provided therein shall vest in the Municipality.

(2) The State Government may, for reasons to be recorded in writing, by notification withdraw from a Municipality any public street, square, park or garden, or transportation terminal and transfer the same for a limited period to any other agency for development or maintenance thereof in the public interest.

(3) The Chairman shall maintain a record in such form and in such manner as may be prescribed showing a list of all public streets, parking or transportation terminals, squares, parks and gardens and other properties vested in the Municipality including those transferred to other agencies under sub-section (2).

98. Power to the Municipality in respect of control of public streets, etc.: (1) All public streets, parking or transportation terminals, squares, parks and gardens vested in the Municipality shall be under the control of the Board of Councillors who shall cause the same to be maintained, controlled and regulated in accordance with the provisions of this Act and the rules and the regulations made there under.

(2) The Board of Councillors shall, from time to time, cause all public streets vested in the Municipality to be levelled, metalled or paved, channelled, altered or repaired, widened, extended or otherwise improved or cause the soil thereof to be raised, lowered or altered, and may place and repair fences and posts for the safety of pedestrians.

(3) The Board of Councillors shall, from time to time, cause various items of street furniture, including guard rails, traffic lights and traffic signs, street markings, median strips and similar other items, to be installed or done for public safety, convenience and expeditious movement of traffic, including pedestrian traffic.

(4) The Board of Councillors may, for any public purpose turn, divert or temporarily or permanently close any public street or part thereof or permanently close any public square or garden:

Provided that the Board of Councillors so closing any street, shall not do so for mere financial gain and shall be bound to provide reasonable means of access to persons occupying premises adjacent to such street.

99. Rights of way for underground utilities: Subject to the provisions of the Indian Telegraph Act, 1885 (13 of 1885), the Indian Electricity Act, 1910 (9 of 1910), and such other Act as may be notified by the State Government for the purposes of this section, the State Government may by rules provide for the following:

(a) the sanction by the Board of Councillors of specific rights of way in the subsoil of public and private streets within the municipal area for different public utilities, including electric supply, telephone or other telecommunication facilities, gas pipes, water-supply, sewerage and drainage, shopping plazas, warehousing facilities and apparatus and appurtenances related thereto, provided the Government or any statutory body or any licensee under any of the said Acts;

(b) the levy of any fee or charges permissible under any of the said Acts;

(c) the furnishing to the Municipality of maps, drawings and statements which shall enable it to compile and maintain precise records of the placement of the underground utilities within or without the limits of the municipal area.

100. Power to maintain maps of underground utilities: The Chairman shall cause to be maintained complete survey maps, drawings, and descriptions of all the underground utilities within the municipal area, in such form and in such manner as may be prescribed, and shall ensure the secrecy of the same in conformity with provisions of the Official Secrets Act, 1923 (19 of 1923).

101. Power to acquire lands and buildings for public streets, public parking places and transportation terminals: (1) The Board of Councillors may, subject to the other provisions of this Act, -

(a) require any land together with structure, if any, standing thereon to be acquired for the purpose of opening, widening, extending or otherwise improving any public street, parking or transportation terminal, square, park or garden or of making a new one or for enforcing regular line of street;

(b) require in relation to any land or building as aforesaid, such land or building to be acquired as the Board of Councillors may think expedient, outside the regular line or projected regular line of public street as aforesaid.

(2) Where a land or building is required to be acquired under sub-section (1) and the Board of Councillors is satisfied that the remaining portion of the land will not be suitable or fit for any beneficial use to the owner, it shall, at the request of the owner, proceed for the acquisition in addition of such remaining portion of the land which shall, on acquisition, vest in the Municipality.

(3) Where any land or building is required to be acquired under sub-section (1) or sub-section (2), the procedure laid down in section 82 shall apply.

102. Power to prescribe building line and street alignment: (1) If the Board of Councillors considers it expedient to make regulation for any public street a building-line or a street alignment, or both a building-line and a street alignment, it shall give public notice of its intention to do so.

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

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

(3) The Board of Councillors shall consider all objections received within such period as it may fix in this behalf, and may then make regulation determining a building-line of a street alignment or both a building-line and a street alignment for such public street.

(4) A record with plans attached shall be maintained by the Chairman showing all public streets within the municipal area including, in particular, those in respect of which a building-line or street alignment has been determined by regulation, and such register shall maintain such particulars as the Board of Councillors may determine and shall be open to inspection by any person upon payment of such fee as may, from time to time, be fixed by the Board of Councillors.

103. Restrictions on erection of, or addition to, buildings or walls within street alignment or building-line: (1) No portion of any building or boundary wall shall be erected or added to within such street alignment as the Board of Councillors may determine by regulation under section 102;

Provided that the Board of Councillors may, in its direction, permit additions to a building to be made within a street alignment, if such additions merely add to the height of, and rest upon, an existing building or wall, upon the owner of the building executing an agreement binding himself and his successors in interest -

- (a) not to claim compensation in the event of the Board of Councillors at any time thereafter calling upon him or such successors, by written notice, to remove any addition made to any building in pursuance of such permission, or any portion thereof, and
- (b) to pay the expenses of such removal.

(2) If the Board of Councillors refuses to grant the permission to add to any building on the ground that the purposed site falls wholly or in part within a street alignment referred to in section 102, and if such site or the portion thereof which falls within such alignment is not acquired by the Municipality within one year after the date of such refusal, it shall pay reasonable compensation to the owner of the site.

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

(4) If the Board of Councillors grants permission under sub-section (3), it may require the applicant to execute an agreement in accordance with the proviso to sub-section (1).

104. Power to take possession of, and add to street, land situated within street alignment or covered by projecting buildings: (1) The Board of Councillors may, at any time, give notice to the owner of any land or building of its intention to take possession of -

- (a) any land abutting on a public street upon which any portion of any building or wall projects beyond the front of the adjoining building or wall on either side; or
- (b) any land not covered by building (including land on which a building has collapsed or been demolished or burnt down) which is situated within a street alignment referred to in section 102.

(2) The Board of Councillors may come to an agreement with the owner, upon whom a notice under sub-section (1) has been given, to release such land for addition to street on condition of such relaxation in the enforcement of building regulations as the Board of Councillors may decide, and thereupon the building-line or street alignment referred to in section 102 may be enforced.

105. Power to setting back building to regular line of street: (1) If any part of a building abutting on a public street is within the regular line of that street, the Board of Councillors may, whenever it is proposed -

- (a) to repair, rebuild or construct such building or to pull down such building to an extent measured in cubic metre exceeding one-half thereof above the ground level, or
- (b) to repair, remove, construct or reconstruct or make any additions to, or structural alterations of, any portion of such building which is within the regular line of the street,

by an order, as respects the additions to or rebuilding, construction, repair or alteration of such building, require such building to be set back to the regular line of such street.

(2) When any building or any part thereof within the regular line of a public street falls down or is burnt down or is, whether by reason of any order of the Board of Councillors or otherwise, taken down, the Board of Councillors may forthwith take possession of the portion of the land within the regular line of the street heretofore occupied by such building and, if necessary, clear the same.

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

(4) The Board of Councillors may, while giving an order to set back building under sub-section (1), allow such relaxation, including a concession in floor area ratio, in building regulations as respects the addition to or rebuilding, construction, repair or alteration of the building as it may consider appropriate.

106. Power of compulsory setting back of building to regular line of street: (1) Where any building or any part thereof is within the regular line of a public street and, in the opinion of the Board of Councillors, it is necessary to set back such building or part thereof to the regular line of such street in pursuance of any development plan, it may, by a notice served on the owner of such building in accordance with the provisions of this Act, require him to show cause within such period as may be specified in the notice as to why such building or part thereof, which

is within the regular line of such street, should not be pulled down and the land within the regular line acquired by the Municipality.

(2) If such owner fails to show satisfactory cause under sub-section (1), the Board of Councillors may require the owner by another notice to be served on him in accordance with the provisions of this Act to pull down the building or part thereof, which is within the regular line of the street, within the period specified in the notice.

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

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

107. Setting forward of building to regular line of street: (1) If any building, which abuts on a public street, is in the rear of the regular line of such street, the Board of Councillors may, whenever it is proposed -

(a) to rebuild such building, or

(b) to alter or repair such building in such manner as will involve the removal or re-erection of such building or portion thereof which abuts on such street and to an extent measured in cubic metre exceeding one-half of such building or portion thereof above the ground level,

by an order, as respects the rebuilding, alteration or repair of such building or portion thereof, permit or require such building to be set forward to the regular line of such street.

(2) For the purposes of this section, a wall separating any premises from a public street shall be deemed to be a building, and it shall be deemed to be a sufficient compliance with the permission or the requirement to set forward a building to the regular line of a street, if a wall of such materials and dimensions as are approved by the Board of Councillors is erected along such line.

108. Payment of compensation: The Board of Councillors shall, for any acquisition made under this Chapter, pay compensation as awarded under the Land Acquisition Act 1894 (1 of 1894).

109. Projected public streets: (1) The Board of Councillors may, from time to time, prepare schemes and plans of projected public streets, showing the direction of such street, the street alignment and the building-line on each of them, their intended width, and such other details as may appear desirable. The provisions of section 102 shall, with all necessary modifications, apply to public streets projected under this section.

(2) The width of such projected streets, inclusive of footpath, shall not be less than seven metres:

Provided that -

(a) the Board of Councillors may, for special reasons, reduce the requirement of width of any projected street; and

- (b) the Board of Councillors may relax the requirement of width to any extent in case the projected street is, in effect, an widening of an existing street.

110. Power to prohibit use of public streets for certain kind of traffic: (1)

The Board of Councillors may, for sufficient reasons, -

- (a) prohibit vehicular traffic in any public street or any portion thereof for the purpose of preventing danger, obstruction or inconvenience to the public or ensuring quietness in any locality;
- (b) prohibit, in respect of all public streets or any particular public street, the transit of any vehicle of such type, form, construction, weight, emission or size, or of any vehicle laden with such heavy or un-wieldy object, as is likely to cause injury to the roadways or any construction thereon, or of any vehicle for public convenience, except under such conditions as to time, mode of traction or locomotion, use of appliances for the protection of roadways, number of lights and assistants, and other general precautions and upon the payment of such charges as may be specified by the Board of Councillors generally or specifically in each case;
- (c) prohibit, at all times or during any particular hours, entry from or exit to premises of vehicular traffic from any particular public street carrying such traffic.

(2) Notices of prohibition under sub-section (1) shall be posted in conspicuous places at or near both ends of public streets or portions thereof to which they relate, if such prohibition applies generally to all public streets; otherwise such notices may be advertised.

111. Temporary closure of public street: The Chairman may temporary close the whole or any part of a public street to permit development and maintenance work, and may, subject to such conditions as may be determined by the Chairman, authorise such closure for other purposes for any period not exceeding a month.

112. Closure of public street for parking purposes: (1) The Board of Councillors may declare a public street or a portion of it, as a fee parking area.

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

Provided that such fee for each hour shall not exceed rupees five in the case of passenger vehicles and rupees ten in the case of goods vehicles.

113. Sanction of Board of Councillors to projection over streets and drains:

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

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

114. Removal of encroachments over public streets, etc.: (1) The Board of Councillors -

- (a) may, without notice, itself or by any officer authorised by it in writing in this behalf, remove, alter or otherwise deal with any structure, wall, hoarding, scaffolding, fence, rail, post, platform or other projection, obstruction or encroachment which has, without first obtaining its written permission, been erected or set up in, over, above or upon any public street, house-gully, sewer, drain, aqueduct, water-course or ghat;
- (b) may, itself or by any officer authorised by it in writing in this behalf, remove without notice any materials or goods or any movable property which has, without its permission, been deposited in a public street or in, over, above, or upon any house-gully or any public sewer, drain, aqueduct, water-course or ghat, or which remains so deposited, when the period covered by any permission given in this behalf has expired, whether or not the offender is prosecuted under this Act or the rules or the regulations made there under.

(2) Any expenditure incurred for the removal of any projection, obstruction or encroachment referred to in sub-section (1) shall be recovered as an arrear to tax under this Act from the person who erects or sets up such projection, obstruction or encroachment.

(3) If the person, who erects or sets up any of the projections, obstructions or encroachments referred to in sub-section (1), is not known or cannot be found, the Board of Councillors may cause a notice to be posted up in the neighbourhood of the said projection, obstruction or encroachment, requiring any person interested in the same to remove it, and it shall not be necessary to name any person in such requisition.

(4) No person shall be entitled to any compensation in respect of the removal of any projection, obstruction or encroachment under this section. If the expenses of removing or altering any such projection, obstruction or encroachment are paid by the occupier of the building in any case in which such projection, obstruction or encroachment was not erected or set up by himself, he shall be entitled to deduct from the rent payable by him to the owner of the building any reasonable expense incurred for such removal or alteration.

115. Penalty for encroachment of street or open space: Whoever removes, not being duly authorised in that behalf, any earth, sand or other material form, or makes any encroachment in or upon, any street or open space which is not a private property, shall, on conviction, be punished with fine which may extend to one hundred rupees and, in the case of continuing offence, with further fine which may extend to twenty rupees for every day after the first during which such offence continues

116. Prohibition of causing damage to street or street furniture: (1) No person shall, without the permission of the Board of Councillors or any other lawful authority, displace, dig up or make any alteration in, or otherwise damage, the pavement, gutter, flags or other materials of any public street, or any street furniture like posts, fences and walls, including lamp-posts, lamps, brackets, water-posts, hydrants and accessories thereto, or any other municipal property on a public street or public place, park, square or garden.

(2) Every person to whom any permission is granted under sub-section (1) shall abide by such conditions as the Board of Councillors may impose in this behalf.

(3) Any person who contravenes any provision of sub-section (1) shall, on conviction, be punished with a fine which may extend one hundred rupees and, in the case of a continuing offence, with a further daily fine extending to twenty rupees:

Provided that such person shall, in addition to any penalty that may be imposed on him, be liable to pay the expenses which the Board of Councillors may incur in replacement or restoration consequent on such contravention, and such expenses shall be recoverable as an arrear of tax under this Act.

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

118. Naming and numbering of streets and numbering of premises: (1) It shall be lawful for the Board of Councillors to -

- (a) give a name or a number to every public street;
- (b) cause to be put up or painted on a conspicuous part of any building, wall or any other place the name or the number by which such street is to be known;
- (c) determine the number or sub-number by which any premises or part thereof shall be known; and
- (d) require the owner of any premises or part thereof by a written notice, to put up a plate showing the number or sub-number of such premises or part determined under clause (c) in such position and manner as may be specified in such notice.

(2) Any person, who destroys, pulls down or defaces any such name or number of a public street or number or sub-number of any premises or part thereof or puts up any name, number or sub-number different from that determined by the Board of Councillors, or any owner of any premises or part thereof who does not, on being so required, put up at his own expense such number or sub-number of such premises or part thereof, shall, on conviction, be punished with a fine which may extend to fifty rupees.

119. Power to require owner to upgrade private street: (1) The Board of Councillors may require any owner or owners of land or building within a municipal area to upgrade a private street within such land or building in respect of such items of work and in conformity with such standard as may be prescribed.

(2) If such requirements are not complied with, the Executive Council may cause the execution of the work by its own agency and recover the expenses incurred, either in whole or in part, from the owner or owners, as the case may be.

120. Power to access over private street: The Board of Councillors shall have access over any private street for the purpose of the extending civic services or providing civic amenities.

121. Power to take over private streets: (1) If any private street has been upgraded under section 119 and the majority of the owners of such street or the owners of lands or buildings on such street express their consent in writing, the Board of Councillors shall declare the same to be a public street.

(2) If a private street has been in existence for not less than twenty years and used by the people of the locality as a thoroughfare, the Board of Councillors may, notwithstanding anything contained in this section, declare such street to be a public street.

(3) If the Board of Councillors decides, for reasons to be recorded in writing, to take over a private street, whether upgraded or not, it may, notwithstanding anything contained in this section, declare such street to be a public street.

(4) Upon a private street being declared by the Board of Councillors under sub-section (1) or sub-section (2) or sub-section (3), as the case may be, to be a public street, such private street shall vest in the Municipality, free from all encumbrances, with effect from the date of such declaration.

122. New private street: (1) Every person intending to layout or make a new street within a municipal area, shall give notice thereof in writing to the Chairman and shall furnish along with such notice plans and sections showing -

- (a) the intended level, direction and width of the street;
- (b) the situation and the boundaries of any buildings or plots abutting on such street or likely to be served by such street;
- (c) the position of any public street or streets to which the new street may have an access;
- (d) the arrangements to be made for the levelling, paving, metalling, flagging, channelling, draining or lighting of the street; and
- (e) such other particulars as may be required by regulations, if any, made in this behalf.

(2) Within sixty days of receipt by the Chairman of the information and the documents hereinafter specified or, if any further information or documents have been called for, within sixty days of the receipt of such further information or documents, the Board of Councillors may either -

- (a) sanction the laying out or making of the new street, subject to such modifications or conditions as it may think fit; or
- (b) disallow it for reasons which shall be communicated to the applicant in writing.

(3) If the Board of Councillors fails to issue any order under sub-section (2) within the specified period, the person giving notice shall be entitled to lay out and make the proposed street in such manner as may have been specified in the notice under sub-section (1) and in a manner not inconsistent with any provision of this Act or any rules or regulations for the time being in force.

(4) If any person, who is entitled to proceed with any work under sub-section (2) or sub-section (3), fails to carry out such work within one year from the date on which he becomes so entitled, his right to proceed with such work shall lapse.

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

(6) Whoever lays out or makes any such street in any manner contrary to the provisions of this Act or of any rules or regulations made there under or violates any order for stoppage of work under sub-section (5) shall, on conviction, be punished with imprisonment for six months or with fine which may extend to five thousand rupees or with both, and the Executive Council may cause any street so laid out or made to be altered and any building constructed on such street to be altered or removed and the expenses thereby incurred shall be paid to the Municipality by the offender, and shall be recoverable as an arrear of tax under this Act.

123. Layout plans: (1) Before utilizing, selling out or otherwise disposing of any land of building as plots for construction of buildings thereon, the owner thereof shall send to the Chairman a written application with a layout plan of the land showing the street or streets giving access to the plots into which the land may be divided and connections of such street or streets with any existing public or private streets and the following particulars:

- (a) the size or sizes and the number of plots into which the land is proposed to be divided for the erection of buildings thereon and the purpose or purposes for which such buildings are to be used;
- (b) the land use pattern depicting reservation or allotment of any site for any street, parking lot, open space, park, recreation ground, school, market or any other public purpose;
- (c) the intended level, direction and width of street or streets, including footpaths;
- (d) the arrangement for water supply, energy supply, drainage, sanitation and conservancy as respects the plot;
- (e) the arrangements to be made for levelling, paving, metalling, flagging, channelling, sewerage, draining, conserving and lighting street or streets.

(2) Within ninety days of receipt of any application under sub-section (1), the Executive Council shall, after obtaining such technical views as it may deem proper, either accord approval to the layout plan on such conditions as it may think fit or disallow it or ask for further information with respect to it.

(3) Such approval shall be refused, -

- (a) if the particulars shown in the layout plan are in conflict with any arrangements which have been made or are likely to be made for carrying out any general scheme of development of the municipal area, whether or not such scheme is contained in the development plan or the development scheme prepared under any law in force for the time being;
- (b) if the layout plan does not conform to the provisions of this Act and the rules and the regulations made there under; or

(c) if any street proposed in the layout plan is not so designed as to connect it at one end with a street which is already open.

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

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

(5) No sale deed shall be registered under any law for the time being in force for any land governed by this section until the layout plans have been approved under this section.

124. Lighting of streets and public places and measures for lighting: The Board of Councillors may -

- (a) take measures for lighting, in a suitable manner, such public streets and public places as may be considered necessary;
- (b) procure, erect and maintain such number of lamps, lamp posts and other appurtenances as may be necessary for the purpose as aforesaid;
- (c) cause such lamps to be lighted by such means as may be determined by them;
- (d) place and maintain -
 - (i) electric wires for the purpose of lighting such lamps under, over, along or across, or
 - (ii) posts, poles, standards, stays, struts, brackets and other contrivances for carrying, suspending or supporting lamps or electric wires in or upon,
 - (iii) any immovable property without being liable to any claim for compensation thereof :

Provided that such wires, posts, poles, standards, stays, struts, brackets or other contrivances shall be so placed as to occasion the least practicable inconvenience or nuisance to any person:

Provided further that the Executive Council may, for carrying, suspending or supporting any lamps or electric wires, enter into an agreement with any firm or company or other Government agency for using, on terms and conditions mutually agreed upon, any posts, poles or standards erected and maintained by such firm, company or other Government agency.

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

(2) Notwithstanding anything contained in this Chapter, all matters relating to generation, transmission, supply or use of electrical energy in a municipal area shall be regulated by the provisions of the Indian Electricity Act, 2003 (Act of No. 36 of 2003).

126. Power to prohibit removal etc. of lamps: (1) No person shall, without the written permission of the Chairman or any lawful authority, take away or wilfully or negligently break or throw down or damage -

- (a) any lamp or any appurtenances of any lamp or lamp-post or lamp-iron set up in any public street or any public place;
- (b) any electric wire for lighting such lamp;
- (c) any post, pole, standard, stay, strut, bracket or other contrivance for carrying, suspending or supporting any electric wire or lamp.

(2) No person shall wilfully or negligently extinguish the light of any lamp set up in any public street or any public place.

(3) If any person wilfully or through negligence breaks, or causes any damage to, anything referred to in sub-section (1), he shall, in addition to any penalty to which he may be subject under this Act, pay the expenses of repairing the damage so caused by him.

CHAPTER - XII BUILDINGS

127. Building site and construction or reconstruction of buildings: No place 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 Chapter and of any rules or regulations made under this Act relating to the use of building sites of the construction or reconstruction of buildings:

Provided that the State Government may in respect of all municipal areas or with the consent of the municipality in respect of any particular areas 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.

128. Application to construct or reconstruct buildings: (1) If any person intends to construct or reconstruct a building he shall send to the Executive Council -

- (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 a ground plan, elevations and Sections of the building, and specification of the work:

Provided that the Executive Council may on application in writing by the person concerned and on payment of a prescribed fee get such plan prepared within a reasonable period.

Explanation: 'Building' in this sub-section shall include a hut, a wall, foundation, plinth or fence of whatever height bounding or abutting on any public road.

(2) Every document furnished under sub-section (1) shall contain the following particulars and such other particulars as may be required under the rules or regulations made under this Act, -

- (a) a copy of document showing his right over the land;
- (b) a scaled map showing the land in relation to any existing building or road, or in the case of no such building or road in existence, the proposed line of building or road;

- (c) a place showing the levels, height and width of the proposed building, including its dimension, design, ventilation, drains, toilet, privies, water-closets and cesspools, if any, to be used in connection therewith;
- (d) materials proposed to be used;
- (e) the purpose for which the building will be used; and
- (f) any other information or documents as may be required by the Rules framed under this Act.

129. Necessity for prior approval of site: The Executive Council shall not grant permission to construct or reconstruct a building unless and until it has approved of the site on an application made under section 128.

130. Prohibition against commencement of work without permission: The construction or reconstruction of a building shall not be begun unless and until the Executive Council has granted permission for the execution of the work.

131. Period within which Executive Council is to grant or refuse to grant permission to execute work: Within thirty days after the receipt of any application made under section 128 for approval of a site or for permission to execute any work or of any information or of documents or further information or documents required under rules or bye-laws, the Executive Council shall by written order either approve the site or grant such permission or refuse on one or more of the grounds mentioned in section 133 to grant it.

132. Reference to Board of Councillors if Executive Council delays grant or refusal of approval or permission: (1) If, within the period prescribed by section 131, the Executive Council has neither given nor refused it approval of a building site or its permission to execute any work, as the case may be, the Board of Councillors shall be bound, on the written request of the applicant, to determine by written order whether such approval or permission should be given or not.

(2) If the Board of Councillors does not within one month from the receipt of such written request, deliver to the applicant an order either granting or refusing such approval or permission 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 regulations made under this Act.

133. Grounds on which approval of site for or licence to construct or reconstruct building may be refused: (1) 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 -

- (a) 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 regulation made under any law;
- (b) that the application for such permission does not contain the particulars or is not prepared in the manner required under rules or regulations;
- (c) that any of the documents referred to in section 128 have not been signed as required under rules or regulations;

- (d) that any information or documents required by the Executive Council under rules or regulations has or have not been duly furnished;
- (e) that road have not been made or upgraded as required by section 119;
- (f) that the proposed building would be an encroachment upon Government or municipal land; or
- (g) that the safety of the site is doubtful or the site preparation work may, in the opinion of the Executive Council, cause danger, damage, unsafe or obstruction to any land, road or building in the vicinity.

(2) Whenever Executive Council or the Board of Councillors 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 or resolution.

134. Lapse of permission: A permission given or deemed to have been given in respect of any construction or reconstruction under this Chapter shall be available for one year and after the expiry of the said period, such construction or reconstruction shall not be proceeded with, without a fresh application under section 128.

135. Power to Executive Council to require alteration of work: (1) If the Executive Council 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 regulation, rule, order or declaration made there under;

it may by notice require the owner of the building within a period stated either -

- (i) to make such alteration as may be specified in the said notice with object of bringing work into conformity with the said plans or provisions; or
- (ii) to show cause why such alterations should not be made.

(2) If the owner does not show cause as aforesaid, the Executive Council 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.

136. Application of provisions to alterations and additions: The provisions of this Chapter and of any rules or regulations made under this Act relating to construction and re-construction of buildings shall also be applicable to any alteration thereof or addition thereto;

Provided that works of necessary repair which do not affect the provision or dimension of a building or any room therein shall not be deemed an alteration or addition for the purposes of this section.

137. Demolition or alteration of building work unlawfully commenced carried on or completed: (1) If the Executive Council is satisfied -

- (a) that the construction or reconstruction of any building or well -
 - (i) has been commenced without obtaining the permission of the Executive Council or where an appeal has been preferred to the Board of Councillors in contravention of any order passed by the Board of Councillors in appeal; or

(ii) 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

(iii) is being carried on, or has been completed in breach of any of the provisions of this Act or of any rule or regulation made under this Act or of any direction or requisition lawfully given or made under this Act or such rules or regulations; or

(b) that any alteration required by any notice issued under section 135 have not been duly made; or

(c) that any alteration of or addition to any building or any other work made or done for any purposes in, to or upon any building, has been commenced or is being carried on or has been completed in breach of this section, the Executive Council may make a provisional order requiring the owner or the builder to demolish the work done, or so much of it as, in the opinion of the Executive Council, has been unlawfully executed or to make such alterations as may in the opinion of the Executive Council be necessary to bring the work into conformity with the Act, regulations, rules, directions or requisition as aforesaid, or with the plans and particulars on which such permission or order was based; and may also direct that until the said order is complied with the owner or builder shall refrain from proceeding with the building.

(2) The Executive Council shall serve a copy of the provisional order made under sub-section (1) on the owner of the building together with a notice requiring him to show cause within a reasonable time to be mentioned in such notice why the order shall not be confirmed.

(3) If the owner fails to show cause to the satisfaction of the Executive Council, the Executive Council may confirm the order with any modification it may think fit to make, and such order shall then be binding on the owner.

138. Troughs and pipes for rain water: (1) The Executive Council may, by written notice require the owner of every building abutting on any road or street to put up and keep in good condition, proper troughs and pipes for catching and carrying the water from the roof and other parts of such building, and for discharging the same, in such manner as the water shall not fall upon the person passing along the road or street, or shall not cause damage to the road or street.

(2) Such trough or pipe should be put up in such a way that an outflow of water from it shall empty into the drain of the building or other drain.

139. Ruinous or dangerous building: (1) If in the opinion of the Executive Council any building or anything affixed thereon is in ruinous conditions or is likely to fall or is in any way dangerous to any person occupying the building or other building in the neighbourhood, or to any person passing by such building, the Executive Council may, by written notice require the owner or occupier of such building to cause a proper hoarding or fence to be put up for the protection of passers by and other persons within such time as may be specified in the notice and if in its opinion the circumstance so demands, it may by written notice require the owner or occupier to demolish such building within such time as may be specified in the notice.

(2) If such owner or occupier fails to comply with the notice within the time specified, the Executive Council may take such action to cause a proper hoarding or fence, or to demolish the buildings, as the case may be; and all the expenses incurred for doing so shall be paid by the owner or occupier of such building, and shall be recoverable in the same manner as an amount payable on account of any fee or tax recoverable under this Act.

140. Filthy buildings etc.: (1) Whoever, being the owner or occupier of any building or land whether tenanted or otherwise, suffers the same to be in a filthy and unwholesome condition, or in the opinion of the Executive Council, is a nuisance to persons residing in the neighbourhood, or is overgrown with prickly-pear or rank and noisome vegetation, and who, within a reasonable time after notice in writing by the Executive Council to cleanse, fails to comply with such notice, shall be punished with fine which may extend to rupees one hundred and with a further fine not exceeding rupees twenty five for every day during which the failure to comply with the notice is continued.

(2) Should the condition of the building be such as in the opinion of the Executive Council to render it unfit for human habitation, the Executive Council may further, by written notice, prohibit the use thereof for that purpose until it is rendered fit.

141. Deserted and offensive building: If any building, by reason of dilapidation, neglect, abandonment, misuse or disputed ownership, or of its remaining untenanted, is

- (a) becoming a resort of idle and disorderly persons having no ostensible means of subsistence, or who cannot give a satisfactory account of themselves, or
- (b) coming into use for any unsanitary or immoral purpose, or
- (c) affording a shelter to snakes, rats or other dangerous or offensive animals or insects,

and is thereby open to the objection that it is a nuisance or so unwholesome or unsightly as to be a source of discomfort, inconvenience or annoyance to the neighbourhood or to persons passing by such building, require the owner or the persons claiming to be the owners, to cause the building to be demolished within a reasonable period not less than seven days from the date of such notice; and in the event of non-compliance of such notice, the Executive Council may on the expiry of the period specified, forthwith cause the building to be demolished, and sell the materials thereof and apply the sale proceeds to defray expenses incurred for doing so; and if the sale proceeds do not cover the expenses so incurred, the balance thereof shall be recovered from the owner of the persons claiming to be the owners.

142. Buildings at corners of roads: (1) The Board of Councillors may require any building intended to be erected or re-erected at the corner of two streets or roads to be rounded off or played off to such height and to such extent or otherwise as it may determine, and may, with previous sanction of the State Government, acquire such portion of the site at the corner as may be necessary for public convenience or amenity.

(2) For any land so acquired, the State Government shall pay compensation.

(3) In determining such compensation, allowance may be made for any benefit accruing to the same premises from the improvement of the road.

143. Permission for certain projections: (1) The Executive Council may give written permission to the owners or occupiers of buildings bordering public roads to put up open verandah, balcony or room to project towards the road from any upper storey thereof, with such conditions and at such height from the surface of the road as may be prescribed by Rules from time to time, or in the event of no such Rules being in force, as it may fix to an extent not exceeding four feet beyond the line of plinth or basement walls.

(2) Any such owner or occupier putting up such projections as aforesaid without such permission, shall be punished with fine which may extend to rupees one hundred with additional fine not exceeding rupees twenty-five every day during which he fails to remove the projection after the expiry of the date as may be fixed by the Executive Council for such removal under this section.

(3) In the event of prolonged failure to remove such projection, the procedure laid down in sub-section (4) of section 114 shall apply:

Provided that the fine and the additional fine under sub-section (2) shall stand.

144. Power to enter and inspect buildings: It shall be lawful for the Executive Council or any Officer authorised by it at any time between sunrise and sunset, to enter into and inspect any building, and by written notice to direct all or any part thereof to be forthwith internally or externally or both lime-washed or painted or otherwise cleansed for sanitary reasons:

Provided that notice for the inspection shall be given to the occupier in advance of at least two hours.

145. Appeal against order of Executive Council: Any person aggrieved by the orders of the Executive Council made under any of the provisions of this Chapter may, within thirty days from the date of the order, appeal to the Board of Councillors.

146. Power of State Government to make building rules and to classify municipal areas for the purpose of application of building rules: (1) The State Government may make rules to provide for -

- (a) the regulation or restriction of the use of sites for buildings, and
- (b) the regulation or restriction of building.

(2) Without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters -

- (a) information and plans to be submitted together with application under any of the provisions of this Chapter;
- (b) requirements of sites;
- (c) means of access;
- (d) development of land into land sub-division and layout;
- (e) land use classification and uses;
- (f) open spaces, area and height limitation;
- (g) parking spaces;

- (h) requirements of parts of building plinth, habitable room, kitchen, pantry, bathroom and water closet, loft, ledge, mezzanine floor, store-room, garage, roof, basement, chimney, lighting and ventilation of room, parapet, wells, septic tanks, and boundary wall;
- (i) provisions of lifts;
- (j) exit requirements including doorways, corridors passageways, staircases, ramps and lobbies;
- (k) fire protection requirements including materials and designs for interior decoration;
- (l) special requirements of occupancies for residential building, educational building, institutional building, assembly building, business building, mercantile building, industrial building, storage building and hazardous building (including those for assembly, movement, parking, loading, unloading, public conveniences, water supply and vendors' plazas);
- (m) structural designs;
- (n) quality of materials and workmanship;
- (o) alternative materials, methods of design, construction and tests;
- (p) building services including electric supply, air-conditioning or heating, and telephone and telex;
- (q) plumbing services;
- (r) signs and outdoor display structures;
- (s) compliance with the provisions of the Urban Land (Ceiling and Regulation) Act, 1976 (33 of 1976) relating to land and building;
- (t) compliances with the provisions of any other Act, Regulation or Rules for the time being in force in Mizoram, as the State Government may direct;
- (u) any other matter considered necessary in relation to building activities.

(3) The State Government may by notification exempt a municipal area or a group of municipal areas as classified under section 7 from the operation of all or any of the provisions of this Chapter or of the rules made under this section.

(4) While such exemption as aforesaid remains in force in any municipal area or group of municipal areas, the State Government may make rules consistent with the provision of this Chapter under this section for application to such municipal area or group of municipal areas.

147. Power of State Government to make separate building Law: (1) Notwithstanding anything contained in this Chapter, the State Government may legislate a special Building Law to be enforced in such dangerous or special place or places as the State Government may, by notification, declare to be as such.

(2) A building law under sub-section (1) may provide for -

- (a) restriction of use of sites having a gradient steeper than two vertical to one horizontal for construction of building of such types or of such materials;
- (b) regulation of sites where building construction may be permitted in the form of stepped construction only with requirements of riveting works, drainage, protection of other works;

- (c) prohibition or restriction of building construction within a geographically weak zone as the State Government may by a notification notify;
- (d) restrictions and conditions in regard to the open spaces to be maintained in or around buildings and character of buildings;
- (e) promulgation of uniform shape or look for all building at such place or places;
- (f) compulsory installation of fire detecting and alarm facilities with extinguishing system; and
- (g) such other matters of general or special nature for all or any type of buildings.

CHAPTER - XIII

PUBLIC CONSERVANCY AND PRIVATE CONSERVANCY

148. Removal of sewage, offensive matter and rubbish: (1) Board of Councillors shall provide for the removal of sewage, rubbish, filth and offensive matter from all public latrines, urinals and drains and from all public roads, public streets and other property vested in the Municipality.

(2) In a private premises where an owner pays a latrine tax, Board of Councillors shall provide for the removal of sewage and offensive matters from such private latrines, urinals and cesspools for which a latrine tax is paid.

(3) In a private premises where an owner pays a conservancy tax, Board of Councillors shall provide for the removal of sewage, rubbish, filth and offensive matter from such private premises for which a conservancy tax is paid, in a manner provided by section 152.

149. Establishment and implements for removal of sewage, offensive matter and rubbish: For the removal of sewage, rubbish, filth and offensive matter and for the cleansing of latrines, urinals, drains and cesspools under section 148, the Board of Councillors shall maintain sufficient establishment, carts, motor trucks and other implements for the purpose.

150. Appointment of dumping pits and dumping grounds: The Board of Councillors shall provide in some suitable places dumping pits and dumping grounds for final disposal of sewage, rubbish and offensive matters.

151. Power of the Chairman to specify time of collection of rubbish, etc.: The Chairman may, by public notice, specify time during which cart or motor truck deployed for removal and disposal of sewage, rubbish and offensive matters, shall collect such sewage, rubbish or offensive matters from such area to be specified in such notice, for final disposal to dumping pits and dumping grounds.

152. Duties of owners and occupiers to collect and deposit rubbish, etc.: It shall be the duty of the owners or occupiers, as the case may be, of all premises -

- (a) to have the premises swept and cleansed; and
- (b) to collect from their respective premises all rubbish and offensive matters and keep them in bags, sacks or other containers for collection by cart or motor truck for final disposal.

153. Prohibition of improper disposal of carcasses, rubbish and filth: No person shall -

- (a) deposit carcasses of animals, rubbish or filth in any road or on the verandah of any building, or any unoccupied ground alongside any road or any public quay, jetty or landing place, or on the bank of water-course 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 cart or motor truck intended for the removal of filth save for the purpose of deodorizing or disinfecting the filth.

154. Prohibition against keeping filth on premises too long: No owner or occupier of any premises shall keep or allow to be kept for more than twenty-four hours any filth on such premises or any building or on the roof thereof in any out-building or any place belonging thereto.

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

156. Prohibition against using any cart without cover in the removal of filth: No person shall in the removal of filth use any cart receptacle not having a covering proper for preventing the escape of the contents thereof or of the stench therefrom, or intentionally or negligently spill any filth in the removal thereof.

157. Prohibition against throwing rubbish or filth on streets and into drains: No person shall put or cause to be put any rubbish or filth on public street and into any public drain not intended for rubbish or filth or into any drain communicating with any such public drain.

158. Provision of public latrines and urinals: The Board of Councillors shall provide and maintain in proper and convenient places a sufficient number of public latrines and urinals and shall cause the same to be daily cleansed and kept in proper order.

159. Permission for construction of latrine or urinal near road, tank or water-course: No person shall, without the permission of the Chairman -

- (i) construct latrine or urinal with a door or trapdoor opening on to any road or drain;
- (ii) construct or keep any latrine, urinal, cesspool, house-drain or receptacle sewage or other offensive matter within fifty feet of any tank or water course or a tank or water course which the inhabitants of any locality use.

160. Provision of latrines by owner or occupier: (1) The Chairman or any officer authorised by the Chairman in this behalf 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 place to a more suitable place any existing latrine in accordance with the directions 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 three or more huts stands shall provide latrines of such description and number and in such position as the Chairman or any officer authorised by the Chairman in this behalf may by notice require, within such time as may be fixed in the notice, for the use of the inhabitants of such huts.

161. Provision of latrines for labourers: Every person employing workmen, labourers or other person 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 Chairman or any officer authorised by the Chairman in this behalf may by notice require, within such time as may be fixed in the notice.

162. Provision of latrines for markets, cart stands, cattle sheds, eating house etc.: The Chairman or any officer authorised by the Chairman in this behalf may by notice require the owner or manager of a market, cart-stand, cattle shed, eating house, cinema 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.

163. 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 persons passing by or residing in the neighbourhood and shall be kept clean and in proper order.

164. Duty of every person to maintain cleanliness: (1) It shall be the civic duty of every person to maintain cleanliness and to live decent and respectable way of living with respect to proper collection, removal and disposal of sewage, offensive matter, filth or rubbish and making and keeping in proper condition of latrines and urinals which are dealt with in this Chapter, so as to avoid nuisance or discomfort to persons residing in the neighbourhood or to passers-by.

(2) Any person who contravenes any of the provisions of section 153, 154, 155, 156, 159 and 163, or fails to comply with the notice served to him under sections 160, 161 or 162 shall be punishable under section 386.

(3) If, in the opinion of the Chairman, any person shows gross negligence of the civic duty under sub section (1), or lives irresponsible, immoral, unwholesome or negligent way of living with respect to any matter dealt with in this chapter, he shall be liable to additional punishment of whatever sort as the Chairman may decide to take on him.

CHAPTER - XIV NUISANCE

165. Precautions in case of dangerous structures: (1) If any structure appears to the Executive Officer to be in a ruinous state and dangerous to the passers-by or to the occupiers of neighbouring structures, the Executive Officer may by notice require the owner or occupier to fence off, take down, secure or repair such structure so as to prevent any danger therefrom.

(2) If immediate action is necessary, the Executive Officer 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 road 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 an arrear of tax is recovered.

(3) If any tree or any branch of a tree, standing on land adjoining a public road, appears to the Executive Officer to be likely to fall and thereby endanger any person or any structure, the Executive Officer may by notice require the owner of the said tree to secure, lop or cut down the said tree or branch thereof so as to prevent any danger therefrom.

(4) If immediate action is necessary, the Executive Officer shall himself before giving such notice or before the period of such notice expires, lop or cut down the said tree or branch thereof or fence off a part of any road 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 an arrear of tax is recovered.

(5) If any tank, pond, well, hole, stream, dam, bank or other such place appears to the Executive Officer to be dangerous to the passers-by or to persons living in the neighbourhood, the Executive Officer may by notice require the owner to fill in, remove, repair, protect or enclose the same so as to prevent any danger therefrom.

(6) If immediate action is necessary the Executive Officer shall, before giving such notice or before the period of notice expires, himself take such temporary measures as he thinks fit to prevent the danger and the cost of doing so shall be recoverable from the owner in the manner an arrear of tax is recovered.

166. Power to stop dangerous quarrying: If in the opinion of the Executive Council the working of any quarry of the removal of stone, earth or other material from any place is dangerous to person residing in or having legal access to the neighbourhood thereof or creates or is likely to create a nuisance, the Executive Council 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 it shall deem necessary for the purpose of preventing danger or of abating the nuisance arising or likely to arise therefrom.

167. Precautions against fire: (1) The Executive Officer may by notice require the owner of any structure, booth or tent partly or entirely composed of or having any external roof, verandah, pendal or wall partly or entirely composed of cloth, grass, leaves, mats or other highly inflammable materials to remove or alter such tent, booth,

structure, roof, verandah, pendal, or well, or grant him permission to retain the same on such conditions as the Executive Officer may think necessary to prevent danger from fire.

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

168. Prohibition of construction of well, tanks without the permission of the Executive Officer: (1) No new well, tank, pond, cistern, fountain or the like shall be dug or constructed without the permission of the Executive Officer.

(2) The Executive Officer may grant permission subject to such conditions as he may deem necessary, or refuse to grant permission for reasons to be recorded by him.

(3) If any such works is begun or completed without such permission, the Executive Officer may either -

- (a) by notice require the owner or other person who has done such work to fill up or demolish such work in such manner as the Executive Officer shall direct, or
- (b) grant permission to retain such work, but such permission shall not exempt such owner from proceedings for contravening the provisions of sub-section (1).

169. Filling in of pools, etc. which become a nuisance: If in opinion of Executive Officer any pool, ditch, tank, well, pond, bog, swamp, quarry, hole, drain, cesspool, pit, water-course, or any collection of water, or any land on which water may at any time accumulate, is likely to become a breeding place of mosquitoes or in any other respect a nuisance, the Executive Officer may by notice require the owner of person having control thereof to fill up, cover over, weed drain or drain off the same in such manner and with such materials as the Executive Officer shall direct or to take such order with the same for removing or abetting the nuisance as the Executive Officer shall direct.

170. Cleansing of unsanitary private tank or well used for drinking: (1) The Health Officer may by notice require the owner of 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 and to protect it from refuse or vegetation or pollution by surface drainage in such manner as the Health Officer may think fit.

(2) If the water of any place which is used for drinking, bathing or washing cloths, as the case may be, is proved to the satisfaction of the Health Officer to be unfit for the purpose, the Health Officer 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 wall or fence.

171. Duty of Executive Council in respect of public well or receptacle of stagnant water: The Executive 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.

172. Prohibition against or regulation of washing animals or clothes in public water courses, tanks: The Executive Council may in the interests of the public health regulate or prohibit the washing of animals, clothes or other things, or doing anything in unhealthy manner in any public spring, tank, well, public water course or part thereof within the municipal area 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.

173. Removal of filth or noxious vegetation: The Executive Officer may by notice require the owner or occupier of any building or land which appears to him 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 such period and in such manner as may be specified in the notice.

174. Prohibition against feeding certain animals on filth: No person shall feed or permit any animal, which is kept for dairy purpose or may be used for food, to be fed on filth.

175. Prohibition against keeping animal so as to be nuisance or dangerous: No person shall keep any animal on his premises so as to be a nuisance or so to be dangerous.

176. Power to destroy stray pigs and dogs: (1) The Executive Officer may, with prior approval of the District Magistrate, give public notice that pigs or dogs straying within such limits will be destroyed.

(2) When such notice has been given any person may, in any manner not inconsistent with the terms of the notice, destroy any pig or dog as the case may be, found straying within such limits.

177. Power to Executive Officer to use or sell materials of dangerous structure taken down, etc., and procedure when there is no owner or occupier:

(1) When the Executive Officer takes down any structure or part thereof or cuts down any tree or hedge or shrub or part thereof or removes any fruit in virtue of his powers under this chapter, the Executive Officer may sell the materials or things taken down, cut down or removed, and apply the proceeds in or towards payment of the expenses incurred.

(2) If after reasonable inquiry it appears to the Executive Officer that there is no owner or occupier to whom notice can be given under any section in this chapter he may himself take such order with the property mentioned in such section as may appear to him to be necessary and may recover the expenses incurred by the sale of such property (not being land) or of any portion thereof.

CHAPTER - XV LICENCES AND FEES

A. Keeping of Animals

178. Licenses 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 quadrupeds are kept or taken in for purposes of profit shall apply to Executive Council for a licence not less than thirty and not more than ninety days before 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 Executive Council may, by an order and under such restrictions and regulations as it 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 purpose.

179. General powers of control over stables, cattle-sheds and cow-houses:

(1) All stables, cattle-sheds, pig sheds and cow-houses shall be under the survey and control of the Executive Officer as regards their site, construction, materials and dimensions.

(2) The Executive Officer may by notice require that any stable, cattle-shed, pig shed or cow-house be altered, paved, drained, repaired, disinfected or kept in such a state as to admit of it being sufficiently cleaned or be supplied with water, or be connected with a sewer, or be demolished.

(3) Every such notice shall be addressed to the owner of the building or land to which the stable, cattle-shed, pig shed or cow-house belongs, or for the use of the occupants of which the same was constructed or is continued.

(4) The expense of executing any work in pursuance of any such notice shall be borne by the said owner.

180. Power to direct discontinuance of use of buildings as stable, cattle-shed or cow-house: If any stable, cattle-shed, pig shed or cow-house is not constructed or maintained in the manner required by or under this Act the Executive Officer may by such notice direct that the same shall no longer be used as a stable, cattle-shed, pig shed or cow-house. Every such notice shall state the grounds on which it proceeds.

B. Industries and factories

181. Purposes for which places may not be used without licence: (1) The Executive Council may publish a notification in the district gazette that no place within municipal limits or at a distance within three miles of such limit shall be used for any one or more such industries or factories as may be specified in the notification without the licence of the Executive Council and except in accordance with the conditions specified therein:

Provided that no such notification shall take effect

(a) until sixty days from the date of publication, and

(b) except with the previous sanction of the State 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 Executive Council for a licence for the use of such place for such purpose.

(3) The Executive Council may by an order and under such restrictions and regulations as it thinks fit, grant or refuse to grant such licence.

(4) Every such licence shall expire at the end of the year, or for special reasons at an earlier date the Executive Council may specify.

(5) Applications for renewal of such licences shall be made not less than thirty and not more than ninety days before the end of every year and applications for licenses for places to be newly opened shall be made not less than thirty and not more than ninety days before they are opened.

(6) Where a licence is granted or renewed under this section for the use of any place outside the municipal limits, the municipal council shall pay to the panchayat, if any, having jurisdiction over such place.

182. 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 such 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 electric 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 Executive 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 -

(a) a plan of the factory, workshop, workplaces or premises prepared in such manner as may be prescribed by rules made in this behalf by the State Government, and

(b) such particulars as to the power, machinery, plant or premises as the Executive Council may require by regulations made in this behalf.

183. Grant or refusal of licence: The Executive Council shall, as soon as may be after the receipt of the application under section 182, -

(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 the 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.

184. Approval of State Government to be obtained: Before granting permission under section 183, the Executive Council -

(a) shall if more than nine workers are proposed to be employed on any day in the factory, workshop, work-place or premises, obtain the approval of the State

Government as regards the plan of the factory, workshop, work-place or premises with reference to -

- (i) the adequacy of the provisions for ventilation and light,
 - (ii) the sufficiency of the height and dimensions of the rooms and doors,
 - (iii) the suitability of the exits to be used in case of fire, and
 - (iv) such other matters as may be prescribed by rules made by the State Government; and
- (b) shall consult and have due regard to the opinion of the Municipal Health Officer where the Municipality employs such an officer and of the district Health Officer in other cases, as regards the suitability of the site of the factory, workshop, work-place or premises for the purpose specified in the application.

185. Limit of workers to be employed: More than nine workers shall not be employed on any day in any factory, workshop, work-place or premises, unless the permission granted in respect thereof under sub-section 183 authorizes such employment, or unless fresh permission authorizing such employment has been obtained from the Executive Council. Before granting such fresh permission, the Executive Council shall obtain the approval of the State Government as regards the plan of the factory, workshop, work-place or premises, with reference to the matters specified in section 184.

186. Control and restriction: The grant of permission under this Chapter -

- (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 provisions of sections 128 and 130.

Explanation : The word "worker" in section 182, 184 and 185 shall in relation to any factory, workshop, work-place, or premises, have the same meaning as in the Factories Act, 1934.

187. Permission deemed to have been granted if not received within sixty days: Save as otherwise specially provided in this Act, if orders on an application for permission under section 182 are not received by the applicant within sixty days after the receipt of the application by the Executive Council, permission shall be deemed to have been granted subject to the law, rules, by-laws, regulations and all conditions ordinarily imposed.

188. Exemption from sections 184 and 185: Nothing contained in clause (a) of section 184 and section 185 shall apply if the approval to the factory, workshop, work-place or premises, referred to therein has already been obtained under the provisions of any law relating to factories for the time being in force.

189. Executive Council may issue directions for abatement of nuisance caused by steam or other power: (1) If in any factory, workshop or work-place in which steam-power, water-power or other mechanical power or electric power is used, nuisance is in the opinion of the Executive Council caused by reason of the particular kind of fuel employed or by reason of the noise or vibration created, the Executive

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 Executive 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.

190. Power of the State Government to pass orders or give directions to Municipalities: The State Government may, either generally or in any particular case, make such order or give such directions as they deem fit in respect of any action taken or omitted to be taken under sections 182, 183, 184, 185, 186, 187, 188, 189 or any of them.

191. The Executive authority may enter any factory, workshop or work-place: (1) The Executive authority or any person authorized by him 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 night, if he has reason to believe that any offence is being committed under sections 182, 183, 184, 185, 186, 187, 188, 189 or any of them.

(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 necessarily for the purpose of effecting an entrance under this section.

C. Slaughtering

192. Provision of municipal slaughter-houses: (1) The Municipalities 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 Municipality may -

- (a) place the collection of such rents and fees under the management of such persons as may 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 State Government, outside the municipal area.

193. Licence for slaughter-houses: (1) The owner of any place within municipal limits or at a distance within three miles of such limits which has been in use before the commencement of this Act as a slaughter-house for the slaughtering of animals or for the skinning or cutting up of any carcasses, shall apply to the Executive Council for a licence not less than thirty and not more than ninety days before the opening of such place as a slaughter-houses 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 State Government.

(2) The Executive Council may, by an order and subject to such restrictions and regulations as to supervision and inspection as it thinks fit, grant or refuse to grant such licence.

194. Slaughter of animals during festivals and ceremonies: The Executive Council may allow any animal to be slaughtered in such places as it thinks fit on occasions of festivals and ceremonies or as a special measure.

195. 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, goat or pig for sale as food or skin or cut up any carcass without or otherwise than in conformity with a licence from the Executive Council or dry or permit to be dried any skin in such a manner as to cause a nuisance:

Provided that the Executive Council may authorize any person to slaughter, without licence and without the payment of any fee, any animal for the purpose of a religious ceremony.

D. Milk Trade

196. Regulation of milk trade: (1) No person shall without or otherwise than in conformity with a licence from the Executive Council -

- (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 the sale of milk or dairy produce :

Provided that no such licence shall be given to any person who is suffering from dangerous disease.

(2) Such licence may be refused or may be granted on such conditions as the Executive Council may deem necessary which may extend to the construction, ventilation, conservancy, supervision and inspection of the premises, whether within or without municipal limits, where the animals, from which the milk-supply is derived are kept.

E. Markets

197. Public markets: 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 persons of whatever caste or creed.

198. Powers in respect of public markets: (1) The Board of Councillors may provide places for use as public markets.

(2) The Board of Councillors may in any public market levy any one or more of the following fees at such rates and may take 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 three years 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 for brokers, commission agents, weigh men and measurers practising their calling in such markets.
- (3) The Municipality may, with the sanction of the State Government, close any public market or part thereof.

199. Control of the Executive Council over public markets: (1) No person shall, without the permission of the Executive Council 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 Executive Council may expel from any public market any person who or whose servant has been convicted of disobeying any regulations 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.

200. 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 Executive 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 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 Executive 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 market as the Executive Council may think proper; or the Executive Council may refuse to grant any such licence for any new private market. The Executive 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 Executive 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 Executive Council shall cause a notice of such grant, refusal, suspension, cancellation or modification in English and in a regional language of the district to be posted 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.

201. Fee for licence: When a licence granted under section 200 permits the levy of any fees of the nature specified in sub-section (2) of section 198, a fee not exceeding fifteen percent of the gross income of the owner from the market in the preceding year shall be charged by the Executive Council for such licence.

202. 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.

203. Powers of Executive Council in respect of private markets: The Municipality 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 Executive Council may think fit;
- (b) roof and pave the whole or any portion of it or pave any portion of the floor with such materials as will in the opinion of the Executive Council secure imperviousness and ready cleansing;
- (c) ventilate it properly and provide it with a supply of water;
- (d) provide passages of sufficient width between the stalls and make such alterations in the stalls, passages, shops, doors or other parts of the market as the Executive Council may direct; and
- (e) keep it in a clean and proper state and remove all filth and refuse therefrom.

204. Suspension or refusal of licence in default: (1) If any person after notice given to him in that behalf by the Executive 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 203, the Executive Council may suspend the licence of the said person, or may refuse to grant him a 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.

205. 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 in such a condition as to become a nuisance or fail to cause anything that is a nuisance to be at once removed to a place to be specified by the Executive Council.

206. Power to close private markets: The Executive 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 contrary to the provisions of this Act.

207. Acquisition of rights of private persons to hold private markets: (1) The Board of Councillors 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, and such rights shall be deemed to be land for the purposes of that Act.

(2) On payment by the Board of Councillors of the compensation awarded under the said Act 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 Municipality.

208. Prohibition against sale on public roads: The Executive Officer may, with the sanction of the Executive Council, prohibit by public notice or license, or regulate the sale or exposure for sale of any animals or articles in or upon any public road or place or part thereof.

209. Decision of disputes 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 Board of Councillors concerned shall make a reference to the State Government and the decision of the State Government on the question shall be final.

CHAPTER - XVI MUNICIPAL TAXATION

A. Taxes

210. Enumeration of ordinary taxes and powers of control of State Government: (1) Every municipality may levy,

- (a) Property tax; and
- (b) a profession tax;
- (c) a tax on carriages and animals;
- (d) a tax on carts, and
- (e) advertisement tax other than advertisements published in newspapers.

(2) Any resolution of a Board of Councillors determining to levy a tax shall specify the rate at which any such tax shall be levied and the date from which it 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 Executive Council shall publish a notice in at least one vernacular newspaper, on the notice board of the municipal office and in such other places within municipal limits as may be specified by the Board of Councillors, of its intention, fix a reasonable period not being less than one month for submission of objections and consider the objection, if any, received within the period specified:

Provided further that any resolution abolishing any tax or reducing the rate at which a tax is levied shall be immediately reported to the State Government and in municipalities which have an outstanding loan either from the Government or from the public or any other local body, no such abolition or reduction shall be carried into effect without the sanction of the State Government:

Provided also that, where any resolution under this section has taken effect for a particular year, no proposals to alter the rates or date fixed in such resolution so far as that year is concerned shall be taken into consideration by the Board of Councillors.

211. 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

212. Notification of new taxes: When a Board of Councillors shall determine subject to the provision of section 210 to levy any tax for the first time or at a new rate the Executive Officer shall forthwith publish a notification in the gazette specifying the rate at which, the date, from which, and the period of levy for which, such tax shall be levied.

213. Saving for certain provisions of the Constitution: Nothing in this chapter shall authorise a municipality to levy any tax which the State Legislature has no power to impose in the State under the Constitution.

B. Property Tax

214. Description and classes of property tax: (1) If the Board of Councillors by resolution determines that a property tax shall be levied, such tax shall be levied on all buildings and lands within 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 heretofore 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 municipal council shall declare what proportion of the 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 212.

(2) Save as otherwise provided in this Act, these taxes shall be levied at such percentages of the annual value of buildings, or land which are occupied by or adjacent and appurtenant to, buildings or both as may be fixed by the Board of Councillors subject to the provision of section 210.

215. Levy of property tax on a direction by Government: (1) The State Government may by order published in the Official Gazette direct any municipality to levy the property tax referred to in sub-section 210 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 order is published) as may specified in the order.

(2) When an order under sub-section (1) has been published, the provision of this Act relating to property tax shall apply as if the Board of Councillors has 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 Board of Councillors under section 210 determining the rate at which and the date from which property tax shall be levied has taken effect

(3) A Board of Councillors 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 State Government.

216. Method of assessment of property: (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 suite or premises.

(2) The annual value of lands and buildings shall be deemed to be gross annual rent at which they may reasonably be expected to let from month to month or from year to year less a deduction in the case of buildings, of ten percent, of that portion of such annual rent which is attributable to the buildings alone, apart from their sites and adjacent lands occupied as an appurtenance thereto; and the said deduction shall be in lieu of all allowance for repairs or any other account whatever:

Provided that -

- (a) every land, which is not built upon, comprised in a holding shall be assessed separately; and
- (b) machinery and furniture shall be excluded from valuations under this section.

(3) The State Government shall have power to make rules regarding the manner in which, the person or persons by whom and the intervals at which, the value of the land, the present cost of constructing the building and the amount to be deducted for depreciation, shall be estimated or revised, in any case or class of cases to which sub-section (2) applies.

217. General exemptions: (1) The following buildings and lands shall be exempted from the property tax:

- (a) places set apart for public worship and either actually so used or used for no other purposes;
- (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) Buildings used for educational purposes including hostels attached thereto and places used for the charitable purpose of sheltering the destitute or animal and libraries and playground which are open to the public;
- (d) Charitable hospitals and dispensaries;
- (e) Burial and burning grounds;
- (f) Buildings or lands belonging to the municipality and
- (g) Any irrigation work vesting in the State Government including the bed of a water-course, or any building or land adjacent and appertaining to such irrigation work; Government lands set apart free for recreation purposes; and all such other Government property being neither buildings nor land from which in the opinion of the State Government any income could be derived as may from time to time be notified by the State Government:

Provided that nothing contained in clauses (a) and (c) 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 purposes referred to in the said clause.

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

(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 Board of Councillors may with the previous sanction of the State Government exempt any particular part of a municipality from the payment of the whole or a portion of the water and drainage tax or 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 Board of Councillors may exempt any 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 arrangement for the daily removal therefrom of rubbish, filth and carcasses of animals.

(5) The Board of Councillors may by a general resolution exempt any building or land from the property tax-

- (i) if the annual value of the same does not exceed a sum specified in the said resolution, such sum not being greater than rupees one hundred and eighty, and
- (ii) the proprietor does not own any other building or land assessed to the property tax and is not liable to profession or income-tax.

218. Classification of municipal area for the purpose of taxation: (1) The State Government may, for the purpose of fixing property tax, classify the municipal area into such number of grades as it may, by a notification, determine, and fix rate of property tax for each grade

(2) The rate of same class of property tax under this section need not be uniform for all grades, and different rates may be fixed for different grades.

219. 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.

220. Property tax when payable: The property tax shall be levied every half-year and shall, be paid by the owner of the assessed premises within thirty days after the commencement of the half-year.

221. Vacancy remission: (1) When any building whether ordinarily let or occupied by the owner himself has been vacant and unoccupied for thirty or more consecutive days in any half-year, the Executive Council shall remit so much, not exceeding one-half of such portion of the tax as relates to the building only as is proportionate to the number of days during which the building was vacant and unoccupied in the half-year.

(2) 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.

(3) (a) No demand for such remission shall be entertained unless the owner of the building or his agent has previously thereto delivered notice to the Executive Officer -

- (i) that the building is vacant and unoccupied; or
- (ii) that the building will be vacant and unoccupied from a specified date either in the half-year in which notice is delivered or in the succeeding half-year.
- (b) 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 became vacant and unoccupied, 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 became vacant and unoccupied, whichever is later.
- (c) Every notice under clause (a) shall expire with the half-year succeeding that during which it is so delivered, and shall have no effect thereafter.

222. 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 Executive Officer.

(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 Executive Officer 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 executive officer 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 Executive Council any documents evidencing the transfer or succession.

(4) Every person who makes a transfer as aforesaid without giving such notice to the Executive Officer shall in addition to any other liability which he incurs through such neglect, continue 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 effect-

- (a) the liability of the transferee for the payment of the said tax, or
- (b) the prior claim of the municipality under section 219.

223. Owner's obligation to give notice of construction, reconstruction or demolition of building: (1) If any building in a municipality is constructed, or reconstructed, the owner shall give notice thereof to the Executive Officer within fifteen days from the date of completion or occupation of the building, whichever is earlier.

(2) If such date falls within the last two months of half-year, the owner shall, subject to notice being given under sub-section (1), 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.

(3) If such date falls within the first four months of a half-year, the owner shall, subject to notice being given under sub-section (1), 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 half-year preceding such date.

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

(5) 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 of the building only for that half-year.

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

224. Remission of tax in areas included or excluded in the middle of a half-year: (1) If any area is included within a municipality the owner of every building or land in such area shall -

(a) if the date of such inclusion falls within the last two months of a half-year, not be liable to pay any property tax in respect thereof for that half-year and

(b) if such date falls within the first four months of a half-year, be entitled to a remission of so much not exceeding a half of the property tax payable in respect thereof for that half-year, as is proportionate to the number of days in that half-year preceding such date.

(2) If any area is excluded from a municipality the owner of every building or land in such area shall be entitled -

(a) if any date of such exclusion falls within the first two months of a half-year, to a remission of the whole of the property tax in respect thereof for that half-year; and

(b) if such date falls within the last four months of a half-year, to a remission of so much not exceeding a half of the proportionate to the number of days in that half-year succeeding such date.

(3) No remission shall be granted under sub-section (2) in respect of any building or land unless an application for such remission is made to the Executive Officer within three months from the date of the exclusion of the area in which the building or land is situated.

225. Power of Executive Officer to call for information and to enter upon premises: (1) For the purposes of assessing the property tax, the Executive Officer 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 State Government or a company and within seven days after such service in other cases, with returns of the rent payable for the land or building, the cost of erecting the building and the measurements of the land and with such other information as the Executive 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 executive officer may enter, inspect, survey and measure such building or land, after giving twenty-four hours notice to the owner or occupier.

C. Profession Tax

226. Profession tax: 1) The Board of Councillors may by a resolution determine that a profession tax shall be levied, and publish a notification of such determination under section 212. Then from the effective date of the notification every company, firm, association or Hindu undivided family transacting business in the municipal area for not less than sixty days in the aggregate in any half year shall pay to the municipality a half-yearly profession tax.

(2) For the purpose of sub-section (1) the Board of Councillors may make a regulation and fix therein taxable limits, rates of taxes payable and other matters connected with such a tax.

227. Liability of member of firm, association and joint Hindu families to profession-tax: The profession-tax leviable from a firm, association or joint Hindu family may be levied from any adult member of the firm, association or family.

228. Liability of servants or agents to profession tax: If a company or person employs a servant or agent to represent it or him for the purpose of transacting business in a municipal area such company or person shall be deemed to transact business in the municipal area and such servant or agent shall be liable for the profession tax, in respect of the business of such company or person, whether or not such servant or agent has power to make binding contracts on behalf of such company or person.

229. Service of Notice on failure of payment of tax: If the profession tax due from any company or person is not paid, the Executive Officer shall cause a notice to be served on such company or person which shall be treated as confidential and copies thereof shall not be granted to the public.

230. Statements, returns etc., to be confidential: - All statements made, returns furnished or accounts or documents produced in connection with the assessment of profession tax by any company or person shall be treated as confidential and copies thereof shall not be granted to the public.

231. Requisition on owner or occupier to furnish list of persons liable to tax: The Executive Officer may by notice require the owner or occupier of any building or land and every secretary or manager of a hotel, boarding or lodging house, club, or residential chambers to furnish within a specified time a list in writing containing the name of all person occupying such building, land, hotel, boarding or lodging house, club or residential chambers and specifying the profession, art calling or appointment of every such person and the rent, if any paid by him and the period of such occupation.

232. Requisition on employers or their representatives to furnish list: The Executive Officer may by notice require any employer or the head or secretary or manager of any public or private office, hotel, boarding house or club or of a firm or company -

- (a) to furnish within a specified time a list in writing of the names of all persons employed by such employer or by such office, hotel, boarding house, club, firm or company as officers, servants, workers, agents suppliers, or contractors, with a statement, of the salary or income of such persons, and
- (b) to furnish particulars in regard to any company of which such employer, head, secretary or manager, as the case may be, is the agent.

233. Deduction of profession tax from salary or wages or other sum: (1) Every employer shall, on receipt of a requisition from the executive officer, deduct from the salary or wages of any person employed by the employers as an officer or a servant or from any sum payable by the employer to any person employed by the employer as worker, agent, supplier or contractor, such amount of profession tax, as may specified in such requisition, as being due from such employed person.

Explanation: In this sub-section "employer" includes the head or secretary, or manager of any public or private office, hotel, boarding houses, club, firm or company.

(2) Every person responsible, for making any deduction under sub-section (1) may at the time of making the deduction, increase or reduce the amount to be deducted under sub-section (1) for the purpose of adjusting any excess or deficiency arising out of any previous deduction or failure to deduct during the half-year.

(3) any deduction made in accordance with the provisions of sub-sections (1) and (2) and paid to the municipality shall be treated as payment of profession tax on behalf of the person from whose salary or wages the deduction was made.

(4) Any sum deducted in accordance with the provisions of sub-sections (1) and (2) shall be paid within such time as may be fixed by the Executive Officer for the credit to the municipality

(5) Every person making the deduction under sub-section (1) or sub-section (2) shall, at the time of payment of the salary or wages or sum, furnish to the person to whom such payment is made a certificate to the effect that profession tax has been deducted, and specifying the amount so deducted and such other particulars as may be determined by a regulation.

(6) Where profession tax due from any employed person is deducted under sub-section (1) or sub-section (2) the person from whose salary or wages the deduction was made shall not be called upon to pay the tax himself to the extent to which tax has been so deducted.

(7) Every person making the deduction under sub-section (1) or sub-section (2) shall prepare and, within such period as may be specified by the Executive Council after the expiry of the half year, deliver or cause to be delivered to the Executive Officer in the such form and verified in such manner as may be required, a return in writing showing the name and residential address of every person from whose salary or wages deduction was made under sub-section (1) or sub-section (2), and of every person to whom the sum from which such deduction was made is payable, the amount so deducted, and the half year to which the deduction relates.

(8) The provisions of this section shall apply notwithstanding any law to the contrary for the time being in force.

D. Taxes on carriages and animals

234. Powers on carriage and animals: (1) Without the permission of the Board of Councillors, no person shall use or cause to be used carriage of any kind or animal or cart for conveyance of human beings or goods in any municipal area.

(2) The Board of Councillors may having regard to the congestion and heavy use of public roads and streets, determine any place or places in a municipal area where use of carriage or animal or cart for conveyance shall be totally forbidden and in such place or places it shall not be lawful for any person to possess, keep or use carriage of any kind or cart animal for conveyance purposes.

(3) The Board of Councillors may, having regard to the condition of public roads and streets, determine any place or places in a municipal area where use of carriage or animal or cart or any of them can be permitted with such restrictions as the Board of Councillors may impose. Thereupon, the Executive Council may grant permission for use of carriage or animal or cart or any of them for conveyance purposes with such restrictions and conditions as may be determined by the Board of Councillors and may levy tax for such carriage or animal.

235. General provision regarding tax on carriage and animals: (1) If the Board of Councillors determines that a tax on carriages and animals shall be levied as may be determined by a regulation in this behalf, the Executive Officer shall levy the said tax half-yearly on such carriages and animals kept or used within the municipality.

(2) The rates of the tax shall be determined and revised from time to time by the Board of Councillors.

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

(2) If such aggregate period exceeds fifteen days but is less than sixty days a moiety of the half-yearly tax shall be leviable.

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

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

(5) Notwithstanding anything contained in sub-sections (1) and (2), no person shall be liable to pay tax to the municipality during any half-year on account of any carriage or animal in respect of which the full tax for the same half-year has already been paid to the municipality by some other person.

237. Exemptions: The carriage and animal tax shall not be levied on -

- a) carriage and animals belonging to the Government and used for military purposes;
- b) carriages and animals kept solely for sale by carriage-maker and dealers.
- c) carriages which have been under repair or standing at a carriage-makers during the whole of the half-year.

238. Composition: With the sanction of the Board of Councillors or in accordance with regulations framed by that body, the Executive Council may compound for any period not exceeding one year, with any livery-stable keeper or other person keeping carriages and animals for sale or hire, for a certain sum to be paid in lieu of the carriage and animal tax.

239. Grant of licence on payment of tax: When any person pays the amount of tax due in respect of any carriage or animal, the Executive Council shall grant him a licence to keep or use such carriage or animal for the period to which the payment relates.

E. Carts Tax

240. Power to require numbers to be affixed to bicycles, etc.: (1) The Executive Council may direct that a municipal number shall be affixed to every carriage let out for hire within the municipality and 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.

241. General provision regarding cart tax: (1) If the Board of Councillors determines that a tax shall be levied on carts, the executive council shall levy the said tax half-yearly at the rate which shall not exceed rupees ten per cart per half-year fixed by the Executive Council and specified in the notification to be published in the gazette.

(2) Notwithstanding anything contained in sub-section (1) no person shall be liable to pay tax to the municipality during any half – year on account of any cart in respect of which the tax for the same half-year has already been paid to the municipality by some other person.

(3) Every owner of any such cart shall register it once in every half-year in the municipal office.

(4) The Executive Council may direct that a municipal numbers shall be affixed to every registered cart.

(5) The Executive Council shall notify certain days in every half-year for the registration and numbering of carts and the payment of the tax.

(6) 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.

(7) Such book shall be open to the inspection of any person who pays any tax to the municipality at all reasonable times without charge.

(8) This section shall not apply to carts belonging to the Government and used for military purpose, or carts-kept solely for sale by cart-makers and dealers.

242. Power to remit tax: The tax on carts shall not be levied on any cart which is shown to the satisfaction of the Executive Council to have been kept or used within the

municipality for an aggregate period not exceeding fifteen days in the half-year or to have been under repair or standing at a cart maker's during the whole of the half-year.

243. Seizure of vehicle not bearing numbers: (1) If a municipal number is not affixed to a carriage or cart in pursuance of a direction issued under section 240 or section 241, as the case may be, the Executive Council may at any time seize and detain the vehicle and the animal, if any, by which it is drawn.

(2) If the vehicle or animal seized be not claimed and the tax thereon paid within ten days from the date of seizure Executive Council 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 executive council may direct; and
- (iii) on account of 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 Executive Council may direct; and
- (iii) a sum of rupees five on account of charges incurred in connection with the seizure and detention.

F. Advertisement Tax

244. Prohibition of advertisement without written permission of Chairman:

(1) No person shall erect, exhibit, fix or retain upon or over any land, building, wall, hoarding, frame, post, kiosk or structure any advertisement, or display any advertisement to public view in any manner whatsoever, visible from a public street or public place (including any advertisement exhibited by means of cinematograph), in any place within a municipal area without the written permission of the Chairman.

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

- (a) a licence for the use of the particular site for the purpose of advertisement has not been taken out, or
- (b) the advertisement contravenes any provisions of this Act or the rules or the regulations made thereunder, or
- (c) the tax, if any, due in respect of the advertisement has not been paid.

(3) No person shall broadcast any advertisement, except on radio or television, without the written permission of the Chairman.

245. Licence for use of site for the purpose of advertisement: (1) Except under and in conformity with the terms and conditions of a licence, no person, being the owner, lessee, sub-lessee, occupier or an advertising agent, shall use or allow to be used any site in any land, building, wall or erect or allow to be erected on any site any hoarding, frame, post, kiosk, structure, neon-sign or sky-sign for the purpose of display of any advertisement.

(2) For the purpose of advertisement, every person-

- (a) using any site prior to the commencement of this Act, within ninety days from the date of commencement of this Act, or
- (b) intending to use any site, or
- (c) whose licence for the use of any site is about to expire, shall apply for a licence or renewal of a licence, as the case may be, to the Chairman in such form as may be specified by the Board of Councillors.

(3) The Chairman shall, after making such inspection as may be necessary and within thirty days of the receipt of the application, grant, refuse, renew or cancel a licence, as the case may be, on payment of such fee as may be determined by the Board of Councillors by regulations.

(4) If the Chairman, having regard to public safety, traffic hazard or aesthetics, is of opinion that the proposed site for any advertisement is unsuitable, he may refuse a licence or refuse to renew any existing licence.

(5) Every licence shall be for a period of one year except in the case of sites used for temporary fairs, exhibitions, sports events or cultural or social programmes.

(6) The Chairman shall cause to be maintained a register wherein the licences issued under this section shall be recorded in such manner as may be determined by regulations.

246. Tax on advertisements: (1) Every person who exhibits, fixes or retains upon or over any land, building, wall, hoarding, frame, post, kiosk or structure any advertisement, or displays any advertisement to public view in any manner whatsoever, visible from a public street or public place (including any advertisement exhibited by means of cinematograph), shall pay for every advertisement, which is so erected, exhibited, fixed or retained or displayed to public view, a tax calculated at such rate as the Board of Councillors may determine:

Provided that a surcharge, not exceeding fifty percent of the rate applicable to any case, may be imposed on any advertisement on display in temporary fairs, exhibitions, sports events or cultural or social programmes.

(2) Notwithstanding anything contained in sub-section (1), no tax shall be levied under this section on any advertisement which -

- (a) relates to a public meeting or to an election to Parliament or the Board of Councillors or a Municipality or any other local authority or to any candidature in respect of such election; or
- (b) is exhibited within the window of any building, if the advertisement relates to any trade, profession or business carried on that building; or
- (c) relates to any trade, profession or business carried on within the land or the 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 on or upon or in the same; or
- (d) relates to the name of the land or the building upon or over which the advertisement is exhibited or to the name of the owner or the occupier of such land or building; or
- (e) relates to any activity of or in aid of the Government or a Municipality.

(3) The tax on any advertisement leviable under this section shall be payable in advance in such number of instalments and in such manner as the Board of Councillors may by regulations determine:

Provided that the Board of Councillors may, under the terms and conditions of a licence, require the licensee to collect and pay to the Municipality, subject to a deduction, not exceeding ten percent, to be kept by him as collection charges, the amount of tax in respect of such advertisements as are displayed on any site for which he is the licensee.

247. Presumption in case of contravention: Where any advertisement has been erected, exhibited, fixed or retained upon or over any land, building, wall, hoarding, frame, post, kiosk or structure or displayed to public view from a public street or public place in contravention of the provisions of this Act or the regulations made there under, it shall be presumed, unless the contrary is proved, that the contravention has been committed by the person or persons on whose behalf the advertisement purports to be or the agent or agents of such person or persons.

248. Power of Chairman in case of contravention: If any advertisement is erected, exhibited, fixed or retained in contravention of the provisions of this Act or the regulations made thereunder, the Chairman may require the owner or the occupier of the land, building, wall, hoarding, frame, post, kiosk or structure upon or over which the same is erected, exhibited, fixed or retained, to take down or remove such advertisement or may enter any land, building or property and cause the advertisement to be dismantled, taken down, removed, spoiled, defaced or screened.

Explanation I: The word "structure" in this Chapter includes any movable board on wheels used as an advertisement or advertisement medium.

Explanation II: The word "advertisement", in relation to a tax on advertisement under this Act, shall mean any word, letter, model, sign, sky-sign, placard, notice, device or representation, whether illuminated or not, in the nature of, and employed wholly or in part for the purposes of, advertisement, announcement or direction.

249. Fine for not paying tax on advertisement: If any person erects, exhibits, fixes or retains any advertisement referred to in this Chapter without paying the tax due, he shall be punished with fine to be imposed by the Executive Council which-

- (i) may extend to an amount equal to three times the amount payable as such tax and
- (ii) shall not ordinarily be less than an amount equal to one and a half times such tax:

Provided that such fine shall be recovered from such person or persons as the Chairman may adjudge responsible for not paying the tax.

G. Recovery of Taxes, etc.

250. Manner of recovery of taxes under the Act: Save as otherwise provided in this Act, any tax levied under this Act may be recovered in accordance with the following procedure and in such manner as may be prescribed:

- (a) by presenting a bill, or
- (b) by serving a notice of demand, or

- (c) by distraint and sale of a defaulter's immovable property, or
- (d) by the attachment and sale of a defaulter's immovable property, or
- (e) in the case of property tax on lands and buildings, by attachment of rent due in respect of the land or the building, or
- (f) as a public demand under the Mizoram Public Demands Recovery Act, 2001.

251. Incidence of property tax: (1) The property tax on land or building shall be leviable in equal shares upon the owner and the occupier.

Provided that the surcharge thereof shall be leviable upon the occupier:

(2) On the failure to recover any sum due on account of property tax from the owner, such sum shall be recoverable from the occupier by attachment of rent payable by him to the owner.

(3) An occupier from whom any sum is recovered under sub-section (2) shall be entitled to reimbursement by the owner for the payment of such sum or adjustment of such sum against the rent payable.

252. Presentation of bill: (1) When a property tax becomes due on any land or building, the Chairman shall cause to be presented to the owner or the occupier thereof a bill for the amount due.

Explanation: A bill shall be deemed to be presented under this section if it is sent by post under certificate of posting to the person liable for payment of the amount included in the bill, and in such case, the date borne on such certificate of posting shall be deemed to be the date of presentation of the bill to such person.

(2) Every such bill shall specify the particulars of the tax and the period for which it is due.

253. Amount of tax payable, and tax to be paid in advance: (1) Unless the amount entered in the assessment list is subsequently altered as provided in this Act, the amount entered in the list shall be deemed to be the amount due on account of property tax on the annual value of holdings. In the case of subsequent alteration, if any, the amount in relation to which the assessment or rating is so altered shall be deemed to be the amount due.

(2) Such tax shall be payable in quarterly instalments and every such instalment shall be deemed to be due in the first day of the quarter in respect of which it is payable.

(3) If any amount due is paid within thirty days from the date of presentation of the bill under section 252, a rebate, not exceeding ten percent of such amount as may be determined by the Board of Councillors, shall be allowed.

(4) Subject to the provisions of sub-section (2), the payment of taxes may be made in such manner as may be specified by the Executive Council.

254. Notice of demand and notice fee: (1) Save as otherwise provided in this Act, if the amount of the property tax for which a bill has been presented under section 252 is not paid within thirty days from the presentation thereof or if the tax on advertisements is not paid after it has become due, the Chairman may cause to be served upon the person liable for the payment of the same, a notice of demand in such form as may be specified by the Executive Council.

(2) For every notice of demand which the Chairman causes to be served on any person under this section, a fee of such amount, not exceeding twenty-five rupees, as the Board of Councillors may determine shall be payable by such person and shall be included in the cost of recovery.

(3) If any person liable for payment of any tax under this Act does not, within thirty days of the service of the notice of demand, pay the sum due, he shall be deemed to be in default.

(4) When a person liable for payment of any tax under this Act is deemed to be in default under sub-section (3), such sum, not exceeding fifteen per cent of the amount of tax, as may be determined by the Board of Councillors may be recovered from him by way of penalty, in addition to the amount of the tax and the fee payable under sub-section (2).

(5) On the amount of a bill remaining unpaid after its presentation under sub-section (1) of section 252 simple interest shall be payable at such rate, not exceeding ten per cent per annum, as may be determined by the Board of Councillors from time to time, on the said amount from the day next after the expiry of thirty days from the commencement of the quarter following that in which the bill is presented.

Explanation: In calculating the interest payable under this sub-section, a fraction of a rupee in the amount of a bill on which interest is to be calculated shall:

(a) where it is less than 50 paise, be left out of account, and

(b) where it is not less than 50 paise, be taken as one rupee.

(6) The amount due as penalty or interest under this section shall be recoverable as an arrear of tax under this Act.

255. Recovery of tax: (1) If any person liable for payment of any tax does not, within sixty days of the service of notice of demand under section 254, pay the amount due, such sum together with costs, interest due and penalty may be recovered under a warrant issued in such form as may be specified by the Executive Council in this behalf, either by distress and sale of movable property, or by attachment and sale of immovable property, of the defaulter as the Chairman may decide:

Provided that the Chairman shall not recover any sum the liability of which has been remitted on review under the provisions of this Act.

(2) Every warrant issued under sub-section (1) shall be signed by the Chairman or any other officer authorised by him in this behalf.

256. Distress: (1) It shall be lawful for any officer or other employee of the Municipality, to whom a warrant issued under this Chapter is addressed, to distrain, wherever it may be found in any place within the municipal area, any movable property belonging to the person therein named as defaulter, subject to the following conditions, exceptions and exemptions:

(a) the following property shall not be distrained:

(i) the necessary wearing apparel and bedding of the defaulter, his wife and children and their cooking and eating utensils;

(ii) tools of artisans;

(iii) books of accounts;

(b) the distress shall not be excessive, that is to say, the property distrained shall be, as nearly as possible, equal in value to the amount recoverable

under warrant, and if any property has been distrained which, in the opinion of the Chairman, should not have been distrained, it shall forthwith be released.

(2) The person charged with the execution of a warrant shall, in the presence of two witness, forthwith make an inventory of the property which he seizes under such warrant, and shall, at the same time, give to the person in possession thereof at the time of seizure a notice in writing in such form as may be specified by the Executive Council in this behalf that the said property shall be sold on the expiry of the period as therein mentioned

(3) If there is reason to believe that any property seized under a warrant of distress, if left in the place where it is found, is likely to be removed by force, the officer executing the warrant may take it to the office of the Municipality or to any other place appointed by the Chairman.

257. Disposal of distrained property: (1) When the property seized subject to speedy and natural decay or when the expense of keeping it in custody is, when added to the amount to be recovered, likely to exceed its value, the Chairman shall give notice to the person in whose possession the property was at the time of seizure that it will be sold at once, and he shall sell it accordingly by public auction unless the amount mentioned in the warrant is forthwith paid.

(2) If the warrant is not, in the meantime, suspended by the Chairman or discharged, the property seized shall, after the expiry of the period mentioned in the notice served under sub-section (2) of section 256 be sold by public auction by order of the Chairman.

258. Attachment and sale of immovable property: (1) When a warrant is issued for the attachment and sale of immovable property, the attachment shall be made by an order prohibiting the defaulter from transferring or charging the property in any way and all persons from any benefit from such transfer or charge and declaring that such property shall be sold in auction unless the amount of tax due with costs of recovery is paid within the date specified in the warrant.

(2) A copy of the order under sub-section (1) shall be affixed on a conspicuous part of the property and upon a conspicuous part of the office of the Municipality.

(3) Any transfer of, or charge on, the property attached, or any interest therein, made without written permission of the Chairman, shall be void against all claims of the Municipality enforceable under the attachment.

(4) The surplus of the sale proceeds, if any, shall, immediately after the sale of the property, be credited to the Municipal Fund, and notice of such credit shall be given at the same time to the person whose property has been sold or his legal representative, and if the same is claimed by written application to the Chairman within one year from the date of the notice, a refund thereof shall be made to such person or representation.

(5) All sales of property under this section shall, as far as practicable, be regulated by the procedure in force for the time being in the civil court with respect to sale after attachment.

(6) No officer or employee of the Municipality shall directly or indirectly purchase any property at any such sale.

(7) Any surplus, not claimed within one year as aforesaid, shall be the property of the Municipality.

259. Fee for distraint and attachment: For every distraint and attachment made in accordance with the foregoing provisions of this Chapter, a fee of such amount not exceeding two and a half per cent of the amount of the tax due, as shall, in each case, be fixed by the Chairman shall be charged and included in the costs of recovery.

260. Recovery from a person about to leave jurisdiction of Municipality: (1) If the Chairman has reason to believe that any person, from whom any sum is due or is about to become due on account of any tax, is about to move from the jurisdiction of the Municipality, he may direct the immediate payment by such person of the sum so due or about to become due and to cause a notice of demand for the same to be served on such person.

(2) If, on the service of such notice, such person does not forthwith pay the sum so due or about to become due, the amount shall be leviable by distress or attachment and sale in the manner hereinbefore provided, and the warrant of distress or attachment and sale may be issued and executed without any delay.

261. Sale of movable property situated beyond limits of municipal area: (1) If the Chairman is unable to recover any sum due upon distraint, the Sub-divisional Magistrate having jurisdiction may, on the application of the Chairman, issue an warrant to any officer of the Court for the distress and sale of any movable property or effects belonging to the defaulter within any other part of the jurisdiction of the Sub-divisional Magistrate or forward the warrant for the distress and sale of any movable property belonging to the defaulter within the jurisdiction of any other Sub divisional Magistrate exercising jurisdiction within Mizoram and such other Sub divisional Magistrate shall endorse the warrant so issued, and cause it to be executed and the amount, if recovered, to be remitted to the Sub-divisional Magistrate issuing the warrant who shall remit the same to the Chairman.

262. Recovery under Public Demand Recovery Act: After a defaulter has been proceeded against unsuccessfully under the foregoing provisions of this Chapter or with partial success, any sum due or the balance of any sum due may be recovered by the Chairman as a public demand under the Mizoram Public Demand Recovery Act, 2001 together with interest and cost of recovery.

263. Distraint not unlawful for want of form: No distress under this Act shall be deemed to be unlawful nor shall any person making the same be deemed to be a trespasser on account of -

- (a) any defect or want of form in the notice, summons, notice of demand, warrant of distress, inventory or other proceeding relating thereto, or
- (b) any irregularity committed by such person :

Provided that any person aggrieved by such defect or irregularity may, by order of a court of competent jurisdiction, recover the full satisfaction of any special damage sustained by him.

264. Occupiers to pay rent towards satisfaction of property tax: (1) For the purpose of recovery of any property tax, the Chairman may cause to be served on any

occupier a notice requiring him to deposit in the Municipal Fund any rent due or falling due from him in respect of the land or the building to the extent necessary to satisfy the sum due on account of property tax in respect of such land or building.

(2) Every notice under sub-section (1) shall operate as an attachment of rent as aforesaid unless the sum due shall have been paid and satisfied, and the occupier shall be entitled to credit in the account with the person to whom such rent is due, any sum paid by him to the Municipality in pursuance of such notice:

Provided that if the person to whom such rent is due is not the person primarily liable for payment of the property tax, he shall be entitled to recover from the person primarily liable for the payment of such tax any amount for which credit is claimed as aforesaid.

(3) If any occupier fails to deposit in the Municipal Fund any rent due or falling due which he is required to deposit in pursuance of a notice served upon him as aforesaid, the amount of such rent may be recovered from him by the Municipality as an arrear of tax under this Act.

265. Recovery of tax from unauthorised occupier of land or building:

(1) Where any land or building is in the occupation of any person not being the owner or occupier of such land or building, the amount of any tax, toll, fee, rate or other money due under the Act and assessed on the annual value of such land or building may be recovered from such person as if he were an occupier of such land or building:

Provided that no sum shall be recovered from such person if it is not due in respect of the period during which such person has been in occupation of such land or building.

(2) The assessment or recovery made under this section shall not by itself be deemed to confer upon such person any right or title as the lawful occupier of the land or the building as aforesaid.

266. Recovery of property tax on land or building or any other tax or charge in the case of unknown owner of land or premise or disputes ownership: (1) If any money is due under this Act from the owner of any land or premises on account of property tax or any other tax, expenses or charges recoverable under this Act, and if the owner of such land or premises is unknown or the ownership thereof is disputed, the Chairman may publish twice, at an interval of not less than two months, a notification of such dues and of sale of such land or premises for realisation thereof and after the expiry of not less than one month from the date of last publication of the notification, unless the amount recoverable is paid, may sell such land or premises by public auction to the highest bidder, who shall deposit, at the time of sale, twenty-five per cent of the purchase money, and the balance thereof within thirty days of the date of sale. Such notification shall be published in the *Official Gazette* and in local newspaper and by displaying on the land or the premises concerned.

(2) After deducting the amount due to the Municipality as aforesaid, the surplus sale proceeds, if any, shall be credited to the Municipal Fund and may be paid, on demand, to any person who establishes his right thereto to the satisfaction of the Chairman or a court of competent jurisdiction.

(3) Any person may pay the amount due at any time before the completion of the sale, whereupon the sale shall be abandoned. Such person may recover such amount

by a suit in a court of competent jurisdiction from any person beneficially interested in such land or premises.

267. Taxes not invalid for defect of form: (1) No assessment and no charge or demand of the property tax or any other tax made under this Act shall be called in question or shall in any way be affected by reason of -

- (a) any clerical or arithmetical mistake arising from any accidental slip or omission -
 - (i) in the name, residence, place of business or occupation of any person liable to pay such tax, or
 - (ii) in the description of any property or thing liable to such tax, or
 - (iii) in the amount of assessment of such tax, or
- (b) (i) any clerical error, or
- (ii) any defect of form, not being of a substained nature:

Provided that the Chairman may, either of his own motion or on the application of any aggrieved person, correct any clerical or arithmetical mistake or clerical error or defect of form as aforesaid.

(2) It shall suffice for the purpose of levying the tax under this Act or of any assessment or valuation of any property under this Act, if the property taxed or assessed or valued is so described as to be generally known, and it shall not be necessary to name the owner or the occupier thereof.

268. Writing off irrecoverable dues: The Board of Councillors may by order strike off the books of the Municipality any sum due on account of the property tax or any other tax or any other account, which may appear to it to be irrecoverable and shall, within one month thereof, communicate it to the State Government.

CHAPTER - XVII WATER-SUPPLY

269. The Municipality to provide water-supply: (1) It shall be the duty of every Municipality to provide a supply of wholesome water for the domestic use of the inhabitants.

(2) The supply of water for domestic and non-domestic uses may be charged for at such scale of fee, or price, as may be prescribed:

Provided that in the case of Water Supply Projects, implemented in any municipal area with external aid or on joint venture basis or through private participation, the Municipality may make regulations fixing fees for supply of water and other allied matters associated with the project, as may be necessitated by the terms and conditions of the project.

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

270. Public tanks, sub-soil water, etc., to vest in the Municipality: (1) All public tanks, reservoirs, cisterns, wells, tube-wells, aqueducts, conduits, tunnels, pipes, taps and other water-works, whether made, laid or erected at the cost met from the Municipal Fund or otherwise, and all bridges, buildings, engines, works, materials, and things, connected therewith or appertaining thereto, and any adjacent land (not being private property) appertaining to any public tank, which is situated within the municipal area, shall vest in the Municipality.

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

271. Construction of water works: (1) Subject to the approval of the State Government, the Board of Councillors may, either singly or jointly with any other authority, within or without a municipal area, undertake construction of water-works and operate, manage or maintain any water-works intended to serve the inhabitants of the municipal area.

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

272. Power to lay or carry pipes through public or private land: The Board of Councillors may lay or carry any water-main or service-main or any pipe or channel of any kind for the purpose of providing or carrying out or maintaining a system of water-supply on, across, under or over any street or public place, and after giving a reasonable notice of not less than a month to the owner or the occupier, across, under or over any private land or building whatsoever, situated within the limits of a municipal area, may at all times do all acts and things which may be necessary or expedient for repairing or maintaining any such pipe or channel, as the case may be, in an effective state for the purpose for which such pipe or channel, as the case may be, may be used or intended to be used:

Provided that in the case of sudden water-logging of any area within a municipal area, the Board of Councillors may, if it considers it necessary so to do in the interest of public health and convenience, take such action as is necessary under this subsection for draining out the water across, under, over or up the side of any land or building within a municipal area without prior service of any notice on the owner or the occupier of such land or building:

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

273. Control of constructions on land through which water-main etc. passes: No building or private street shall be constructed over any municipal water-main or service-main, except with the written permission of the Board of Councillors which may impose such conditions for such construction as it may deem fit.

274. Power to permit connection to houses and lands: (1) Subject to such conditions and restrictions and such terms as the Executive Council may, from time to

time, determine, the Executive Council may, on the application of the owner or the occupier of any house or land in respect of which property tax is paid, make or cause or permit to be made communication or connection from any main, service-main or distribution pipe, belonging to the Municipality or from any channel maintained, owned or vested in the Municipality.

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

275. Power to require water-supply to be taken: If, at any time, it appears to the Executive Council that any building or land in the municipal area is without a proper supply of wholesome water, the Chairman may, by written notice, require the owner or the lessee or the occupier of the building or the land, as the case may be, to obtain from municipal water-mains such quantity of water as may be adequate for the requirement of the persons usually occupying or employed upon the building or the land, and provide communication pipes of such size, materials and description, and take such necessary steps for the purpose, as may be provided by regulations.

276. Water supply through hydrants, stand-posts and other conveniences:

(1) The Executive Council may erect hydrants or stand-posts for supply of wholesome water to the public within a municipal area.

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

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

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

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

277. Vesting of private connections to premises in the Municipality:- (1) All private connections of premises to the mains of a Municipality for the supply of water thereto and all pipes, taps, and other fittings used for such supply shall be made, maintained and regulated in the manner prescribed.

(2) The Municipality may, if it thinks fit take charge of all communication-pipes and fittings of any existing private service connected with water-supply system within a municipal area up to and including the stopcock nearest to the doorstep of the concerned premises and such communication-pipes and fittings shall thereafter vest in, and shall be maintained at the expenses of, the Municipality as part of the water-works of the Municipality.

278. Owner to bear expenses of repairs of works connected with the supply of water: Except in the case of a special agreement to the contrary, the owner of any premises shall bear the expenses of repairs of all works connected with the supply of water thereto and, if he fails to do so, the occupier may, after giving the owner and the Chairman three day's notice in writing in such form as may be approved by the Municipality, himself have the repairs done and deduct the expenses for such repairs from any rent due from him to the owner in respect of such premises.

279. Permission to person outside the municipal area to take water:

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

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

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

281. Water not to be wasted: (1) No person, being the occupier of any premises to which water is supplied by the Board of Councillors under this Chapter, shall, on account of negligence or other circumstances under the control of the said occupier, allow the water to be wasted, or allow the pipes, works or fittings for the supply of water in his premises to be out of repair causing thereby waste of water.

(2) No person shall unlawfully flood, draw off, divert or take water from, any water-works belonging to, or under the control of, the Board of Councillors, or from any water-course or stream by which such water-works are supplied.

(3) Any person who contravenes the provisions of this section, shall be liable to such fine imposed by the Board of Councillors, not exceeding three hundred rupees, as may be determined.

282. Power to cut off or to turn off supply of water to premises:

(1) Notwithstanding anything contained in this Chapter, the Executive Council may cut off the connection of water-supply to any premises, or may turn off such supply, in any of the following cases, namely:

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

- (b) if, in respect of the premises, any taxes or rates or fees or charges are in arrear for payment for more than one year; or
- (c) if, after receipt of a written notice from the Chairman requiring him to refrain from so doing, the owner or the occupier of the premises continues to use the water or permit the same to be used in contravention of the provisions of this Act or the rules or the regulations made thereunder; or
- (d) if any pipe, tap, works or fittings connected with the supply of water to the premises be found, on examination by any officer of the Municipality duly authorised in this behalf, to be out of repairs to such an extent as may cause so serious a waste or contamination of water that, in the opinion of the Chairman, immediate prevention is necessary; or
- (e) if there is any water- pipe situated within the premises to which no tap or other efficient means of turning the water off is attached; or
- (f) if, by reason of a leak in the service-pipe or the fittings, damage is caused to the public street and immediate prevention is necessary:

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

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

(3) No action taken under, or in pursuance of, this section shall relieve any person from any penalties or liabilities which he may otherwise have incurred.

283. Digging of wells etc. without permission prohibited: (1) No new well, tube-well, tank, pond, cistern or fountain shall be dug or constructed without the previous permission, in writing, of the Executive Council.

- (2) If any such work is begun or completed without such permission, the Executive Council may-
 - (a) by written notice require the owner or the other person who has done such work to fill up or demolish such work ; or
 - (b) grant permission to retain such work or portion thereof on such terms and conditions as the Executive Council may consider fit to impose.

284. Power to set apart wells, tanks, etc. for drinking, culinary, bathing and washing purposes: The Board of Councillors may, by order published at such places as it thinks fit, set apart any tank, well, spring or water-course or any part thereof, vested in it or, by an agreement with the owner thereof, any private tank, well, spring or water-course or part thereof, subject to any rights which the owner may retain with the consent of the Board of Councillors, for any of the following purposes, namely:

- (a) for the supply of water exclusively for drinking or for culinary purposes or for both, or
- (b) for the purpose of bathing, or
- (c) for washing animals or clothes, or
- (d) for any other purpose connected with the health, cleanliness or comfort of the inhabitants,

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

285. Analysis of water for drinking or culinary purposes: The State Government may make rules to provide for the proper analysis of the water of any water-works, tanks, well, spring or any water-course or other source, unused or likely to be used for drinking or culinary purposes in any municipal area and, in particular may require the Executive Council to take samples of water in the manner prescribed and make it over at such time and place, and to such person or persons, as the State Government may appoint in this behalf.

286. Power to make rules: The State Government may make rules to provide for -

- (a) the preparation of plans and estimates for water-works or for introduction of a public distribution net-work;
- (b) the power of the Board of Councillors or the State Government to accord sanction to such plans and estimates;
- (c) the publication of the particulars and the nature of any water-works or scheme, its cost, and the manner in which it is to be financed and carried out;
- (d) the size and nature of water-works, mains, service-mains, pipes or channels to be constructed or laid by the Board of Councillors for the supply of water;
- (e) the maintenance of municipal water-works and of pipes and fittings in connection therewith;
- (f) the size and nature of the stand-posts or pumps to be erected by a Municipality and of the ferrules and all pipes, stand-pipes, stop-clocks, taps, hydrants and other fittings, whether within or outside any premises, they may be necessary for the regulation of the supply and use of water;
- (g) the mains or pipes in which fire plugs are to be fixed and the places at which keys of the fire plugs are to be deposited;
- (h) the periodical analysis by a qualified analyst of the water supplied by a Municipality;
- (i) the conservations of, and the prevention of injury or contamination to, sources and means of water supply and appliances for the distribution of water, whether within or without the limits of a municipal area;
- (j) the manner in which connection with water-works or supply-system shall or may be constructed, altered or maintained, the fees to be levied for such connections and the person by whom they shall be paid, and the agency to be employed for such construction, alteration or maintenance;
- (k) the rates at which the charges for water supplied in excess of the prescribed quota for domestic purposes and for water supplied for various non-domestic purposes may be levied by the Board of Councillors and the use, maintenance and testing of metres and ferrules;
- (l) the regulation of all matters and things connected with the supply and use of water, and the turning on, and turning off, and preventing the waste, of water; and

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

287. Power to make regulations: The Board of Councillors may make regulations, not inconsistent with provisions of this Act and the rules made thereunder for carrying out the purposes of this Chapter.

CHAPTER - XVIII DRAINAGE AND SEWERAGE

288. The Municipality to provide drainage, sewerage, etc.: The Municipality shall provide and maintain a system of drainage or sewerage as well as a safe and sufficient outfall in or outside the municipal area.

289. Public drains, trunk-sewers etc. to vest in the Municipality: (1) All public drains, and all drains in, alongside, or under any public street, whether made out of Municipal Fund or otherwise, and all trunk-sewers, sewage treatment plants, drainage and pumping stations and all works, materials and things appurtenant to the drainage system, which are situated within the municipal area, shall vest in the Municipality.

(2) For the purpose of enlarging, deepening or otherwise repairing or maintaining any drain as aforesaid, so much of the sub-soil appertaining to the drain as may be necessary shall be deemed to vest in the Municipality.

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

290. Control of Board of Councillors over drainage: (1) All drains, sewers, privies, water-closets, toilets, house-gullies, gutters and cesspools within the municipal area, whether private or public, shall be under the survey and control of the Board of Councillors.

(2) All covered drains, sewers and cesspools, whether public or private, shall be provided with proper taps, coverings or other means of ventilation; and the Chairman may, by written notice, call upon the owner of any such covered drains, sewers and cesspools to make provision accordingly.

291. Cleaning of drains: The Executive Council shall provide for the municipal drains to be cleansed, flushed and emptied from time to time.

292. Provision for treatment and disposal of sewage: The Executive Council may, for the purpose of receiving, treating, storing, disinfecting, distributing, or otherwise disposing of sewage, construct, operate, maintain, develop and manage any plant or other device within or outside the municipal area.

293. Construction or maintenance of drainage and sewerage systems etc.: Subject to the sanction of the State Government and the rules made in this behalf, the

Board of Councillors, either singly or jointly with any other local authority, may, within or without a municipal area, -

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

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

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

Provided further that reasonable compensation shall be paid to the owner or the occupier sustained by him in consequence of any act or thing done by the Board of Councillors or any action taken by the Executive Council under this section.

295. Use of public drains by private owners: The owner or the occupier of a building or land shall be entitled to cause his drains to empty into the municipal drains after obtaining the written permission of the Chairman and he shall comply with such conditions as the Chairman may deem fit to impose to the communications between private drains and municipal drains.

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

297. Draining of group or block of buildings etc. by combined operation: If it appears to the Executive Council that a group or block of buildings may be drained more economically and advantageously in combination than separately, and if a municipal sewer or drain of sufficient size already exists or is about to be constructed

within the reasonable reach of such group or block of buildings, the Executive Council may cause, such group or block of buildings to be so drained, and the expenses thereby incurred shall be recovered from the owners of such buildings in such proportions as the Executive Council may deem fit.

298. Power to enforce drainage of un-drained premises and separate drainage in any premises: The Executive Council may, by written notice, require drainage to be provided for any un-drained premises and also require separate provisions to be made for drainage or sewage and other offensive matters as distinct from rain-water and other unpolluted sub-soil water in accordance with such regulations as the Board of Councillors may make in this behalf.

299. Power of State Government to exercise control over imperfect, inefficient or unsuitable drainage work: (1) If, any time, it appears to the State government that any drainage works or sewerage works, executed under the provisions of this Chapter, or vested in the Municipality, are maintained or worked in an imperfect, inefficient or unsuitable manner, the State Government may, by written order, direct the Municipality within the period specified in the order to show cause why the drainage work or sewerage works with all plants fittings and appurtenances thereof should not be handed over for such period as the State Government may fix to the control and management of such agency belonging to the Government or a statutory body as may be specified in the order.

(2) If cause is not shown within the period specified in the order issued under sub-section (1) or the cause shown appears untenable, the State Government may, by order, direct the drainage works or sewerage works with all plants, fittings and appurtenances thereof shall be handed over for such period as it may fix to the control and management of such person or authority as it may appoint. During the period so fixed, the complete control and management of the drainage works or sewerage works, as the case may be, shall be vested in the person or the authority so appointed, who shall engage such drainage or sewerage works as the State Government may, from time to time approve. Such establishment may include the employees of the Municipality who were employed in the maintenance or working of such drainage or sewerage works. The cost of such establishment, including that of all materials, implements, and stores, shall be paid within such period as may be fixed by the State Government from the Municipal Fund.

300. Encroachment on municipal drains: (1) No person shall -
(a) construct a building, wall, fence or any structure or any private street over any municipal drain, culvert or gutter or bed, bank or embankment of any sewage works or storm water channel vested in the Municipality; or
(b) otherwise encroach upon drainage and sewerage system in the municipal area :
Provided that the Board of Councillors may give consent to any such construction only for the purpose of securing access to any abutting land or building on such conditions as the Board of Councillors may think fit to impose.

(2) The Chairman may, without notice, cause to be removed or altered, any building, wall, fence or structure constructed in contravention of the provisions of this

section or any unauthorised encroachment, whatsoever, at any time for reason to be recorded in writing.

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

(4) Any person who fails to act in accordance with the provisions of sub-section (2) shall, on conviction, be punished with a fine which may extend to five hundred rupees and, in the case of continuing offence, with further fine which may extend to one hundred rupees for every day during which such offence continues. In addition, such person shall also be liable for all expenses that the Municipality may incur in removing or otherwise dealing with the unauthorised construction or encroachment.

301. Power to make rules: The State Government may make rules to provide for -

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

302. Power to Board of Councillors to make regulations: The Board of Councillors may make regulations:

- (a) requiring every person, who intends to construct, repair, add to or alter a house-drain or cess-pool, to submit an application to the Municipality with such plans and other particulars as may be determined, and providing for conditions for giving and refusing of sanction to such application;
- (b) providing for the materials, size, slope, level or position of drains generally and their construction, repair and maintenance;
- (c) not inconsistent with this Act and the rules made there under, to provide for any item not specifically laid down but which is necessary to carry out the purposes of this Act.

CHAPTER - XIX RESTRAINT OF INFECTION

303. Board of Councillors to take measures for prevention and checking of dangerous diseases: It shall be the duty of the Board of Councillors to take such measures as are necessary for preventing or checking the spread of any dangerous disease in the municipal area or of any epidemic disease among any animal therein by way of mass inoculation, vaccination, immunisation, and disinfection.

304. Obligation to give information of dangerous disease: Any person being in charge of, or in attendance upon, whether as a medical practitioner or otherwise, any other person whom he knows or has reason to believe to be suffering from a dangerous disease, or being the owner, lessee, or occupier of any building in which he knows that any such person is so suffering, shall forthwith give information as respects the existence of such disease to the Chairman.

305. Power of Chairman to cause inspection of a place and take measures to prevent spread of dangerous disease: The Chairman may at any time, by day or by night and without notice or after giving such notice of his intention as shall, in the circumstances, appear to him to be reasonable, cause inspection of any place in which any dangerous disease is reported or suspected to exist, and take such measures as he may think fit to prevent the spread of such disease beyond such place, and shall forthwith submit a report to the State Government.

306. Power of Chairman to cause disinfection of building, tank, pool or well:
(1) If the Chairman is of opinion that the cleansing or disinfection of any building or any part thereof or of any article in such building or part thereof will tend to prevent or check the spread of any dangerous disease, he may by notice require the owner or the occupier to cleanse and disinfect such building or part thereof or of any article therein in such manner and within such time as may be specified in the notice.

(2) The Chairman may, if he thinks fit, cause such cleansing or disinfection to be done by the employees of the Municipality and may by notice require the occupier of such building or part thereof to vacate the same for such time as he may specify in the notice.

(3) The cost of cleansing or disinfecting under sub-section (2) shall be paid, -

(a) in the case of any building or any part thereof or any article contained therein, by the occupier of such building or part thereof, and

(b) in any other case, by the person in actual possession thereof or, if there is no such person, by the owner:

Provided that if, in the opinion of the Chairman, such occupier or person or owner is, owing to poverty, unable to pay the cost, he may direct the payment thereof to be made from the Municipal Fund.

307. Power of Chairman to destroy infectious buildings, structures, huts or sheds: (1) Where the destruction of any building, structure, hut or shed is, in the opinion of the Executive Council, necessary to prevent the spread of any dangerous disease, it

may by notice in writing require the owner to destroy the building, structure, hut or shed and the materials thereof within such time as may be specified in the notice.

(2) Where the Executive Council is satisfied that the destruction of any building, structure, hut or shed is immediately necessary for the purpose of preventing the spread of any dangerous disease, it may order the owner or the occupier thereof to destroy the same forthwith or may cause it to be destroyed after giving not less than six hours' notice to the owner or the occupier, as the case may be.

(3) Compensation may be paid by the Board of Councillors, in such case as it may think fit, to any person who sustains substantial loss by the destruction of any such building, structure, hut or shed, but, except otherwise provided in this subsection, no claim for compensation shall lie for any loss or damage caused by the exercise of any power under this section.

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

Provided that such lodging house or place may be declared to be open if the Chief Medical Officer of Health of the District certifies that it has been disinfected or is free from infection.

309. Power of Chairman to restrict or prohibit sale of fish, flesh, food, drink, articles, etc.: When the Municipal area or any part thereof is visited or threatened by an outbreak of any dangerous disease, the Chairman may, by public notice, restrict in such manner, or prohibit for such period, as may be specified in the notice, the sale or preparation of any article of food or drink or drug for human consumption, or the sale of any fish, flesh, fruit or vegetable of any description, or the use of any container or packages, as may be specified in the notice.

310. Control over well and tanks, etc.: If the Chairman is of opinion that the water in any tank or other place is likely to endanger human life or cause the spread of any disease, he may -

- (a) by public notice prohibit the use of such water for consumption; or
- (b) by notice in writing require the owner or the person having control of such well, tank or place to take such steps as may be directed by the notice to prevent the public from having excess to, or from using, such water; or
- (c) take such other steps as he may consider expedient to prevent the outbreak or spread of any such disease.

311. Special measures in case of outbreak of dangerous or epidemic disease:

- (i) In the case of any municipal area or any part thereof being visited or threatened by an outbreak of any dangerous disease among the inhabitants thereof or of any epidemic disease among any animal therein, the Chairman, if he thinks that the other provisions of this Act and the provisions of any other law for the time being in force

are insufficient for the purpose may, with the previous approval of the Board of Councillors, -

- (a) take such special measures, which may extend to destruction of the sources of infection like foodstuff, drugs, drinks, flesh, fish, fruits, vegetables, articles, containers, packages or clothing, as may be necessary, and
- (b) by public notice, give such directions to be observed by the public or by any class or section of the public as he thinks necessary.

to prevent the outbreak or spread of the disease:

Provided that where, in the opinion of the Chairman, immediate measures are necessary, he may take action without such approval as aforesaid and, if he does so, shall forthwith report such action to the Board of Councillors:

Provided further that no compensation shall be claimed by any one affected by the measures taken under clause (a).

(2) No person shall commit a breach of any direction given under sub-section (1) and if he does so, he shall be deemed to have committed an offence under section 188 of the Indian Penal Code (45 of 1860).

312. Disposal of infectious corpses: Where any person dies from any dangerous disease, the Chairman may, by notice in writing, -

- (a) require any person having charge of the corpse to carry the same to mortuary for being disposed of in accordance with law, or
- (b) prohibit the removal of the corpse from the place where death occurred, except for the purpose of being burnt or buried or being carried to a mortuary.

313. Prohibition of making or selling of food etc. or washing of clothes by infected persons: No person shall, while suffering from, or in circumstances in which he is likely to spread, any dangerous disease, -

- (a) make, carry or offer for sale, or take any part in business of making, carrying or offering for sale, any article of food or drink of any medicine or drug for human consumption or any article of clothing or bedding for personal use or wear, or
- (b) take any part in the business of washing or carrying of clothes.

314. Duty of persons suffering from dangerous disease: No person shall, -

- (a) knowing that he is suffering from a dangerous disease, expose other persons to the risk of infection by his presence or conduct in any public street or public place;
- (b) having the care of a person who he knows to be suffering from a dangerous disease, cause or permit such person to expose other persons to the risk of infection by his presence or conduct in any street or place as aforesaid;
- (c) place or cause to be placed in or dustbin or other receptacle for the deposit of rubbish, any matter which he knows to have been exposed to infection from a dangerous disease and which has not been disinfected properly;
- (d) throw or cause to be thrown into any latrine or urinal any matter which he knows to have been exposed to infection from a dangerous disease and which has not been disinfected properly.

CHAPTER - XX VITAL STATISTICS

315. Registration of births and deaths: Subject to the provisions of the Registration of Births and Deaths Act, 1969 (18 of 1969), the Board of Councillors shall cause registration of births and deaths taking place within the municipal area and extracts of information therefrom shall be supplied, on application, in such form of a certificate and on payment of such fees as may be determined by regulations.

316. Information of births: It shall be the duty of the father or the mother of every child born within the municipal area or, in default of the father or the mother, of any reaction of the child living in the same premises or, in default of such relation, of the person having charge of the child to give, to the best of his or her knowledge and belief, to the officer empowered in a municipal area in this behalf, within twenty one days of such birth, information containing such particulars as may be required under the Registration of Births and Deaths Act, 1969:

Provided that -

- (a) in the case of an illegitimate child, no person shall, as father of such child, be required to give any information under this Act containing the particulars of birth of such child, and the officer empowered under this section shall not enter in the register name of any person as father of such child except at the joint request of the mother and of the person acknowledging himself to be the father of such child; and such person shall, in such case, sign the register together with the mother;
- (b) a person required to give information only in default of some other person shall not be bound to give such information if he believed and had reasonable grounds for believing that such information had been given;
- (c) when a child is born in a hospital or a nursing home or a maternity home, non but the officer-in-charge thereof shall be bound to forward forthwith to the officer empowered under this section a report of such birth in such time and in such form as may, from time to time, be specified by the State Government.

317. Information respecting finding a new-born child: In case any new-born child is found exposed, it shall be the duty of any person finding such child or of any person in whose charge such child may be placed to give, to the best of his knowledge and belief, to the officer empowered under section 316, within eight days of finding of such child, such information containing the particulars of birth of such child as such person possesses.

318. Information regarding death: It shall be the duty of the nearest relation present at the time of the death or in attendance during the last illness of any person dying within the municipal area and, in default of such relation, of any person present or in attendance at the time of the death and of the occupier of the premises in which, to his knowledge, the death took place and, in default of the person hereinbefore mentioned, of each inmate of such premises and of the undertaker or other person causing the corpse of the deceased person to be disposed of to give, to the best of his

knowledge and belief, to the officer specially empowered in this behalf for the area within which the death took place, information containing such particulars as may be required under the Registration of Births and Deaths Act, 1969:

Provided that -

- (a) if the cause of death is known to be dangerous disease, the information as aforesaid shall be given within twelve hours of its occurrence;
- (b) if the death of any person occurs in a hospital or a nursing home or a maternity home, it shall be the duty of none but the medical officer or other officer-in-charge thereof to forward forthwith a report of such death in such form as may, from time to time, be specified by the State Government.

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

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

321. Sextons, etc., not to bury, etc., corpse: No sexton or keeper of a registered burial or burning ground or other place for disposal of the dead, whether situated within the municipal area or not, shall bury, burn or otherwise dispose of or allow to be buried, burnt or otherwise disposed of any corpse of unclaimed dead body unless such corpse is accompanied by a certificate signed by a police officer or any other officer authorised by the State Government in this behalf.

CHAPTER - XXI DISPOSAL OF THE DEAD

322. Registration of places for disposal of the dead: (1) Every owner or person having the control of any place already used for burying, burning or otherwise disposing of the dead, but which is not vested in, or owned by, the Municipality or any board appointed by the State Government for administration of such place, shall apply to the Board of Councillors within a period of three months from the commencement of this Act to register the name of such place and the Board of Councillors shall cause the same to be registered.

(2) Such application shall be accompanied by a plan of the place to be registered, showing the locality, boundaries and extent of the same, and shall bear the signature of a responsible officer of the concerned Department of the State Government or other recognised authority in token of its having been prepared by or under the supervision of such officer. The application shall also contain information as regards the name of the owner or the person or the community interested therein, the system of management and such further particulars as the Board of Councillors may require.

(3) The Board of Councillors may, on receipt of such application and plan, register the name of the place as aforesaid in a register which shall be maintained for such registration.

(4) If the Board of councillors is not satisfied with the plan or the information or the other particulars referred to in sub-section (2), it may refuse or postpone registration until such plan or information or other particulars are furnished to its satisfaction.

(5) Every place vesting in the Municipality or a board appointed by the State Government for administration of any place used for burying, burning or otherwise disposing of the dead shall be registered in the register maintained under sub-section (3) and shall be classified as a public or private, and a plan showing the locality, extent and boundaries thereof and bearing the signature of an officer authorised by the Board of Councillors in this behalf shall be deposited in the office of the Municipality.

323. Provision for, and registration of, new places for disposal of the dead:

(1) If any existing place for the disposal of the dead appears, at any time, to be insufficient, the Board of Councillors shall, with the sanction of the State Government, provide other fit and convenient place, either within or outside the municipal area, for the said purpose, and shall cause the same to be registered under the provisions of this Chapter.

(2) All the provisions of this Act or the rules or the regulations made there under shall apply to any place provided under sub-section (1) outside the municipal area and vesting in the Municipality, as if such place were situated within the municipal area.

324. Permission for opening new place for disposal of the dead or reopening of place: (1) No place, which has not previously been lawfully used or registered as a place for the disposal of the dead, shall be opened by any person for the said purpose without the written permission of the Board of Councillors who, with the approval of the State Government, may grant or withhold such permission.

(2) Such permission may be subject to such conditions as the Board of Councillors may think fit to impose for the purpose of preventing any annoyance to, or danger to the health of, any person residing in the neighbourhood.

(3) No place for the disposal of the dead, which has fallen into disuse, shall be used again as such.

325. Power to require closing of burning and burial grounds: (1) Where the Board of Councillors, after making, or causing to be made, any local enquiry, is of opinion that any burning or burial ground or other place for the disposal of the dead has become offensive to, or dangerous to the health of, person residing in the neighbourhood or for any other reasons to be recorded in writing, it may, with the previous approval of State Government and by notice in writing, require the owner or

the person in charge of such ground or place to close the same from such date as may be specified in the notice.

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

326. Power to direct reopening of any place closed for the disposal of the dead: If, any time after inspection, the Board of Councillors is of opinion that any place formerly used for the disposal of the dead, which has been closed under the provisions of this Chapter or under any other law or authority, has by lapse of time, become no longer injurious to health and may, without inconvenience or risk of danger, be again used for the said purpose, it may direct that such place may be reopened for the disposal of the dead.

327. Prohibition regarding burials within places of worship and exhumation: (1) No person shall, without the written permission of the Board of Councillors under sub-section (2), -

- (a) make any vault or grave or interment within any wall, or underneath any passage, porch, portico, plinth or verandah, of any place of worship;
- (b) make any interment or otherwise dispose of any corpse in any place which is closed under the provisions of this Chapter;
- (c) build or dig, or cause to be built or dug, any grave or vault, or in any way dispose of, or suffer or permit to be disposed of, any corpse at any place which is not registered under this Chapter;
- (d) exhume any body from any place for the disposal of the dead except under the provisions of the Code of Criminal Procedure, 1973 (2 or 1974), or any other law for the time being in force.

(2) The Board of Councillors may, in special cases, grant permission for any of the purposes as aforesaid, subject to such general or special orders as the State Government may, from time to time, make in this behalf.

(3) Any contravention of the provisions of sub-section (1) shall be deemed to be a cognizable offence within the meaning of the Code of Criminal Procedure, 1973.

328. Acts prohibited in connection with disposal of dead: No person shall -

- (a) retain a corpse on any premises without burning, burying or otherwise lawfully disposing of the same for so long a time after death as to create a nuisance:
Provided that after the expiration of not less than twenty-four hours from the death of any person, the Board of Councillors may, with the assistance of the police, if necessary, cause the corpse of such person to be burnt or buried. In every such case the corpse shall be disposed of, so far as may be possible, in a manner consistent with the religious tenets, if any, of the deceased:
Provided further that the Board of Councillors may charge from the person or persons responsible for the disposal of the dead body such fees as may be determined by regulations;
- (b) carry a corpse or a part of a corpse along any street without having the same decently covered or without taking such precautions to prevent risk of infection or injury to the community health as the Board of Councillors may, by public notice from time to time, require;

- (c) carry a corpse or part of a corpse along any street along which the carrying of corpse is prohibited by a public notice issued by the Board of Councillors in this behalf, except when no other route is available;
- (d) remove a corpse or a part of a corpse, which has been kept or used for purpose of dissection, otherwise than in a closed receptacle or vehicle;
- (e) place or leave a corpse or part of a corpse, while conveying the same, on or near any street without urgent necessity;
- (f) bury or cause to be buried any corpse or part of a corpse in a grave or vault or otherwise in such manner as may cause the surface of the coffin or, when no coffin is used, of the corpse or part of the corpse to be at a depth of less than four feet from the surface of the ground;
- (g) build or dig, or cause to be built or dug, any graver or vault in any burial ground at a distance of less than one half of a metre from the margin of any other grave or vault;
- (h) build or dig, or cause to be built or dug, a grave or vault in any burial ground in any line not marked out for such purpose by or under the order of the Board of Councillors;
- (i) reopen, for the interment of a corpse or of any part of a corpse, a grave or vault already occupied without the written permission of the Board of Councillors.

329. Disposal of dead animals: (1) Whenever any animal in charge of any person dies, the person in charge thereof shall, within twenty-four hours, either -

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

(2) The Board of Councillors may charge such fees as may be determined by regulations for the disposal of the carcass of a dead animal under clause (b) of subsection (1).

CHAPTER - XXII

URBAN RENEWAL AND REGIONAL DEVELOPMENT

330. Power of Board of Councillors to define and alter limit of bustee or slum: (1) The Board of Councillors may, with the sanction of the State Government, declare any area as slum and define the external limits of such slum and may, from time to time, alter such limits.

(2) The Board of Councillors shall maintain a list of all slums within the municipal area with such particulars thereof as may be determined by regulation.

331. Power to prepare improvement schemes: (1) Notwithstanding anything contained in any other law for the time being in force, the Board of Councillors may, subject to the approval of the State Government, prepare such improvement schemes for any slum for the purpose of effecting environmental or general improvement of slums as it may consider necessary, and publish a copy of such scheme in such manner as may be determined by regulation.

(2) The improvement scheme may include lay-out plan for the entire slum or a part of it, relocation of existing huts or structures on the basis of such lay-out plan, diminution of individual holdings and compulsory acquisition of land or building for the purpose of providing common facilities and amenities in the slum area, temporary shifting of inhabitants and their re-settlement in phased manner with a view to augmenting such civic amenities and services as the Board of Councillors may decide.

(3) While preparing any improvement scheme, the Board of Councillors shall abide by the Development Plan prepared by the State Government under any other law for the time being in force, and shall take into account the activities of other agencies or authorities affecting all or any of the matters referred to in sub-section (2), and may, for such purposes, call for any paper, map, document or data from such agencies or authorities who shall comply with such requisition.

(4) The approved improvement scheme shall be binding on the agencies and authorities referred to in sub-section (3), and the owners, occupiers, tenants and other residents within the slum.

332. Notice for participation of owners and occupiers: After the publication of an approved improvement scheme, under sub-section (1) of section 331, the Board of Councillors shall cause a notice to be served on such owners or occupiers of huts and structures within the slum as are on municipal record, inviting participation in the implementation of the scheme.

333. Lay-out plan for sanction of erection of hut or structure in a slum: Notwithstanding anything contained elsewhere in this Act, the Board of councillors may require a person intending to erect a hut or structure within a slum to conform to the lay-out plan as may be prepared by the Board of Councillors in respect of any slum or any part thereof.

334. Removal of congested buildings: (1) Where it appears to the Board of Councillors that any block of buildings is in an unhealthy condition by reason of the manner in which the buildings are crowded together or the narrowness, closeness, or faulty arrangement of streets or the want of proper drainage and ventilation or the impracticability of cleansing the buildings or any other similar cause, the Chairman shall cause the block to be inspected by a responsible Engineer in the State Government or municipal service who shall make a report in writing regarding the sanitary condition of the block.

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

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

Provided further that the Board of Councillors shall make compensation to the owner for any building so removed which may have been erected under proper authority.

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

335. Power to require improvement of buildings unfit for human habitation:

(1) Where the Board of Councillors, upon information in its possession, is satisfied that any building is, in any respect, unfit for human habitation, it may, unless, in its opinion, the building is not capable of being rendered fit at a reasonable expenses, serve upon the owner of the building a notice requiring him to execute the works of improvement specified in the notice within such period, not being less than sixty days, as may be specified in the notice.

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

(3) If a notice requiring the owner of the building to execute the works of improvement is not complied with, then, after the expiration of the period specified in the notice, the Board of Councillors may execute the works of improvement and recover the expenses incurred in connection therewith as an arrear of tax under this Act.

336. Area development: Where the Board of Councillors, upon information in its possession, is satisfied as respects any area within a municipal area -

- (a) that the buildings in that area are, by reason of disrepair or sanitary defects, unfit for human habitation or are, by reason of their bad arrangement or the narrowness or bad arrangement of the streets or the want of light, air, ventilation or proper conveniences, dangerous or injurious to the health of the inhabitants of the area, or
- (b) that the most satisfactory method of dealing with the conditions in the area is the re-arrangement and reconstruction of the streets and buildings in the area in accordance with an area development programme, it may frame a project in respect of the area in accordance with the rules made in this behalf.

337. Matters to be provided in an area development project: An area development project may provide for such matters as may be prescribed by rules.

338. Execution of an area development project: (1) The provisions of this Chapter in so far as they relate to the implementation of an improvement scheme in slum, shall apply *mutatis mutandis* in the case of execution of an area development project, subject to such directions and reservations as the State Government may by a notification impose.

(2) The Board of Councillors may, if it considers necessary and with the sanction of the State Government, provide for corporate funding for execution or maintenance of an area development project and channelise fund through an association of inhabitants or voluntary organisation of the area and also secure financial resources from banks or similar institutions to augment such fund which may be administered by such association in accordance with such procedure as may be prescribed.

339. Power to acquire land or building for orderly growth: Subject to the provisions of this Act, the Board of Councillors may acquire any land or building, whether situated within or outside the municipal area, for the purpose of -

- (i) opening out any congested or unhealthy area or otherwise improving any portion of the municipality area; or
- (ii) erecting sanitary dwelling or providing site and services for the working and poorer people; or
- (iii) executing any development plan or scheme to provide for the growth of the municipal area in an orderly manner, including housing programme for different sections of the community.

340. Power of Municipality to plan for the region: (1) The State Government may, by notification, declare an area to be an Urban Development Region of a Municipality comprising -

- (i) the area within the jurisdiction of the Municipality, and
- (ii) such other fringe areas adjoining and around the municipal area as may be deemed necessary to be included therein by the State Government.

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

341. Preparation of a master plan: A master plan for the Urban Development Region may provide for all or any of the following:

- (a) existing land use pattern in maps or documents;
- (b) future land use control by way of-
 - (i) identification and preservation of open spaces, or
 - (ii) prohibition of filling up of tanks or water-sources, or
 - (iii) filling up of insanitary water-sources, or
 - (iv) protection of land surface through which sub-soil water-sources are re-charged, or
 - (v) provision for drainage network and outfalls, or
 - (vi) provision for dumping grounds for solid wastes disposal, or
 - (vii) street alignments, or
 - (viii) provision for burning and burial grounds, or
 - (ix) reclamation of waste lands, or
 - (x) providing activities of similar nature;
- (c) regulation and restriction of sites for construction of buildings, huts or structures;
- (d) regulation or licensing of premises to be used for non-residential purposes;
- (e) regulation of construction of buildings, huts or structures for purposes of safety and densification or density control;
- (f) environmental improvement by way of restriction on felling of trees, planting of new trees and flowering plants in public places and adding to house greenery and the like;
- (g) control of pollution relating to water, soil, air, noise, and odour etc;
- (h) land acquisition for the purpose of ensuring that the benefits of development activities are reaped by public bodies for community welfare and not speculative gains by private individuals.

342. Urban Development committee: (1) The State Government may, for the purpose of formulation of a master plan for an Urban Development Region or

implementation of any project or scheme in pursuance thereof or for carrying out any activity arising out of it, constitute an Urban Development Committee or Urban Development Committees for any area or areas outside the municipal area.

(2) Whenever any Urban Development Committee is constituted, it shall be incumbent upon the Board of Councillors to consult it in all matters of preparation of any master plan and entrust to it all items of implementation so far as they relate to areas outside the municipal area.

343. Board of Councillors in charge of Urban Development Region: (1) All planning and developmental activities in an Urban Development Region under this Chapter shall be normally carried out under the supervision and control of the Board of Councillors of the concerned municipality, subject to such directions and reservations as the State Government may by a notification impose.

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

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

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

344. Power to make rules: The State Government may make rules providing for -

- (a) the procedure of functioning of an Urban Development Committee,
- (b) the method of preparation and enforcement of a master plan,
- (c) the conditions of involvement of voluntary organisations, and
- (d) such other matters as may be necessary to carry out the provisions of this chapter.

CHAPTER - XXIII

STATE ELECTION COMMISSION AND STATE FINANCE COMMISSION

345. State Election Commission: (1) With effect from such date as the State Government may by notification, appoint, there shall be a Commission, to be called the Mizoram State Election Commission, consisting of a State Election Commissioner appointed by the Governor under clause (1) of article 243K of the Constitution.

(2) If -

- (a) the State Election Commissioner is, by reason of leave, illness or other cause, temporarily unable to exercise the powers and perform the duties of his office, or
- (b) a vacancy occurs in the office of the State Election Commissioner by reason of death, resignation or expiry of the term of his office, removal or otherwise,

then, the Governor shall, by notification, designate an officer of the State Government who shall act as the State Election Commissioner during the period of

such temporary inability or pending the appointment of a State Election Commissioner, as the case may be.

(3) The functions of the Commission may, subject to such general or special directions, if any, as may be given by the Commission in this behalf, be performed also by such officers of the Commission as the State Election Commissioner may, by order, specify.

346. Elections to the Municipalities: (1) The superintendence, direction and control of the preparation of electoral rolls for, and the conduct of, all elections to the Municipalities shall vest in the State Election Commission:

(2) Notwithstanding anything contained anywhere in this Act, for the purpose of the first election to a new municipality, the electoral rolls for the time being in force for the election to Members of Legislative Assembly/Parliament from Assembly/Parliamentary constituency(s) of Mizoram, so far as they relate to the area comprised in such municipality, may be adopted as the electoral roll for that municipal area for such election, to such extent and in such manner as the State Election Commissioner may, with the permission of the State Government, by order specify.

(3) Subject to the provisions of sub-section (1), all matters relating to, or in connection with, elections to the Municipalities shall be regulated in accordance with the provisions of this Act and the rules made thereunder.

347. Appointment of officers for preparation of electoral rolls for election to Municipalities: For the purpose of preparation of electoral rolls for election to Municipalities in accordance with the provisions of section 28,29,30,31 and 32 and the Rules made under this Act, the State Election Commissioner shall, in consultation with the State Government, appoint an officer of the State Government to be the Municipal Electoral Registration Officer for one or more Municipalities, and such number of officer of the State Government as may be necessary to be the Assistant Municipal Electoral Registration Officers, for one or more Municipalities.

348. Appointment of officers for preparation for, and conduct of election to Municipalities: (1) For the purpose of preparation for, and conduct of election to the Municipalities in accordance with the provision of this Act and the Rules made thereunder, the State Election Commissioner shall, in consultation with the State Government, appoint such officer of the State Government to be the -

- (a) District Municipal Election Officer for every district, and
- (b) Municipal Returning Officer for one or more Municipalities.

(2) Subject to the direction and control of the State Election Commissioner, the District Municipal Election Officer shall appoint such number of officers of the State Government to be the Assistant Municipal Returning Officers for one or more Municipalities.

(3) Subject to such rules as may be made by the State Government in this behalf, the Municipal Returning Officer shall appoint such number of persons to be the-

- (a) Presiding Officer, and
- (b) Polling Officer,

as may be necessary for holding elections or bye-elections to a Municipality :

Provided that no person, who has been employed by or on behalf of, or has otherwise been working for, candidate in or about the election or bye-election to a Municipality, shall be appointed to be the Presiding Officer or Polling Officer for holding such election or bye-election, as the case may be.

349. Staff of State Election Commission: (1) The State Election Commission shall have such staff, made available to it by the Governor when so requested by it, as may be necessary for the discharge of the functions conferred on it by sub-section (1) of section 4 and sub-section (1) of section 5.

(2) The terms and conditions of service of the members of the staff made available to the State Election Commission by the Governor shall be regulated in accordance with the rules regulating the terms and conditions of service of the employees of the State Government for the time being in force.

350. Fixing date and time for poll: The State Government shall, in consultation with the State Election Commission, by notification, fix the date or dates on which, and the hours during which, the poll will be taken:

Provided that the poll on any day shall continue for a period of not less than eight hours without interruption.

351. Grant by State Government: (1) The State Government shall, under appropriation made by the State Legislative by law in this behalf, pay to the State Election Commission by way of grant such sums of money and in such manner as the State Government may think fit for being utilised for the purposes of this Act.

(2) The State Election Commission may spend such sums of money as it thinks fit for performing the functions under this Act, and such sums of money shall be treated as expenditure payable out of the grant referred to in sub-section (1).

352. State Finance Commission: (1) The Governor shall constitute every five year a State Finance Commission to review the financial position of the Municipalities at all levels and to make recommendation to the Governor as to -

(a) the principles which should govern-

- (i) the distribution between the Government and the Municipalities of the net proceeds of the taxes, duties, tolls and fees leviable by the Government which may be divided between them under this Act and allocation between the Municipalities at all levels, of their respective shares of such proceeds;
- (ii) the determination of the taxes, duties, tolls, rates 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; or

(c) any other matter referred to the State Finance Commission by the Governor in the interest of sound finance of the Municipalities.

(2) The State Finance Commission shall consist of two or more members of whom one shall be the Chairman.

(3) To be appointed as a Chairman or a member of the State Finance Commission, a person must possess such qualifications or experience as the Government may, by rules, prescribe.

(4) The Finance Commission shall determine its procedure and shall have such powers in the performance of their functions as the Government may, by rules, prescribe.

(5) The Chairman or a member of the State Finance Commission may resign his office by writing under his hand and addressed to the Governor but he shall continue in Office until his resignation is accepted by the Governor.

(6) The casual vacancy created by the registration of the Chairman or a member under sub-section (5) or for any other reason may be filled up by fresh appointment and the Chairman or the member so appointed shall hold Office for the remaining period for which the Chairman or the member in whose place he was appointed would have held Office.

(7) The State Finance Commission shall have the following powers in the performance of its functions, namely -

- (a) to call for any record from any Officer or authority;
- (b) to summon any person to give evidence or produce any record; and
- (c) such other powers as may be assigned to it by the Governor.

(8) The Governor shall cause every recommendation made by the State Finance Commission under this Section, together with an explanatory memorandum as to the action taken thereon to be laid before the Legislative Assembly of Mizoram.

CHAPTER - XXIV MISCELLANEOUS

353. Powers of entry and inspection: The Board of Councillors or any officer or other employee of the Municipality authorised by the Board of Councillors or empowered by or under this Act in this behalf may enter into or upon any land or building with or without assistants or workmen -

- (a) for the purpose of ascertaining whether, in connection with the land or the building, there is or has been any contravention of the provisions of this Act or the rules or the regulations made there under;
- (b) for the purpose of ascertaining whether or not circumstances exist which render it necessary, or require the Board of Councillors or any officer or other employee of the Municipality authorised or empowered in this behalf, to take any action or execute any work under this Act or the rules or the regulations made there under;
- (c) for the purpose of taking any action or executing any work authorised or required by this Act or the rules or the regulations made there under;
- (d) to make such inquiry, inspection, examination, measurement, valuation or survey as may be authorised or required by or under this Act or as may be necessary for the proper administration of this Act;
- (e) generally for the purpose of efficient discharge of the functions by any of the authorised under this Act or the rules or the regulations made there under.

354. Power to enter land or adjoining land in relation to any work: (1) The Board of Councillors or any person authorised by it or empowered by or under this Act in this behalf may enter upon any land within one hundred metres of any work authorised by or under this Act with or without assistants or workmen for the purpose of depositing thereon any soil, gravel, stone or other materials or for obtaining access to such work or for any other purposes connected with the execution of the same.

(2) Every person as aforesaid shall, in exercising any power conferred by this section, do as little damage as may be, and compensation shall be payable by the Municipality in accordance with the rules or the regulations made under this Act in this behalf to the owner or the occupier of such land or to both for any such damage, whether permanent or temporary.

355. Breaking into building: (1) It shall be lawful for the Board of Councillors or any person authorised by it or empowered by or under this Act in this behalf to make any entry into any place and to open or to cause to be opened any door, gate or other barrier, -

- (a) if he considers the opening of such door, gate or other barrier necessary for the purpose of such entry; and
- (b) if the owner or the occupier is absent or, being present, refuses to open such door, gate or other barrier.

(2) Before making any entry into any such place or opening or causing to be opened any such door, gate or other barrier, the Board of Councillors or the person authorised or empowered in this behalf shall call upon two or more respectable inhabitants of the locality in which the place to be entered into is situated to witness the entry into such place or the opening of such door, gate or other barrier and may issue an order in writing to them or to any one of them so to do.

356. Time of making entry: Save as otherwise provided in this Act or the rules or the regulations made thereunder, no entry into any place authorised by or under this Act shall be made except between the hours of sunrise and sunset:

Provided that if the Executive Council is satisfied that the erection of any building or the execution of any other work has been commenced, or is being carried on, in any premises in contravention of the provisions of this Act or any other evasion of the provisions of this Act or the rules or the regulations made thereunder is being committed between the period of sunset and sunrise, it may, for reasons to be recorded in writing, enter such premises during such period to make an inspection thereof and take such action as may be necessary under this Act.

357. Notice for entry: Save as otherwise provided in this Act or the rules or the regulations made thereunder, no land or building shall be entered without giving the owner or the occupier thereof, as the case may be, not less than twenty-four hours' written notice of the intention to make such entry:

Provided that no such notice shall be necessary if the Executive Council considers, for reasons to be recorded in writing, that there is immediate urgency for such entry and the service of a written notice may defeat its purpose.

358. Public notice how to be made known: Every public notice given under this Act or the rules or the regulations made thereunder shall be in writing under the signature of the Chairman or any officer of the Municipality authorised in this behalf by the Board of Councillors, and shall be widely made known in the locality to be affected thereby, by affixing copies thereof in conspicuous public places within such locality or by advertisement in local newspapers or by publishing the same otherwise as the Executive Council may think fit.

359. Recovery of certain dues of Municipality: Save as otherwise provided in this Act or the rules or the regulations made thereunder, any sum due to the Municipality on account of any charge, cost, expense, fee, rate or rent or on any other account under this Act or the rules or the regulations made thereunder shall be recoverable from the person from whom such sum is due as if it were a property tax:

Provided that no proceeding for the recovery of any such sum under this section shall be commenced after the laps of three years from the date on which such sum becomes due.

360. Power to institute etc. legal proceedings and obtain legal advice: The Board of Councillors may -

- (a) initiate, or withdraw from, any proceedings against any person who is charged with -
 - (i) any offence under this Act or the rules or the regulations made thereunder, or
 - (ii) any offence, which affects or is likely to affect any property or interest of the Municipality, or
- (b) institute, or withdraw from, or compromise, any proceedings under this Act;
- (c) contest or compromise an appeal against assessment of any property tax or other tax;
- (d) withdraw or compromise any claim against any person in respect of a penalty payable under a contract entered into with such person by the Municipality;
- (e) defend or compromise any suit or other legal proceeding or claim brought against the Municipality or against any municipal authority or any officer or other employee of the Municipality in respect of anything done or omitted to be done by the Municipality or such authority or officer or other employee under this Act or the rules or the regulations made thereunder;
- (f) institute or prosecute any suite, proceeding or claim, or withdraw from, or compromise, any suit, proceeding or claim, instituted or made, as the case may be, in the name of the Municipality or the Board of Councillors or the Chairman;
- (g) obtain, for any of the purposes mentioned in the foregoing clauses of this section or for securing lawful exercise or discharge of any power or duty vesting in, or imposed upon, any municipal authority or any officer or other employee of the Municipality, such legal advice and assistance as it may, from time to time, consider necessary or expedient.

361. Notice, limitation and tender of relief in suits against Board of Councillors etc.: No suit shall be instituted in any court having jurisdiction against any municipal authority or any officer or other employee of the Municipality or any person acting under the direction of any municipal authority or any officer or other employee of the Municipality in respect of any act done or purporting to be done under

this Act or the rules or the regulations made thereunder until after the expiration of one month next after a notice in writing has been delivered or left at the office of such authority or at the office or the residence of such officer or other employee or person, stating -

- (a) the cause of action,
- (b) the name and residence of the intending plaintiff, and
- (c) the relief which such plaintiff claims.

362. Indemnity: No suit shall be maintainable against any municipal authority or any officer or other employee of the Municipality or any person acting under the direction of any municipal authority or any officer or other employee of the Municipality or of a Magistrate in respect of anything done lawfully and in good faith and with due regard to the provisions of this Act or the rules or the regulations made thereunder.

363. Co-operation of the police: (1) The Director General or Inspector-General of Police, Mizoram, and the police-officers subordinate to him shall -

- (a) co-operate with the Municipality for carrying into effect and enforcing the provisions of this Act and for maintaining good order in and outside the municipal area, and
 - (b) assist the Board of Councillors, the Executive Council or the Chairman or any officer or other employee of the Municipality in carrying out any order made by a Magistrate under this Act.
- (2) It shall be the duty of every police-officer -
- (i) to communicate without delay to the Chairman or any officer of the Municipality any information which he receives in respect of any design to commit, or any commission of, any offence under this Act or the rules or the regulations made thereunder, and
 - (ii) to assist the Board of Councillors, the Executive Council or the Chairman or any officer or other employee of the Municipality reasonably demanding his aid for the lawful exercise of any power vesting in the Municipality or the Board of Councillors or the Executive Council or the Chairman or such officer or other employee under this Act or the rules or the regulations made thereunder.
- (3) Any officer or other employee of the Municipality may, when empowered by a general or special order of the Director General or Inspector-General of Police, Mizoram, on the recommendation of the Executive Council or the Chairman in that behalf, exercise the powers of a police-officer for such of the purposes of this Act as may be specified in such order.

364. Admissibility of document or entry as evidence: A copy of any receipt, application, plan, notice, order or other document or any entry in a register in the possession of any municipal authority shall, if duly certified by the lawful keeper thereof or other person authorised by the Chairman in this behalf, be admissible in evidence of the existence of such document or entry, and shall be admitted as evidence of the matters and the transactions therein recorded in every case where, and to the

same extent to which, the original document or entry would, if produced, have been admissible to prove such matters and transactions.

365. Evidence of officer or other employee of Municipality: No officer or other employee of the Municipality shall, in any legal proceeding to which the Board of Councillors is not a party, be required to produce any register or document the contents of which can be proved by a certified copy or to appear as a witness to prove any matter or transaction recorded therein save by order of the court made for special cause.

366. 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 the rules or the regulations made there under.

367. Prohibition against removal or obliteration of notice: No person shall, without any authority in that behalf, remove, destroy, deface or otherwise obliterate any notice exhibited by or under the orders of the Board of Councillors or any municipal authority or any officer or other employee of the Municipality empowered in this behalf.

368. Prohibition against unauthorised intermeddling with property of the Municipality: (1) No person shall, without any authority in that behalf, remove earth, sand or other material from, or deposit any matter in, or make any encroachment on, any land vested in the Municipality, or in any way obstruct such land.

(2) No person shall interfere with, or encroach upon, or otherwise damage, any property belonging to, or vested in, the Municipality.

369. Power to make rules: (1) The State Government may make rules for carrying out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the matters which under any provision of this Act are required to be prescribed or to be provided for by rules.

(3) All rules made under this Act shall be laid for not less than fourteen days before the State Legislature as soon as possible after they are made and shall be subject to such modification as the State Legislature may make during the session in which they are so laid. Any modification of the said rules made by the State Legislature shall be published in the *Official Gazette*, and shall, unless some later date is appointed by the State Government, come into force on the date such publication.

370. Power to amend Schedule: The State Government, on its own or on the recommendation of a Municipality or number of Municipalities, may by notification add to, amend, or alter any Schedule to this Act.

371. Power to make Regulations: (1) The Board of Councillors may, after previous publication, in accordance with, the subject to, the provisions of sub-section (2) make Regulations not inconsistent with the provisions of this Act or the rules made thereunder for discharging its functions under this Act.

(2) (a) A notice relating to the draft regulations shall be published in one or more of the local newspapers circulated within the jurisdiction of the

Municipality to which such regulations relate or, if there be no such newspaper, in such manner as the Board of Councillors may direct.

- (b) Such draft shall not be further proceeded with until the expiration of a period of one month from the date of such publication or such longer period as the Board of Councillors may decide.
- (c) For not less than one month during such period, a copy of such draft shall be kept in the office of the Municipality for public inspection, and any person shall be permitted at any reasonable time to peruse the same, free of charge.
- (d) Copies of such draft shall be made available to any person requiring the same on payment of such fee as the Board of Councillors may fix.

372. Regulations to be subject to approval of State Government: No regulation made by the Board of Councillors under this Act shall have any validity unless and until it is approved by the State Government.

373. Power to State Government to cancel or modify regulations: (1) If the State Government is, at any time, of opinion that any regulation made by the Board of Councillors under this Act should be cancelled or modified, either wholly or in part, it shall cause the reasons for such opinion to be communicated to the Board of Councillors, and shall appoint a reasonable period, not less than fifteen days, within which the Board of Councillors may make such representation with regard thereto as it may think fit.

(2) On receipt and consideration of any such representation or, if no such representation is received, after the expiry of the period as aforesaid, the State Government may, at any time, by notification, cancel or modify such regulation either wholly or in part.

(3) The cancellation or modification of any regulation under sub-section (2) shall take effect from such date as the State Government may specify in the notification under that sub-section or, if no such date is specified, from the date of publication of such notification, provided such cancellation or modification shall not affect anything done or suffered or omitted to be done under such regulation before such date.

(4) Any notification under sub-section (2) shall be published in local newspapers or in such other manner as the State Government may decide.

374. Penalty for breach of rules or regulations: (1) Any rules or regulation made under this Act provide that a contravention thereof shall be punishable -

- (a) with fine which may extend to one thousand rupees;
- (b) with an additional fine in the case of a continuing contravention, which may extend to one hundred rupees for every day during which such contravention continues after conviction for the first such contravention; and
- (c) with additional fine which may extend to fifty rupees for everyday during which the contravention continues after receipt of a notice from the Municipality requiring the offender to discontinue such contravention.

(2) Any rule or regulation made under this Act may further provide that the offender shall be required to remedy, in so far as such remedy lies in his power, the mischief, if any, caused by the contravention of any rule or bye-law made under this Act

375. Rules and regulations to be available for inspection and purchase: (1) A copy of all rules and regulations made under this Act shall be kept at the office of the Municipality and shall, during office hours, be open, free of charge, to inspection by any inhabitant of the municipal area.

(2) Copies of all such rules and regulations shall be kept at the office of the Municipality and shall be sold to the public at such price as the Board of Councillors may determine.

376. Doubts as to powers, duties or functions of municipal authorities: If any doubt arises as to the municipal authority to which any particular power, duty or function appertains, the Chairman shall refer the matter to the State Government and the decision of the State Government thereon shall be final.

377. Delegation of power by the State Government: (1) The State Government may, with regard to the Municipalities generally or to any Municipality or group of Municipalities in particular and subject to such conditions or restrictions as it may deem fit to impose, by notification, delegate to the Director of Local Bodies or the District Magistrate or the Sub-divisional Magistrate any of the powers vested in, or the functions imposed upon, the State Government by or under this Act, and thereupon, the Director of Local Bodies or the District Magistrate or the Sub-divisional Magistrate shall exercise such powers or perform such functions as if he were the State Government.

(2) The State Government may, by notification, appoint one or more Joint Director or Deputy Director or Assistant Director of Local Bodies to exercise the powers and perform the functions of the Director of Local Bodies.

378. Supervision by Director of Local Bodies: (1) The Director of Local Bodies or the District Magistrate or the Sub-divisional Officer in addition to the power or functions delegated to him, may -

- (a) inspect, or cause to be inspected, any immovable property owned, used or occupied by the Municipality or any work in progress under the direction of a municipal authority;
- (b) inspect or examine any department of the Municipality or any office, service, work or thing under the control of the Board of Councillors;
- (c) record, in writing, for the consideration of the Board of Councillors, any observation he thinks proper in regard to the proceedings or duties of any of the municipal authorities.

(2) For the purpose of inspection or examination, the Director of Local Bodies or the District Magistrate or the Sub-divisional Officer may require the Chairman or any officer of the Municipality -

- (a) to produce any book, record, correspondence, plan or other document,
- (b) to furnish any return, plan, estimate, statement, account or statistics, or
- (c) to furnish or obtain any report.

(3) When a requisition is made under sub-section (2), the Chairman or any officer of the Municipality, as the case may be, shall comply with such requisition.

379. Power to State Government to call for documents, returns or information from Chairman or any Officer of Municipality: The State Government may, at any time, -

- (a) call for any document in the possession or under the control of the Chairman or any Officer of the Municipality;
- (b) require the Chairman or any Officer of the Municipality to furnish any return, plan, estimate, statement, account, report or statistics, or any information whatsoever.

380. Inspection of municipal works and institutions by Government officers: Any work or institution constructed or maintained, or any programme undertaken in whole or in part, at the expense of the Municipality and all registers, books, accounts or other documents relating thereto shall, at all times, be open to inspection by such officers as the State Government may appoint in this behalf.

381. Power to suspend action under the Act: (1) The State Government may, after giving the Board of Councillors a reasonable opportunity of being heard, annul any proceeding or resolution or order which it considers to be not in conformity with the provisions of this Act or the rules made thereunder and may do all things necessary to secure such conformity:

Provided that pending the hearing to be given to the Board of Councillors, the State Government may suspend the operation of such proceeding or resolution or order.

(2) The State Government, on receiving any information that the Board of Councillors or any other municipal authority is about to pass an order or instruction or implement any act in excess of any power conferred by this Act, may forthwith prohibit the passing of such order or instruction or implementation of such act, and such prohibition shall be binding on the Municipality:

Provided that the State Government shall immediately thereafter give an opportunity to the Board of Councillors to make its representation in the matter upon which the State Government shall give its final order with reasons in writing.

382. Power to State Government in case of default: (1) If, at any time, it appears to the State Government that the Board of Councillors has made default in performing any duty including the duty in relation to the Municipal Fund imposed on it by or under this Act or any other law for the time being in force, the State Government may, by order in writing, fix a period for due performance of such duty.

(2) If such duty is not performed within the period so fixed, the State Government may, in the public interest, by order do, or cause to be done by any Officer of the State Government or any authority appointed by it, anything for due performance of such duty notwithstanding anything to the contrary contained elsewhere in this Act or in any other law for the time being in force.

383. Power of the State Government to intervene in case of gross neglect of serious irregularity: (1) If, in the opinion of the State Government, the Board of Councillors has shown gross neglect in the performance of the duties imposed upon it by or under this Act or any other law for the time being in force, or has committed serious irregularities in the performance of such duties, the State Government may by

order direct the Board of Councillors to show cause within the period specified in the order why it shall not be dissolved on grounds of charges mentioned in this order.

(2) If the Board of Councillors fails to answer the charges within the period specified in the order or within such further time as may be allowed by the State Government, or if the answer do not convince the State Government, or where more than two-thirds of the total number of Councillors holding office for the time being have for any reason, resigned the State Government may dissolve the Board of Councillors by an order published in the *Official Gazette* with effect from the date of the order.

(3) When a order of dissolution has been passed, all the powers and functions vested upon the municipal authorities under this Act or any other law for the time being in force, shall be exercised by such person or persons to be designated as Administrator or Board of Administrators as the State Government may appoint for the purpose.

(4) The State Government shall hold a general election to the Municipality within six months of its dissolution and shall take steps for the constitution of a new Board of Councillors immediately thereafter:

Provided that the new Board of Councillors shall continue only for the remainder of the period for which the dissolved Municipality would have continued has it not been so dissolved:

Provided further that when the period for which the Board of Councillors would have continued is less than six months, it shall not be necessary to hold any elections for constituting a new Board of Councillors for such period.

(5) If any question arises as to what constitutes a gross neglect or a serious irregularity under this section, the opinion of the State Government as recorded in writing in the order, under this section shall be final and conclusive and the same shall not be questioned in any court of law.

384. Co-ordination for purpose of planning and development: (1) The State Government may require the Municipalities to be integrated with such authorities at the level of the district, region or state for the purpose of co-ordination of planning and development, as it may deem fit and proper.

(2) When so required, it shall be the duty of the Municipality to participate in such process of co-ordination in accordance with such procedure as the State Government may determine.

385. Dispute: If any dispute arises on any matter between the Board of Councillors and any other local authority or between the municipal authority themselves, such dispute shall be referred to the State Government whose decision thereon shall be final and shall not be questioned in any court.

386. Penalties and punishment: Save as otherwise provided in this Act, whoever contravenes any provision of any of the elections, sub-sections, clauses or provisos as mentioned in Schedule or fails to comply with any order or direction lawfully given to him or any requisition lawfully made to him under any of the aforesaid provisions, shall be punishable -

- (i) with fine which may extend to the amount, or with imprisonment which may extend to the period, specified in that behalf in column 3 of the said schedule or with both, and
- (ii) in the case of a continuing contravention or failure with an additional fine which may extend to the amount specified in column 4 of the said schedule for every day during which such contravention or failure continues after conviction upon first such contravention or failure.

387. Overriding effect: (1) if any provision or provisions of this Act is or are found overlapping or in conflict with any provision or provisions of the Aizawl Development Authority Act, 2005 (Act No. 9 of 2005) or any other law or laws which are in force in any municipal area in the State of Mizoram, the provision or provisions of this Act shall prevail and have overriding effect over such overlapping or conflicting provision or provisions of such Act or laws.

(2) Notwithstanding anything contained in this Act or in any other Law for the time being in force in Mizoram, when in any area a municipality is set up under this Act and is in position to discharge its functions, it shall be the duty of the State Government to assign, in phased manner, to the municipality such functions which have been taken up by any Development Authority or other body of similar nature under the provisions of the Aizawl Development Authority Act, 2005 or any other law of similar nature operating in such a municipal area.

388. Repeal and saving: (1) With effect from the date of commencement of this act in such area or areas as the State Government may, by notification, determine, the Lushai Hills District (Village Council) Act, 1953 and the Mizo District (Administration of Town Committees) Act, 1955 shall stand repealed in such area or areas as declared for the operation of this Act

(2) Notwithstanding such repeal, all orders issued and all actions taken or purported to be issued or taken under the said Acts, shall be deemed to have been issued or taken, or purported to be issued or taken, under this Act,

(3) Notwithstanding such repeal, all the Rules made under the provisions of the Mizo District (Administration of Town Committees) Act, 1955 which are in force immediately before the commencement of this Act and which are not inconsistent with the provisions of this Act, shall be deemed to have been made under this Act, and all officers and employees appointed under such rules and continuing in office immediately before the commencement of this Act, shall be deemed to have been appointed under this Act.

THE FIRST SCHEDULE

(See section 374 and 386)

Penalties

Explanation. - The entries in the second column of the following table, headed "Subject" are not intended as definition of the offences referred to in the provisions mentioned in the first column, or as abstracts of those provisions, but are inserted as reference to the subject thereof.

Sections, sub-sections, clauses or previous	Subject	Maximum fine or imprisonment which may be imposed for contravention	Daily fine which may, in addition be imposed for continuing offences
1	2	3	4
Section 103, Sub-Section (3)	Restriction on erection of, or addition to building or wells within street alignment or building line.	Rupees two thousand	Rupees one hundred
Section 110, Sub-Section (1)	Prohibition of use of public streets for certain kind of traffic	Rupees fifty	
Section 113, Sub-Section (1)	Sanction to projection over streets and drains	Rupees one hundred	Rupees twenty
Section 123, Sub-Section (4)	Layout plan not in conformity with the order of approval	Rupees one thousand	Rupees fifty
Section 130	Prohibition against commencement of work without permission	Rupees five thousand	Rupees fifty
Section 153	Prohibition of improper disposal of carcasses, rubbish and filth	Rupees two hundred	
Section 154	Prohibition against keeping filth on premises too long	Rupees fifty	Rupees ten
Section 155	Prohibition against allowing outflow of filth	Rupees two hundred	Rupees twenty
Section 157	Prohibition against throwing rubbish or filth into drains	Rupees two hundred	Rupees twenty
Section 159	Permission for construction of private latrine or urinal near road, tank or water course	Rupees two hundred	Rupees twenty
Section 160	Provision of latrines by owner or occupier	Rupees two hundred	Rupees twenty
Section 161	Provision of latrines for labourers	Rupees two hundred	Rupees twenty
First Schedule			
1	2	3	4

Section 162	Provision of latrines for markets, cart stands, cattle sheds, eating house, etc.	Rupees one hundred	Rupees ten
Section 163	Latrines to be screened from view and kept clean	Rupees one hundred	Rupees twenty
Section 165 Sub-section (1), (3), (5)	Precaution in case of dangerous structure	Rupees one hundred	Rupees twenty
Section 166	Power to stop dangerous quarrying	Rupees one thousand	Rupees one hundred
Section 167	Precaution against fire	Rupees one thousand	Rupees one hundred
Section 168	Prohibition of construction of wells, tanks, etc. without permission of Executive Officer	Rupees five hundred	Rupees fifty
Section 169	Filling in of pools, etc. which become a nuisance	Rupees five hundred	Rupees fifty
Section 170	Cleansing of insanitary private tank or well used for drinking	Rupees two hundred	Rupees thirty
Section 172	Prohibition against or regulation of washing animals or clothes in public water works, tanks	Rupees one hundred	Rupees ten
Section 173	Removal of filth or noxious vegetation	Rupees two hundred	Rupees twenty
Section 174	Prohibition against feeding certain animals on filth	Rupees two hundred	Rupees twenty
Section 175	Prohibition against keeping animal so as to be nuisance	Rupees two hundred	Rupees twenty
Section 178 Sub-Section (1) (2), (3)	Licences for places in which animals are kept	Rupees two hundred	Rupees twenty
Section 179 Sub-Section (2)	General powers of control over stables cattle-sheds and cow-houses	Rupees two hundred	Rupees twenty
Section 180	Power to direct discontinuance of use of buildings as stable, cattle-shed, pig shed or cow house	Rupees two hundred	Rupees twenty
Section 195	Slaughter of animals for sale as food	Rupees five hundred	
Section 199 Sub-Section (1) & (2)	Control of the Executive Council over public markets	Rupees two hundred	Rupees twenty
First Schedule			
1	2	3	4
Section 204 Sub-Section (2)	Suspension or refusal of licence in default	Rupees five hundred	Rupees fifty
Section 205	Prohibition against nuisance	Rupees five hundred	Rupees fifty

Section 208	in private market Prohibition against sale on public roads	Rupees five hundred	Rupees fifty
Section 225	Power to the Executive Officer to call for information and to enter upon premises	Rupees five hundred	
Sub-Section (1) & (2)			
Section 231	Requisition on owner or occupier to furnish list of person liable to tax	Rupees five hundred	Rupees fifty
Section 232	Requisition on employees of their representative to furnish list	Rupees five hundred	Rupees fifty
Section 234, Sub-Section (1) and (2)	Powers on carriage and animals	Rupees two hundred	Rupees twenty
Section 240, Sub-Section (1)	Power to require numbers to be affixed to bicycles etc	Rupees fifty	Rupees five
Section 244	Prohibition of advertisement without written permission of Chairman	Rupees five hundred	Rupees fifty
Sub-Section (1), (2) (3)			
Section 245	Licence for use of site for the purpose of advertisement	Rupees five hundred	Rupees fifty
Sub-Section (1) & (2)			
Section 283	Digging of wells, etc. without permission	Rupees five hundred	Rupees fifty
Sub-Section (1)			
Section 313	Prohibition of making or selling of food etc. or washing of clothes by infected persons	Rupees five hundred	Rupees fifty
Section 314	Duty of person suffering from dangerous diseases	Rupees one hundred	
Section 324	Permission for opening new place for disposal of the dead or re-opening of place	Rupees five hundred	Rupees fifty
Section 325	Power to require closing of burning or burial ground	Rupees five hundred	Rupees fifty
Section 328	Acts prohibited in connection with disposal of the dead	Rupees one thousand or imprisonment for three months or both	Rupees two hundred
Section 329	Disposal of dead animal	Rupees one hundred	Rupees twenty


THE SECOND SCHEDULE
(See Section 49)
Oath of Affirmation

I having been elected/appointed a Councillor of the Municipality of, do 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, and that I will faithfully discharge the duties upon which I am about to enter.

THE THIRD SCHEDULE
(See Section 50)
Oath of Secrecy

I do swear in the name of God solemnly affirm that I will not directly or indirectly communicate or reveal to any person or persons any matter which shall be brought under my consideration or shall become known to me as Chairman/Vice-Chairman/Member of Executive Council except as may be required for the due discharge of my duties as such Chairman/Vice-Chairman/Member of Executive Council.

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(P. CHAKRABORTY)
Secretary to the Govt. of Mizoram
Law, Judl. & Par. Affairs
Aizawl