

**The Goa, City of Panaji Corporation  
Act, 2002**



## The City of Panaji Corporation Act, 2002

1. <b>Goa, City of Panaji Corporation Act, 2002 (Act 1 of 2003) [21-1-2003]</b> published in the Official Gazette, Series I No. 43 dated 23-1-2003.
2. <b>Goa, City of Panaji Corporation (Amendment) Act, 2004 (Act 8 of 2004) [16-3-2004]</b> published in the Official Gazette, Series I No. 51 dated 18-3-2004.
3. <b>Goa, City of Panaji Corporation (Amendment) Act, 2005 (Act 4 of 2005) [5-10-2005]</b> published in the Official Gazette, Series I No. 27 dated 7-10-2005.
4. <b>Goa, City of Panaji Corporation (Amendment) Act, 2006 (Act 8 of 2006) [18-4-2006]</b> published in the Official Gazette, Series I No. 3 dated 21-4-2006.
5. <b>The Corporation of the City of Panaji (Election) Rules, 2004 (Act 1 of 2003)</b> , published in the Official Gazette, Series I No. 40 (Extraordinary) dated 3-1-2005 and came into force at once.

**GOVERNMENT OF GOA**  
**Department of Law & Judiciary**  
**Legal Affairs Division**

—  
**Notification**

7/28/2002/LA

The City of Panaji Corporation Act, 2002 (Goa Act 1 of 2003), which has been passed by the Legislative Assembly of Goa on 26-8-2002 and assented to by the Governor of Goa on 21-1-2003, is hereby published for the general information of the public.

*S. G. Marathe*, Under Secretary (Drafting).

Panaji, 23rd January, 2002.

## The City of Panaji Corporation Act, 2002

Contents

### Title of Sections

PART I

CHAPTER I

### Preliminary

#### Sections

1. Short title, extent and commencement.
2. Repeal of enactment.
3. Transfer of liabilities.
4. Provisional appointment of Commissioner.
5. Definitions.

PART II

**Constitution and Government**

CHAPTER II

**The Municipal Authorities**

**Sections**

6. Municipal authorities charged with the execution of this Act.
7. Incorporation of Corporation.
8. Power of Corporation to acquire and hold movable and immovable property.
9. Constitution of Corporation and division of City into wards.
10. Reservation of seats.
11. State Election Commission.
12. Power of State Election Commissioner to issue directions to prevent impersonation.
13. Preparation of Municipal Election Roll.
14. Qualification of candidates.
15. Disqualifications of candidates.
16. Notification of election, etc. of Councillor, Mayor and Dy. Mayor.
17. Duration of the term of Corporation.
18. Term of office of Councillor.
19. Election to constitute Corporation.
20. Filling of casual vacancies.
21. Effect of subsequent disabilities.
22. Election of Mayor and Deputy Mayor.
23. Removal of Councillor.
24. Procedure in case of non-payment of Corporation dues by Councillors and office-bearers of Corporation.

CHAPTER III

**Conduct of Business**

**Transaction of Business by the Corporation**

25. Meetings.
26. First meeting after general election.
27. Convening of meetings.
28. Power of Mayor and Deputy Mayor to call special meeting.
29. Adjournments.
30. Public to be admitted to the meeting of Corporation.
31. Chairman of Meeting.

**Sections**

32. Quorum.
33. Disability of Councillors for voting, etc.
34. Preservation of order.
35. Constitution of Standing Committee.
36. Election of Standing Committee.
37. Election of the Chairman of Standing Committee.
38. Absence from meeting of Standing Committee.
39. Casual vacancies in the Standing Committee.
40. Each Standing Committee to continue in office till a new Committee is constituted.
41. Constitution of Wards Committees.

**Special Consultative Committees**

42. Special Consultative Committees, their term, election and filling of casual vacancies.
43. Election of special Committees for consultative purposes.
44. Decision of questions by majority of votes.
45. Vacancies etc., not to invalidate proceedings.
46. Proceedings of meeting to be deemed to be good and valid.
47. Minute Books.

**CHAPTER IV****Municipal Officers and Servants**

48. Appointment of Commissioner.
49. Power of Commissioner.
50. Salary of Commissioner.
51. Appointment and Salary of principal officers, other officers and servants.
52. Appointment of other officers and servants.
53. Acting Appointments.
54. Municipal officer or servant not to be interested in any contract with Corporation.
55. Discharge on infliction of penalties.
56. Extraordinary pension in case of officer or servant injured or killed in execution of his duty.
57. Re-instatement or re-employment of a convicted officer or servant and payment of salary and allowances to such officer or servants.
58. Essential officers and servants.

## CHAPTER V

**Powers, Duties and Functions of the Municipal Authorities Obligatory and Discretionary Duties of the Corporation****Sections**

59. Matters to be provided for by Corporation.
60. Matters which may be provided for by Corporation at its discretion.
61. Entrustment of certain functions by State Government to Corporation.
62. Performance of functions by agencies.
63. Environment Status Report.
64. (1) Functions of the several municipal authorities.  
(2) Municipal Government of the City vests in the Corporation.  
(3) Special functions of Commissioner.  
(4) Municipal officers may be empowered to exercise the powers of Commissioner.
65. Corporation may call for extracts from proceedings, etc., from the Standing Committee etc.
66. Corporation may require Commissioner to produce documents.
67. Exercise of functions to be subject to sanction by Corporation of the necessary expenditure.
68. Procedure for making contracts on behalf of Corporation.
69. Mode of execution of contract.

## CHAPTER VI

**Municipal Property and Liabilities**

70. Transfer to Corporation of property of Municipality of Panaji.
71. Property of public institutions managed by municipal authority to be held in trust.
72. Acquisition of immovable property or easement by agreement.
73. Procedure when immovable property or easement cannot be acquired by agreement.
74. Decisions of claims to property by or against Corporation.
75. Provisions governing the disposal of municipal property or property vesting in or under the management of Corporation.
76. Property vested in Corporation.
77. Record of immovable property.
78. Resumption by Government.
79. Management of Public institutions.

PART III

**Finance**

CHAPTER VII

**The Municipal Fund**

**Sections**

80. Municipal fund to be held in trust.
81. Credit of moneys to municipal fund.
82. Application from municipal fund.
83. Receipts and disposal of payments on account of the municipal fund.
84. Drafts on the municipal fund.

CHAPTER VIII

**Budget Estimate**

85. Only sums covered by a budget grant to be expended from the Municipal fund.
86. Expenditure under certain of these exceptions to be reported by Commissioner to the Standing Committee.
87. Preparation of budget estimates.
88. Power of Standing Committee to reduce or transfer budget grants.
89. Power of Corporation to alter budget grants.
90. Power of Corporation to readjust income and expenditure during the year.

CHAPTER IX

**Loans**

91. Power of Corporation to borrow money.
92. Limit of borrowing power.
93. Repayment of loans.
94. Attachment of municipal fund in default of repayment of loan.
95. Attachment of municipal fund for securing payment.
96. Annual statement to be prepared by Commissioner.
97. Application of the Local Authorities Loans Act, 1914.

## CHAPTER X

**Audits and Accounts****Sections**

98. Accounts to be kept in a form approved by the Standing Committee.
99. Transmission of accounts to Government.
100. Annual administration report and statement of accounts by Corporation.
101. Monthly abstract of accounts.
102. Audit of municipal accounts.
103. Municipal authorities to remedy defects and report to State Government.

## PART IV

## CHAPTER XI

**Taxation**

104. Taxes to be imposed under this Act.
105. Procedure for imposing taxes.
106. General Tax on what properties to be levied.
107. Control of State Government on the rate of taxes.
108. Exemption from general tax.
109. Value of land or building how to be ascertained.
110. Requisition of name of owner.
111. Treatment of property which is let to two or more persons in separate occupancies.
112. Responsibility for payment of property tax.
113. Employment of assessor.
114. Assessment of annual value and duration of assessment.
115. Returns for purposes of valuation.
116. Public notice and inspection of valuations.
117. Notice when valuation made for the first time is increased.
118. Notice of objection to valuation.
119. Investigation of objections by Commissioner.
120. Appeal to District Court.
121. Valuation when to be final.
122. Keeping of municipal assessment list.
123. Authentication of assessment list when all objections have been disposed of.
124. Power of Commissioner to amend assessment list.
125. Notice of increase of rent.
126. Notice to be given to Commissioner of demolition or removal of a building.



**Sections**

127. Failure to give notice of increase of rent.
128. Period for which revised valuation to continue in force.
129. Payment of property taxes, how affected by objections to valuations.
130. Refund of excess payment.
131. Duty of Corporation to recover all taxes.

**Supplemental Provisions**

132. Commissioner to supply copies on payment.
133. Tax not invalid for defect of form.
134. Power of the State Government in regard to taxes.
135. Refund of Tax on unoccupied property.
136. Duty of furnishing true information regarding liability to municipal taxation.
137. Duty of occupier to furnish true information regarding owner's name and address.
138. Notice of transfers of title, when to be given.
139. Power of entry for the purposes of valuation of taxation.
140. Power to examine article liable to toll or cess on imports.
141. Power to search where toll or cess on imports is leviable.
142. Punishment for evading payment of toll or cess.
143. Levy of Street tax.

**CHAPTER XII****Recovery of Corporation's Claims**

144. Presentation of bill for taxes and other demands.
145. If bill not paid within fifteen days, notice of demand to issue.
146. In what case warrant may issue.
147. Power of Corporation to remit certain fees.
148. Power of officer to break open door or window.
149. Warrant how to be executed.
150. Sale of goods distrained in special cases.
151. Sale outside the City.
152. Fees and costs chargeable.
153. Summary proceedings may be taken against persons about to leave the City.
154. Appeal to Magistrate.
155. Liability of buildings, lands, etc., for taxes.
156. Receipts to be given for all payments.
157. Writing off irrecoverable taxes.
158. Recovery of toll and cess on imports.
159. Taxation not to be questioned except under this Act.

PART V  
**Public Health Safety and Convenience**

CHAPTER XIII  
**Public Convenience**  
**Municipal Drains**

**Sections**

- 160. Cleansing drains.
- 161. Places for emptying of drains and disposal of sewage.
- 162. Provision of means for disposal of sewage.
- 163. Alteration and discontinuance of drains.

**Drains and Privies**

- 164. Latrines and urinals.
- 165. Provisions of drains, privies etc.
- 166. Repair and closing of drains, privies, latrines, urinals, etc.
- 167. Power of Commissioner to demolish drains etc.
- 168. Unauthorised buildings over drains, etc.
- 169. Removal of latrine, etc., near any source of water-supply.
- 170. Discharging sewage.
- 171. Making or altering drains without authority.
- 172. Power to require removal of nuisance arising from tanks and the like.
- 173. New buildings not to be erected without drains.
- 174. Sewage and rain-water drains to be distinct.
- 175. Rights of owners and occupiers of premises to carry drains through lands belonging to other persons.
- 176. Obligation of owner of drains to allow use of or joint ownership therein to others.
- 177. How right of use of joint ownership of a drain may be obtained by a person other than the owner.
- 178. Commissioner may authorize person other than the owner of a drain to use the same or declare him to be a joint owner thereof.
- 179. Power of Commissioner to drain premises in combination.
- 180. Connecting drains to be constructed at the expenses of owners of premises.
- 181. Affixing of pipes for ventilation of drains.
- 182. Right of Corporation to drains constructed a charge of municipal fund.

CHAPTER XIV

**Conservancy**

- 183. Deposit of rubbish, offensive matter, sewage and carcasses.
- 184. Collection and removal of sewage.

**Sections**

185. Collection and temporary deposit of rubbish and offensive matter by occupiers of premises.
186. Prohibition of accumulations of offensive matter.

## CHAPTER XV

**Sanitary Provisions  
Regulation of Public Bathing, Washing etc.**

187. Construction of places for public bathing etc.
188. Prohibition of Corruption of water by steeping therein animal or other matter.
189. Regulation of washing of clothes by washermen.

## CHAPTER XVI

**Water Supply**

190. General Powers of supplying the City with water.
191. Supply of water.
192. Making connections with municipal water-works.
193. Obligation of owner or occupier to give notice of waste of water.
194. Responsibility for damage caused by leakage of water.
195. Cutting off water-supply to premises.
196. Presumption as to correctness of meter.
197. Injuring water-works, misappropriating water and tampering with meters.
198. Misuse of and leaving open valves and tampering with valves and hydrants.
199. Prohibition of erection of any building which would injure sources of water-supply.
200. Prohibition of bathing in or polluting water.

## CHAPTER XVII

**General Provisions with reference to Drainage Water-supply and other Mains**

201. Occupier of premises to be primarily liable for certain offence against the Act.
202. Least practicable nuisance to be caused.
203. Power of carrying wires, pipes, drains, etc.
204. Provisions as to wires, pipes or drains laid or carried above surface or ground.
205. Previous notice to be given.
206. Connections with main not to be made without permission of Commissioner.

**Sections**

207. Power of Commissioner to require the owner to make provision for drainage.
208. Power to establish meters and the like.
209. Communication and connections, etc. to be executed subject to inspection by and to the satisfaction of Commissioner.
210. Power of Commissioner to fix scale of charges.
211. Troughs and pipes for rain-water.
212. Control by Corporation and the Standing Committee.
213. Building not to be erected without permission over drains or water or air mains.
214. Control by the State Government.
215. Power of access to municipal water-works.
216. Compensation for damage.

## CHAPTER XVIII

**Public Health Safety****Regulation of Factories and Traders**

217. Factories not to be established, etc., without permission of Commissioner.
218. Sanitary regulation of factories, etc.
219. Regulation of dangerous and offensive trades.
220. Premises not to be used for certain purposes without a licence.
221. Prohibition of corruption of water by chemicals etc.
222. Inspection of premises used for manufactures, etc.
223. Prohibition of cinematography and dramatic performances except in licensed premises.

## CHAPTER XIX

**Market and Slaughter Places**

224. Power of Corporation to permit opening of new private markets.
225. Private markets not to be kept open without a licence.
226. Selling animals meat, etc. outside a market without a licence.
227. Power of Corporation to regulate the manufacture, preparation and sale of food and drink.
228. Places for slaughter of animals for sale.
229. Disposal of dead animals.

## CHAPTER XX

**Food, Drink, Drug and Dangerous Articles**

230. Prohibition of sale of diseased animals or unwholesome articles intended for human consumption.
231. Prohibition of adulterants in places where butter, ghees, etc., are manufactured or stored.

**Sections**

232. Prohibition of sale of certain articles which are not of the prescribed standard of purity.
233. Substitutes.
234. Prohibition of sale, etc., of food or drink not of the nature, substance or quality of the article as represented.
235. Licence required for dealing in milk, etc.
236. Provisions relating to prosecutions.
237. Liability of warrantors.
238. Inspection of place for sale of food or drink and seizure of unwholesome articles or utensils found therein.
239. Destruction of animals and articles seized under section 248.
240. Taking before magistrate of animals and articles seized under section 238.
241. Food, drink or drugs directed to be destroyed deemed to be the property of the Corporation.
242. Application of provisions of this Chapter to other articles.

**CHAPTER XXI****On Restraint of Infection**

243. Information to be given of existence of dangerous disease.
244. Powers of Medical Officer of Health to inspect places and take measures to prevent spread of dangerous disease.
245. Prohibition of use for drinking or for other domestic purposes of water likely to cause dangerous disease.
246. Power of Medical Officer of Health to remove patient to hospital in certain cases.
247. Power of Medical Officer of Health to disinfect building, tank, pool or well.
248. Power of Medical Officer or Health to destroy huts and sheds.
249. Infected building not to be let without being first disinfected.
250. Provision of places for disinfection, washing or destruction of infected articles and power of Commissioner to disinfect or destroy such articles.
251. Infected articles not to be transmitted, etc. without previous disinfection.
252. Restrictions on carriage of patient or dead body in public conveyance.
253. Disinfection of public conveyance after carriage of patient or dead body.
254. Power of Corporation to take special measures on out-break of dangerous disease or infection epizootic disease.

PART VI

**Lands, Buildings and Streets**

CHAPTER XXII

**Town Planning**

**Sections**

255. Town Planning.

CHAPTER XXIII

**Building Control**

- 256. Prohibition of erection or re-erection of buildings without permission.
- 257. Notice of buildings.
- 258. Commissioner to refuse erection or re-erection of buildings.
- 259. Grounds on which site of proposed building may be disapproved.
- 260. Grounds on which permission to erect or re-erect building may be refused.
- 261. Power of Commissioner to direct modification of a sanctioned plan of a building before its completion.
- 262. Lapse of sanction after one year from the date of such sanction.
- 263. Completion certificate and permission to occupy or use.
- 264. Power of Commissioner to stop progress of building work unlawfully commenced or carried on.
- 265. Power of Commissioner to direct removal of person from buildings in which works are being unlawfully carried on or which are unlawfully occupied.
- 266. Erection and use of temporary buildings to be approved by Commissioner.
- 267. Power to regulate line of buildings.
- 268. Compensation.
- 269. Power to require removal or alteration of work not in conformity with bye-laws or any scheme or any other requirement.
- 270. Bar on jurisdiction.

CHAPTER XXIV

**Dangerous & Insanitary Buildings**

- 271. Provisions regarding building unfit for human habitation.
- 272. Removal of buildings in dangerous state.
- 273. Abandoned or unoccupied premises.

**Sections**

- 274. Reclamation of low-lying sites.
- 275. Power to prohibit re-erection of building on inaccessible sites.
- 276. Removal of building materials from any premises in certain cases.
- 277. Power of Commissioner to call for statement of accommodation.
- 278. Cleaning and disinfecting of buildings.
- 279. “Building” to include part of a building for purposes of this Chapter.

**CHAPTER XXV****Streets****Public Streets**

- 280. Closing of public streets.
- 281. Laying railways, skybus, or electrical, telephone poles.
- 282. Prohibition of projections upon streets.
- 283. Procedure to be followed by Commissioner on conviction of a person under Section 421.
- 284. Restriction on powers of municipal authorities in relation to streets.
- 285. Footings of buildings not to establish title to land belonging to Government or vesting in Corporation.

**Obstruction in streets**

- 286. Prohibition of obstructions in streets.
- 287. Streets not to be opened or broken up and building material not to be deposited therein without permission.
- 288. Ground floor doors, etc. not to open outwards on street.
- 289. Power to require removal of old projections.

**Streets**

- 290. Commissioner may call for further particulars.
- 291. Level of new street to be determined by Commissioner.
- 292. New streets not to be made and buildings on either side thereof not to be erected except in accordance with the direction of Commissioner.
- 293. Levelling, metalling, etc., on streets.

**Conversion of Streets into Public Streets**

- 294. Power to declare streets when metalled, etc., public streets.
- 295. Power to construct or maintain public bridges.

## CHAPTER XXVI

**General Provision as to Streets and Public Nuisance****Sections**

296. Power to require protection of streets, during cutting down of trees, erection, demolition of building, etc.
297. Power to attach brackets for lamps.
298. Destroying direction posts, lamp posts, etc.
299. Bill-sticking without permission.
300. Indecent or obscene pictures or printed or written matter.
301. Naming of streets and numbering of houses.
302. Inflammable materials.
303. Roofs and external walls not to be made of inflammable materials.
304. Picketing animals or collecting carts.
305. Driving vehicles without proper lights.
306. Beating drums, etc.
307. Discharging fire-arms.
308. Quarrying, blasting, cutting timber or building.
309. Lopping of branches, etc. of tree or plant on a public place.

## PART VII

## CHAPTER XXVII

**Co-operation of Police**

310. Co-operation of Police.
311. Powers of Police to arrest offenders.
312. Power of Superintendent to arrest a person on requisition from Commissioner.
313. Police protection at fairs, etc.

## CHAPTER XXVIII

**Prevention and Extinction of Fires**

314. Requisition of fire brigade and arrangements for the prevention and extinction of fire.
315. Power of fire brigade and other persons for suppression of fire.
316. Precautionary measures for places of public entertainment.



CHAPTER XXIX

**Dangerous Animals**

**Sections**

- 317. Disposal of mad and stray dogs and other animals.
- 318. Allowing dogs to be at large.
- 319. Letting loose horse or other animals.

CHAPTER XXX

**Beggars**

- 320. Soliciting alms.
- 321. Importing beggar.

PART VIII

CHAPTER XXXI

**Procedure**

**Licences and written permissions**

- 322. Licences and written permissions.

**Evidence**

- 323. Proof of consent, etc., of municipal authorities or municipal officers.

**Signature and Service of Notices, etc.**

- 324. Signature on notices, etc., may be stamped.
- 325. Service of notice, etc., how to be effected on owner or occupier of premises.
- 326. Service of notice, etc., how to be effected on any person otherwise than as owner or occupier of premises.
- 327. The two preceding sections, inapplicable to Magistrate's summonses.

**Powers of Entry and Inspection**

- 328. Power of entry on premises for purposes of inspection, survey or execution of necessary work.
- 329. Power of entry on lands adjacent to works.
- 330. Right of entry into and inspection of premises licensed for any purpose.
- 331. Prohibition of obstructing entry.

**Enforcement of Orders to Execute Works, etc.**

- 332. Execution of work which any person is required to execute by Commissioner at such person's cost.

### **Recovery of Expenses**

#### **Sections**

- 333. Power of Commissioner to accept agreement for payment of expenses in installments.
- 334. Execution of work by occupier in default of owner and deduction of expenses from rent.
- 335. Limitation of liability of agent or trustee or owner.

### **Payment of Compensation**

- 336. General power of Commissioner to pay compensation.
- 337. Compensation to owner for value of immovable property deteriorated.
- 338. Principle on which and manner in which compensation should be determined.

### **Complaint on Injury**

- 339. Procedure on complaint of injury.
- 340. Compensation to be paid by offenders against this Act for any damage caused by them.

### **Recovery of Expenses or Compensation in case of Disputes**

- 341. Reference by Commissioner to the District Court, North Goa at Panaji.
- 342. Application to District Court.
- 343. Recovery of sums ascertained under section 366 to be due.
- 344. Saving of right to claim damages for injury.

### **Recovery of Certain Dues**

- 345. Recovery of certain dues by distress and sale.
- 346. If the defaulter is the owner of premises in respect of which expenses are payable the occupier may also be liable for payment thereof.

### **Proceedings before Courts**

- 347. Decision of the District Court.
- 348. Procedure in inquiries before Civil Courts.
- 349. Fees in proceedings before Civil Courts.
- 350. Limitation of time.

### **Proceedings before Magistrates**

- 351. Procedure in prosecution.
- 352. Power of Magistrate to hear case in absence of accused.
- 353. Limitation of time for prosecution.

## **Legal Proceedings**

### **Sections**

- 354. Power of Commissioner to institute legal proceedings and obtain legal advice.
- 355. Notice, limitations and tender of amends in suit against Corporation, etc.
- 356. Bar to grant of injunctions.
- 357. Indemnity of Acts done in good faith.

### **Appeals**

- 358. Order passed under this Act and the rules thereunder.
- 359. Appeals and revisions.

## **CHAPTER XXXII**

### **Supplemental Provisions**

- 360. Power of State Government to include certain areas within the limits of the City.
- 361. Effect of inclusion.
- 362. Exclusion of specified areas from the operation of certain provisions.

### **General Provisions**

- 363. Power of authority to require any one or more of a number of things to be done.
- 364. Determination of owner or occupier where there are gradations of owners or occupiers.
- 365. Councillors and Municipal Officers, etc., to be deemed public servants.
- 366. Prohibition of obstruction to municipal contractors.
- 367. Prohibition of removal of mark.

### **Construction of References**

- 368. Construction of References.

### **Supplemental Provisions**

- 369. Informalities and error in assessments, notices, bills, etc., not to be deemed to invalidate assessment, etc.
- 370. Disputes between Corporation and local authorities.
- 371. Disputes between State Government and Corporation.

## **PART IX**

## **CHAPTER XXXIII**

### **Control**

- 372. Power of State Government to require returns etc.
- 373. Power of State Government to depute officers to make inspection or examination and report.

**Sections**

- 374. Power of State Government to require municipal authority to take action.
- 375. Procedure by State Government when municipal authority fails to take action.
- 376. Power to demand punishment or dismissal.
- 377. Power to prevent extravagant establishment.
- 378. Power of State Government to suspend any resolution or order.
- 379. Power of Government to supersede Corporation in case of incompetency or default or excess or abuse of power.
- 380. Consequences of dissolution.
- 381. Reconstitution of Corporation.
- 382. Control of the State Government.
- 383. Enforcement of orders.
- 384. Certain officials entitled to attend meetings of Corporation or Standing Committee.
- 385. Rules for inspection of institution and works of Corporation.

PART X  
CHAPTER XXXIV

**Bye-laws**

- 386. Bye-laws.
- 387. Penalties for breach of Bye-laws.
- 388. Conditions precedent to the making of bye-laws.
- 389. Bye-laws to be subject to sanction of State Government.
- 390. Publication of bye-laws and rules in Gazette and effect of such publication.
- 391. Power of State Government to make rules.

PART XI  
CHAPTER XXXV  
**Punishment of Offences**

- 392. Certain offences punishable with fine.
- 393. Punishment of certain offences.
- 394. Power of Corporation in the event of non-compliance.
- 395. Penalty for obstruction.
- 396. Punishment for acquiring share of interest in contract, etc., with Corporation.
- 397. Punishment for essential officer leaving employment.
- 398. Penalty for disobedience of orders of Corporation authorities.

PART XII  
CHAPTER XXXVI  
**Election Petitions**

**Sections**

399. Election petitions to be heard and disposed of by District Court.

PART XIII  
CHAPTER XXXVII  
**Transitory Provisions**

400. Transitory provisions.

CHAPTER XXXVIII  
**Removal of Difficulties**

401. Removal of Difficulties

402. Overriding Effect

SCHEDULE

SCHEDULE I

**The City of Panaji Corporation Act, 2002****(Goa Act 1 of 2003)****[21-1-2003]**

AN

ACT

*To provide for and constitute a Municipal Corporation for a Larger Urban area for Panaji Municipal area and other developed areas.*

BE it enacted by the Legislative Assembly of Goa in the Fifty-third year of the Republic of India as follows:—

## PART I

## CHAPTER I

**Preliminary**

**1. Short title, extent and commencement.**— (1) This Act may be called as the City of Panaji Corporation Act, 2002.

(2) This Act shall apply to the areas specified in Schedule I of this Act:

Provided that the State Government may by notification declare that any area or any part thereof, not forming a part of the city of Panaji Corporation, to be a Panchayat area under the Panchayat Raj Act.

(3) It shall come into force on such date as the State Government may, by notification, appoint in this behalf and different dates may be appointed for different chapters or sections of this Act.

**2. Repeal of enactment.**— (1) Subject to Section 1, on the commencement of this Act, the areas presently included in the Schedule I shall, save as hereinafter provided, be deemed to have been withdrawn from the operation of the Goa Municipalities Act, 1968 or the Goa Panchayat Raj Act, 1993 as the case may be.

(2) This withdrawal shall not affect the validity of anything done or suffered, or any right, title, or proceedings, obligation or liability accrued, before the commencement of this Act.

(3) Nothing herein contained shall deprive any person of any right to property, or other private right, except as hereinafter provided.

**3. Transfer of liabilities.**— (1) All debts and obligations incurred, all contracts entered into with and all matters and things engaged to be done by, or for, the Municipality of Panaji and village panchayat areas indicated in Schedule I, before this Act comes into force shall be deemed to have been incurred, entered into with or engaged to be done by, or for, the Corporation as constituted under this Act.

(2) Every appointment, rule, bye-law, form, notification, notice, tax, fees, levy, scheme, order, licence or permission/legal proceedings, process made, issued, imposed,

sanctioned or given under the Goa Municipalities Act, 1968, or Goa Panchayat Raj Act, 1993, shall so far as it relates to the Municipality of Panaji or any panchayat area mentioned in Schedule I and so far as it is in force at the commencement of, and is not inconsistent with, this Act, be deemed to have been made, issued, imposed, sanctioned or given under the provisions of this Act, and shall unless previously altered, modified, cancelled, suspended, surrendered or withdrawn, as the case may be, under this Act remain in force for the period, if any, for which it was so made, issued, imposed, sanctioned or given:

Provided however, in matters concerning construction, sale of articles, trading and in all other matters the presently existing bye-laws applicable to Panaji Municipal Council immediately prior to commencement of this Act, shall continue to apply to the Corporation area until new bye-laws are framed under this Act and the earlier bye-laws made applicable under this Act are repealed or superseded;

(3) All rates, taxes, fees, levies and sums of money, due to the Municipality of Panaji or any panchayat area mentioned in Schedule I when this Act comes into force, shall be deemed to be due to the Corporation;

(4) All suits or other legal proceedings, civil or criminal, instituted, by or against the Municipality of Panaji or any panchayat area mentioned in Schedule I may be continued by or against the Corporation.

**4. Provisional appointment of Commissioner.**— The State Government may, by notification, appoint a person to exercise, perform or discharge the powers, duties and functions which are conferred or imposed by or under this Act as the Commissioner until that officer is appointed under section 48.

**5. Definitions.**— In this Act, unless there is anything repugnant to the subject or context:—

(1) “Administrator” means an Administrator appointed by the State Government under Section 380 of this Act, to exercise the powers and to perform the duties of the Corporation and its authorities;

(2) “Assembly constituency” means constituency provided by law for the purpose of elections to the Goa Legislative Assembly, or any part thereof, which is for the time being comprised in the City;

(3) “Assembly roll” means the electoral roll prepared for any Assembly Constituency in accordance with the provisions of the Representation of the People Act, 1950;

(4) “assessment list” means any municipal assessment register prescribed by section 122 of this Act and includes any register subsidiary thereto;

(5) “authorized” means authorized by the Corporation either generally or specially;

(6) “bakery” means any place in which bread or confectionery including biscuits is baked, cooked or prepared in any manner whatsoever for purposes of profit or sale;

(7) “budget grant” means a sum entered on the expenditure side of a budget estimate which has been finally adopted by the Corporation, and includes any sum by which such budget grant may at any time be increased under sections 88, 89 or 90 of this Act;

(8) “building” includes a house, outhouse, stable, hut, shed or other enclosure, whether used as a human dwelling or otherwise and shall include also verandahs, fixed platforms, plinths, door-steps, walls and the like;

(9) “building line” means a line beyond which the outer face or any part of an external wall of a building should not project in the direction of any street existing or proposed;

(10) “The Commissioner” means the Municipal Commissioner for the City appointed under section 48 and includes an acting Commissioner appointed under the Act and any municipal officer empowered under this Act to exercise, perform or discharge any of the powers, duties or functions of the Commissioner to the extent to which such officer is so empowered;

(11) “City of Panaji” or “the City” means the large urban area specified in the notification issued in this respect under clause (2) of Article 243 Q of the Constitution of India, known by the name of the City of Panaji;

(12) “Closet accommodation” means a receptacle for human excreta, together with the structure comprising such receptacle and the fitting and apparatus connected therewith;

(13) “the Corporation” or “Corporation Area” means the Municipal Corporation of the City of Panaji constituted or deemed to be constituted under this Act;

(14) “Councillor” means any person who is duly continued under this Act or elected as a member of the Corporation under this Act; and includes, a nominated Councillor who shall not have the right:-

(i) To vote at any meeting of the Corporation and committees of the Corporation; and

(ii) To get elected as a Mayor or a Deputy Mayor of the Corporation or a chairperson of any of the Committees of the Corporation;

(15) “dangerous diseases” means cholera, plague, tuberculosis, diphtheria, malaria, and any disease which the Corporation or the State Government may, by public notice, declare to be a dangerous disease for the purpose of this Act;

(16) “District Court” means the District Court, constituted for the North Goa district;

(17) “drain” includes a sewer, tunnel, pipe, ditch, gutter or channel, and any cistern, flush, tank, septic tank, or other device for carrying off or treating sewage, offensive matter, polluted water, sullage, waste water, drain water or sub-soil water and any culvert, ventilation, shaft or pipe or other appliance or fitting connected therewith, and any ejectors, compressed air mains, sealed sewage mains and special machinery or apparatus for raising, collecting, expelling or removing sewage or offensive matter from any place;

(18) “drug” means any substance used as medicine or in the composition or preparation of medicines, whether for internal or external use;

(19) “eating-house” means any premises to which the public are admitted and where any kind of food is prepared or supplied for consumption on the premises for the profit or gain of any person owing or having an interest in or managing such premises;



(20) the expression “erect or re-erect any building” with its grammatical variations and cognate expressions includes:

- (a) any material alteration or enlargement of any building;
- (b) the conversion by structural alteration into a place for human habitation of any building not originally constructed for human habitation;
- (c) the conversion by structural alteration of one or more places of human habitation into a greater number of such places;
- (d) the conversion by structural alteration of two or more places of human habitation into a lesser number of such places;
- (e) such alteration of the internal arrangement of a building as effects a change in its drainage or sanitary arrangements or affects its stability;
- (f) the addition of any rooms, buildings, out-houses or other structure to a building;
- (g) the reconstruction of the whole or any part of the external walls of a building or the renewal of the posts of wooden buildings;
- (h) any change over ground or in land;

(21) the expression “essential officer or servant” means every person employed in the municipal corporation in a service declared to be essential by the Commissioner;

(22) “factory” has the meaning assigned to it under the Factories Act, 1948;

(23) “Finance Commission” means the Finance Commission constituted in accordance with the provisions of Article 243-I of the Constitution of India;

(24) “food” includes every article used for food or drink by man other than drugs or water, and any article which ordinarily enter into or is used in the composition or preparation of human food; and also includes confectionery, flavouring and colouring matters and spices and condiments;

(25) “keeper” means the person in charge of a lodging-house, and may include the owner for the purposes of any rules or bye-laws made under this Act;

(26) “land” includes land which is being built upon or is built upon or covered with water;

(27) “licensed plumber”, “licensed surveyor” and “licensed architect” mean, respectively, a person licensed by the Corporation as a plumber or surveyor or architect under this Act;

(28) “lodging — house” means a building or part of a building which is let for lodgings;

(29) “market” includes any place within the City where persons assemble for the sale of meat, fish, fruit, vegetables, live-stock or any other article of food; or commodity and is declared to be so by the Commissioner;

(30) “municipal drain” means a drain vested in the Corporation;

(31) “municipal market” means a market vested in or managed by the Corporation;

(32) “municipal slaughter-house” means a slaughter-house vested in or managed by the Corporation;

(33) “municipal tax” means any impost levied by the Corporation under the provisions of this Act;

(34) “municipal water-works” means a water-work vested in or managed by the Corporation;

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

(36) “occupier” includes any person for the time being paying, or liable to pay, to the owner the rent, fees or compensation or any portion of the rent, fees or compensation of the land or building in respect of which the word is used or damages on account of the occupation of such land or building, and also an owner living in, or other-wise using, his own land or building and a rent-free tenant or a person declared to be a Mundkar under the Goa, Daman & Diu Mundkars (Protection from Eviction) Act, 1976;

(37) “offensive matter” includes animal carcasses, dung, dirt, putrid or putrefying substances, and filth of any kind which is not included in “sewage” as defined in this section;

(38) “Other Backward Classes” means such classes or parts of or groups within such classes as are declared, from time to time, by the State Government to be Other Backward Classes (excluding creamy layer).

(39) “owner” when used with reference to any land or building includes the person for the time being receiving the rent of the land or building or of any part of the land or building whether on his own account or as agent or trustee for any person or society or for any religious or charitable purpose, or as a receiver who would receive such rent if the land, building or part thereof were let to a tenant;

(40) “population” means the population as ascertained at the last preceding Census of which the relevant figures have been published;

(41) “prescribed” means prescribed by rules or bye-laws made under this Act;

(42) “public analyst” means any person to be appointed by the Corporation to perform the duties and to exercise the power of a public analyst prescribed under this Act;

(43) “public place” includes any public park or garden, or any ground to which the public have or are permitted to have access;

(44) the expression “public securities” means Government securities and any securities guaranteed by Government, securities issued by the Corporation and any other securities

which the State Government may declare to be public securities for the purposes of this Act;

(45) “public street” means any street—

(a) heretofore levelled, paved, metalled, channelled sewerred or repaired out of municipal or other public funds; or

(b) which under the provisions of section 294 is declared to be, or under any other provision of this Act becomes, a public street; and includes

(i) the roadway over any public bridge or causeway,

(ii) the footway attached to any such street,

(iii) public bridge or causeway, and the drains attached to any such street, public bridge or causeway;

(46) “registered trade union” means a trade union registered under the Indian Trade Unions Act, 1926;

(47) (a) a person shall be deemed to “reside” in any dwelling-house or hut which, or some portion of which, he sometimes, although not uninterruptedly, uses as a sleeping apartment; and

(b) a person shall not be deemed to cease to “reside” in any such dwelling-house or hut merely because he is absent from it or has elsewhere another dwelling-house or hut in which he resides, if there is the liberty of returning to it at any time and no abandonment or the intention of returning to it;

(48) “rubbish” includes dust, ashes, broken bricks, mortar, glass, garden or stable refuse or refuse of any kind which is not “offensive matter” or “sewage” as defined in this section;

(49) “sewage” means night-soil and other contents of water-closets, latrines, privies, urinals, cesspools, or drains and polluted water from sinks, bath-rooms, stables, cattle-sheds and other like places, and includes trade effluents and discharges from manufactories of all kinds;

(50) “sewage connection” includes any drain set up by the Corporation or the State Government connecting any watery closets, latrines, privy, urinals, bath-room, sink, manhole or tap with any drain set apart by the Corporation for sewage and other offensive matter;

(51) “State Election Commission” means the State Election Commission consisting of the State Election Commissioner appointed in accordance with the provisions of clause (I) of Article 243-K of the Constitution of India;

(52) “street” means any road, land, gully, alley, passage, pathway, square or Court whether a thoroughfare or not, which is accessible to the public whether permanently or temporarily; and includes every vacant space, notwithstanding that it may be private property and obstructed wholly or partly by any gate, post, chain or other barrier, if

houses, shops, or other buildings abut thereon and if it is used by any persons whether occupiers of such buildings or not, as a means of access to or from any public place or thoroughfare but shall not include any part of such vacant space which the occupier of any such building has a right at all hours to prevent all other persons from using as aforesaid;

(53) “street line” means a line dividing the land comprised in and forming part of a street from the adjoining land;

(54) “traffic sign” includes all signals, warnings signposts, direction posts, signs or other devices, erected by any person or authority authorized by law to do so, for the information, guidance or direction of persons using roads or of wheeled and other traffic;

(55) “vehicle” means a wheeled conveyance capable of being used on the street;

(56) “Wards Committees” means the Wards Committees constituted under section 41;

(57) “water-closet” means closet accommodation used or adapted or intended to be used in connection with Government or municipal water works and comprising provisions for the flushing of the receptacle by means of a water-supply and having connection with a sewer;

(58) “water connection” includes

(a) any tank, cistern, hydrant, stand-pipe, meter or tap situated on private property and connected with a water-main or pipe belonging to the Corporation or Government;

(b) the water-pipe connecting such tank, cistern, hydrant, stand pipe, meter or tap with such water-main or pipe;

(59) “water for domestic purposes” shall not include water for cattle, or for washing vehicles where the cattle or vehicles are kept for sale or hire, or by a common carrier, and shall not include water for any trade, manufacture or business, or for building purposes, or for watering gardens, or for fountains or for any ornamental or commercial purposes;

(60) “water-work” includes a lake, stream, spring, well, pump, reservoir, cistern, tank, duct, whether covered or open, sluice main-pipe, culvert, engine and anything for supplying or used for supplying water;

(61) “workshop” means any building, place or premises, or any part thereof, not being a factory, to or over which the employer of the persons working therein has the right of access or control, and in which, or within the compound or precincts of which, any manual labour is employed or utilized in aid of or incidental to any process, operation or manufacturing for the following purposes:—

(i) the making of any article or part thereof; or

(ii) the altering, repairing, ornamenting or finishing of any article; or

(iii) the adapting for sale of any article.

PART II  
**Constitution and Government**

CHAPTER II  
**The Municipal Authorities**

**6. Municipal authorities charged with the execution of this Act.**— The Municipal authorities charged with carrying out the provisions of the Act shall be—

- (a) the Corporation;
- (b) the Standing Committee;
- (c) the Commissioner.

**7. Incorporation of Corporation.**— The Corporation shall by the name of the Corporation of the City of Panaji be a body corporate, and have perpetual succession and a common seal, and shall by that name sue and be sued.

**8. Power of Corporation to acquire and hold movable and immovable property.**— The Corporation shall have power to acquire and hold property, both movable and immovable, within or without the limits of the City, and subject to the provisions of this Act and the rules made thereunder, to transfer any property held by itself and to enter into contracts and to do all other things necessary for the purposes of this Act.

**9. Constitution of Corporation and division of City into wards.**— (1) The Corporation shall consist of:—

- (a) <sup>1</sup>Thirty Councillors directly elected at ward elections;
- (b) Five nominated Councillors having special knowledge or experience in municipal administration, engineering, architecture, archaeology, heritage, etc., nominated by the State Government by a notification.

(2) The <sup>2</sup>“Director of Municipal Administration” with the approval of the State Government shall, from time to time by notification in the Official Gazette, specify for the City the number and boundaries of the wards into which the City shall be divided for the purpose of the ward election of Councillors, and the number of Councillors to be elected for each ward:

Provided that, the provisions made under sub-section (1) or notification issued under sub-section (2) shall not have effect until the expiry of the duration of the existing term of the Corporation.

**10. Reservation of seats.**— (1) In the seats to be filled in by election in the Corporation there shall be seats reserved for persons belonging to the Scheduled Castes, the Scheduled Tribes, Other Backward Classes and women, as may be determined by the State Election Commissioner, in consultation with the Government;

<sup>1</sup> In place of word “Fifty” the word “thirty” is substituted by the City of Panaji Corporation (Amendment) Act 2005 published in the Official Gazette, Series No. 46 (Extraordinary 2) dated 16-2-2005 and came into force w.e.f. 24-9-2004.

<sup>2</sup> In place of words “State Election Commissioner” the words “The Director of Municipal Administration” is substituted by the City of Panaji Corporation (Amendment) Act 2005 published in the Official Gazette, Series I No. 46 (Extraordinary 2) dated 16-2-2005 and came into force w.e.f. 24-9-2004.

(2) The seats to be reserved for the persons belonging to the Scheduled Castes and the Scheduled Tribes in the Corporation shall bear, as nearly may be, the same proportion to the total number of seats to be filled in by direct election in the Corporation as the population of the Scheduled Castes or, as the case may be, the Scheduled Tribes, in the Corporation area bears the total population of that area and such seats shall be allotted by rotation to different wards in the Corporation:

Provided that, one-third of the total number of seats so reserved shall be reserved for women belonging to the Scheduled Castes or, as the case may be, the Scheduled Tribes:

Provided further that, where only one seat is reserved for Scheduled Castes, or, as the case may be the Scheduled Tribes, then no seats shall be reserved for women belonging to the Scheduled Caste, or as the case may be the Scheduled Tribes and where only 2 seats are reserved for the Scheduled Caste or, as the case may be, the Scheduled Tribes, one of the 2 seats shall be reserved for women belonging to the Scheduled Caste, or as the case may be, the Scheduled Tribes.

(3) The seats to be reserved for persons belonging to the category of Other Backward Classes shall be twenty seven per cent of the number of seats to be filled in by election in the Corporation and such seats shall be allotted by rotation to different wards in the Corporation:

Provided that, one-third of the total number of seats so reserved shall be reserved for women belonging to the category of Other Backward Classes.

(4) One-third (including the number of seats reserved for women belonging to the Scheduled Castes, the Scheduled Tribes and the category of Other Backward Class) of the total number of seats to be filled in by direct election in the Corporation shall be reserved for women and such seats shall be allotted by rotation to different wards in the Corporation.

(5) The reservation of seats (other than the reservation for women) under sub-section (2) shall cease to have effect on the expiration of period specified in Article 334 of the Constitution of India.

**11. State Election Commission.**— (1) The superintendence, direction and control of the preparation of the electoral rolls for, and the conduct of, all elections to the Corporation shall vest in the State Election Commissioner;

(2) The State Election Commissioner may, by order delegate any powers and functions to any officer of the Commission or any officer of the State Government not below the rank of Deputy Collector or to any officer of the Corporation not below the rank of Assistant Commissioner;

(3) All the officers and members of the staff appointed or deployed for preparation of electoral rolls and conduct of election of the Corporation under this Act and the rules shall function under the superintendence, direction and control of the State Election Commissioner;

(4) Notwithstanding anything contained in this Act and the rules, the State Election Commissioner may issue such special or general orders or directions which may not be inconsistent with the provisions of this Act or any other law or rules for fair and free elections.

**12. Power of State Election Commissioner to issue directions to prevent impersonation.**— The State Election Commissioner may, with a view to prevent impersonation of electors at the time of election, issue such directions, as he thinks fit, to the presiding officers and such directions may include instructing the electors to produce, at the time of polling, the photo identity cards issued to them under the provisions of the Representation of the Peoples Act, 1951.

**13. Preparation of municipal election roll.**— The Assembly roll for the time being in force, on such date as the State Election Commissioner may, by general or special order notify, shall be divided by the State Election Commissioner into different sections corresponding to different wards in the City; and a printed copy of each section of the roll so divided and authenticated by the State Election Commissioner or an officer authorized by him, shall be the ward roll for each ward.

**14. Qualifications of candidates.**— (1) Every person who is enrolled in the municipal electoral roll as a voter for a ward shall be qualified to be a Councillor, and to be elected either from such ward or from any other ward.

(2) Any person who ceases to be a Councillor shall, if qualified under sub-section (1), be eligible for re-election as such.

**15. Disqualifications of candidates.**— No person shall be eligible for election, as a Councillor if he—

(a) is not a citizen of India; or

(b) has been adjudged by a competent Court to be of unsound mind; or

(c) has, at any time, been convicted of an offence punishable under section 153A, or sub-section (2) or (3) of section 505, of the Indian Penal Code:

Provided that, such disqualification shall be for a period of six years from the date of such conviction; or

(d) has been convicted by a Court in India of any offence involving moral, turpitude, unless a period of six years has elapsed since the date of such conviction; or

(e) has been dismissed from the service of the Government for misconduct and has been declared to be disqualified for employment in the public service; or

(f) has been dismissed for misconduct from the service of any municipal Corporation, municipal committee, notified area of committee, district council or local board and has been declared by the State Government to be disqualified for employment in the public service; or

(g) has been so disqualified by or under any law,—

(i) for the time being in force for the purposes of elections to the Legislature of the State:

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

(ii) made by the Legislature of the State of “Goa”.

(h) holds any salaried office under or place of profit of the Corporation or any other local authority, while holding such office or place; or

(i) has directly or indirectly any share or interest in any contract with, by or on behalf of the Corporation while owning such share or interest:

Provided that a disqualification under clause (e), (f), or (i) may be removed by an order of the State Government in this behalf.

**Explanation:**— A person shall not, by reason of being a share holder in or a member of any incorporate or registered company, be deemed to be interested in any contract entered into between the company and the Corporation.

(j) interferes or in any way acts prejudicial to the interest of the Corporation or the State Government, including by making attempts to stall or in any way obstruct the performance of duties, functions or powers exercised by any officials of the Corporation or the State Government, including acts of demolition of illegal structures.

**16. Notification of election, of Councillors, Mayor and Dy. Mayor.**— Every election, of a Councillor, and every election of the Mayor or Deputy Mayor shall be notified in the prescribed manner and such persons shall enter in their respective offices from the date specified for that purpose in such notification.

**17. Duration of the term of the Corporation.**— (1) The Corporation shall, unless sooner dissolved, continue for a period of five years from the date appointed for its first meeting and no longer.

(2) A Corporation formed immediately after the commencement of this Act shall continue for a period of one year <sup>3</sup>“from the date of its constitution” or until the new elections are held under the provisions of this Act, whichever is earlier:

Provided however, the State Government may extend the term of the Corporation referred to in sub-section (2) above not beyond a period of <sup>4</sup>[two years], after the expiry of one year, for exceptional reasons.

**18. Term of Office of Councillors.**— Except as provided for in the transitory provisions hereinafter made, the term of office of the Councillors shall be co-terminus with the duration of the Corporation.

<sup>3</sup> For the words “from the date of publication of this Act, in the Official Gazette” the words “from the date of its constitution” substituted by the City of Panaji Corporation (Amendment) Act, 2004 published in the Official Gazette (Extraordinary) Series I No.15, dated 18-3-2004 and it came into force w.e.f. 1-4-2003.

<sup>4</sup> In place of the words “six months” the words “One year and six months” is substituted by the City of Panaji Corporation (Amendment) Act, 2005 published in the Official Gazette, Series I No. 46 (Extraordinary No. 2) dated 16-2-2005 and came into force w.e.f. 24-9-2004, subsequent by the City of Panaji Corporation (Amendment) Act, 2006, published in the Official Gazette, Series I No. 3 (Extraordinary No. 4) dated 21-4-2006 and came into force w.e.f. 1-10-2005.



<sup>5</sup>“Provided that the term of office of the Councillors of the Corporation formed immediately after the commencement of this Act shall in no case extend beyond the period of two years and six months from the date of constitution of the Corporation;

Provided further that after the expiry of set period of two years and six months, the consequences as laid down in section 380 of this Act shall ensure.”

**19. Election to constitute Corporation.**— An election to constitute the Corporation shall be completed:—

(a) before the expiry of its duration of five years as specified in section 17;

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

**20. Filling up of casual vacancies.**— In the event of failure to accept office by a person elected, to be a Councillor, or of the death, resignation or vacancies or disqualification of a Councillor, or of his becoming incapable of acting before the expiry of his term of office, a casual vacancy shall be deemed to have occurred in such office and such vacancy shall be filled as soon as conveniently may be but not later than six months by the election, of a person thereto as Councillor, who shall take office forthwith and shall hold such office in the unexpired term of his predecessor.

**21. Effect of subsequent disabilities.**— If any person having been elected, a Councillor—

(a) subsequently becomes subject to any of the disqualifications specified in section 15 and such disqualification is not removable or being removable is not removed, or

(b) absents himself during three consecutive months from the meetings of the Corporation, except from temporary illness or for any other cause which the Corporation may consider sufficient to justify such absence, or

(c) is retained or employed in any professional capacity in connection with any matter to which the Corporation is a party, or

(d) absents himself during six consecutive months from the meetings of the Corporation, or

(e) fails to pay any arrears of any kind due by him to the Corporation within three months after a special notice in this behalf has been served upon him by the Chief Executive Officer, such person shall cease to be a Councillor and the State Government shall, by notification, declare his seat to be vacant.

**22. Election of Mayor and Deputy Mayor.**— The elected Councillors of the Corporation shall, at the first meeting of the Corporation each year, elect from amongst themselves, a Mayor and a Deputy Mayor.

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<sup>5</sup>Inserted by the City of Panaji Corporation (Amendment) Act, 2006 published in the Official Gazette, Series I No. 3 (Extraordinary 2) dated 21-4-2006 and come into force w.e.f. 1-10-2005.

**23. Removal of Councillor.**— (1) Any Councillor (which term for the purposes of this section shall include the Mayor or Deputy Mayor) who becomes subject to any of the disqualifications specified in section 21, shall forthwith cease to be a Councillor and his office shall become vacant:

Provided that where a person who, by reason of a sentence of a Court, becomes disqualified by virtue of clause (d) of section 15 is at the date of disqualification a Councillor, his seat shall, notwithstanding anything in this section, not become vacant by reason of the disqualification until three months have elapsed from the date of such sentence or, if within those three months of such date an appeal or petition for revision is brought in respect of the conviction or the sentence, until that appeal or petition is disposed of, but during any period during which he continues to be a Councillor by virtue of this provision, he shall not sit or vote;

(2) If any question arises whether a vacancy has occurred under sub-section (1), it shall be decided by the State Government and its decision shall be final;

(3) The State Government may at any time remove a Councillor —

(a) if he refuses to act, or becomes incapable of acting, or absents himself without sufficient excuse for more than three consecutive meetings of the Corporation, and if the Corporation recommends his removal by a majority of two-thirds of the Councillors; or

(b) if his continuance in office is undesirable in the interests of the public or of the Corporation, and if the Corporation recommends his removal by a majority of two-thirds of the Councillors.

(4) The State Government may at any time remove a Councillor if he, being a legal practitioner, acts or appears on behalf of any other person against the Corporation in any legal proceeding or against the State Government in any such proceeding relating to any matter in which the Corporation is or has been concerned, or acts or appears on behalf of any person in any criminal proceeding instituted by or on behalf of the Corporation against such person;

(5) No order under sub-section (3) or sub-section (4) shall be passed until reasonable opportunity of fifteen days has been given to the person concerned to furnish an explanation.

(6) Removal from office under sub-section (3) or sub-section (4) shall disqualify the person so removed for further election, selection, or appointment to the office from which he is removed for the period during which, but for such removal, he would have continued in office.

**24. Procedure in case of non-payment of Corporation dues by Councillors and office-bearers of Corporation.**— (1) Within fifteen days from the expiration of each calendar quarter, the Commissioner shall —

(a) draw up a list of all Councillors (which term for the purposes of this section shall include the Mayor and Deputy Mayor), who have failed to pay any tax due by them to the Corporation within six months from the date on which such tax became due;

(b) issue to every person on the said list a notice of demand requiring him to pay the arrears within thirty days from the date of service of such notice; and

(c) submit a copy of the list to the State Government.

(2) On receipt of the list, the State Government shall, if it finds that a notice of demand has not been issued to any person on the list, serve him with a special notice of demand requiring him to pay the arrears within thirty days from date of the service thereof;

(3) If on receipt of the notice referred to in sub-section (1) or sub-section (2) the Councillor fails to pay within three months the arrears of any tax specified in the notice, he shall cease to be a Councillor and his office shall be vacant; and he shall be disqualified for further election, selection or appointment to such office until the arrears due by him are paid and a certificate to that effect is granted to him in the prescribed manner;

(4) The State Government may make rules under this Act providing for all matters connected with the administration of this section.

### CHAPTER III

#### Conduct of Business

##### Transaction of Business by the Corporation

**25. Meetings.**— The Corporation shall meet at least once every month or when so directed by the State Government for the transaction of business.

**26. First meeting after general election.**— After every general election, notwithstanding anything contained in this Act, the Commissioner shall call the first meeting of the Corporation on the date specified in the notification issued under section 16, to elect the Mayor, the Deputy Mayor, the Standing Committee and the Special Consultative Committees.

**27. Convening of meetings.**— (1) A meeting of the Corporation shall be either ordinary or special.

(2) The date of every meeting, except the meeting referred to in section 26, shall be fixed by the Mayor, or in the event of his being incapable of acting then by the Deputy Mayor, and in the like event in his case then by the Commissioner:

Provided however, when directions are issued by the State Government, for the Corporation to meet, the Commissioner shall fix the time and date of such meeting.

(3) Notice of every meeting specifying the time and place thereof and the business to be transacted thereat shall be dispatched to every Councillor and exhibited at the municipal office seven clear days before an ordinary meeting and three clear days before a special meeting:

Provided that if the notice is exhibited at the municipal office, failure to serve it on any Councillor shall not affect the validity of a meeting.

(4) No business other than that specified in the notice relating thereto shall be transacted at a meeting except when such meeting is held under the directions of the State Government.

**28. Power of Mayor and Deputy Mayor to call special meeting.**—The Mayor, or in any such event as aforesaid, the Deputy Mayor, may whenever he thinks fit call a special meeting, and shall be bound to do so within two weeks of the receipt of a written requisition signed by not less than three members of the Standing Committee.

**29. Adjournments.**— Any meeting of the Corporation may, with the consent of a majority of the Councillors present or under the directions of the State Government, be adjourned to any other date; but no business other than that left over at the adjourned meeting shall be transacted at the next meeting. A notice of such adjournment posted in the municipal office on the day on which the meeting is adjourned shall be deemed sufficient notice of the next ensuing meeting.

**30. Public to be admitted to the meeting of Corporation.**— (1) Members of the public shall be admitted to the meeting of the Corporation:

Provided that the Corporation may temporarily exclude the public from a meeting as often as may be desirable at any meeting when in the opinion of a majority of the Councillors present at such meeting expressed by resolution, in view of the special nature of the business then being dealt with or about to be dealt with, such exclusion is advisable.

(2) Such resolution shall be put by the presiding authority of its own motion or at the request of any Councillor, without previous notice or discussion.

(3) Nothing in this section shall be construed to limit or abridge the power of the presiding authority at any time to cause any person who interrupts the proceedings to be removed.

**31. Chairman of meeting.**— (1) At a meeting of the Corporation the Mayor, if present, shall preside.

(2) If the Mayor is absent from a meeting of the Corporation the Deputy Mayor shall preside.

(3) If both the Mayor and Deputy Mayor are absent from the meeting of the Corporation, the members present shall choose one of their members to preside.

(4) In the case of an equality of votes the person presiding at the meeting shall have a second or a casting vote.

**32. Quorum.**— (1) The Quorum for the meeting of the Corporation shall be ten members.

(2) If at any meeting there are at any time not sufficient members present to form a quorum, the President of the meeting shall adjourn it to such time or date as he thinks fit and announce the same at once; and the business set down for the meeting shall be

brought forward in the usual manner at the subsequent meeting, or if the subsequent meeting should be adjourned, then at any meeting thereafter whether at such meeting there is a quorum or not.

(3) No business other than the business fixed for the original meeting shall be transacted at any such subsequent meeting.

(4) A notice of an adjournment exhibited in the municipal office on the day on which the meeting is adjourned shall be sufficient notice of the subsequent meeting.

**33. Disability of Councillors for voting, etc.—** (1) No Councillor shall vote or take part in the discussion of any matter before a meeting in which he has directly or indirectly by himself or his spouse or his partner any share or interest in any contract, grant or employment with, by or on behalf of, the Corporation.

(2) If a Councillor or his spouse has any pecuniary interest, direct or indirect, in any contract, or proposed contract or other matter, and is present at a meeting of the Corporation or Standing Committee at which the Contract or other matter is the subject of consideration, he shall at the meeting, as soon as practicable after the commencement thereof, disclose the fact, and shall not take part in the consideration or discussion of, or vote on any question with respect to, the contract or other matter:

Provided that this section shall not apply to an interest in the contract or other matter which a Councillor may have as a tax-payer or inhabitant of the City, or as an ordinary consumer of electricity or water, or to an interest in any matter relating to the terms on which the right to participate in any service, including the supply of goods is offered to the public.

(3) For purposes of this section a person shall (subject as hereinafter in this sub-section provided) be treated as having indirectly a pecuniary interest in a contract or other matter, if—

(a) he or any nominee of his is a member of a company or other body with which the contract is made or is proposed to be made or which has a direct pecuniary interest in the other matter under consideration,

(b) he is a partner, or member of the joint Hindu family or is in the employment of a person with whom the contract is made or is proposed to be made or who has a direct pecuniary interest, in the other matter under consideration:

Provided that—

(i) this sub-section shall not apply to membership of, or employment under, any public body;

(ii) a member of a company or other body shall not, by reason only of his membership, be treated as being so interested if he has no beneficial interest in any shares or stock of that company or other body;

(iii) no person shall be deemed to have any share or interest in a contract, grant or employment by reason only of his having any share or interest in—

(a) any lease, sale or purchase of land or any agreement for the same; or

(b) any agreement for the loan of money or any security for the payment of money only; or

(c) any newspaper in which any advertisement relating to the affairs of the Corporation is inserted; or

(d) any joint stock company which may enter into contract with or be employed by the Commissioner on behalf of the Corporation; or

(e) the occasional sale to the Commissioner on behalf of the Corporation, to a value not exceeding in any one financial year five thousand rupees, of any article in which he regularly trades.

**34. Preservation of order.**— (1) The Presiding authority shall preserve order and may direct any Councillor whose conduct is in his opinion disorderly to withdraw immediately from the meeting of the Corporation; and any Councillor so ordered to withdraw shall do so forthwith and shall absent himself during the remainder of the day's meeting; and if he is ordered a second time within fifteen days to withdraw, the presiding authority may suspend him for any period not exceeding fifteen days and he shall absent himself from meeting accordingly:

Provided that the presiding authority may remit the suspension on receiving apology to his satisfaction from the Councillor under suspension. Provided also that suspension shall not prevent any Councillor from serving on any committee.

(2) The presiding authority may, in case of grave disorder arising in the meeting, suspend the meeting for a period not exceeding three days.

(3) If any person who has been ordered to withdraw, unlawfully remains in the meeting, the presiding officer may take such steps as he may deem fit to cause him to be removed.

**35. Constitution of Standing Committee.**— The Standing Committee shall consist of six Councillors.

**36. Election of Standing Committee.**— (1) The Corporation shall, at its first meeting each year, elect six out of its number to be members of the Standing Committee. Members of the Standing Committee shall, subject to the provisions of section 40, hold office until the first meeting of the Corporation in the next following year.

(2) Any Councillor who ceases to be a member of the Standing Committee shall be eligible for re-election.

**37. Election of the Chairman of Standing Committee.**— (1) The Standing Committee shall at its first meeting elect one of its members to be Chairman of the Standing Committee until a new Standing Committee is constituted.

(2) In the absence of the Chairman the members of the Standing Committee present shall choose one of their members to preside over their meeting.

(3) A member of the Standing Committee who ceases to be Chairman shall be eligible for re-election as such.

(4) If any casual vacancy occurs in the office of the Chairman, the Standing Committee shall, as soon as it is convenient can after the occurrence of such vacancy, elect one of its members to fill the vacancy and every Chairman so elected shall continue in office for the unexpired term of his predecessor.

**38. Absence from meeting of Standing Committee.**— Any member of the Standing Committee who absents himself from all meetings of the Standing Committee during two consecutive months shall cease to be a member of the Standing Committee, and his office as such member shall be vacant, and he shall not be eligible for re-election to the Committee during the unexpired term of the Corporation.

**39. Casual vacancies in the Standing Committee.**— If any casual vacancy occurs in the office of a member of the Standing Committee, the Corporation shall, as soon as may be after the occurrence of such vacancy, elect one of its member to fill the vacancy and every Councillor so elected shall continue in office for the unexpired term of his predecessor.

**40. Each Standing Committee to continue in office till a new Committee is constituted.**— The Standing Committee in existence on the day for the retirement of Councillors shall continue to hold office until such time as a new Standing Committee is constituted under section 36 notwithstanding that the members of the said Committee, or some of them, may no longer be Councillors.

**41. Constitution of Wards Committees.**— (1) There shall be constituted not more than seven Wards Committees for the City of Panaji, each comprising such contiguous electoral wards, as may be decided by the Corporation.

(2) Each Wards Committee shall consist of:—

(a) the Councillors representing the electoral wards within the territorial area of the Wards Committee;

(b) the officer-in-charge of the territorial area of the Wards Committee, if any;

(c) such number of other members not exceeding three, nominated by the Councillors referred to in clause (a), from amongst the members of recognised non-Government Organisations and community based Organisations engaged in social welfare activities working within the area of the Wards Committee:

Provided that such persons are registered as electors in the Wards within the jurisdiction of the Wards Committee:

Provided further that, the norms for recognition of the non-Government Organisations, the requisite qualification for nomination as members and the manner in which they are to be nominated shall be such as the State Government may prescribe.

(3) The duration of the Wards Committee shall be co-terminus with the duration of the Corporation.

(4) The elected Councillors referred to in clause (a) of sub-section (2) shall at the first meeting of the Wards Committee in each financial year, elect from amongst themselves

the Chairperson who shall hold office until the first meeting in the next following financial year.

(5) The Chairperson of the Wards Committee shall be deemed to have vacated the office as soon as he ceases to be a Councillor.

(6) In the event of the office of the Chairperson falling vacant before the expiry of its term, the Wards Committee shall elect a new Chairperson:

Provided that the Chairperson so elected shall hold office so long only as the Chairperson in whose place he is elected would have held office if such vacancy had not occurred.

(7) The functions of the Wards Committee shall, subject to the general supervision and control of the Corporation be:-

(a) the speedy redressal of common grievances of citizens connected with local and essential municipal services like water supply, drainage, sanitation and storm water disposal;

(b) to consider and make recommendations on the proposals regarding estimates of expenditure pertaining to the wards under different heads of accounts of the budget before being forwarded to the Commissioner;

(c) to grant administrative approval and financial sanction to the plans for municipal works to be carried out within the territorial area of the Wards Committee costing upto rupees five lakhs, provided that a specific provision exists therefore in the budget sanctioned by the Corporation.

(8) Notwithstanding anything contained in sub-section (7), the Corporation may, by resolution, delegate to a Wards Committee such other powers, authority and functions as it may deem fit and expedient;

(9) The Wards Committee shall meet at least once in every month at its Ward Office, if any, or in the Corporation Office.

### **Special Consultative Committees**

**42. Special Consultative Committees, their term, election and filling of casual vacancies.**— (1) There shall be three Special Consultative Committees each consisting of not less than three and not more than seven Councillors, namely:—

(a) a Public Works Committee to which may be referred for inquiry and report, or for opinion, any matter connected with roads, buildings, lighting, public parks and gardens;

(b) a Public Health and Markets Committee to which may be referred for inquiry and report, or for opinion, any matter connected with public health and safety, health of animals in the City, sanitation, markets, slaughter-houses, vaccination, the disposal of rubbish and offensive matter, and the regulation of dangerous and offensive trades;

(c) a Hospital Committee to which may be referred for enquiry and report, or for opinion, any matter relating to hospitals and dispensaries and medical and public health administration in the City.



(2) The term of office of every Committee mentioned in sub-section (1) shall be one year.

(3) At the first meeting after every general election the Corporation shall elect from among its Councillors members to serve on the Committees in sub-section (1).

(4) If casual vacancies reduce the number of members of a Committee below the minimum, the Corporation shall elect members to the vacancies from among the Councillors, and such members shall hold office for the unexpired term of the Committees.

**43. Election of Special Committees for consultative purposes.**— The Corporation may also elect from time to time for such period as it may think fit, Special Committees including the Women and Child Welfare Committee, so however that the number of such Committees shall not exceed five and each such Committee shall consist of such number of Councillors as it may think fit, and may refer to such Committees for inquiry and report, or for opinion, any matter relating to the purposes of this Act:

Provided that, on the Women and Child Welfare Committee not less than seventy-five per cent of the members shall be from amongst women Councillors:

Provided further that, the chairperson and the Deputy Chairperson of the women and Child Welfare Committee shall be from amongst the women Councillor members thereof.

**Explanation:**— For the purpose of computing the number of members at seventy-five per cent., fraction, if any, shall be rounded off to one.

**44. Decision of questions by majority of votes.**— Except otherwise provided by or under this Act, any questions brought before any meeting held under this Act, shall be decided by a majority of the votes of the members present, and, in the case of an equality of votes, the presiding authority at the meeting shall have a second or casting vote:

Provided that in the case of an equality of votes at the election of the Mayor or Deputy Mayor or any member of the Standing or Special Consultative Committee, the presiding authority shall not exercise his casting vote, and the result shall be decided by lot.

**45. Vacancies, etc., not to invalidate proceedings.**— No act or proceeding of the Corporation or of any Committee appointed under this Act, shall be questioned on account of any vacancy in the membership or any defect in the election or qualification of the Mayor, Deputy Mayor, Presiding Authority, any Councillor or member thereof, or any defect or irregularity in any such act or proceeding not affecting the merits of the case.

**46. Proceedings of meeting to be deemed to be good and valid.**— Until the Contrary is proved-

(i) every meeting of the Corporation or any Committee shall be deemed to have been duly convened and held, and all the members of the meeting shall be deemed to have been duly qualified, when the minutes of the meeting have been signed in accordance with the provisions of this Act; and

(ii) where the meeting is a meeting of the Standing Committee, such Committee shall be deemed to have been duly constituted and to have had power to deal with the matters referred to in the minutes.

**47. Minute books.**— (1) Minutes recording the proceedings at every meeting of the Corporation and of any of its Committees and the names of members present thereat shall be entered in the minute book as confirmed at the same or the next ensuing meeting by the person presiding.

(2) A copy of the minutes of the proceedings of each meeting of the Corporation shall be forwarded to the State Government within seven days of the meeting.

(3) The minute books prescribed by this section shall be open at the municipal office at all reasonable times to the inspection of any councillor without payment and to the inspection of any other person on payment of a fee of fifty rupees.

#### CHAPTER IV

#### **Municipal Offices and Servants**

**48. Appointment of Commissioner.**— (1) (a) The Commissioner shall from time to time be appointed by the State Government;

(b) The Commissioner shall hold office during the pleasure of the State Government.

(2) Notwithstanding the provisions of clause (b) of sub-section (1), the Commissioner shall be forthwith removed from office if at a meeting of the Corporation not less than three-fourths of the total number of Councillors constituting the Corporation for the time being shall vote in favour of a proposition in this behalf; and he may be removed by the State Government at any time if it appears to the State Government that he is incapable of performing the duties of his office or has been guilty of any misconduct or neglect which renders his removal expedient:

Provided that when the Commissioner is a member of a Civil Service or holds a lien on any civil post under the Government he shall be liable to be recalled to the service of the State by the State Government at any time in the exigencies of public service of which the State Government shall be the sole judge.

**49. Power of Commissioner.**— The Commissioner shall be the principal executive officer of the Corporation and all other officers and servants of the Corporation shall be subordinate to him. He shall have the right to speak at, and otherwise take part in, any meeting of the Corporation or any committee thereof, but shall not be entitled to vote or to move any proposition. The Commissioner shall be accountable and answerable to the State Government for performance of his functions, duties and powers under this Act.

**50. Salary of Commissioner.**— (1) The Commissioner shall receive from the municipal fund such monthly salary and allowance as the State Government may from time to time determine:

Provided that the salary of the Commissioner shall not be altered to his disadvantage during the period for which his appointment has been made or renewed;

(2) The Commissioner shall devote his whole time and attention to the duties of his office as prescribed in this Act or in any other law for the time being in force and shall not engage in any other profession, trade or business whatsoever:

Provided that he may with the sanction of the Corporation serve on any committee constituted for the purpose of any local inquiry or for the furtherance of any object of local importance or interest;

(3) The conditions of service including in matters of grant of leave of a person appointed as a Commissioner, shall be the same as applicable to the officer of the rank of Secretary to the State Government;

(4) During any absence on leave of the Commissioner, the State Government shall appoint a person to act as Commissioner;

(5) Subject to any special orders of the State Government, every person so appointed shall exercise the powers conferred and perform the duties imposed on the Commissioner by this Act or by any other enactment for the time being in force, and shall be subject to the same liabilities, restrictions and conditions to which the Commissioner is liable and shall receive such monthly salary not exceeding the salary payable for the time being to the Commissioner, as the State Government may determine.

**51. Appointment and salary of principal officers, other officers and servants.—**

(1) The State Government shall from time to time, appoint a person to be the Deputy Municipal Commissioner an officer from amongst the members of Goa Civil Service holding the rank not below that of Grade I.

(2) The Corporation shall appoint fit and proper persons, for such periods, respectively, as it deems fit, to be City Engineer, Health Officer and Municipal Secretary, and shall fix the monthly salary and allowances to be paid to the persons so appointed:

Provided that the appointment, salary, allowances and conditions of service of the City Engineer, Health Officer and Municipal Secretary and any step taken by the Corporation with a view to the termination of their appointments shall be subject to the approval of the State Government:

Provided further that each of the officers mentioned in sub-section (2) shall, notwithstanding anything contained in the first proviso, be removable from office at any time for misconduct or for neglect of or incapacity for the duties of the office if at a meeting of the Corporation not less than five-eighths of the total number of Councillors consisting the Corporation for the time being shall vote in favour of a proposition in that behalf.

**52. Appointment of other officers and servants.—** (1) Subject to the provisions of this Act the Corporation may appoint such other officers and servants as are necessary for the efficient carrying out of the purposes of this Act, and may assign to them such duties and pay them such salaries, allowances, pensions and gratuities, and make on their behalf, such payments to provident or annuity funds as the Corporation may determine, by bye-laws made in this behalf under this Act, subject to the condition that no post the gross

maximum salary of which exceeds, ten thousand rupees per month shall be created without the previous sanction of the State Government:

Provided that—

(1) the power of appointing a municipal officer, whose minimum monthly salary is not less than seven thousand rupees, shall vest in the Corporation;

(2) the power of appointing municipal officers and servants, whether temporary or permanent, whose minimum salary is not less than five thousand rupees but is less than seven thousand rupees shall vest in the Standing Committee;

(3) the power of appointing all other municipal officers and servants shall vest in the Commissioner;

(4) any appointment made within his power by the Commissioner shall be reported for its information to the Standing Committee;

(2) Any authority competent to make an appointment under sub-section (1) may employ by transfer to the service of the Corporation any person from the service of another Municipal Corporation or Municipal Committee in the State with the consent of such person and the other Corporation or Committee.

(3) The State Government may make rules regulating the conditions of service in regard to the leave, provident fund and pension admissible to the person so transferred in respect of the period of service rendered by him before his transfer and specifying the extent of the liability of the local authorities concerned with the transfer.

**53. Acting appointments.**— (1) The State Government or authority competent to appoint any officer or servant may—

(i) appoint him in a vacant post on which no other municipal officer or servant holds a lien;

(ii) grant him such leave as may be due to him under the rules or byelaws framed in this behalf; and

(iii) appoint any person to act in the place of such officer or servant upon the conditions laid down in the said rules or bye-laws:

Provided that—

(a) when the acting period exceeds four months, the acting officer or servant shall possess the qualifications prescribed in the rules or byelaws, if any, for the particular post;

(b) any appointment of a person to act as City Engineer, Health Officer or Municipal Secretary may be disallowed by the State Government, and shall be null and void from the date the order disallowing it is communicated to the Corporation.

(2) A person appointed under this section to act for any officer or servant shall, while so acting, perform the same duties and exercise the same powers and be subject to the same liabilities, restrictions and conditions to which the said officer or servant is liable; and shall receive such pay and allowances as may be provided in the rules or byelaws.

**54. Municipal officer or servant not to be interested in any contract with Corporation.**— (1) No person shall be eligible for employment as a municipal officer or servant if he—

(a) has, directly or indirectly, by himself or his spouse or partner, any share or interest in any contract or employment with, by, or on behalf of the Corporation, other than an interest in land held on a lease from the Corporation, or is a director, secretary, manager or other salaried officer of an incorporated company which has any such share or interest; or

(b) has acted or is acting professionally in relation to any matter on behalf of any person having therein any such share or interest as aforesaid.

(2) If any municipal officer or servant acquires, directly or indirectly, by himself or by his spouse or partner any share or interest as aforesaid, otherwise than as such officer or servant, he shall cease to be a municipal officer or servant and his office shall become vacant.

(3) Nothing in the foregoing sub-sections shall apply to any such share or interest as, under section 33, it is permissible for a Councillor to have without being thereby prohibited from voting or taking part in the discussion of any matter.

**55. Discharge on infliction of penalties.**— (1) Any municipal officer or servant may be discharged—

(a) during a period of probation or from temporary service,

(b) if appointed otherwise than under contract to hold a temporary appointment, on the expiration of the period of the appointment,

(c) if engaged on contract, in accordance with the terms of the contract, or

(d) on account of the abolition of the post held by him or on account of a reduction in the strength of a cadre of municipal officers and servants.

(2) The following penalties may, for good and sufficient reasons, be imposed upon any municipal officer or servant—

(i) censure;

(ii) withholding of increments or promotion, including stoppage at an efficiency bar;

(iii) reduction to a lower post or time-scale or to a lower stage in a time-scale;

(iv) recovery from pay of the whole or part of any pecuniary loss caused to the Corporation by negligence or by breach of orders;

(v) suspension;

(vi) removal from the service of the Corporation, which does not disqualify from future employment;

(vii) dismissal from the service of the Corporation, which ordinarily disqualifies from future employment:

Provided that a dismissed municipal officer or servant may be re-employed by the Corporation with the special sanction of the State Government; and

(viii) fine to be deducted from salary:

Provided that no fine shall be inflicted upon members of the clerical and ministerial establishments or upon any municipal servant with a monthly salary of more than five thousand rupees.

**Explanation:**— ‘The penalty of removal may be inflicted upon a municipal officer or servant either for misconduct not sufficiently grave to justify dismissal or on account of general unfitness for the duties of his office.

(3) If a municipal officer or servant—

(a) has been engaged on a written contract, he shall be entitled to notice, or salary in lieu of notice, in accordance with the terms of that contract;

(b) has not been engaged on a written contract, he shall be entitled to one month’s notice of the termination of his services or one month’s salary in lieu of notice.

(4) Municipal officers and servants discharged during a period of probation or during or on the expiration of the period of a temporary appointment, whether under contract or not, shall not be entitled to any notice or salary in lieu of notice.

(5) No municipal officer or servant shall be discharged, dismissed or removed from the service of the Corporation by order of any authority subordinate to that which makes appointments to the post he holds at the time of the order.

**56. Extraordinary pension in case of officer or servant injured or killed in execution of his duty.**— The Corporation may give an extraordinary pension, gratuity or compassionate allowance in accordance with the rules or bye-laws framed in this behalf—

(a) to any municipal officer or servant injured in the execution of his duty,

or

(b) to the family or other relatives dependent on any municipal officer or servant who is killed in the execution of his duty, or whose death is due to devotion to duty or who dies during service:

Provided that the extraordinary pension, gratuity or compassionate allowance paid to a municipal officer or servant shall in no circumstances exceed that payable to a person of similar rank or position in the service of the Government.

**57. Re-instatement or re-employment of a convicted officer or servant and payment of salary and allowances to such officer or servant.**— (1) Any municipal

officer or servant who has been sentenced by a Criminal Court to imprisonment for an offence punishable with imprisonment for a term exceeding six months and involving moral turpitude shall, if such sentence is not set aside or reversed in appeal or revision, and if such officer or servant shall not have been dismissed, cease to be a municipal officer or servant on the expiry of such sentence and the Corporation shall not re-instate or re-employ any such officer or servant without the previous sanction of the State Government.

(2) The Corporation shall not pay any salary or any other allowance to any such municipal officer or servant during or on account of the period of his imprisonment:

Provided that the Corporation may, with the previous sanction of the State Government, grant a subsistence allowance to any such officer or servant during or on account of the said period.

**58. Essential officers and servants.**— No essential officer or servant shall

(a) unless he is authorized in that behalf by the terms of his contract, resign his appointment or quit his employment without giving written notice, of not less than one month previously, to the authority appointing him, of his intention so to do; or

(b) absent himself from duty otherwise than on leave duly granted and not subsequently cancelled; or

(c) neglect or refuse to perform any of the duties or willfully perform them in an inefficient manner.

## CHAPTER V

### **Powers, Duties and Functions of the Municipal Authorities**

#### **Obligatory and Discretionary Duties of the Corporation**

**59. Matters to be provided for by Corporation.**— (1) The Corporation shall make adequate provision by any means or measures which it may lawfully use or take, for each of the following matters, namely:—

(a) lighting public streets, places and buildings;

(b) planning for economic and social development;

(c) urban forestry, protection of environment and promotion of ecological aspects;

(d) cleaning public streets, places, and sewers and all spaces not being private property, which are open to the enjoyment of the public, whether such spaces are vested in the Corporation or not; removing noxious vegetation; and abating all public nuisances;

(e) disposing of night-soil and rubbish and, if so required by the State Government, preparation of compost manure, from night-soil and rubbish;

- (f) complying with the provisions of the Coastal Regulation Zone, Management Plan and the laws, rules and regulations concerning or dealing with environment protection and noise pollution;
- (g) regulating or abating dangerous or offensive trades or practices;
- (h) removing obstructions and projections in public streets or places, and in spaces not being private property, which are open to the enjoyment of the public, whether such spaces are vested in the Corporation or in the Government;
- (i) establishing and managing cattle-pounds;
- (j) securing or removing dangerous buildings or places;
- (k) acquiring and maintaining, changing and regulating places for the disposal of the dead and disposing of unclaimed dead bodies of paupers;
- (l) constructing, altering and maintaining public streets, culverts and Corporation boundary marks, latrines, urinals, drains, sewers and providing public facilities for drinking water; watering public streets and places;
- (m) the management and maintenance, of all municipal water-works and the construction and maintenance of new works and means for providing a sufficient supply of suitable water for public and private purposes;
- (n) the erection in proper and convenient situations on municipal land of water closets, closet accommodation, urinals and other conveniences for the public and the maintenance and the cleansing of the same;
- (o) the construction and maintenance of public markets and slaughter-houses and the regulation of all markets and slaughter-houses;
- (p) establishing and maintaining public hospitals and dispensaries and carrying out other means necessary for public medical relief;
- (q) the maintenance of an ambulance service;
- (r) naming streets and numbering houses;
- (t) registering births and deaths;
- (u) public vaccination;
- (v) prevention of vagrancy; establishing and maintaining poor-houses;
- (w) taking measures to prevent the outbreak, spread or recurrence of infectious diseases;
- (x) the maintenance of a municipal office and of all public monuments and other property vested in the Corporation;
- (y) provision of traffic signs;
- (z) printing and publishing such annual reports and returns on the administration of the Corporation as the State Government may, by general or special order, require the Corporation to submit;



(z-1) the maintenance of public parks, gardens, recreation grounds, public places and open spaces in existence and vested in the Corporation;

(z-2) fulfilling any obligation imposed by this Act or any other law for the time being in force;

(z-3) establishing and maintaining a farm or factory for the disposal of sewage;

(z-4) any directions issued by the State Government or the Collector of the district:

Provided however, the State Government may by a notification or in matters provided for hereunder or other laws vest or continue to vest such functions, duties and obligations in such other authorities or departments of the State Government and in such matters, corporation shall ensure by taking appropriate measures to act in aid of such authorities or departments of the State Government.

(2) No suit for damages or for specific performance shall be maintainable against the Corporation or any officer or Councillor thereof, on the ground that any of the duties specified in sub-section (1) have not been performed.

**60. Matters which may be provided for by Corporation at its discretion.**— In addition to the other powers and duties conferred or imposed on it by or under this Act or any other Act for the time being in force, the Corporation subject to any specific, special or ordinary orders of the State Government may in its discretion provide from time to time either wholly or partly for all or any of the following matters, namely:-

(a) reclaiming unhealthy localities, laying out whether in areas previously built upon or not, new public streets, and acquiring land for that purpose, including plots of land for building to abut on such streets;

(b) slum improvement and upgradation;

(c) urban poverty alleviation;

(d) cattle pounds and prevention of cruelty to animals; and

(e) regulation of tanneries;

(f) constructing, establishing or maintaining public parks or gardens, libraries, museums, halls, offices, sarais, rest-houses and other public buildings;

(g) furthering educational objects other than the establishment and maintenance of primary schools;

(h) planting and maintaining road-side and other trees;

(i) providing for parking or halting places or lots for vehicles on any part of any public street or public place which vests in the Corporation;

(j) taking a census, and granting rewards for information tending to secure the correct registration of vital statistics;

(k) making a survey;

(l) the destruction, or the detention, of ownerie dogs;

- (m) securing or assisting to secure suitable place for the carrying on of offensive trades;
- (n) supplying, constructing and maintaining pipe and other fittings for the supply of water to private premises from water-works maintained by the Corporation;
- (o) supplying, constructing and maintaining receptacles, fittings, pipes and other appliances on or for the use of private premises for receiving and conducting the sewage thereof into sewers under the control of the Corporation;
- (p) fairs and exhibitions;
- (q) constructing and maintaining such roads and buildings and other government works as the State Government may transfer to the Corporation;
- (r) organization and management of chemical or bacteriological laboratories for the examination or analysis of water, food or drugs, for the detection of disease or for researches connected with public health;
- (s) the construction and maintenance in the public streets of drinking fountains for human beings and water-troughs for animals;
- (t) the playing of music in squares, gardens or other places of public resort;
- (u) the construction, purchase, organization, maintenance or management of tramways, trackless trams/sky car, cable car or motor transport facilities for the conveyance of the public or for amusement of the public or tourists;
- (v) preparation and presentation of address to persons of distinction;
- (w) with the previous sanction of the State Government, any public reception ceremony or entertainment in the city;
- (x) any other matter likely to promote the public health, safety or convenience of the public.

**61. Entrustment of certain functions by State Government to Corporation.—** (1) The State Government may entrust either conditionally or unconditionally to the Corporation, function in relation to any other matter to which the executive authority of the State extends or in respect of which functions have been entrusted to the State Government by the Central Government and the Corporation shall be bound to perform these functions.

(2) Where functions are entrusted to the Corporation under this section the Corporation shall, in the discharge of these functions, act as an agent for the State Government.

(3) Where by virtue of this section powers and duties have been conferred or imposed as agency functions upon the Corporation, there shall be paid by the State Government to the Corporation such sum as may be determined by the State Government in respect of any extra costs of administration incurred by the Corporation in connection with the exercise of those powers and duties.

(4) In so far as the Corporation is required to act under this section, it shall be under the general control of, and, comply with such particular directions, if any, as may, from

time to time, be given to it by the State Government or any other authority appointed by the State Government in this behalf.

(5) The State Government may, by order, place at the disposal of the Corporation, and the Corporation shall utilise, the services of such servants of the State or such classes of servants of the State as are employed in the city in connection with a matter entrusted to the Corporation under this section, and all such servants shall discharge their duties under the general supervision and control of the Commissioner:

Provided that the extent of the said general supervision and control shall be such as may be prescribed by rules or bye-laws made under this Act.

**62. Performance of functions by agencies.**— Where any duty has been imposed on, or any function has been assigned to the Corporation under this Act or any other law for the time being in force, or the Corporation has been entrusted with the implementation of a scheme:—

(i) the Corporation may, either discharge such duties or perform such functions or implement such schemes by itself; or

(ii) subject to such directions as may be issued and the terms and conditions as may be determined by the State Government, cause them to be discharged, performed or implemented by any agency:

Provided that the Corporation may also specify terms and conditions not inconsistent with the terms and conditions determined by the State Government, for such agency arrangement.

**63. Environment Status Report.**— The Commissioner shall be responsible, before the 31st day of July every year to place before the Corporation with a copy endorsed to the State Government, the report on the status of environment within the City of Panaji in respect of the last preceding financial year covering such matters, and in such manner as may be specified by the State Government from time to time.

**64. (1) Functions of the several municipal authorities.**— The functions of the several municipal authorities subject to any orders by the State Government shall be such as are specifically prescribed in this Act.

**(2) Municipal Government of the City vests in corporation.**— Except as in this Act otherwise expressly provided and subject to the orders of the State Government the Municipal Government of the city vests in the Corporation.

**(3) Special functions of Commissioner.**— Subjects, whenever it is in this Act expressly so directed, to the approval or sanction of the Corporation or of the standing committee, and subject also to all other restrictions, limitations and conditions imposed by this Act, the entire executive power for the purpose of carrying out the provisions of this Act vests in the Commissioner, who shall also—

(a) perform all the duties and exercise all the powers specifically imposed or conferred upon him by this Act;

(b) exercise supervision and control over the acts and proceedings of all municipal officers and servants, and, subject to the rules or bye-laws for the time being in force, dispose of all questions relating to the services of the said officers and servants and their pay, privileges and allowances;

(c) on the occurrence of any accident or unforeseen event, or on the threatened occurrence of any disaster, involving or likely to involve extensive damage to any property of the Corporation or danger to human or animal life, take such immediate action as the emergency shall appear to him to justify and require, reporting forthwith to the Standing Committee or the Corporation, when he has done so, the action he has taken and his reasons for taking the same and the cost, if any, incurred or likely to be incurred in consequence of such action and not covered by a current budget grant.

(d) perform all functions, duties which the State Government may by special or general order confer upon the Commissioner.

**(4) Municipal officers may be empowered to exercise the powers of Commissioner.**— Any of the powers, duties or functions conferred or imposed upon or vested in the Commissioner by this Act may be exercised, to his superintendence and to such conditions and limitations, if any as he may think fit to prescribe, by any municipal officer whom the Commissioner may generally or specially empower in writing in this behalf.

**65. Corporation may call for extracts from proceedings, etc., from the Standing Committee, etc.**— The Corporation may at any time call for an extract from any proceedings of the Standing Committee and for a return, statement, account or report concerning or connected with any matter with which the Standing Committee is empowered by this Act to deal; and every such requisition shall be complied with by the Standing Committee without unreasonable delay.

**66. Corporation may require Commissioner to produce documents.**— (1) The Corporation may at any time require the Commissioner—

(a) to produce any record, correspondence, plan or other document which is in his possession or under his control as Commissioner or which is recorded or filed in his office or in the office of any municipal officer or servant subordinate to him;

(b) to furnish any return, plan, estimate, statement, account or statistics, concerning or connected with any matter appertaining to the administration of this Act or the Municipal Government of the City;

(c) to furnish a report by himself, or to obtain from the head of a department subordinate to him and furnish, with his own remarks thereon, a report upon any subject concerning or connected with the administration of this Act or the Municipal Government of the City.

(2) Every such requisition shall be complied with by the Commissioner without unreasonable delay and it shall be incumbent on every municipal officer and servant to obey any order made by the Commissioner in pursuance of any such requisition.

(3) If, on any such requisition being made, the Commissioner shall declare that immediate compliance therewith would be prejudicial to the interests of the Corporation or of the public it shall be lawful for him to defer such compliance until a time not later

than the second ordinary meeting of the Corporation after he shall have declared as aforesaid. If at such meeting, or any meeting subsequent thereto, the Corporation shall repeat the requisition and it shall then still appear to the Commissioner inexpedient to comply therewith, he shall make a declaration to that effect. Thereupon it shall be lawful for the Corporation to form a committee consisting of the Mayor, one Councillor chosen by the Corporation and one member elected by the Standing Committee from among its members which shall engage to keep secret the existence and purport of all such documents and matters as may be disclosed to them except as hereinafter provided. The Commissioner shall be bound to make known and to disclose to the said committee all writings and matters within his knowledge or under his control or otherwise available to him and included within the said requisition and the said committee having taken cognizance of the information, writings and matters so laid before shall determine by a majority of votes whether the whole or any part, and which part, if any, of such matters ought to be disclosed to the Corporation or kept secret for a defined time, which decision shall be conclusive and shall be reported to the Corporation at the next, ordinary meeting thereof.

(4) At such meeting the Commissioner when carrying on to do so by the Corporation, shall produce any documents and make any report or statement that may be required in order to give effect to the decision of the committee.

**67. Exercise of functions to be subject to sanction by Corporation of the necessary expenditure.**— The exercise or performance by any municipal authority of any power conferred or duty imposed by or under this Act which is likely to involve expenditure shall, except in any case specified in the proviso to section 85, be subject to the following conditions namely:—

(a) such expenditure, so far as it is to be incurred in the financial year in which such power may be exercised or duty performed, shall have been provided for under a current budget grant; and

(b) if the exercise of such power or the performance of such duty involves or is likely to involve expenditure for any period or at any time after the close of the said financial year, liability for such expenditure shall not be incurred without the sanction of the Corporation.

**68. Procedure for making contracts on behalf of Corporation.**— With respect to the making of contracts under or for any purpose of this Act, including contracts relating to the acquisition and disposal of immovable property or any interest therein, the following provisions shall have effect, namely:—

(a) every such contract shall be made on behalf of the Corporation by the Commissioner;

(b) no such contract, for any purpose which, in accordance with any provision of this Act, the Commissioner may not carry out without the approval or sanction of the Corporation or some other municipal authority, shall be made by him until or unless such approval or sanction has first been duly obtained;

(c) no contract, which will involve an expenditure exceeding three lakh rupees or such higher amount as the Corporation may, with the approval of the State

Government, from time to time fix, shall be made by the Commissioner, unless the same is previously approved by the Standing Committee;

(d) every contract made by the Commissioner involving expenditure exceeding fifty thousand rupees but not exceeding three lakh rupees or such higher amount as may be fixed under clause (c) shall be reported by him, within fifteen days after the same has been made, to the Standing Committee;

(e) the foregoing provision of this section shall as far as may be, apply to every contract which the Commissioner shall have occasion to make in the execution of this Act; and the same provisions of this section which apply to an original contract shall be deemed to apply also to any variation or discharge of such contract;

(f) notwithstanding anything in any of the foregoing sub-sections, the State Government may require the Commissioner to execute any contract on behalf of the Corporation and the Commissioner shall be duty bound to execute the same under the directions of the State Government and in accordance thereof, provided however, in case of any financial implications, not covered by a current budget grant of the Corporation, the State Government shall provide grants to the extent the State Government deems fit.

**69. Mode of execution of contract.**— (1) The mode of executing contract under this Act shall be prescribed by the bye-laws made under this Act.

(2) No contract which is not made in accordance with the provisions of this Act and the rules and bye-laws made thereunder shall be binding on the Corporation.

## CHAPTER VI

### Municipal Property and Liabilities

**70. Transfer to Corporation of Property of Municipality of Panaji.**— All property movable and immovable, and all interest of whatsoever nature or kind therein, vested in the Municipality of Panaji or in village panchayats, for panchayat areas indicated in Schedule I at the commencement of this Act, with all rights of whatsoever description used, enjoyed or possessed by the said Municipality or panchayats as the case may be shall be deemed to be vested in the Corporation as constituted under this Act.

**71. Property of public institutions managed by municipal authority to be held in trust.**— (1) All property, endowments and funds belonging to any public institution with the management, control, and administration of which the Corporation is charged under the provisions of this Act or of any other enactment for the time being in force, shall vest in the Corporation in trust for the purposes to which such property, endowment and funds may lawfully be applied.

(2) The Corporation may, with the sanction of the State Government, transfer to Government any property, endowments and funds so vested in it in trust under sub-section (1):

Provided that no trusts of public rights subject to which such property, endowments and funds are held shall be affected by such transfer.

**72. Acquisition of immovable property or easement by agreement.**— (1) Whenever it is provided by this Act that the Commissioner may acquire, or whenever it is necessary, or expedient for any purpose of this Act that the Commissioner shall acquire, any immovable property, such property may be acquired by the Commissioner on behalf of the Corporation by agreement on such terms and at such rates or prices, or at rates or prices not exceeding such maximum, as shall be approved by the Standing Committee, either generally for any class of cases or specially in any particular case.

(2) Whenever under any provision of this Act the Commissioner is authorised to agree to pay the whole or any portion of the expenses of acquiring any immovable property, he shall do so on such terms, and at such rates or prices, or at rates or prices not exceeding such maximum, as shall have been approved by the Standing Committee:

Provided that no agreement for the acquisition of any immovable property under sub-section (1) or (2) at a price exceeding one lakh rupees shall be valid until such agreement has been approved by the Corporation.

(3) The Commissioner may, on behalf of the Corporation, acquire by agreement any easement affecting any immovable property vested in the Corporation, and the provisions of sub-sections (1) and (2) shall apply to such acquisition.

**73. Procedure when immovable property or easement cannot be acquired by agreement.**— (1) Whenever the Commissioner is unable under section 72 to acquire by agreement any immovable property or any easement affecting any immovable property vested in the Corporation, or whenever any immovable property or any easement affecting any immovable property vested in the Corporation is required for the purposes of this Act, the State Government may in its discretion, upon the application of the Commissioner made with the approval of the Standing Committee, order proceedings to be taken for acquiring the same on behalf of the Corporation as if such property or easement were land needed for a public purpose within the meaning of the Land Acquisition Act, 1894;

(2) The amount of the compensation awarded and all other charges incurred in the acquisition of any such property or easement shall, subject to all other provisions of this Act, be forthwith paid by the Commissioner and thereupon the said property or easement shall vest in the Corporation;

(3) When any land is required for a new street or for the improvement of an existing street, the Corporation may proceed to acquire, in addition to the land to be occupied by the street, the land necessary for the sites of the building to be erected on both sides of the street, and such land shall be deemed to be required for the purposes of this Act.

**74. Decision of claims to property by or against Corporation.**— (1) Where any immovable property or any right in or over any such property is claimed by or on behalf of the Corporation, or by any person as against the Corporation, it shall be lawful for the Collector of North Goa after formal enquiry, of which due notice has been given, to pass an order deciding the claim.

(2) The Corporation or any person aggrieved by an order passed by the Collector of North Goa under sub-section (1) may, notwithstanding anything contained in any law for the time being in force, within one year from the date on which the Corporation or such

person had due notice of such order, institute a suit in District Court North Goa, at Panaji to set aside such order or to claim a relief consistent therewith;

(3) If any such suit is instituted after the expiration of one year from the date on which the notice of such order has been given, such suit shall be dismissed although limitation has not been set up as a defence;

(4) The State Government or the Collector of North Goa may, by general or special order, delegate the powers conferred on it or him under this section to an Additional Collector;

(5) The formal enquiry referred to in this section shall be conducted in accordance with the provisions of the Goa Land Revenue Code, 1968.

(6) A person shall be deemed to have had due notice of an enquiry or order under this section if notice thereof has been given in accordance with the provisions of the Goa Land Revenue Code, 1968.

**75. Provisions governing the disposal of Municipal, property or property vesting in or under the management of Corporation.**— (1) No lands, streets, public places, drains or irrigation channels shall be sold, leased or otherwise alienated, save in accordance with such rules as the State Government may make in this behalf.

(2) Subject to the provisions of sub-section (1):—

(a) the Commissioner may, in his discretion, grant a lease of any immovable property belonging to the Corporation including any right of fishing or of gathering and taking fruit, flower and the like, of which the premium or rent, or both, as the case may be, does not exceed ten thousand rupees for any period not exceeding twelve months at a time:

Provided that every such lease granted by the Commissioner other than a lease of a class in respect of which the Standing Committee has by resolution exempted the Commissioner from compliance with the requirements of this provision, shall be reported by him to the Standing Committee within fifteen days after the same has been granted;

(b) with the sanction of the Standing Committee the Commissioner may dispose of by sale or otherwise, any such right as aforesaid, for any period not exceeding three years at a time of which the premium or rent or both, as the case may be, for any one year does not exceed fifty thousand rupees;

(c) with sanction of the Corporation the Commissioner may lease, sell or otherwise convey any immovable property belonging to the Corporation.

(3) The Commissioner may,—

(a) in his discretion, dispose off, by sale or otherwise, any movable property belonging to the Corporation not exceeding ten thousand rupees in value;

(b) with the sanction of the Standing Committee, dispose off by sale or otherwise any movable property belonging to the Corporation;

(c) with the sanction of the Corporation, sell or otherwise convey any movable property belonging to the Corporation.



(4) The sanction of the Standing Committee or of the Corporation under sub-section (2) or sub-section (3) may be given either generally for any class of cases or specifically in any particular case.

(5) The foregoing provisions of this section shall apply to every disposal of property belonging to the Corporation made under, or for the purposes of, this Act:

Provided that—

(i) no property vesting in the Corporation in a trust shall be leased, sold or otherwise conveyed in a manner that is likely to affect the trust subject to which such property is held;

(ii) no land exceeding one lakh rupees in value shall be sold, leased or otherwise conveyed without the previous sanction of the State Government and every sale, lease or other conveyance of property vesting in the Corporation shall be deemed to be subject to the conditions and limitations imposed by this Act or by any other enactment for the time being in force.

**76. Property vested in Corporation.**— Subject to any special reservation made or to any special conditions imposed by the State Government all property of the nature hereinafter in the section specified and situated within the city except those belonging to or under the control of the State Government, shall vest in and be under the control of the Corporation, and with all other property which has already vested, or may hereafter vest in the Corporation, shall be held and applied by it for the purposes of this Act, that is to say—

(a) all public town walls, gates, markets, slaughter-houses and public buildings of every description, which have been constructed or are maintained out of the municipal fund;

(b) all public streams, springs and works for the supply, storage and distribution of water for public purposes, and all bridges, buildings, engines, materials and things connected therewith, or appertaining thereto, and also any adjacent land (not being private property) appertaining to any public tank or well;

(c) all public sewers and drains, and all sewers, drains, culverts and watercourses in or under any public street, or constructed by or for the Corporation alongside any public street, and all works, materials and things appertaining thereto;

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

(e) all public lamps, lamp-posts and apparatus connected therewith or appertaining thereto;

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

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

**77. Record of immovable property.**— The Corporation shall maintain a register and a map of all immovable property of which it is the proprietor or which vests in it otherwise or which it holds in trust for the State Government.

**78. Resumption by Government.**— The State Government may resume any immovable property transferred to the Corporation by itself or by any local authority, where such property is required for a public purpose, without payment of any compensation other than the amount, paid by the Corporation for such transfer and the market value at the date of resumption of any buildings or works subsequently erected or executed thereon by the Corporation with the intention that such buildings or works should be permanent:

Provided that compensation need not be paid for buildings or works constructed or erected in contravention of the terms of the transfer.

**79. Management of public institutions.**— (1) The management, control and administration of every public institution maintained out of the municipal fund shall vest in the Corporation.

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

Provided that the extent of the independent authority of the Corporation in respect of any such institution may be prescribed by the State Government.

### PART III

### Finance

### CHAPTER VII

### The Municipal Fund

**80. Municipal fund to be held in trust.**— Subject to the provisions of this Act, there shall be a municipal fund, and it shall be held in trust for the purposes of this Act.

**81. Credit of money to municipal fund.**— (1) Subject to the provisions of this Act, there shall be credited to the municipal fund—

(a) all moneys received by or on behalf of the Corporation under the provisions of this Act or of any other law for the time being in force or under any contract;

(b) the balance standing to the credit of and whatever accrues or deemed to accrue or due or receivable by the Panaji Municipality and Village Panchayats for panchayat areas in Schedule I on the day of commencement of this Act;

(c) all proceeds of the disposal of property by or on behalf of, the Corporation;

(d) all rents accruing from any property of the Corporation;

(e) all moneys raised by any tax levied for the purposes of this Act;

(f) all fees payable and levied under this Act;

(g) all moneys received by way of compensation or for compounding offences under the provisions of this Act;

(h) all moneys received by, or on behalf of, the Corporation from the State Government or private individuals by way of grant or gift or deposits; and

(i) all interest and profits arising from any investment of, or from any transaction in connection with, any money belonging to the Corporation.

**82. Application from municipal fund.**— The moneys credited from time to time to the municipal fund shall be applied in the following order of preference:-

Firstly, in making due provisions for the repayment of all loans payable by the Corporation under the provisions of Chapter IX.

Secondly, in discharge of all liabilities imposed on the Corporation by sub-section (1) of section 3.

Thirdly, in payment of all sums, charges and costs necessary for the purposes specified in sections 59 and 60 and for otherwise carrying this Act into effect, or of which the payment shall be duly or directly sanctioned under any of the provisions of this Act inclusive of—

(a) the cost of auditing the municipal accounts;

(b) the expenses of every election of Councillors held under this Act;

(c) the salaries, allowances and contributions to pensions and leave salaries of the Commissioner and of any other officer whose services may at the request of the Corporation be placed by the State Government at the disposal of the Corporation;

(d) the salaries and allowances of municipal officers and servants, and all pension, gratuities, contributions and compassionate allowances payable under the provisions of this Act;

(e) the salaries and fees of experts for, service or advice in connection with any matter arising out of the administration or undertaking of the Corporation;

(f) all expenses and costs incurred by the Corporation or by any municipal officers on behalf of the Corporation in the exercise of any power conferred, or the discharge of any duty imposed on it or them by this Act, including moneys which the Corporation is required or empowered to pay by way of compensation;

(g) every sum payable—

(i) by order of the State Government or under an award made under the Arbitration and Conciliation Act, 1996, or a decree or order of a Civil Court, as the case may be;

(ii) under a decree or order of a Civil or Criminal Court passed against the Commissioner;

(iii) under a compromise of any suit or other legal proceeding or claim;

(h) contributions to public institutions which the State Government may, after consulting the Corporation, declare to be in the interest of the inhabitants of the City.

**83. Receipts and disposal of payments on accounts of the municipal fund.**— All moneys payable to the credit of the municipal fund shall be received by the Commissioner and shall be forthwith paid into the State Bank of India at Panaji or into any other Bank approved by the State Government to the credit of an account which shall be styled "The account of the municipal fund of the City of Panaji".

**84. Drafts on the municipal fund.**— (1) Subject to the provision of section 375 no payment shall be made by any bank or society as aforesaid out of the municipal fund except upon a cheque signed in the prescribed manner;

(2) Payment of any sum due by the Corporation not exceeding one thousand rupees in amount may be made in cash, cheques for sums not in excess of ten thousand rupees each being drawn from time to time to cover such payments;

(3) Payment of any sum due by the Corporation exceeding one thousand rupees in amount shall be made by means of a cheque signed as provided in sub-section (1) and not in any other way.

## CHAPTER VIII

### Budget Estimate

**85. Only sums covered by a budget grant to be expended from the municipal fund.**— Except as hereinafter provided, no payment of any sum shall be made out of the municipal fund unless the expenditure of the same is covered by a current budget grant and a sufficient balance of such budget grant is still available notwithstanding any reduction or transfer thereof which may have been made under section 88 or 90:

Provided that the following items shall be excepted from this prohibition, namely:—

- (a) sums of which the expenditure has been sanctioned by the Standing Committee;
- (b) refunds or taxes and other moneys which the Commissioner is by this Act authorized to make;
- (c) repayments of moneys belonging to contractors or other persons held in deposit and of money collected or credited to the municipal fund by mistake;
- (d) sums which the Commissioner is by this Act required or empowered to pay by way of compensation;
- (e) sums payable in any of the circumstances mentioned in clause (g) in section 82;
- (f) expenses incurred by the Corporation in the exercise of the powers conferred on it by section 254;
- (g) costs incurred by the Commissioner under clause (c) of sub-section (3) of section 64.

**86. Expenditure under certain of these exceptions to be reported by Commissioner to Standing Committee.**— Whenever any sum is expended by the Commissioner under clauses (d), (e) or (g) of the proviso to section 85, he shall forthwith communicate the circumstances to the Standing Committee which shall take such action under section 88 or recommend to the Corporation to take such action under section 89 as shall, in the circumstances, appear lawful and expedient for covering the amount of the additional expenditure.

**87. Preparation of budget estimates.**— (1) The Commissioner shall on or before the tenth day of January each year, cause to be prepared and laid before the Standing Committee, in such form as may be prescribed and in such manner as the Standing Committee may approve, budget estimates of the income and expenditure of the municipal fund for the next financial year.

(2) Such estimate shall—

(a) provide for the repayment of all loans with interest due thereon, for the repayment of which the Corporation is liable;

(b) provide for the discharge of liabilities imposed on the Corporation by sub-section (1) of section 3;

(c) provide for the payment in convenient installments from the municipal fund of an amount equal to the grant assigned for education;

(d) allow for a cash balance at the end of the said year of not less than such sum as may be prescribed by the State Government.

(3) The Standing Committee shall, on or as soon as may be after the tenth day of January, consider the budget estimates prepared by the Chief Executive Officer and make such modifications and additions thereto as it shall think fit and submit the same to the Corporation not later than the fifteenth day of February;

(4) The Corporation shall finally adopt the budget estimates before the beginning of the financial year to which they relate and shall forthwith submit copies thereof to the State Government:

Provided that if for any reason the Corporation has not finally adopted the budget estimates before the commencement of the financial year to which they relate, the budget estimates as prepared by the Commissioner shall be deemed to be the budget estimates for that financial year until action has been taken by the Corporation:

Provided further that if the Corporation becomes indebted to the Government, the adoption of budget estimates under this sub-section shall be subject to confirmation by the State Government.

**88. Power of Standing Committee to reduce or transfer budget grants.**—

(1) The Standing Committee may, from time to time during the financial year, reduce or transfer the amount or a portion of the amount of one budget grant to the amount of any other budget grant under the same major head in the budget estimates:

Provided that—

(a) due regard shall be had when making any such reduction or transfer to all the requirements of this Act; and

(b) every such reduction or transfer shall be brought to the notice of the Corporation at its next meeting.

(2) If any such reduction or transfer is of an amount exceeding fifty thousand rupees, the Corporation may pass with regard thereto such order as it thinks fit, and it shall be incumbent on the Standing Committee and the Commissioner to give effect to the said order.

**89. Power of Corporation to alter budget grants.**— The Corporation may, from time to time during the financial year, transfer the amount or a portion of the amount of one budget grant from one major head to another in the budget estimate, or increase the amount of any budget grant, or make an additional budget grant for the purpose of meeting any special or unforeseen requirement arising during the said year, but not in such a way as to bring the estimated cash balance at the close of the year below the amount fixed under clause (d) of sub-section (2) of section 87.

**90. Power of Corporation to re-adjust income and expenditure during the year.**—

(1) If at any time during the financial year it appears to the Corporation that notwithstanding any reduction of budget grants that may have been made under section 88, the income of the municipal fund during the same year will not suffice to meet the expenditure sanctioned in the budget estimates of that year, it shall be incumbent on the Corporation forthwith to sanction any measure which it may consider necessary for proportioning the year's income to the expenditure;

(2) For the purposes of sub-section (1), the Corporation may either diminish the sanctioned expenditure of the year, so far as it may be possible so to do with due regard to all the requirements of this Act, or have recourse, subject to the conditions and limitations prescribed by this Act, to supplementary taxation or to an increase of the rates, or adopt all or any of those methods;

(3) Whenever the Corporation determines to have recourse to such supplementary taxation, it may do so by increasing, for the in-expired portion of the said year, the rates at which any tax imposed under this Act is being levied, or by adding to the number of articles, if any, on which a cess on imports is being levied, but every such increase or addition shall be made subject to the limitations and conditions prescribed in regards to such tax or cess.

## CHAPTER IX

### Loans

**91. Power of Corporation to borrow money.**— (1) Subject to the provisions of section 92 of this Act and section 31 of the Reserve Bank of India Act, 1934, the Corporation, in pursuance of a resolution passed at a special meeting, convened for the purpose, may by the issue of debentures or otherwise on the security of the immovable

property vested in the Corporation (or of all or any taxes, duties, tolls, cesses, fees and dues) authorized by this Act (or of both the immovable property and all or any taxes, duties, tolls, cesses, fees and dues) raise a loan of any money which may be required:—

(i) for the construction of works under this Act, or

(ii) for the acquisition of land for the purposes of this Act, or

(iii) for the repayment of a loan raised under this Act or any other loan or debt for the repayment of which the Corporation is liable:

Provided that—

(i) No loan shall be raised for the construction of any work other than permanent work, which expression shall include any work of which the cost should in the opinion of the State Government be spread over a term of years;

(ii) No loan shall be raised without the previous sanction of the State Government;

(iii) The terms upon, the period within and the method by which the loans is to be raised and repaid, shall be subject to the approval of the State Government; and

(iv) The period within which the loan is to be repaid shall in no case exceed fifty years.

(2) When any sum of money has been borrowed under sub-section (1):—

(i) No portion thereof shall, without the previous sanction of the State Government be applied to any purpose other than that for which it was borrowed; and

(ii) No portion of any sum of money borrowed under clause (i) of sub-section (1) shall be applied to the payment of salaries or allowances of any municipal officers or servants, other than those who are exclusively employed upon the works for the construction of which the money was borrowed.

(3) The amount of the loan, the period within which it shall be repaid, and the terms upon and the method by which the loan is to be raised and repaid shall be notified by the State Government.

**92. Limit of borrowing power.**— Notwithstanding anything herein before contained the borrowing limits of the Corporation shall be limited to fifty crores.

**93. Repayment of loans.**— Every loan raised by the Corporation under section 91 shall be repaid within the time approved under proviso (iii) to sub-section (1) of the said section and by such methods as may be approved by the State Government.

**94. Attachment of municipal fund in default of repayment of loans.**— (1) If any money borrowed by the Corporation, or any interest or costs due in respect thereof, is not repaid according to the conditions of the loan, the State Government if it has itself given the loan may, and in other cases shall, on the application of the lender, attach the municipal fund in whole or in part.

(2) After such attachment no person except an officer appointed in this behalf by the State Government shall, in any way, deal with the attached fund, but such officer may do acts in respect thereof which any municipal authority, officer or servant might have done if the attachment had not taken place, and may apply the proceeds in satisfaction of the arrears and of all interest and costs due in respect thereof and of all expenses incidental to the attachment and subsequent proceedings:

Provided that no such attachment shall defeat or prejudice any debt for which the fund or part thereof attached was previously pledged in accordance with law, but all such debts shall be paid out of the proceeds of the attached fund or part, before any part of the proceeds is applied to the satisfaction of the debt in respect of which such attachment is made.

**95. Attachment of municipal fund for securing payment.**— If the Corporation fails to make any payments the State Government may attach the municipal fund or any part thereof, and the provisions of sub-section (2) of section 94 shall, with all necessary modifications, be deemed to apply.

**96. Annual Statement to be prepared by the Commissioner.**— (1) The Commissioner shall at the end of each year, prepare a Statement showing:—

(a) the amount and date of borrowing of loans raised by the Corporation and the annual loan charges;

(b) The loans repaid during the year, and in the case of loans repaid in instalments or by annual drawings, the amounts repaid during the year and the balance due at the close of the year;

(2) Every such Statement shall be laid before a meeting of the Corporation and a copy of such Statement shall be sent to the State Government and to the Director of Accounts of the State of Goa and shall be published in the Official Gazette.

**97. Application of the Local Authorities Loans Act, 1914.**— The provision of the Local Authorities Loans Act, 1914 shall apply to all loans borrowed under this chapter so far as the said provisions are not inconsistent with the provisions herein contained.

## CHAPTER X

### Audits and Accounts

**98. Accounts to be kept in a form approved by the Standing Committee.**— Subject to any rules made by the Government in this behalf, account of receipts and expenditure of the Corporation shall be kept in such manner and in such forms as the Standing Committee made from time to time prescribed.

**99. Transmission of Accounts to Government.**— The Corporation shall, as soon as the accounts of the past year have been finally passed by it transmit to the State Government an account in such form as the State Government may from time to time direct.

**100. Annual Administration Report and Statement of Accounts by Corporation.**— (1) The Commissioner shall, as soon as may be after the first day of April, in each



year, cause to be prepared a detailed report of the Municipal Administration of the city during the previous year, together with a Statement showing receipts and disbursements credited and debited to the municipal fund during the previous financial year and the balance at the credit of the fund at the close of the said financial year.

(2) The Commissioner shall thereafter forward the report and Statement to each Councillor and to the State Government.

**101. Monthly abstract of accounts.**— (1) The Commissioner shall draw up a monthly abstracts of the receipts and expenditure of the preceding month and such abstract shall be examined and signed by the auditor appointed by the Directorate of Accounts.

(2) For this purpose the Standing Committee shall have access to all the municipal accounts and to all records and correspondence relating thereto, and the Commissioner shall forthwith furnish to the Standing Committee any explanation concerning receipts and disbursements which it may call for.

(3) The abstract of the municipal accounts signed by, the Government auditor shall be published yearly in the Official Gazette in the prescribed form.

**102. Audit of municipal accounts.**— (1) The municipal accounts shall be examined and audited from time to time, in accordance with the arrangement approved in that behalf by the State Government. The auditor shall forthwith report to the Standing Committee any material impropriety or irregularity which he may at any time observe in the expenditure or in the recovery of moneys due to the Corporation or in the municipal accounts.

(2) The report of the auditor of the municipal accounts under sub-section (1) shall be published in the Official Gazette.

(3) The Government auditor, may communicate to the Standing Committee at any time any matter relating to the accounts of the Corporation or to the audit of the said accounts.

**103. Municipal authorities to remedy defects and report to State Government.**— (1) The Corporation, the Standing Committee or the Commissioner, as the case may be, shall forthwith remedy any defects or irregularities that may be communicated by the auditor and shall send yearly report to the State Government of the action taken by the municipal authority concerned:

Provided that if there is a difference of opinion between the municipal authority and the auditor, or if the municipal authority does not remedy any defect or irregularity within a period considered by the auditor to be reasonable, the matter shall be referred to the State Government within such time and in such manner as may be prescribed, and the State Government may pass such orders thereon as it thinks fit. The orders of the State Government shall be final and municipal authority shall take action in accordance therewith.

(2) If within any period fixed by an order made by the State Government under sub-section (1), the municipal authority concerned fails to comply with such order, the provisions of section 375 shall, with all necessary modifications, be deemed to apply as if such order had been issued under section 374 without prejudice to the powers of the State Government to supersede the Corporation in exercise of its powers under section 379.

PART IV  
CHAPTER XI  
**Taxation**

**104. Taxes to be imposed under this Act.**— (1) For the purposes of this Act, the Corporation shall impose—

(a) property taxes;

(b) a cess on animals or goods brought within the City for sale, consumption or use therein.

(2) In addition to the taxes mentioned in sub-section (1) the Corporation may, with the previous approval of the State Government and for the purposes of this Act, impose any of the following taxes, namely:—

(a) a tax payable by the owners on all or any vehicles or animals, used for riding, driving, draught, or burden, or on dogs where such vehicles, animals or dogs are kept within the City;

(b) a toll on vehicles and animals used as aforesaid entering the City and on boats moored within the City;

(c) fees on the registration of cattle sold within the City;

(d) a lighting rate where the lighting of public streets, places and buildings is undertaken by the Corporation;

(e) market dues on persons exposing goods for sale in any market or in place belonging to or under the control of the Government, or of the Corporation; and

(f) any other tax not being a tax on professions, trades, calling and employments which the State Legislature has power to impose in the State under the Constitution.

(3) The State Government may, by rules made under this Act regulate the imposition, assessment and collection of taxes under this section and specify maximum, amounts of rates for any tax and for preventing evasion of assessment and payment of taxes.

(4) Nothing herein contained shall be deemed to empower the Corporation to levy, assess or collect tax from the State Government or its instrumentality in respect of any building, property, vehicle or any other item belonging to or under the control of the State Government.

**105. Procedure for Imposing Taxes.**— (1) The Corporation may, at a special meeting, bring forward a resolution to propose the imposition of any tax under section 104.

(2) When such a resolution is passed the Corporation shall publish in accordance with the rules made under this Act, a notice, defining the class of persons or description of property proposed to be taxed, the amount or rate of the tax to be imposed, and the system of assessment to be adopted.

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

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

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

(6) The Corporation shall forward its final proposals to the State Government, which shall either refuse to sanction them or return them for further consideration, or sanction them without modification or with such modification not involving an increase of the rate to be proposed as it thinks fit.

(7) Such sanction, if any, shall be published in the Gazette and the tax shall then come into force on such date as may be specified in that notification.

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

**106. General tax on what properties to be levied.**— (1) The general tax shall be imposed by the Corporation upon all lands and buildings within the City except the following namely:-

(a) buildings or lands or portions thereof exclusively occupied for public worship or for charitable purposes, for public burial or cremation or for the disposal of the dead;

(b) buildings and lands vested in Government used solely for the public, purposes or in the Corporation, in of which the said tax, if levied, would under the provisions hereinafter contained be primarily leviable from the Government or the Corporation, respectively;

(2) The following buildings and land or portions thereof shall not be deemed to be exclusively occupied for the purposes specified in clause (a) of sub-section (1) namely :—

(i) those in which any trade or business is carried on; and

(ii) those in respect of which rent is derived whether such rent is or is not applied exclusively towards the objects specified in that clause.

(3) Where any portion of any building or land is exempt from the general tax by reason of its being exclusively occupied for the purposes specified in clause (a) of sub-section (1), such portion shall be deemed to be a separate property for the purposes of the said tax.

(4) In fixing the rate of general tax, the Corporation may, subject to the minimum laid down in sub-section (1), fix rates of general tax rising with the different slabs of annual

valuation but the rate of tax for any such slab shall be uniform throughout the area of the Corporation.

**107. Control of State Government on the rate of taxes.**— The State Government while regulating the imposition, assessment and collection of taxes under this Act, apart from specifying maximum amounts of rates for any tax and for preventing evasion of assessment and payment of tax, may also provide that all or any of the property taxes, general taxes or any such other taxes may be imposed on a graduated scale.

**108. Exemption from general tax.**— (1) The State Government shall pay to the Corporation annually, in lieu of the general tax from which buildings and lands vested in the State Government are exempted by clause (b) of sub-section (1) of section 106, a sum ascertained in the manner provided in sub-sections (2) and (3).

(2) The annual value of the buildings and lands within the City and vested in the State Government and beneficially occupied, in respect of which but for the said exemption, general tax should be leviable from the State Government, shall be fixed by a person appointed in this behalf by the State Government with the concurrence of the Corporation. The said value shall be fixed as far as may be, in accordance with the provisions hereinafter contained concerning the valuation of property assessable to general taxes, at such amount as the person making the assessment shall deem to be for a term of five years, subject only to proportionate variation, if in the meantime the number or extent of the buildings and lands vested in the State Government in the City materially increases or decreases.

(3) The sum to be paid annually to the Corporation by the State Government shall be eight-tenths of the amount which, but for this sub-section, would have been payable under the assessment.

**109. Annual value of land or building how to be ascertained.**— For the purpose of assessing land or buildings to the property taxes—

(a) the annual value of land shall be deemed to be the gross annual rent at which the land might at the time of assessment reasonably be expected to be let from year to year:

Provided that in the case of land assessed to land revenue or of which the land revenue has been wholly or in part released, compounded for, redeemed or assigned, the annual value shall, if the State Government so directs, be deemed to be double the aggregate of the following amounts, namely:—

(i) the amount of the land revenue for the time being assessed on the land, whether such assessment is leviable or not; or

(ii) when the land revenue has been wholly or in part compounded for or redeemed, the amount which would have been leviable but for such composition or redemption; and

(b) the annual value of any building shall be deemed to be the gross annual rent at which such building, together with its appurtenances and any furniture that may be let for use or enjoyment therewith, might reasonably at the time of assessment be

expected to be let from year to year, less an allowance of ten per cent for the cost of repairs and for all other expenses necessary to maintain the building in a State to command such gross annual rent.

**Explanation I:**— For the purposes of this clause it is immaterial whether the building and the land let for use or enjoyment therewith are let by the same contract or by different contracts, and if by different contracts, whether such contracts are made simultaneously or at different times.

**Explanation II:**— The term "gross annual rent" shall not include any tax payable by the owner in respect of which the owner and tenant have agreed that it shall be paid by the tenant.

(c) the annual value of any building, the gross annual rent of which cannot be determined under clause (b), shall be deemed to be eight and a quarter per cent on the sum obtained by adding the estimated present cost of erecting the building, less any amount which the Commissioner may deem it reasonable to deduct for depreciation, to the estimated market value of the land valued with building as part of the same premises:

Provided as follows (i) in calculating the annual value of any land or building under this section the value of any machinery on such land or in such building shall be excluded; and

(ii) when a building is occupied by an owner under such exceptional circumstances to render excessive a valuation of eight and a quarter per cent on the cost of erecting the building, less depreciation, a lower percentage may be taken.

**110. Requisition of name of owner.**— The Commissioner may, by written notice, require the occupier of any land or building to furnish him within fifteen days with the name and address of the owner of such land or building.

**111. Treatment of property which is let to two or more persons in separate occupancies.**— Where any building constructed or adapted for the purpose of a single dwelling, or constructed or adapted for that purpose as two parts and for another purpose as to the rest, is let out to two or more tenants severally, the assessing authority in preparing, or revising the assessment list, or amending a current assessment list may, if it thinks fit, having regard to all the circumstances of the case, including the extent, if any, to which the parts separately occupied have been severed by structural alteration, treat the building or part thereof as a single property, and a building or part of a building so treated as a single property shall for the purposes of the property taxes, be deemed to be a single property.

**112. Responsibility for payment of property taxes.**— The property taxes leviable upon any land or building shall be primarily paid by owner failing which by the occupier thereof.

**Explanation:**— For the purpose of this section a tenant of land or building or both, under a lease for any agreed period with a covenant for its renewal thereafter, shall be deemed to be owner thereof.

**113. Employment of assessor.**— (1) The Corporation may, if it thinks fit, employ a person or persons to determine the annual value of lands and buildings in accordance with the principles laid down in section 109.

(2) Any person so employed shall have power, at all reasonable times and after giving due notice, and on production, if so required, of authorization in that behalf from the Commissioner to enter on, survey and value any land or building within the City which the Commissioner may direct him to survey and value.

(3) If any person willfully delays or obstructs any person in the exercise of any of his powers under this section he shall be liable to a fine not exceeding five thousand rupees.

**114. Assessment of annual value and duration of assessment.**— (1) The valuation of any land or building situated in one or more of the several wards, the respective number, names and boundaries of which may be specified by the State Government by notification, which has been made before the commencement of this Act and is in force at the commencement of this Act, shall remain in force and shall be deemed to be the valuation for the assessment of the property taxes on such land or building under this Act for a period of two years or until such time as the Commissioner makes a fresh valuation under this Act of the lands and buildings in each such ward, and the annual value of such lands and buildings in each such ward, shall, after such assessment has been made by the Commissioner at the termination of successive periods thereafter.

(2) The Commissioner may, instead of making a new assessment every year, adopt the existing assessment, with such alteration as he thinks fit, as the assessments for each new year, giving to persons affected by such alterations the same notice of the altered valuation and assessment prepared.

(3) The Commissioner shall arrange for a survey for the purposes of assessment of each part of the City at least once in five years save for the omission, with the previous consent of the Standing Committee, of and small areas which might be more conveniently re-assessed in a subsequent year.

**115. Returns for purposes of valuation.**— (1) To enable him to prepare the assessment list, the Commissioner may by written notice, require the owner or occupier of any land or building or any portion thereof to furnish him, within such reasonable period as the Commissioner may fix, with information or with a written return signed by such owner or occupier.

(a) as to the name and place of abode of the owner or occupier, or of both the owner and occupier of such land or building; and

(b) as to the measurement or the gross annual rent or revenue or the description of other specified details or the actual cost or estimated market value of such land or building.

(2) Every owner or occupier from whom any such requisition is made shall be bound to comply with the same and to give true information or to make a true return to the best of his knowledge or belief.

(3) Whoever omits without reasonable cause to comply with such requisition, or furnishes a return which is untrue, shall in addition to any other punishment to which he may be liable, be precluded from objecting to any assessment made by the Commissioner in respect of such land or building of which he is the owner or occupier.

**116. Public notice and inspection of valuation.**— (1) When the valuation under section 114 of the lands and buildings in any ward had been completed, the Commissioner shall cause the respective valuations to be entered in list and give public of the place where such list may be inspected.

(2) **Time for filing complaints against valuation.**— The Commissioner shall, at the same time and in the same manner, give public notice of a date, not being less than twenty days from the publication of such notice, by which objections to the amount of any annual value or other particulars entered in the assessment list may be delivered at his office.

**117. Notice when valuation made for first time is increased.**— The Commissioner shall, in all cases in which any land or building is for the first time, valued, or in which the valuation of any land or building previously valued is increased under section 114, give special notice thereof to the owner or occupier of the same, and when the valuation is so increased, the said notice shall contain a Statement of the grounds of the increase.

**118. Notice of objection to valuation.**— (1) Any person dissatisfied with a valuation made under this Chapter may deliver at the municipal office a written notice stating the grounds of his objection to such valuation.

(2) Such notice shall be delivered on or before the last day fixed in this behalf in the public notice referred to in section 116 and 117.

**119. Investigation of objections by Commissioner.**— (1) All such objections shall be entered in a register to be maintained for the purpose and on receipt of any objection, the Commissioner shall give a notice in writing to the objector of the time and place at which his objection will be investigated.

(2) At the time and place so fixed the Commissioner shall hear the objection, in the presence of the objector or his authorized agent if he appears, or may, for reasonable cause, adjourn the investigation.

(3) When the objection has been determined, the order passed on such objection shall be recorded in the said register and, if necessary, an amendment made in the assessment list in accordance with the result of the objection.

**120. Appeal to District Court.**— (1) If any dispute arises as to the liability of any land or building to assessment or as to the basis or principle of assessment, an appeal shall lie from the decision of the Commissioner to the District Court, North Goa at Panaji, whose decision shall be final.

(2) Such appeal shall be presented to the District Court within thirty days from the date of the order passed under section 119, and shall be accompanied by an extract from the register of objection containing the order objected to.

(3) The provisions of the Indian Limitation Act, 1963, relating to appeals shall apply to every appeal preferred under this section.

(4) No appeal shall be admitted under this section unless an objection has first been determined under section 119.

(5) Effect shall be given by the Commissioner to the decision of the District Court.

(6) The pendency of an appeal under this section shall not operate to delay or prevent the levy of any tax or installment thereof payable in respect of any building or land according to the order of assessment under appeal but, if by the final decision in the appeal it is determined that such tax or instalment ought not to have been levied in whole or in part, the Commissioner shall refund to the person from whom the same has been levied, the amount of such tax or instalment, or the excess thereof over the amount properly leviable in accordance with such final decision, as the case may be.

**121. Valuation when to be final.**— (1) Every valuation made by the Commissioner under section 114 shall, subject to the provisions of sections 118, 119 and 120 be final.

(2) Every order passed by the Commissioner under section 119 shall, subject to the provisions of section 120, be final.

**122. Keeping of municipal assessment list.**— (1) The annual value fixed under this chapter shall be entered in one or more registers to be kept for the purpose, wherein shall also be recorded:—

- (a) the serial number of each set of premises;
- (b) the description of each set of premises;
- (c) the name and place of abode of the owner and the name of the occupier;
- (d) the amount of the evaluation;
- (e) the amount payable on account of the property taxes;
- (f) any exemption granted from payment of the said general taxes; and
- (g) such other particulars as the Commissioner may direct.

(2) The particulars mentioned in sub-section (1) may be contained in as many registers as the Commissioner may determine, which shall together constitute the assessment list.

(3) When the name of the owner or occupier of any premises is not known, it shall be sufficient to designate him in the said assessment list as "the owner" or "the occupier", as the case may be.

**123. Authentication of assessment list when all objections have been disposed of.**— (1) When objections have been determined and appeals disposed of and the entries required by section 122 have been made, the assessment list shall be authenticated by the Commissioner, who shall certify under his signature that except in the cases in which amendments have been made as shown therein, no valid objection has been made to the annual values entered in the said list.



(2) Thereupon the said assessment list shall, subject to such alterations as may thereafter be made therein under the provisions of sub-section (5) of section 120 or of section 126, be conclusive evidence of the amount of property tax leviable on each land or building within the City in the financial year to which the list relates.

**124. Power of Commissioner to amend assessment list.**— (1) The Commissioner may at any time amend the assessment list by the inclusion, omission or substitution of any matter:

Provided that whenever he proposes to make any amendment in respect of any matter other than the correction of an arithmetical total, he shall before making the amendment, send notice thereof to persons interested and shall allow thirty days to elapse for the making of any objection to the proposed amendment:

Provided further that nothing in this sub-section shall empower the Commissioner to vary the valuation of any premises determined on appeal to the District Court.

(2) If any amendment be made in respect of any matter other than the correction of arithmetical totals, any person on whom a notice is served may object by a written application addressed to the Commissioner and delivered at the Corporation Office before the date fixed in the said notice; and the provisions of sections 119 and 120 shall, with all necessary modifications, apply to such objection.

(3) When the erection of a new building is completed after the completion of the assessment list, the Commissioner may add the particulars of the building to the list, and in such case the provisions of sections 116, 118, 119, 120 and 123 shall apply, except that no public notice shall be required. In such a case the assessment shall take effect from the beginning of the quarter following the date on which the building is added to the assessment list or from the date when it is occupied or let, if that is earlier.

**125. Notice of increase of rent.**— (1) When an owner has furnished information or a written return as provided by section 115, he shall give notice in writing to the Commissioner of any subsequent increase in the rent.

(2) If an owner of any land or building or any portion thereof has, after he has been assessed for the same, made any increase in the rent thereof, he shall give notice in writing to the Commissioner of such increase.

(3) The Commissioner shall, on receipt of such notice as to increase of rent, amend the assessment list by altering the assessment of such land or building or any portion thereof as provided for by section 124.

**126. Notice to be given to Commissioner of demolition or removal of a building.**— (1) When any building or any portion of a building liable to the payment of property taxes is demolished or removed otherwise than by order of the Commissioner, the person liable for the payment of the said taxes shall give notice thereof, in writing, to the Commissioner.

(2) Until such notice is given, the person aforesaid shall be liable to pay every such property tax on the land on which the building stood as he would have been liable to any in respect of such building if the same, or any portion thereof, had not been demolished or removed.

**127. Failure to give notice of increase of rent.**— Whoever fails to give notice of an increase of rent required by sub-section (1) and (2) of section 125, or gives notice of an increase of rent which in substance is untrue, shall in addition to any punishment to which he may be liable, be precluded from objecting to any assessment made by the Commissioner in respect of such building or land or any portion thereof of which he is the owner.

**128. Period for which revised valuation to continue in force.**— When the valuation of any land or building is revised in consequence of any objection made under section 118 or an appeal is preferred under section 120, the revised valuation shall take effect from the quarter in which the first valuation would have taken effect in the same manner and for the same period and subject to the same condition as the original valuation.

**129. Payment of property taxes, how effected by objections to valuation.**— When an objection to a valuation has been made under section 118, the property taxes shall, pending the final determination of the objection, be paid on the previous valuation.

**130. Refund of excess payment.**— If upon the hearing of any objection or appeal from any valuation it is made to appear to the Commissioner or the court, as the case may be, that the appellant has paid any sum or sums of money in consequence of assessment which he ought not to have paid, the Commissioner or the court as the case may be, shall direct the excess payment to be refunded to the appellant.

**131. Duty of the Corporation to recover all other taxes.**— The Corporation Commissioner, and every authority under this Act, shall be duty bound to assess, and recover from such persons, such tax, fees or compensation which is levied by any other law enacted by the State Legislature, for the time being in force or that may be levied hereafter, and upon such recovery and collection, the amount shall be credited to the State Government by the Corporation without any delay.

### Supplemental Provisions

**132. Commissioner to supply copies on payment.**— The Commissioner shall furnish to any person who applies for it, a copy of the valuation or assessment list for the time being in force or any extract from any such list on payment of a sum not exceeding the rate of five rupees for every page numbered separately, and the Commissioner or a person authorized by him in this behalf shall, if required, certify the copy or extract in such manner as may be prescribed.

**133. Tax not invalid for defect of form.**— (1) No assessment and no charge or demand of any tax made under this Act or any other law shall be called in question or in any way affected by reason of—

(a) any mistake:

(i) in the name, residence, place of business or occupation of any person liable to pay the tax; or

(ii) in the description of any property or thing liable to the tax; or

(iii) in the amount of tax assessed; or

- (b) any clerical error; or
- (c) any other defect of form.

(2) For the purpose of assessing any tax on property under this Act it shall suffice if the property is so described as to be readily identifiable and the owner or occupier need not be named.

**134. Power of the State Government in regards to taxes.**— (1) The State Government may by order exempt from the payment of any such tax in whole or in part any person or class of persons or any property or description of property.

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

**135. Refund of tax on unoccupied immovable property.**— (1) When any land or building or any portion of a building treated as a separate property for the purpose of assessment under any provision of this Act has been vacant and unproductive of rent for a period of at least sixty consecutive days, the Commissioner shall refund three-quarters of the property <sup>119</sup>[taxes] proportionately to the period during which the land or building has been vacant and unproductive of rent. Such a refund shall be granted proportionately for the number of months the land or building is vacant, each complete consecutive period of thirty days being reckoned as one month.

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

(3) For the purpose of this section any building reserved by its owner for his own occupation whenever required, shall be deemed to be occupied whether it is actually occupied by such owner or not.

(4) No such refund shall be granted unless notice in writing of the circumstances under which it is claimed has been given to the Commissioner within three months of the beginning of the period for which a refund is claimed.

(5) In no case shall any such refund be permitted unless the total sum demanded by way of all taxes on the property concerned has actually first been paid up to the end of the period for which the concession is claimed.

**136. Duty of furnishing true information regarding liability to Municipal taxation.**— (1) Every person shall, on the demand of an officer duly authorized by the Commissioner in this behalf, furnish such information as may be necessary in order to ascertain whether such person is liable to pay any tax under this Act or any other law and if so, how much; and every hotel or lodging housekeeper or secretary of a residential club

shall also, on demand made as aforesaid, furnish a list of all persons residing in such hotel, lodging house or club.

(2) If any person so called upon to furnish information omits to do so or furnishes information which is untrue to his knowledge, he shall be punishable with fine which may extend to two thousand rupees.

**137. Duty of occupier to furnish true information regarding owner's name and address.**— If the occupier of any land or building neglects or refuses, without reasonable cause, to comply with a notice served under section 110 or furnishes information which is untrue to his knowledge he shall be punishable with fine which may extend to two thousand rupees.

**138. Notice of transfers of title, when to be given.**— (1) Whenever the title in any land or building or in any part or share of any land or building is transferred, the transferor and transferee shall, within three months of the registration of the deed of transfer, or if it be not registered, within three months of the execution of the instrument of transfer, or, if no such instrument be executed after the transfer is effected, give notice in writing of such transfer to the Commissioner.

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

(3) In the event of the death of the person in whom title to any land or building or in any part or share of any land or building vests, the person who as heir or otherwise takes the title of the deceased by descent or device shall, within three months from the death of the deceased, give notice of his title to the Commissioner in writing.

(4) Nothing in this section shall be deemed to affect the liability of the heir or devise for the said taxes or to affect the prior claim of the Corporation for the recovery of the taxes due thereupon.

**139. Power of entry for the purpose of valuation of taxation.**— The Commissioner may authorize any person to do the following acts at any time between sunrise and sunset after giving twenty-four hours notice to the occupier, or, if there be no occupier, to the owner, of a building or land—

(a) to enter, inspect and measure any building for the purpose of valuation;

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

**140. Power to examine article liable to toll or cess of imports.**— Every person bringing or receiving within limits of the City any article in respect of which a toll or cess on imports is payable, shall when required by an officer duly authorized by the

Commissioner in this behalf and so far as may be necessary for ascertaining the amount of tax chargeable—

(a) permit the officer to inspect, examine, weigh and otherwise deal with the article, and

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

**141. Power to search where toll or cess or imports is leviable.**— (1) If any person, bringing or receiving within the prescribed limits of the City a conveyance or package on which a toll or cess on imports is or is believed to be leviable, refuses on the demand of an officer authorized by the Commissioner in this behalf to permit the officer to inspect, weigh or otherwise examine the contents of the conveyance or package for the purpose of ascertaining whether it contains any article, in respect of which a toll or cess on imports is payable, or refuses to communicate to the officer any information or to exhibit to him any bill, invoice or document of a like nature which he may possess relating to the article, or with the intention of defrauding the Corporation communicates false information or exhibits any false, forged, or fraudulent bill, invoice or document of a like nature, he shall be punished with a fine which may extend to one thousand rupees.

(2) Any such person may demand that the conveyance or package or both, as the case may be, shall be taken without unnecessary delay before the Commissioner or a person appointed by him for this purpose, who shall cause the inspection to be made in his presence.

**142. Punishment for evading payment of toll or cess.**— If animals or articles passing the limits of the Corporation are liable to the payment of a toll or cess on imports, then every person who, with intention to defraud the Corporation causes or abets the introduction of, or himself introduces or attempts to introduce within the said limits, any such animals or articles upon which payment of the toll or cess on imports due on such introduction has neither been made nor tendered, shall be punishable with fine which may extend either to ten times the value of such toll or cess on imports, or to five thousand rupees, whichever may be greater.

**143. Levy of Street tax.**— (1) The Corporation may, for the purposes of clause (j) of sub-section (1) of section 59, levy within its area, an additional tax on lands and buildings (hereinafter referred to as "the street tax" of so many per centum, not exceeding ten, of their rateable value as the Corporation may, from time to time, determine:

Provided that:

(a) all buildings and lands vesting in the Central Government;

(b) all other buildings and lands exempted from the general tax under section 106;

(c) all buildings and lands of a rateable value below such sum as the Corporation may determine, shall be exempted from the levy of education cess.

(2) The Corporation may require the Commissioner to recover the amount of the street tax determined under sub-section (1) by an addition to the general tax levied under this

Act. Every addition to the general tax imposed under this sub-section shall be recovered by the Commissioner from each person liable therefore, in the same manner as the general tax due from him.

The provisions of section 112 shall apply to the street tax as if it were a part of the general tax levied under this Act.

## CHAPTER XII

### Recovery of Corporation's Claims

**144. Presentation of bill for taxes and other demands.**— (1) When any amount declared by or under the provisions of this Act or any other law to be recoverable in the manner provided in this Chapter or payable on, account of any tax now imposed or hereafter to be imposed within the limits of the City shall have become due, the Commissioner shall, with the least practicable delay, cause to be presented to any person liable for the payment thereof a bill for the sum claimed as due.

(2) **Contents of bill.**— Every such bill shall specify (a) the period for which, and (b) the property, occupation or thing in respect of which the sum is claimed, and shall also give notice of—

(i) the liability incurred in default of payment, and

(ii) the time within which an appeal may be preferred as hereinafter provided against such claim.

**145. If bill not paid within fifteen days, notice of demand to issue.**— (1) If the sum, for which a bill is presented as aforesaid, is not paid within fifteen days from the presentation of the bill, the Commissioner may serve upon the person to whom such bill has been presented a notice of demand in the prescribed form.

(2) For every notice of demand a fee shall be charged at the rate specified in the bye-law and shall be payable by the said person, and the fee shall be included in the costs of recovery.

**146. In what case warrant may issue.**— (1) If the person on whom a notice of demand is served under sub-section (1) of section 145 does not within twenty-one days of the service of such notice—

(a) pay the sum demanded in the notice; or

(b) show cause to the satisfaction of the Commissioner why he should not pay the same; or

(c) prefer an appeal in accordance with the provisions of section 154 against the demand, such sum with all costs of recovery may be recovered under a warrant in the prescribed form signed by the Commissioner—

(i) by distress and sale of the movable property belonging to such person, or

(ii) by attachment and sale of the immovable property belonging to him:

Provided that, where any precautionary or other measures in respect of any such property have been taken by the State Government for the recovery of any sum claimed by it, no proceedings shall be taken or continued under this Chapter in respect of such property until the State Government's claim has been paid off.

**(2) To whom warrant should be addressed.**— Where the property is within the limits of the City, the warrant shall be addressed to an officer of Corporation and where the property is outside the limits, to the Collector of the district concerned:

Provided that the officer to whom the warrant is addressed may endorse such warrant to a subordinate officer,

**(3) Levy of fee on every warrant issued.**— For every warrant issued under this section, fee shall, be charged at the rates specified in the bye-laws and the said fee shall be included in the costs of recovery.

**147. Power of Corporation to remit certain fees.**— The Corporation may in its discretion may remit the whole or any part of any fee chargeable under sub-section (2) of section 145 or sub-section (3) of section 146.

**148. Power of officer to break open door or window.**— Any officer, charged within the execution of a warrant, of distress issued under section 146 may, if authorised by a general or special order in writing by the Commissioner between sunrise and sunset break open any outer or inner door or window of a building in order to levy distress—

(a) if he has reasonable ground for believing that such building contains property which is liable to such distress, and

(b) if after notifying this authority and purpose and duly demanding admittance, he cannot otherwise obtain admittance:

Provided that such officer shall not enter or break open the door or window of any apartment appropriated to the use of women until he has given not less than three hours notice of his intention and has given the women an opportunity to withdraw.

**149. Warrant how to be executed.**— The officer charged with the execution of a warrant of distress issued under section 146 shall, if authorized by the warrant, distrain, wherever it may be found, any movable property or attach any immovable property of the person named in the warrant subject to the following conditions, namely:—

(a) the following property shall not be distrained:—

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

(ii) the tools of artisans;

(iii) when the defaulter is an agriculturist, his implements of husbandry, seed, grain, and such cattle as may be necessary to enable him to earn his livelihood;

(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 the warrant, and if any property has been distrained which, in the opinion of the Commissioner or of the

person to whom the warrant was addressed, should not have been so distrained, it shall forth-with be returned to the person from whom it was distrained;

(c) the officer shall on distraining the property forthwith make in the presence of two witnesses an inventory of the property which he distrains under such warrant, and shall at the same time give a written notice in the prescribed form, or in a form to the like effect, to the person in possession thereof at the time of distraint that such property will be sold as therein mentioned;

(d) when the property is immovable—

(i) the attachment shall be made by an order prohibiting the defaulter from transferring or charging the property in any way, and all persons from taking any benefit from such transfer or charge;

(ii) the orders shall be proclaimed at some place on or adjacent to the property by beat of drums or other customary mode, and a copy of the order shall be fixed on a conspicuous part of the property and upon a notice board of the Corporation office, and also, when the property is land paying revenue to the State Government, in the office of the Collector (North).

(e) any transfer of or charge on the property attached or any interest therein made without the written permission of the Commissioner shall be void as against all claims of the Corporation enforceable under the attachment.

**150. Sale of goods distrained in special cases.—** (1) When the property seized is subject to speedy and natural decay, or when expense of keeping it in custody together with the amount to be levied is likely to exceed its value, the Commissioner shall at once give notice to the person in whose possession the property was, when distrained, to the effect that it will be sold at once; and shall sell it accordingly unless the amount named in the warrant is forthwith paid.

(2) On the expiry of the time specified in the notice served by the officer executing the warrant, the property distrained or attached, or in the case of immovable property, a sufficient portion thereof, if not sold at once under sub-section (1), may be sold by public auction under the orders of the Commissioner, unless the warrant is suspended by him or the sum due is paid by defaulter together with all costs incidental to the notice, warrant, distress, attachment or detention of the property as the case may be.

(3) Where the sum due together with costs is paid by the defaulter as aforesaid, any attachment levied on his immovable property shall deemed to be removed.

(4) All sales of immovable property under this section shall, so far as may be practicable, be regulated by the procedure laid down in the rules made by the State Government in that behalf.

(5) No officer or servant in the service of the Corporation shall directly or indirectly purchase any property at any such sale.

(6) The sale proceeds or such part thereof as may be sufficient shall be applied, first, in discharge of any such due to the State Government in respect of such property and



secondly, in discharge of the sum due to the Corporation and all such incidental costs as aforesaid.

(7) The surplus proceeds shall be forthwith credited to the Corporation and notice of such credit shall be given at the same time to the person in whose possession the property was at the time of distraint or attachment. If such person claims the surplus by written application to the Commissioner within three years from the date of the notice given under this sub-section, the Commissioner shall refund the surplus to him.

(8) Any such surplus not so claimed shall be the property of the Corporation.

**151. Sale outside the City.**— Where the warrant is to be executed outside the limits of the City, the Commissioner may by endorsement direct the person to whom the warrant is addressed to sell the property distrained or attached; and in such a case it shall be lawful for such person to sell the property and to do all things incidental to the sale in accordance with the provisions of section 150 and to exercise the powers and perform the duties of the Commissioner under sub-section (1) and (2) of section 150 in respect of such sale except the power of suspending the warrant. Such person shall after deducting all costs of recovery incurred by him, remit the amount recovered under the warrant to the Commissioner who shall dispose of the same in accordance with the provisions of section 150.

**152. Fees and costs chargeable.**— The fees for every notice or warrant issued and for the maintenance of any live-stock seized under this Chapter shall be chargeable at the rates specified in this behalf in the bye-laws of the Corporation and shall be included in the cost of recovery to be levied under section 146.

**153. Summary proceedings may be taken against persons about to leave the City.**— (1) If any sum recoverable under the provisions of this Chapter is due or is about to become due from any person, and if the Commissioner shall have reason to believe that such person is about to leave the limits of the City the Commissioner may direct the immediate payment by such person of such sum and cause a bill for the same to be presented to him.

(2) If, on presentation of such bill, the said person does not forthwith pay the said sum or does not furnish security to the satisfaction of the Commissioner, the amount shall be levied by distress and sale of his movable property in the manner specified in this Chapter except that it shall not be necessary to serve upon him any notice of demand and the Commissioner's warrant for distress and sale may be issued and executed without any delay.

**154. Appeal to Magistrates.**— (1) Appeals against any notice of appeal. Demand issued under sub-section (1) of section 145 may be made to any Executive Magistrate by whom under the directions of the District Magistrate such class of cases is to be tried.

(2) No such appeal shall be entertained unless—

(a) the amount claimed from the appellant up to the date of filing the appeal has been deposited by him in the Corporation office, and a written objection has been made and determined in accordance with the provisions of this Act;

(b) the appeal is brought within fifteen days next after the order terminating the written objection;

(c) in the case of any tax or claim other than property tax an application in writing, stating the grounds on which the amount of the tax or claim is disputed, has been made to the Commissioner within fifteen days next after the presentation of the bill.

(3) As far as possible, within fifteen days from the expiry of the aforesaid period, within thirty days, the Commissioner shall intimate to the Executive Magistrate the names and other particulars of the appellants who have deposited with him the required amount within the prescribed period and the names and other particulars of the appellants who have not deposited with him such amount within such period. On receipt of such intimation, the Executive Magistrate shall summarily dismiss the appeal of any appellant who has not deposited the required amount with the Commissioner within the prescribed period.

(4) In the case of any such appeal, which may have been entertained by the Magistrate before the date of commencement of the Act aforesaid or which may be entertained by him on or after the said date, the Magistrate shall not hear and decide the appeal, unless the amount of the tax claimed by each of the bills, which may have been issued since the entertainment of the appeal is also deposited, from time to time, with the Commissioner in the first month of the half year to which the respective bill relates. In case of default by the appellant at any time before the appeal is decided, on getting an intimation to that effect from the Commissioner, the Magistrate shall summarily dismiss the appeal.

**155. Liability of buildings, lands, etc., for taxes.**— All sums due from any person in respect of taxes on any land or building shall, subject to prior payment of any land revenue in respect of it due to the Government, be a first charge upon the said land or building and upon any movable property found within or upon such land or building and belonging to the said person:

Provided that no arrears of any such tax shall be recoverable from any occupier who is not the owner, if such arrears are for a period during which the occupier was not in occupation.

**156. Receipt to be given for all payments.**— For every sum paid on account of any tax under this Act a receipt shall be tendered by the person receiving these payments, stating the sum and the tax on account of which it has been paid.

**157. Writing off irrecoverable taxes.**— The Commissioner may, with the previous approval of the Standing Committee, order to be struck off the books any sum due on account of any tax or of the costs of recovering any tax, which may appear to him to be irrecoverable.

**158. Recovery of tolls and cess on imports.**— (1) If any toll or cess on imports is not paid on demand, the officer empowered to collect the same may seize any article on which the cess on imports is chargeable, or any animal on which the toll is chargeable, or any part of the burden, borne by such animal of sufficient value to satisfy the demand.

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

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

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

(2) The State Government may make rules under this Act regulating the refund of taxes and such rules may impose limitations on such refunds.

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

## PART V

### Public Health, Safety and Convenience

#### CHAPTER XIII

#### Public Convenience

**160. Cleaning drains.**— For the purpose of flushing and cleansing drains the Commissioner may construct or set up such reservoirs, sluices, engines and other works as he may from time to time deem necessary.

**161. Places for emptying of drains and disposal of sewage.**— The Commissioner may subject to any orders of the Government cause all or any municipal drains to empty into any place, whether within or without the limits of the Corporation, and may dispose of the sewage at any place, whether within or without the limits of the Corporation, and in any manner which he may deem suitable:

Provided that the State Government may prohibit the Commissioner from causing any municipal drains to empty into any place or from disposing any sewage at any place or in any manner, which it considers unsuitable.

**162. Provision of means for disposal of sewage.**— For the purpose of receiving, storing, disinfecting, treating, purifying, distributing, or otherwise disposing of sewage the Commissioner may—

(a) construct any work within or without the limits of the Corporation;

(b) purchase or take on lease any land, building, engine, material or apparatus, either within or without the limits of the Corporation; and

(c) enter into an arrangement with any person, for a period not exceeding three years, for the removal or disposal of sewage within or without the limits of the Corporation.

**163. Alteration and discontinuance of drains.**— The Commissioner may enlarge, arch over or otherwise improve any municipal drain, and may discontinue, close up or destroy any such drain which has, in his opinion, become useless or unnecessary:

Provided that if, by reason of anything done under this section, any person is deprived of the lawful use of any drain, the Commissioner shall, as soon as may be, provide for his use some other drain as effectual as the drain which has been discontinued, closed up or destroyed.

### **Drains and Privies**

**164. Latrines and urinals.**— The Corporation shall provide latrines and urinals for the use of the public.

**165. Provision of drains, privies, etc.**— (1) The Commissioner may by notice, require the owner of any building or land to provide, move or remove any drain, privy, latrine, urinal, absorption pit, disposal work, cesspool or other receptacle for filth or refuse or provide any additional drains, privies, latrines, urinals, absorption pits, disposal works, cesspools or other receptacles as aforesaid which should, in his opinion, be provided for the building or land, in such manner and of such pattern as the Commissioner may direct.

(2) The Commissioner may, by notice, require any person running a hotel, lodging house, bar or restaurant or any place wherein eatables and beverages are sold or served or employing more than ten workmen or labourers to provide such latrines and urinals as the Commissioner may think fit and to cause the same to be kept in proper order and to be daily cleaned.

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

**166. Repair and closing of drains, privies, latrines, urinals, etc.**— (1) The Commissioner may by notice, require the owner or occupier of any building or land to repair, alter or put in good order any private drain, privy, latrine, urinal, absorption pit, disposal work, cesspool or receptacle for any filth or refuse, or to close or destroy any private drain, privy, latrine, urinal, absorption pit, disposal work or cesspool belonging thereto, or direct that such private drain shall from such date as he prescribes in this behalf, be used for offensive matter and sewage only, or for rain-water and unpolluted sub-soil water only, and by written notice require the owner or occupier of the premises to make an entirely distinct private drain for rain-water or for unpolluted sub-soil water or for offensive matter and sewage.

(2) No drain connecting any premises with a municipal drain or other place set apart for the discharge of drainage may be closed, discontinued or destroyed by the

Commissioner under sub-section (1) except on condition of his providing another drain equally effectual for the drainage of the premises and communicating with such municipal drain or other place aforesaid as the Commissioner thinks fit; and the expenses of construction of any drain so provided by the Commissioner and of any work done under this Section shall be paid from the municipal fund.

**167. Power of Commissioner to demolish drains, etc.**— The Commissioner may, by notice, require any person who may construct any new drain, privy, latrine, urinal, absorption pit, disposal work, cesspool or receptacle for filth or refuse without his permission in writing or contrary to his directions or the provisions of this Act or the rules or byelaws made thereunder or who may construct, rebuild or open any drain, privy, latrine, urinal, absorption pit, disposal work cesspool or receptacle for filth or refuse which the Commissioner has ordered to be demolished for stopped or not to be made, to demolish the drain, privy, latrine, urinal, absorption pit, disposal work, cesspool or receptacle, or to make such alteration therein as he may think fit.

**168. Unauthorized building over drains etc.**— The Commissioner may, by notice, require any person who without his permission in writing may newly erect or rebuild any building over any drain, conduit, water-course, pumping main, or water pipe vested in the Corporation to pull down or otherwise deal with the same as the Commissioner may think fit.

**169. Removal of latrine, etc., near any source of water-supply.**— (1) The Commissioner may, by notice, require any owner or occupier on whose land any drain, privy, latrine, urinal, absorption pit, disposal work, cesspool or other receptacle for filth or refuse for the time being exists within a fifteen meters of any spring, well, tank, reservoir, swimming pool or other source from which water is or may be derived for public use, to remove or close the same within one week from the service of such notice.

(2) Whoever, without the permission of the Commissioner, makes or keeps for a longer time than one week after the issue of notice under this section, any drain, privy, latrine, urinal, absorption pit, disposal work, cesspool or other receptacle for filth or refuse, within fifteen metres of any spring, well, tank, reservoir, swimming pool or other source from which water is or may be derived for public use, shall be punishable with fine which may extend to two thousand rupees, and, when a notice has been issued, with a further fine, not exceeding five hundred rupees for each day during which the offence is continued after the lapse of the period allowed for removal.

**170. Discharging sewage.**— Whoever, without the permission of the Commissioner causes or knowingly or negligently allows the contents of any sink, cesspool or any other offensive matter to flow, drain or be put upon any street or public place, or into any irrigation channel or any drain not set apart for the purpose, shall be punished with fine which may extend to two thousand rupees.

**171. Making or altering drains without authority.**— Whoever, without the permission of the Commissioner, makes or causes to be made, or alters or causes to be altered, any drain, leading into any of the drains vested in the Corporation, shall be punished with fine which may extend to two thousand rupees.

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

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

**173. New buildings not to be erected without drains.**— It shall not be lawful to erect or re-erect any building, any part of which is within fifteen metres of a municipal drain or of some place set apart by the Commissioner for the discharge of drainage or to occupy any such building newly erected or re-erected unless and until—

(a) a drain has been constructed which, in the opinion of the Commissioner, shall be sufficient for the effectual drainage of such building to such municipal drain or place, and

(b) there have been provided for and set up in such building and in the premises appurtenant thereto, all such appliances and fittings as may appear to the Commissioner drainage from, and conveying the same off, the said building and the said premises, and of effectually flushing the drain of the said building and every fixture connected therewith.

**174. Sewage and rain-water drains to be distinct.**— Whenever it is provided in this Act that steps shall or may be taken for the effectual drainage of any premises, the Commissioner may require that there shall be one drain for offensive matter and sewage and another drain for rain-water and unpolluted sub-soil water, each employing into separate municipal drains or other places set apart by the Commissioner for the discharge of drainage, or into other suitable places.

**175. Rights of owners and occupiers of premises to carry drains through land belonging to other persons.**— (1) If it appears to the Commissioner that the only means by which the owner or occupier of any building or land can conveniently cause his drain to empty into a municipal drain or other place set apart by the Commissioner for the discharge of drainage, is by carrying the same into, through or under any land belonging to or occupied by some person other than the said owner or occupier, the Commissioner shall give such other person a reasonable opportunity of stating any objection, and if no objection is raised, or if any objection which is raised appears to him invalid or insufficient, may, by an order in writing, authorise the said owner or occupier to carry his drain into, through or under the said land in such manner and on such conditions including requiring the applicant to deposit compensation which may be paid to the owner of such land, as he may think fit to allow.

(2) Subject to the provisions of this Act, on receipt of any such order bearing the signature of the Commissioner the person in whose favour it is made or any agent or person employed by him for the purpose may, after giving to the owner or occupier of the land reasonable written notice of his intention to do so, enter upon the said land with assistants and workmen at any time between sunrise and sunset, and execute the necessary work.

(3) In executing any work under this section as little damage as possible shall be done, and the owner or the occupier of the premises for the benefit of which the work is done shall—

(a) cause the work to be executed with the least practicable delay;

(b) fill in, re-instate and make good at his own cost and with the least practicable delay, the ground or portion of any building or other construction opened, broken up or removed for the purpose of executing the said work; and

(c) pay compensation to any person who sustains damage by the execution of the said work without prejudice to any compensation which may be conditionally fixed under sub-section (1) hereinabove.

(4) If any land in which work has been executed under sub-section (2) was unbuilt upon at the time of such execution and if at any time thereafter the owner or occupier thereof desires to erect a building thereon and applies to the Commissioner in this behalf, the Commissioner shall, by written notice, require the owner or occupier of the premises for the benefit of which such drain was constructed, to close, remove or divert the same in such manner as may be approved by the Commissioner and to fill in, re-instate, and make good the land as if the drain had not been carried into, through or under the same.

**176. Obligation of owner of drain to allow use of or joint ownership therein to others.**— Every owner of a drain connected with a municipal drain or other place set apart by the Commissioner for drainage shall be bound to allow the use of it to other persons, or to admit other persons as joint owners thereof, on such terms as may be prescribed under section 178.—

**177. How right of use or joint ownership of a drain may be obtained by a person other than the owner.**— Any person desiring to drain his premises into a municipal drain through a drain of which he is not an owner may make a private arrangement with the owner for permission to use his drain, or may apply to the Commissioner for authority to use such drain or to be declared a joint owner thereof.

**178. Commissioner may authorise person other than the owner of a drain to use the same or declare him to be a joint owner thereof.**— (1) Where the Commissioner is of opinion, whether on receipt of an application or otherwise, that the most convenient means by which the owner or occupier of any premises can drain such premises is through a drain belonging to some person other than the said owner or occupier, the Commissioner shall give the owner of the drain a reasonable opportunity of stating his objection thereto, and, if no objection is raised or if any objection which is raised appears to him invalid or insufficient, may, by an order in writing, authorise the said owner or occupier to use the drain or declare the said owner to be a joint owner thereof, on such terms and conditions and on such payment of fees or compensation which may be required to be paid to such owner of the drain as may appear to him equitable with regard to the payment of rent or compensation and to connecting the drain of the said premises with the communicating drain and to the respective responsibilities of the parties for maintaining, repairing, flushing and cleaning the joint drain.

(2) Every such order, bearing the signature of the Commissioner, shall be a complete authority to the person in whose favour it is made, or to any agent or person employed by him for this purpose, after giving or tendering to the owner of the drain the compensation or rent specified in the said order and otherwise fulfilling, as far as possible, the conditions of the said order, and after giving to the owner of the drain reasonable written notice of his intention so to do, to enter upon the land in which the said drain is situated with assistants and workmen, at any time between sunrise and sunset and, subject to the provisions of this Act, to do all such things as may be necessary for—

- (a) connecting the two drains; or
- (b) renewing, repairing or altering the connection;

(c) discharging any responsibility attaching to the person in whose favour the Commissioner's order is made for maintaining, repairing, flushing or cleansing the joint drains or any part thereof.

(3) In respect of the execution of any work under sub-section (2), the person in whose favour the Commissioner's order is made shall be subject to the same restriction and liabilities as are specified in sub-section (4) of section 175.

**179. Power of Commissioner to drain premises in combination.**— (1) If, in the opinion of the Commissioner any part of a group or block of premises is situated conveniently near a municipal drain already existing or about to be constructed or a place set apart by the Commissioner for the discharge of drainage, and if the Commissioner is of opinion that such group or block can be drained more economically or advantageously in common than separately, he may give the owner of all the premises a reasonable opportunity of stating any objection, and, if no objection is raised or if any objection is raised appears to him invalid or insufficient, may cause such group or block to be drained by such method as appears to him to be most suitable therefore, and the expenses incurred by him in so doing shall be paid by the owners of such premises in such proportions as the Standing Committee may think fit.

(2) Not less than fifteen days before any work under this section is commenced, the Commissioner shall, by written notice, intimate to the owner of all the premises to be drained—

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

**180. Connecting drains to be constructed at the expenses of the owners of premises.**— (1) In case of premises abutting on a public street in which there is municipal drain and in the case of premises in pursuance of the provisions of this Chapter, the Commissioner shall construct at the expense of the owner of the said premises such portion of the drain of the said premises as may be necessary to lay under any part of a public street.



(2) The portion of any connecting drain so laid under a public street shall vest in the Corporation and be maintained and kept in repair by the Commissioner as a municipal drain.

(3) The remainder of every drain constructed, erected, set up or continued for the sole use and the benefit of any premises shall—

(a) vest in the owner of such premises;

(b) be maintained and kept in repair by the owner or occupier of such premises; and

(c) be from time to time flushed, cleansed and emptied under the orders of the Commissioner at the cost of the municipal fund:

Provided that, where several premises are drained in common under the last preceding section, such remainder shall vest in the owners jointly and the cost of maintenance and repair thereof shall be distributed in the same proportions as are fixed by the Standing Committee under the said section.

**181. Affixing of pipes for ventilation of drains.**— (1) For the purpose of ventilating any drain, whether belonging to the Corporation or any other person, the Commissioner may, after giving not less than four days written notice to occupiers of the premises, erect upon any premises or affix to the outside of any building, or to any trees, any such shaft or pipe as may appear to him necessary and may cut through any projection from any building (including the eaves of any roof thereof) \*in order to carry up such shaft or pipe through any such projection and may lay in, through or under any land such appliances as may in opinion of the Commissioner be necessary for connecting such ventilating shaft or pipe with the drain intended to be ventilated.

(2) Any shafts or pipe so erected or affixed shall—

(a) be carried at least five metres higher than any sky-light or window situated within a distance of ten metres therefrom;

(b) if the same be fixed to a wall supporting the eaves of a roof, be carried at least two metres higher than such eaves; and

(c) be removed by the Commissioner to some other place, if at any time the owner of the aforesaid premises, building or tree is desirous of effecting any change in his property which cannot without unreasonable inconvenience be carried out unless the shaft or pipe is removed.

(3) If the Commissioner declines to remove a shaft or pipe under clause (c) of sub-section (2), the owner of the aforesaid premises, building or tree may apply to the District Court, North Goa, and the said Court may, after such enquiry as it thinks fit to make, direct the Commissioner to remove the shaft or pipes, and it shall be incumbent on the Commissioner to obey such order.

(4) Where the owner of any building or land cut through, opened or otherwise dealt with under sub-section (1) is not the owner of the drain intended to be ventilated, the Commissioner shall, so far as is practicable, reinstate and make good such buildings and fill in and make good such land at the cost of the municipal fund.

**182. Right of Corporation to drains constructed at charge of Municipal fund.—** All drains and fittings thereof including ventilating, shafts and pipes constructed or set up at the cost of the municipal fund shall vest in the Corporation.

#### CHAPTER XIV

#### **Conservancy**

**183. Deposit of rubbish, offensive matter, sewage and carcasses.—** (1) The Commissioner shall provide or appoint, in proper and convenient situations, public receptacles, depots and places for the temporary deposit or final disposal of rubbish, offensive matter, sewage and the carcasses of dead animals accumulating in the City.

(2) All things deposited in receptacles, depots or places provided or appointed under this section shall be the property of the Corporation.

**184. Collection and removal of sewage.—** The Commissioner may give public notice that the collection and removal of sewage, offensive matter and rubbish from the land and buildings in any portion of the city will be undertaken by municipal agency, and he shall then forth-with take measures for the due collection and removal of such matter from any lands and buildings situated in the said portion of the City.

**185. Collection and temporary deposit of rubbish and offensive matter by occupiers of premises.—** (1) The Commissioner may, by public notice, direct that all rubbish and offensive matter accumulating in any premises in any street or quarter of the City, specified in the notice, shall be collected by the occupier of such premises and deposited in a box, basket or other receptacle, of a kind prescribed by the Corporation to be provided by such occupier and kept near the entrance to, or where open space is available, within the premises.

(2) The Commissioner may cause public dust-bins or other convenient receptacles to be provided at suitable intervals and in proper and convenient situations in streets or quarters in respect of which no notice issued under sub-section (1) is for the time being in force; may, by public notice, direct that all rubbish and offensive matter accumulating in any premises, the entrance to which is situated within fifty metres of any such receptacle, shall be collected by the occupier of such premises and deposited in such receptacle.

(3) The Commissioner may, by public notice, direct that all rubbish and offensive matter accumulating in any premises in any street or quarter in respect of which no notice issued under sub-section (1) or sub-section (2) is for the time being in force, shall be collected by the occupier of such premises and deposited in lump in the street on which such premises abut or in some portion of such premises.

(4) In any notice issued under any of the foregoing sub-sections the Commissioner shall prescribe the hours within which rubbish and offensive matter shall be deposited under the section.

(5) The Commissioner may, by public notice, direct that sweepers privately employed on the removal of sewage, rubbish or offensive matter shall remove the same in proper receptacles of a type to be approved by the Commissioner in such manner as not to cause any unnecessary nuisance to passers-by in the street.

**186. Prohibition of accumulations of offensive matter.**— No person —

(a) shall throw or place any rubbish, offensive matter or sewage, on any street, or in any place not provided or appointed for the purpose under the provisions of this Act;

(b) who is the owner or occupier of any land or building shall allow any sewage or offensive matter to flow, soak or be thrown therefrom, or keep or suffer to be kept therein or thereupon, any thing so as to be a nuisance to any person, or negligently suffer any receptacle or place for deposit of offensive matter or rubbish on his premises to be in such a State as to be offensive or injurious to health.

## CHAPTER XV

**Sanitary Provisions, Regulations of Public Bathing, Washing etc.****187. Construction of places for public bathing etc.**— The Commissioner may from time to time—

(a) set apart suitable places for use by the public for bathing, or for washing animals, or for washing or drying clothes;

(b) specify the times at which and the sex of persons by whom such places may be used;

(c) prohibit, by public notice, the use by the public, for any of the said purposes, of any place not so set apart; and

(d) charge fees for the use of such place by any specified class or classes of persons or by the public generally.

**188. Prohibition of corruption of water by steeping therein animal or other matter.**— No person shall—

(a) Steep in any bank, reservoir, stream, well, trough or ditch any animal, vegetable or mineral matter likely to render the water thereof offensive or dangerous to health;

(b) Whilst suffering from any contagious infectious or loathsome disease, bathe in or near any lake, tank, reservoir, fountain, cistern, duct, sand-pipe, stream, well or trough, or any part of a river within the limits of Corporation boundary or within eight kilometres upstream from the Corporation boundary.

**189. (1) Regulation of washing of clothes by washerman.**— The Commissioner may, by public notice, prohibit the washing of clothes by washermen in the exercise of their calling except at such places as he may appoint for this purpose; and after such prohibition no washerman shall wash clothes at any place not appointed for this purpose except for himself or for the owner or occupier of such place.

**(2) Washing places to be provided by Commissioner for washermen.**— The Commissioner shall provide suitable places for the exercise of their calling by washermen, and may require the payment of such fees for the use of any such place as he may from time to time determine.

## CHAPTER XVI

**Water Supply**

**190. General powers for supplying the city with water.**— For the purpose of providing a supply of water proper and sufficient for public and private purposes, the Commissioner may, either within or without the City—

(a) construct and maintain water-works and do all acts which may be necessary or expedient in connection with such construction or maintenance;

(b) purchase or take on lease any water-work or any water or right to store water or to take and convey water; or

(c) enter into any arrangement with any person for the supply of water.

**191. Supply of water.**— (1) The Commissioner may supply water for any purpose on receiving either from the owner or the occupier of any permission, a written application specifying the purpose for which such supply is required and the quantity likely to be consumed.

(2) The supply of water shall be made upon such terms and conditions as to payment and quantity and for such period, as the Corporation may prescribe in this behalf.

**192. Making connection with municipal water-works.**— Where an application under section 191 has been received, all necessary communication-pipes and fittings shall be supplied by the Commissioner and the work of laying and applying such communication-pipes and fittings shall be executed by municipal agency under the Commissioner's orders: but the cost of making any such connection and of all communication-pipes and fittings so supplied and all work so executed, shall be paid by the owner or the person making such application. The Commissioner shall provide a meter and charge rent for the same.

**193. Obligation of owner or occupier to give notice of waste of water.**— Any owner or occupier of any land or building in or on which water supplied under this Act is misused from negligence or other circumstances under his control or in which the pipes, mains or other works are out of repair to such an extent as to cause waste of water shall, if he has knowledge thereof, be bound to give notice of the same to such officer as the Commissioner may appoint in this behalf.

**194. Responsibility for damage caused by leakage of water.**— Neither the owner nor occupier of any land or building in which pipes, mains or other works are situated, nor the Corporation shall be liable to pay compensation to any person for any damage caused by any leakage of water or any failure to keep in repair such pipes, mains or other works, unless the owner or occupier or the Corporation has knowledge thereof and has failed to take reasonable prompt action to report the same to the prescribed officer or to stop the leakage or to execute the required repairs as the case may be.

**195. Cutting off of water-supply to premises.**— If any person whose premises are supplied with water neglects to pay any sum payable, under section 191 when due, or to give notice as provided in section 193 or wilfully or negligently misuses or causes waste of water, the Commissioner may cut off the supply of water to the said premises.

**196. Presumption as to correctness of meter.**— Whenever water is supplied under this Chapter through a meter, it shall be presumed, that the quantity indicated by the meter has been consumed, until the contrary is proved.

**197. Injuring water-works, misappropriating water and tampering with meters.**— No person shall—

(a) wilfully or negligently injure or suffer to be injured wells, reservoirs, mains, pipes or other appliances for the supply of water under the management or control of the Corporation;

(b) draw off, divert or take any water from any Municipal well, reservoir, main or pipe; or

(c) tamper with any meter under the management or control of the Corporation.

**198. Misuse of and leaving open valves and tampering with valves and hydrants.**— No persons shall—

(a) open or keep open the valves of any water-works used for the supply of water to the public by any means other than the use of pressure by the hand; or

(b) having opened such valve fail to close the same or leave the same open or tamper with any valve or hydrant not intended for the supply of water to the public.

**199. Prohibition of erection of any building which would injure sources of water-supply.**— Except with the permission of the Corporation, no person shall—

(a) erect any building for any purpose whatever on any part of the area enclosed by the boundary-fence of any lake or reservoir from which a supply of water is derived for a municipal water-work; or

(b) remove, alter, injure, damage or in any way interfere with aforesaid boundary-fence.

**200. Prohibition of bathing in or polluting water.**— Except as provided hereinafter, no person shall—

(a) bathe in or near any water-works belonging to the Corporation; or

(b) wash, throw, or cause any animal to enter into the water of such works; or

(c) throw any rubbish, dirt, filth or any other thing what-so-ever into or upon the water of such works; or

(d) wash or cleanse therein any cloth, wool, leather or skin of any animal or any clothes or other things; or

(e) cause the water of any sink, drain, steam engine, boiler or other filthy water belonging to him or under his control, to run or be brought, into any such water-works or do any other act whereby the water in such works may be fouled or polluted or its quantity altered.

## CHAPTER XVII

**General Provisions with Reference to Drainage, Water-Supply and Water and Other Mains**

**201. Occupier of premises to be primarily liable for certain offences against the Act.**— If an offence against any provision of Chapters XIII, XIV, XV or XVI or against any rule or bye-law made under the provisions of this Act relating to water-supply has been committed on any premises to which a private supply of water is furnished by the Corporation, it may be presumed, until the contrary is proved, that such offence has been committed by the occupier of the said premises.

**202. Least practicable nuisance to be caused.**— (1) In carrying out the duties imposed on the Corporation by clause (d), (e), (1) and (n) of section 59, or exercising the powers conferred upon it by sections 160, 161, 162, 163, 181, 183 and 184 the Corporation shall not cause any nuisance which in the circumstances of the case can reasonably be avoided.

(2) The Commissioner shall make reasonable compensation to any person who has sustained damage occasioned by the carrying out of any such operations:

Provided that no compensation shall be claimed or paid for inconvenience unavoidably caused.

**203. Power of carrying wires, pipes, drains etc.**— Subject to the provisions of any law for the time being in force, the Commissioner may carry any cable, wire, pipe, drain or channel of any kind required for the establishment or maintenance of any system of drainage, water-supply or lighting through, across, under or over any street or any place laid out as or intended for a street, and also after giving reasonable notice in writing to the owner or occupier, through, across, under, over or along side any land or building whatsoever within or without the City, and may place and maintain in any immovable property in the City or without the City any posts, poles, standards, brackets or other contrivances for supporting cables, wires, pipes, channels and lights and may do all acts necessary or expedient for repairing, and maintaining any such cable, wire, pipe, drain, channel, post, pole, standard, bracket or other similar contrivance in an effective state for the purpose for which it intended to be used or for removing the same.

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

**205. Previous notice to be given.**— Except in cases to which sections 328, 329 and 330 relate the Commissioner shall cause not less than fourteen days notice in writing to be given to the owner or occupier before commencing any operations under section 203.

**206. Connection with main not to be made without permission of Commissioner.**— (1) No person shall, without the permission of the Commissioner, at

any time, make or cause to be made, any connection or communication with any cable, wire, pipe, ferrule, drain or channel constructed or maintained by or vested in the Corporation for any purpose whatsoever,

(2) Any person acting in contravention of the terms of sub-section (1) shall be punished with a fine not exceeding five thousand rupees.

**207. Power of Commissioner to require the owner to make provision for drainage.**— Where any premises have no drain communicating with a public sewer, or a drain communicating with the public sewer, but insufficient for the effectual drainage of the premises, or a drain not adapted to the general sewerage system of the city, or a drain which is in the opinion of the Commissioner, otherwise objectionable, the Commissioner may, by notice, require the owner of the premises to make satisfactory provision for the drainage of the premises or to do such other work within such time as may, in the opinion of the Commissioner, be necessary for remedying the cause of complaint.

**208. Power to establish meters and the like.**— The Commissioner may establish meters or other appliances for the purpose of testing the quantity or quality of electricity supplied to the premises of any person or for the use of any person or business.

**209. Communications and connection, etc., to be executed subject to inspection by and to the satisfaction of Commissioner.**— The ferrules, communication-pipes, connections, meters, stand-pipes and all fittings thereon or connected therewith, leading from mains or services cable, wires, pipes, drains, or channels onto any house or land and the wires, pipes, fittings and works inside any such house or within the limits of any-such land, shall in all cases, other than cases which the State Government may by general or special order exempt from the operation of this section, be executed to the satisfaction of the Commissioner.

**210. Power of Commissioner to fix scale of charges.**— Subject to the provisions of any law for the time being in force the Commissioner may, from time to time, fix the scales of charges which the Corporation may make for establishing communications from and connections with sewer mains or with any drainage system, provided for by the Corporation or the State Government and may levy such charges from the owner or occupier as the circumstances may require provided however, in cases of any charges being recovered from the owner or occupier, such charges in connection with the drainage system provided by the State Government shall be reimbursed to the State Government.

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

(2) For the purpose of efficiently draining any building or land the Commissioner may by notice in writing—

(a) require any Courtyard, alley or passage between two or more building to be paved by the owner or part owner of such building with such materials and in such manner as may be approved by the Commissioner, and

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

**212. Control by Corporation and the Standing Committee.**—In dealing with municipal drainage, sewage and waterworks schemes the Commissioner shall follow the general principles laid down by the Corporation, with the approval of the State Government, for any schemes of sewage or drainage or water-works and may refer to the Standing Committee any question connected with the carrying out of such schemes in which the intention of the Corporation does not appear to him to have been clearly expressed, or in which the provisions of the scheme appear to him to require modification. The Standing Committee shall in its discretion either decide the question or refer the matter for the orders of the Corporation:

Provided that any question involving the expenditure of a sum, exceeding one lakh of rupees shall be referred to the Corporation for orders.

**213. Buildings not to be erected without permission over drains or water or air mains.**— (1) Without the written permission of the Commissioner, no building, wall or other structure shall be erected or re-erected, and no street, railway, electric or telephone line or similar other structure shall be constructed over any municipal drain or air main.

(2) If any building, wall or other structure is erected, or re-erected or constructed in contravention of the provisions of sub-section (1), the Commissioner may, subject to the provision of any law for the time being in force, remove the same or otherwise deal with it as he may think fit. The expenses, incurred by him under this sub-section shall be paid by the person offending.

**214. Control by the State Government.**— No drainage or sewage or water-works scheme involving an expenditure of a sum of five lakhs of rupees or more shall be sanctioned by the Corporation without the previous approval of the State Government.

**215. Power of access to municipal water-works.**— Any municipal sewage or drainage schemes or any municipal water-works may be inspected by a person appointed by the State Government in this behalf and the Commissioner or any such person may at all reasonable times—

(a) enter upon and pass through any land whether within or without the City, adjacent to or in the vicinity of such a drainage or sewage scheme or such water-works in whomsoever such land may vest;

(b) after giving not less than four days written notice to the occupiers, cause to be conveyed into and through any such land all necessary men, materials, tools and implements.

**216. Compensation for damage.**— If in exercise of any of the powers conferred by section 203 or 215 any damage or inconvenience is caused, which in the circumstances could reasonably have been avoided, the Corporation or the Government shall pay compensations according to the damage or inconvenience is caused by the Corporation or by a person appointed by the Government.



## CHAPTER XVIII

**Public Health and Safety Regulation of Factories and Trades**

**217. Factories not to be established, etc., without permission of Commissioner.**— No person shall—

- (a) newly establish, or
- (b) remove from one place to another, or
- (c) re-open or renew after discontinuance for a period of not less than three years, or
- (d) enlarge or extend the area or dimensions of any factory, workshop or bakery in any area set apart for the accommodation of industries by any act, for the time being in force or by any local authority, except with the permission of the Commissioner and in accordance with the terms and conditions stated in such permission:

Provided that no such permission shall be required in the case under clause (c) if during the period of discontinuance the machinery has not been removed from the place where the factory, workshop or bakery was originally established.

**218. Sanitary regulating of factories, etc.**— (1) Whenever it appears to the Commissioner that any factory, workshop or workplace or any building or place, in which mechanical power is employed is not kept in a cleanly state or is not ventilated in such manner as to render as far as practicable harmless any gas, vapour, soot or other impurity generated in the course of the work carried on therein, or is so over-crowded during working hours as to be dangerous or injurious to the health of the persons employed therein; or that any machinery therein is so fixed or so insecurely fenced as to be dangerous to life or limb, the Commissioner may, by written notice, require the owner thereof to take such action as the Commissioner shall think fit to order.

(2) Nothing in this section shall be deemed to affect any provision of Indian Boilers Act, 1923, and nothing in this section regulating the fixing or fencing of any machinery shall apply to any factory subject to the provisions of the Factories Act, 1948.

**219. Regulation of dangerous and offensive trade.**— Except in accordance with the provision of this act, no person shall—

- (a) store or keep in any premises any articles mentioned in any bye-laws made under this Act as dangerous or offensive, or as being, or likely to be a nuisance to the public or dangerous to life, health or property;
- (b) store or keep in any premises the hide or any part of the carcass of any animal afflicted at the time of its death with infectious or contagious disease; or
- (c) carry on or allowed to be carried on in any premises any trade, manufacture, industry or operation mentioned in any rules under this Act as dangerous to life, health or property or as likely to create a nuisance, either from its nature or by reasons of the manner in which or the conditions under which the same may be carried on:

Provided that nothing in this section shall affect the provisions of the Indian Explosives Act, 1884, or the Petroleum Act, 1934.

**220. Premises not to be used for certain purpose without a licence.**— (1) No person shall use or permit to be used any premises for any of the following purposes without or otherwise than in conformity with the terms of a license granted by the Commissioner in this behalf, namely:—

- (a) carrying on within the City the trade or operations of a ferrier;
- (b) keeping articles in excess of the maximum laid down for such articles by any bye-laws;
- (c) keeping any article which, except for domestic purpose is prohibited by any bye-laws;
- (d) keeping in or upon any building used or intended to be used as a dwelling-house or within five metres of such building, any quantity of cotton in excess of four hundred weights;
- (e) keeping horses, cattle or other four footed animals for sale or hire or for the sake of the produce thereof, or for any purpose for which any charge or remuneration is made or received;
- (f) carrying on any of the prescribed trades or operations connected therewith, or any trade or operation which in the opinion of the Commissioner is dangerous to life, health or property or likely to create a nuisance either from its nature or by reason of the manner in which, or the conditions under which, it is carried on.

**Explanation I:**— A person shall be deemed to know that a trade or operation is, in the opinion of the Commissioner, dangerous or likely to create a nuisance within the meaning of this clause after a written notice to that effect signed by the Commissioner has been served on him or affixed to the premises to which it relates.

**Explanation II:** — A person shall be deemed to carry on trade or operation or to allow it to be carried on within the meaning of this paragraph if he does any act in furtherance of such trade or is in any way engaged or concerned therein as principal, agent, master or servant or in any other similar capacity.

(2) It shall be in the discretion of the Commissioner to grant a licence for any of the purpose referred to in sub-section (1) subject to such restrictions or conditions as he may think fit to specify or to refuse to grant such licence.

(3) Every person to whom a licence is granted by the Commissioner under sub-section (2) shall keep such licence in or upon the premises, to which it relates.

(4) Nothing in this section shall be deemed to apply to mills for spinning or weaving cotton, wool, silk or jute or to any other mill or factory which the Commissioner may with the previous approval of the Standing Committee, from time to time, specially exempt from the operation thereof.

**221. Prohibition of corruption of water by chemical, etc.**— (1) No person engaged in any trade or manufacture which may be specified in bye-laws shall—

- (a) wilfully cause or suffer to be brought or to flow into any lake, tank, reservoir, cistern, well, duct or other place for storing water belonging to the Corporation or into

any drain or pipe communicating therewith, any washing or other substance produced in the course of any such trade, or manufactured as aforesaid; or

(b) wilfully do any act connected with such trade or manufacture whereby the water in any such lake, tank, reservoir, cistern, well, duct or other place for storing water is fouled or corrupted.

(2) After giving not less than twenty-four hours previous notice in writing to the owner or to the person who has the management or control of any works, pipes or conduits connected with any such manufacture or trade as is referred to in sub-section (1), the Commissioner may lay open and examine the said works, pipes and conduits; and if, upon such examination, it shall appear that the provisions of sub-section (1) have been contravened by reason of anything contained in or proceeding from the said works, pipes or conduits the expenses incurred in laying open and examining them and in adopting any other measure which the Commissioner considers necessary for removing the cause of such contravention shall be paid by the owner of the said works, pipes or conduits, or by the person who has the management or control thereof, or through whose neglect or fault the contravention has occurred.

But if it appears that there has been no such contravention, the said expenses and also compensation for any damage occasioned by such laying open and examination shall be paid by the Commissioner.

**222. Inspection of premises used for manufactures, etc.—** (1) Subject to the bye-laws made by the Corporation in this behalf, the Commissioner may, at any time, by day or night, and without notice, enter into or upon any premises used for any of the purposes mentioned in section 220 or upon any premises in which furnace is employed for the purpose of any trade or manufacture, or into any bakery, in order to satisfy himself that there is not contravention of any provision of this Act or any rule or bye-law made thereunder or of any condition of any licence granted under this Act, or that no nuisance is being created upon such premises.

(2) No claim for compensation shall lie against any person for any damage which may unavoidably be caused by any such entry or by the use of any force necessary for effecting such entry:

Provided that no force shall be used for effecting an entry, unless there is reason to believe that an offence is being committed against some provision of this Act or some rules made thereunder.

**223. Prohibition of cinematographs and dramatic performances except in licensed premises.—** (1) No exhibition by cinematograph or other apparatus in which inflammable film is used, no public dramatic performance, circus, or pantomime, shall be given within limits of the City except in premises for which a licence has been granted by the Commissioner under this Section.

(2) If the owner of a cinematograph or other apparatus uses the apparatus or allows it to be used, or if any person takes part in any public dramatic performance, circus or pantomime, or if the occupier of any premises allows those premises to be used, in contravention of the provisions of this section, or of any condition of a licence granted

under this section, he shall be liable to a fine not exceeding ten thousand rupees and in the case of a continuing offence, to a further penalty of one thousand rupees for each day during which the offence continues, and his licence shall be liable to be revoked by the Commissioner.

## CHAPTER XIX

### Market and Slaughter Place

**224. Power of Corporation to permit opening of new private markets.**— (1) The Corporation may at its discretion permit the establishment of a new private market in the City or in any specified portion thereof.

(2) No person shall establish a new private market for the sale of animals intended for human food, or for the purpose of exposing them for sale except with sanction of the Corporation.

(3) When the establishment of a new private market is sanctioned the Commissioner shall cause a notice of the sanction to be exhibited in Konkani, Marathi, English and Hindi in some conspicuous spot on or near the building or place where such market is to be held.

**225. Private markets not to be kept open without licence.**— (1) Except under a licence granted by the Commissioner in accordance with the general or special orders issued by the Standing Committee in that behalf, and in conformity with its terms, no person shall establish or keep a private market or when established, remove it from one place to another place or re-establish it after it has been closed for a period in excess of twelve months, or enlarge its area or dimensions:

Provided that the Commissioner shall not refuse a licence to keep a private market or cancel or suspend the same, for any cause other than the owner's failure to comply with this Act or the terms of his licence after the compliance has been required of him.

(2) When the Commissioner has refused, cancelled or suspended any licence to keep a private market, he shall cause a notice thereof in Konkani, Marathi, English and Hindi languages to be conspicuously exhibited near the building or place where such market is or was to be held.

**226. Selling animals, meat, etc., outside a market without a licence.**— (1) Without a licence from the Commissioner no person shall sell or expose for sale any animal, or any meat or fish intended for human food in any place other than a Corporation or licensed market.

(2) Nothing in sub-section (1) shall apply to meat or fish sold in any hotel or eating house for consumption on the premises.

**227. Power of Corporation to regulate the manufacture, preparation and sale of food and drink.**— The Corporation may, and if required by the State Government shall, by bye-laws—

(a) prohibit the manufacture, sale or preparation or exposure for sale, of any specified article of food or drink, in any place or premises not licensed by the Corporation;

(b) regulate the hours and manner of transport of any specified articles of food or drink within the City and prescribe the route by which such articles shall be carried;

(c) prohibit the sale of milk, butter, ghee, curd, meat, game, fish and poultry by persons licensed by the Corporation;

(d) prohibit the import by persons not licensed by the Corporation of milk, butter, ghee, curd, meat, game, fish and poultry within the City for sale;

(e) provide for the grant and withdrawal of licences and the levying of fees therefore under this section:

Provided that no person shall be punishable for breach of any bye-law made under clause (a) by reason of the continuance of such manufacture, preparation, or exposure for sale, or sale in any place or upon any premises which are at the time of the making of such bye-laws used for such purpose until he has received from the Corporation six months notice in writing to discontinue such manufacture, preparation or exposure for sale.

**228. Places for slaughter of animals for sale.**— (1) The Corporation may, and when required by the State Government, shall, fix places or setup abattoires, with the approval of the State Government either within or without the limits of the City, for the slaughter of the animals or of any specified description of animals, for sale, and may with the like approval grant and withdraw licences for the use of such premises, or if they belong to the Corporation may charge rent or fees for the use of the same.

(2) When such places have been fixed by the Corporation beyond municipal limits it shall have the same power to make bye-laws for the inspection and proper regulation of the same if they were within those limits.

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

(4) Any person who slaughters for sale any animal at any place within the City other than the one fixed by the Corporation under this section shall be punishable with fine which may extend to two thousand rupees.

**229. Disposal of dead animals.**— (1) Whenever any animal in the charge of any person dies otherwise than by slaughter for sale or for a religious purpose, such person shall within twenty-four hours either—

(a) convey the carcass to the place fixed by the Corporation for the disposal of dead animals.

(b) give notice of the death to the Commissioner who shall cause the carcass to be disposed of.

(2) For the disposal of dead animals under clause (b) of sub-section (1), the Commissioner may charge such fees as the Corporation may fix by public notice.

(3) For the purposes of this section the word “animal” shall include homed cattle, elephants, camels, horses, ponies, asses, mules, deer, sheep, goats and swine.

(4) Any person bound to act in accordance with sub-section (1) of this section shall, if he fails so to act, be punished with fine which may extend to one thousand rupees.

## CHAPTER XX

**Food, Drink, Drug and Dangerous Articles**

**230. Prohibition of sale of diseased animals or unwholesome articles intended for human consumption.**— No person shall sell, expose or hawk or keep for sale any animal intended for human consumption which is diseased, and no person shall sell, store for sale, expose or hawk for sale or manufacture any food, drink or drug intended for human consumption or medical treatment which is unsound, unwholesome, adulterated, unfit or prohibited for human consumption.

**231. Prohibition of adulterants in places where butter, ghee, etc., are manufactured or stored.**— (1) No person shall keep or permit to be kept in any shop or place in which milk is stored or in any manufactory, shop or place in which butter, ghee, wheat, flour, mustard oil, tea, edible oil, edible fat or any article notified by the State Government in this behalf is manufactured or stored, any substance intended to be used for adulteration of such milk, butter, ghee, wheat, flour, mustard oil, other article.

(2) If any article capable of being so used is found in any such manufactory, shop or place, the Court, shall, unless and until the contrary is proved, presume, in any prosecution under this section that it is intended to be used for adulteration.

**232. Prohibition of sale of certain articles which are not of the prescribed standard of purity.**— No person shall, directly or indirectly, sell, expose or hawk for sale, or manufacture or store for sale any drug or article of food or drink to which the State Government has by notification applied this section unless it fulfills the conditions specified in such notification.

**233. Substitutes.**— No person shall sell, or offer, expose, manufacture or store for sale, as being a specified drug or article of food or drink to which the State Government has by notification extended this section, article (hereinafter referred to as “substitute”) which resembles or purports to be a notified drug or article but differs therefrom in nature, substance or quality.

**234. Prohibition of sale etc., of food or drink not of the nature, substance or quality of the article as represented.**— (1) No person shall directly or indirectly, himself or by any other person on his behalf, sell, expose or hawk for sale, or manufacture or store for sale, any article of food or drink which is not of the nature, substance, or quality it is represented to be:

Provided that an offence shall not be deemed to be committed under this section in the following cases, namely:—

(a) where any matter or ingredient not injurious to health has been added to any article of food or drink in order to facilitate the production or preparation of the same as an article of commerce in a state fit for carriage or consumption, and not fraudulently to increase the bulk, weight or measure of the article or to conceal the inferior quality thereof; or

(b) where any article of food or drink is unavoidably mixed with some extraneous matter in the process or collection or preparation.

(2) In any prosecution under this section it shall be no defence to allege that vendor, manufacturer or storey was ignorant of the nature, substance or quality of the article sold, exposed, hawked about for sale, or manufactured or stored for sale, by him, or that the purchaser having bought such article only for analysis was not prejudiced by the sale.

**235. Licence required for dealing in milk, etc.**— No person shall, without or otherwise than in conformity with the terms of a licence granted by the Commissioner in this behalf—

(a) carry on within the limits of the City the trade or business of a dealer in milk or milk products or of an importer, vendor or hawker of the same, or

(b) use any place for the sale of milk or milk products.

**236. Provisions relating to prosecutions.**— In any prosecution under sections 230, 231, 232 and 233—

(a) the Court shall, until the contrary is proved, presume that any animal, food, drink, drug or substitute therefor found in the possession of a person who is in the habit of selling that class of animal or of manufacturing, storing or selling such articles, was being kept, manufactured or stored for sale by such person;

(b) no such person shall plead that he was ignorant that the animal, food, drink, drug or a substitute was diseased, unsound, unwholesome, unfit or prohibited for human consumption or adulterated or did not fulfil the conditions specified, or was a substitute, as the case may be;

(c) no offence shall be deemed to have been committed where such person proves to the satisfaction of the Court that he obtained the food, drink, drug, or substitute under a warranty from the person manufacturing it within the City or importing it within the same that the food, drink, drug or substitute had not been adulterated, or that it fulfilled the conditions specified or that it was not a substitute and that he had no reason to believe otherwise or had no reasonable ground for believing that by lapse of time or otherwise the warranty no longer held good.

**237. Liability of warrantors.**— When any person has been discharged or acquitted of an offence on the grounds mentioned in clause (c) of section 236 and the warranty proves to be incorrect or misleading, the warrantor shall be liable to be prosecuted for such offence and the provisions of section 236 shall apply in a like manner as if he were himself the seller or storer, as the case may be.

**238. Inspection of place for sale of food or drink and seizure of unwholesome articles or utensils found therein.**— (1) Any officer of the Corporation duly authorised in this behalf by the Commissioner may enter into and inspect any market, building, shop, stall, or place used for the sale of any animal, food, drink or drug intended for human consumption or medical treatment or for the preparation, manufacture or storage of the same for sale, and may inspect and examine any such animal, food, drink or drug and any utensil or vessel used for preparing, manufacturing or containing any such food, drink or drug.

(2) If any such animal appears to such officer to be diseased, or if any such food, drink or drug appears to him to be unsound, unwholesome or unfit or prohibited for human consumption or medical treatment, as the case may be, or to be adulterated, or not to fulfil the specified conditions or to be a substitute, or if any such utensil or vessel is of such kind or in such state as to render any food, drink, or drug, prepared, manufactured or contained therein unwholesome or unfit for human consumption or medical treatment, he may seize and remove such animal, food, drink, drug, utensil or vessel in order that the same may be dealt with hereinafter in this Chapter provided.

(3) The authorised officer may, instead of removing any animal, food, drink, drug, utensil or vessel seized under sub-section (2) leave the same in such safe custody as the Commissioner directs in order that it may be dealt with as hereinafter in this Chapter provided; and no person shall remove it from such custody or interfere or tamper with it in any way while it is so detained.

**239. Destruction of animals and articles seized under section 248.—** (1) When any animal, food, drink, drug, utensil or vessel is seized under sub-section (2), of section 238, it may be, destroyed by the officer, making the seizure with the consent of the owner or the person in whose possession it was found.

(2) The officer destroying any animal food, drink, drug, utensil or vessel under sub-section (1) shall report such destruction to the Medical Officer of Health.

(3) If any food, drink or drug seized under sub-section (1) is of a perishable nature and is in the opinion of the officer making the seizure, infected, unsound, unwholesome or unfit for human consumption or medical treatment, it may, with the previous sanction of the Medical Officer of Health, be destroyed without the consent referred to in sub-section (1).

(4) The expenses incurred in taking any action under sub-sections (1) and (3) shall be paid by the person in whose possession such animal, food, drink, drug, utensil or vessel was at the time of its seizure and no claim shall lie for compensation for any animal or article so destroyed.

**240. Taking before magistrate of animals and articles seized under section 238.—** (1) Any animal, food, drink, drug, utensil or vessel seized under sub-section (2) of section 238 but not destroyed in pursuance of section 239 shall, subject to the provisions of sub-section (3) of section 238, be taken before a Magistrate as soon as may be after such seizure.

(2) If it appears to the Magistrate that such animal, food, drink, drug, utensil or vessel was rightly seized, he shall cause the same to be forfeited to the Corporation or to be destroyed at the expense of the person in whose possession it was found at the time of its seizure.

(3) If the Magistrate is of the contrary opinion, the person from whose shop or place it was taken shall be entitled to have it restored to him, and it shall be in the discretion of the Magistrate to award him such compensation, not exceeding the actual loss or expenses which he has sustained or incurred, as the Magistrate may think proper.



**241. Food, drink or drugs directed to be destroyed deemed to be the property of the Corporation.**— Any animal, food, drink or drug in respect of which any authority exercising powers under this Chapter passes an order of destruction or disposal so that it cannot be used as food or medicine, shall thereupon be deemed to be the property of the Corporation.

**242. Application of provisions of this Chapter to other articles.**— The provisions of this Chapter shall, so far as they are applicable, apply to such other articles as the State Government may by notification in the Gazette declare to be dangerous for human use.

## CHAPTER XXI

### On Restraint of Infection

**243. Information to be given of existence of dangerous disease.**— Whoever—

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

(b) being, the owner, or occupier of such dwelling and becoming cognizant of the existence of any such disease therein, or, in default of such owner or occupier,

(c) being the person in charge of, or in attendance on, any person suffering from any such disease in such dwelling, and becoming cognizant of the existence of the disease therein, fails forthwith to give information, or knowingly gives false information to the Medical Officer of Health or to any other officer to whom the Corporation may require information to be given respecting the existence of such disease, shall be punishable with fine which may extend to five thousand rupees:

Provided that a person not required to give information in the first instance, but only in default of some other person, shall not be punishable if he shows that he had reasonable cause to suppose that the information had been, or would be, duly given.

**244. Powers of Medical Officer of Health to inspect places and take measures to prevent spread of dangerous diseases.**— The Medical Officer of Health, or any other municipal officer authorised by him in this behalf, may, at any time by day or by night, without notice, or after giving such notice of his intention as may, in the circumstances, appear to him to be reasonable, inspect 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 the disease beyond such place.

**245. Prohibition of use for drinking or for other domestic purposes of water likely to cause dangerous disease.**— (1) If it appears to the Medical Officer of Health that the water in any well, tank or other place is likely, if used for the purpose of drinking or for any other domestic purpose, to endanger or cause the spread of any dangerous disease, he may by public notice prohibit the removal or use of the said water for such purpose.

(2) No person shall remove or use for such purpose any water in respect of which any such public notice has been issued.

**246. Power of Medical Officer of Health to remove patient to hospital in certain cases.**— (1) When, in the opinion of the Medical Officer of Health, any person is suffering from a dangerous disease and is also without proper lodging or accommodation or is lodged in such a manner that he cannot be effectually isolated so as to prevent the spread of infection, and the said officer considers that such person should be removed to a hospital or place at which patients suffering from such disease are received for medical treatment, he may, with the approval of the Commissioner, direct or cause the removal of such person to such hospital or place:

Provided that all costs incurred for the removal and the treatment of any such patient shall be borne by the Corporation:

Provided also that, if any such person is a woman, she shall not be removed to any such hospital or place unless the same has accommodation for women, of a suitable kind, and set apart from the portion assigned to males.

(2) Any person having charge of a person in respect of whom an order is made under sub-section (1) shall obey such order.

**247. Power of Medical Officer of Health to disinfect building, tank, pool or well.**—

(1) If the Medical Officer of Health or any officer of the Corporation authorized by him in this behalf, is of opinion that the cleansing or disinfecting of any building or any part of a building, or any article therein which is likely to retain infection, or of any tank, pool or well adjacent to a building, would tend to prevent or check the spread of any dangerous disease, he may cause to be cleaned or disinfected such building, part, article, tank, pool or well and may by written notice, require the occupier of such building or any part thereof to vacate the same for such time as may be prescribed in such notice.

(2) The cost of cleansing or disinfecting any building or part thereof, or any article therein under sub-section (1), shall be paid by the occupier of such building and the cost of cleansing or disinfecting any tank, pool or well under the said sub-section, shall be paid by the person in actual possession of such tank, pool or well or if there be no such person, by the owner thereof:

Provided that if, in the opinion of the Commissioner, the owner or occupier is from poverty unable to pay the cost, the Commissioner may direct payment thereof to be made from the municipal fund.

**248. Power of Medical Officer of Health to destroy huts and sheds.**— (1) If the Medical Officer of Health is of opinion that the destruction of any hut or shed is necessary to prevent the spread of any dangerous disease, he may after giving to the owner or occupier of such hut or shed such previous notice of his intention as he considers reasonable, take measures for having such hut or shed and all the materials thereof destroyed.

(2) Compensation not exceeding the value of the hut shall be paid by the Corporation to any person who sustains loss by the destruction of any such hut or shed, but, except as so allowed by the Commissioner, no claim for compensation shall lie for any loss or damage caused by any exercise of the power conferred by sub-section (1).

**249. Infected building not to be let without being first disinfected.**— No person shall let a building or any part of a building in which he knows or has reason to know that a person has been suffering from a dangerous disease,—

(a) unless the Medical Officer of Health has disinfected the same and has granted a certificate to that effect, and

(b) until a date specified in such certificate as that on which the building or part may be occupied without causing risk of infection.

*Explanation:*— For the purposes of this section the keeper of a hotel or inn shall be deemed to have let part of his building to any person accommodated therein.

**250. Provision of places for disinfection, washing or destruction or infected articles and power of Commissioner to disinfect or destroy such articles.**— (1) The Corporation shall provide a place or places with all necessary apparatus and establishment, for the disinfection of conveyances, clothing, bedding or other articles which have become infected, and when any articles have been brought to any such place for disinfection, shall cause them to be disinfected either—

(a) free of charge; or

(b) in its discretion, on payment of such fees as it may from time to time fix in this behalf.

(2) The Corporation shall, from time to time, by public notice, appoint a place or places at which conveyances, clothing, bedding or other articles which have been exposed to infection from any dangerous disease may be washed; and no person shall wash any such article at any place not so appointed, without having previously disinfected the same.

(3) The Medical Officer of Health, or any person authorized by him in this behalf, shall disinfect or destroy, or by written notice direct the disinfection or destruction of any clothing, bedding or other articles likely to retain infection.

(4) The Commissioner shall pay such compensation as may appear to him reasonable for any article destroyed under sub-section (3) and his decision as to the amount of compensation shall be final.

**251. Infected articles not to be transmitted, etc., without previous disinfection.**— (1) No person shall, without previous disinfection of the same, give, lend, sell, transmit, or otherwise dispose of any article which he knows or has reason to know has been exposed to infection from any dangerous disease.

(2) Nothing in sub-section (1) shall apply to a person who transmits, with proper precautions any such article for the purpose of having same disinfected.

**252. Restrictions on carriage of patient or dead body in public conveyance.**— (1) No person who is suffering from a dangerous disease shall enter, or cause or permit

himself to be carried in, a public conveyance, nor shall any other person knowingly cause or permit a person in his charge and suffering from a dangerous disease or the dead body or any person who has died from such disease to be carried in public conveyance without—

(a) previously notifying to the owner, driver, or person in charge of such conveyance that he is so suffering, and

(b) taking proper precautions against the spreading of such disease.

(2) Notwithstanding anything contained in any enactment relating to public conveyances for the time being in force, no owner or driver or person in charge of a public conveyance shall be bound to carry any person suffering as aforesaid or any such dead body in such conveyance, unless payment or tender of sufficient compensation for the loss and expenses he must incur in disinfecting such conveyance is first of all made to him.

(3) No owner, driver or person in charge of a public conveyance shall knowingly carry or permit to be carried in such conveyance any person suffering as aforesaid or any such dead body in contravention of sub-section (1).

**253. Disinfection of public conveyance after carriage of patient or dead body.—**

(1) The owner, driver or person in charge of any public conveyance in which any person suffering from a dangerous disease or the dead body of any person who has died of such disease has been carried shall immediately take the conveyance for disinfection to a place appointed under sub-section (1) of section 250.

(2) The person in charge of such place shall forthwith intimate to the Medical Officer of Health the number of the conveyance and proceed to disinfect the conveyance.

(3) No such conveyance shall be used until the Medical Officer of Health has granted a certificate stating that it may be used without causing risk of infection.

**254. Power of Corporation to take special measures on outbreak of dangerous disease or infectious epizootic disease.—** In the event City being at any time visited or threatened with an outbreak of any dangerous disease, or in the event of any infectious epizootic disease breaking out or being likely to be introduced into the City, the Corporation, if it considers that the other provisions of this Act, or the provisions of any other enactment for the time being in force are insufficient for the purpose, may, with the sanction of the State Government—

(a) take such special measures; and

(b) by public notice, prescribe such temporary rules to be observed by the public or by any person or class of persons as it may deem necessary to prevent the outbreak of such disease or the spread thereof.

## PART VI

**Lands, Buildings and Streets**

## CHAPTER XXII

**Town Planning**

**255. Town Planning.**— (1) On and from the commencement of this Act, the Corporation shall be the planning and development authority for the Corporation area which shall be deemed to be a Planning Area in terms of the provisions of section 18 of the Goa Town and Country Planning Act, 1974.

(2) On the publication of this Act in the Official Gazette, the Panaji Planning Area shall stand withdrawn from North Goa Planning and Development Authority and all functions, powers and duties of Planning Authority for the Corporation area in terms of the Goa Town and Country Planning Act, 1974 and the regulations framed thereunder shall be performed by the Corporation and the Corporation shall stand declared as a Planning Area in terms of section 18 of the Goa Town and Country Planning Act, 1994.

## CHAPTER XXIII

**Building Control**

**256. Prohibition of erection or re-erection of buildings, without permission.**— (1) No person shall—

- (i) erect or re-erect any building; or
- (ii) commence to erect or re-erect any building; or
- (iii) make any material external alteration to any building; or

(iv) construct or reconstruct any projecting portion of a building which the Commissioner is empowered by section 267 to require to be set back or is empowered to give permission to construct or reconstruct,—

(a) unless the Commissioner has either by an order in writing granted permission or has failed to intimate within the prescribed period his refusal of permission for the erection or re-erection or the building or for the construction or re-construction of the projecting part of the building, or

(b) after the expiry of one year from the date of the said permission or such longer period as the Commissioner may allow or from the end of the prescribed period as the case may be:

Provided that nothing in this section shall apply to any work, addition or alteration which the Corporation may by bye-law declare to be exempt.

(2) If a question arises whether a particular alteration in or addition to an existing building is or is not a material alteration, the decision of the District Court, North Goa at Panaji, shall be final and conclusive.

(3) No appeal shall be admitted under this section unless the matter has been determined by the Commissioner.

**257. Notice of buildings.**— (1) Every person who intends to erect or re-erect a building shall submit to the Commissioner,—

(a) an application in writing for approval of the site together with a site plan of the land, and, in the case of land which is the property of the Government or of the Corporation, a certified copy of the documents authorizing him to occupy the land and if so required by the Commissioner, the original document or documents, and

(b) an application in writing for permission to build together with a ground plan, elevation and section of the building and a specification of the work to be done.

(2) Every plan of any building to be constructed wholly or partly of masonry, submitted under sub-section (1) shall, in token of its having been prepared by him or under his supervision, bear the signature of a licensed surveyor.

(3) Every document submitted under sub-section (1) shall be prepared in such a manner and shall contain such particulars as may be prescribed.

(4) Nothing herein contained shall require a person to comply with the provisions of clause (b) of sub-section (1) until such time as the site has been approved by the Commissioner or such person as he may appoint.

**258. Commissioner to refuse erection or re-erection of buildings.**— (1) The Commissioner shall refuse to sanction the erection or re-erection of any building in contravention of any scheme under section 255 or in contravention of any bye-law made under the provision of this Act.

(2) The Commissioner may refuse to sanction the erection or re-erection of any building, if in respect of the building there are just and sufficient reasons which shall be communicated in writing to the applicant, for which sanction should not be given, or if the land on which it is proposed to erect or re-erect such building is vested in the Government in the Corporation and the consent of the Central or the State Government or the Corporation, as the case may be, has not been obtained, or if the title to the land is in dispute between the applicant and the Corporation or the Government.

(3) Notwithstanding anything contained in sub-section (2) but subject to the provisions of sub-section (9) of section 255, if the Commissioner within sixty days of the receipt from any person of valid notice of such person's intention to erect or re-erect the building or within one hundred and twenty days of such receipt, if the notice relates to a building on the same or part of the same site on which sanction for the erection of a building has been refused within the previous twelve months, neglects or omits to pass orders sanctioning or refusing to sanction such erection or re-erection, such erection or re-erection shall, unless the land on which it is proposed to erect or re-erect such building belongs to or vests in the Corporation, be deemed to have been sanctioned, except in so far as it may contravene any rule or bye-law or town planning scheme sanctioned under this Act or any other enactment for the time being in force:

Provided that if an order granting or refusing such sanction is suspended under section 378, the period specified by this sub-section shall commence to run afresh from the date of the communication of final orders under the said section by the State Government.

**259. Grounds on which site of proposed building may be disapproved.**— The Commissioner may on all or any of the following grounds may refuse to approve the site on which an applicant proposes to erect, or re-erect any building:—

(a) that the erection or re-erection of the proposed building on such site would be in contravention of a town planning scheme under section 255 or of any other provisions of this Act or any other enactment for the time being in force; or

(b) that the site is in a portion within the limits of the city in which the position and direction of the streets have not been determined, and that the building on which it is proposed to erect on such site will, in the opinion of the Commissioner will obstruct or interfere with the construction in the future of suitable streets in such portion or with the drainage, water supply or ventilation thereof:

Provided that any person to whom permission to erect or re-erect a building on such a site has been refused may, by written notice to the Commissioner require that the position and direction of streets to be laid down in future in the vicinity of the proposed building should be forthwith determined, and if such requisition is not complied with within one year from the date thereof, may, subject to all other provisions of this Act applicable thereto, proceed with the erection of his building; or

(c) that the site has been reclaimed or used as a place for depositing sewage, offensive matter or rubbish or the carcasses of dead animals or is otherwise unsanitary or dangerous to health; or

(d) that the site is in a portion within the limits of the city for which a town planning scheme has been sanctioned by the State Government and that the building which it is proposed to erect or re-erect on such site will in the opinion of the Commissioner be likely to conflict in a manner, to be communicated in writing to the applicant, with the provision of a town planning scheme:

Provided that any person to whom permission to erect or re-erect a building on such a site has been refused may, by written notice to the Commissioner, require that the preparation of a town planning scheme for the portion in which the site is situated shall be proceeded as early as possible; and if the applicant is not informed in writing within twelve months of the date of the requisition that the State Government has sanctioned the said town planning scheme, he may, subject to all the other provisions of this Act applicable thereto, proceed with the erection or re-erection of the building in respect of which the application was made.

**260. Grounds on which permission to erect or re-erect buildings may be refused.**— (1) The Commissioner shall not grant permission to erect or re-erect any buildings unless or until he has approved of the site thereof on an application under section 257.

(2) The Commissioner may refuse permission to erect or re-erect any building,—

(a) If the plans and specifications submitted with the application show that such building is not in accordance with the town planning schemes sanctioned under section 255, or with any provision of this Act or any rule or bye-law made thereunder, or any provision of any law for the time being in force; or

(b) If in his opinion the erection or re-erection of such buildings would be a nuisance or injurious to the inhabitants of the neighbourhood or to the public; or

(c) Unless and until any plans, specifications or particulars called for by him are supplied.

**261. Power of Commissioner to direct modification of a sanctioned plan of a building before its completion.**— If at any time before the completion of a building, of which the erection has been sanctioned under Section 258, the Commissioner finds that any modification of the sanctioned plan is necessary, the Commissioner may, subject to compensation for any loss to which the owner may be put, direct that the building may be modified accordingly.

**262. Lapse of sanction after one year from the date of such sanction.**— Every sanction for the erection or re-erection of any building shall remain in force for one year only from the date of such sanction or for such longer period as the Commissioner may have allowed when conveying sanction under section 256. If the erection or re-erection of the building is not commenced within one year and not completed within two years or such longer period as may have been allowed by the Commissioner the sanction shall be deemed to have been lapsed; but such lapse shall not bar any subsequent application for fresh sanction under forgoing provisions of this Act.

263. Completion certificate and permission to occupy or re-use.— (1) Every person who—

i) erects or re-erects any building; or

ii) makes any material external alteration in or addition to any building; or

iii) constructs or reconstructs any projecting portion of a building which the Commissioner is empowered under section 267 to require to be set back or is empowered to give permission to construct or reconstruct;

shall within one month of the completion of the work deliver to the Commissioner at his office a notice in writing of such completion and shall give to the Commissioner all necessary facilities for the inspection of such work.

(2) Within seven days after the receipt of the said notice the Commissioner shall depute an officer to commence the inspection of such work.

(3) Within seven days from the date of commencement of such inspection the Commissioner shall—

(a) give permission for the occupation of the building erected or for the use of the part of the building erected, or



(b) refuse such permission in case such erection, re-erection, construction or reconstruction is in contravention of any provision of this Act or any other enactment for the time being in force.

(4) No person shall occupy or permit to be occupied any such building or use or permit to be used any part affected by the re-erection of such building—

(a) until the permission referred to in clause (a) of sub-section (3) has been granted in the prescribed manner,

(b) unless the Commissioner has failed for fifteen days after the receipt of notice of completion to intimate his refusal to grant the said permission.

**264. Power of Commissioner to stop progress of building work unlawfully commenced or carried on.**— (1) In any case in which the erection of a building has been commenced or is being carried on unlawfully as mentioned in section 269, the Commissioner may by written notice require the building operations to be discontinued from the date of service of such notice.

(2) Any person failing to comply with the term of such notice shall be punishable with a fine which may extend to ten thousand rupees and if he fails to comply with the terms of such notice after the first day of his failure so to do, with a further fine which may extend to one thousand rupees for every such day after the first.

**265. Power of Commissioner to direct removal of person from buildings in which works are being unlawfully carried on or which are unlawfully occupied.**— (1) If any person contravenes any provision of section 263 or disobeys any direction of the Commissioner made under that section, the Commissioner after giving twenty-four hours notice shall direct all persons engaged in any capacity in the work of erecting or re-erecting the building in question or part thereof or constructing or re-constructing any projecting portion thereof or occupying or using such building or part thereof to remove themselves and shall take measures as will prevent any one of such persons from again entering into or remaining upon such building or part thereof except with his permission:

Provided that any person occupying or using such building or part thereof either as tenant or as owner in contravention of sub-section (4) of section 263 shall not be so directed to remove himself unless he has been served by the Commissioner with one week's notice in writing requiring him to vacate:

Provided further that if in the opinion of the Commissioner there is imminent danger to human life, the Commissioner may require such building or part thereof to be vacated immediately.

(2) All expenditure incurred in the enforcement of the provisions of this section may be recovered from the person offending.

**266. Erection and use of temporary buildings to be approved by Commissioner.**— (1) No building shall be erected for a temporary purpose without the sanction of the Commissioner, or otherwise than in accordance with any bye-laws made in this behalf under this Act.

(2) If any building erected for a temporary purpose is not used strictly for such purpose and in accordance with any bye-laws made under this Act or erected without the sanction of the Commissioner, the building may be demolished by the Commissioner at the expense of the owner thereof, whether he is prosecuted under this Act or not.

**267. Power to regulate line of buildings.**— (1) If any part of a building projects beyond the regular line of a public street, as existing or as determined for the future, or beyond the front of immediately adjoining building, the Corporation may—

(a) if the projecting part is a verandah, step or some other structure external to the main building, then at any time, or

(b) if the projecting part is not such external structure as aforesaid, then whenever the greater portion of such building or whenever any material portion of such projecting part has been taken down or burned down or has fallen down require by notice either that the part or some portion of the part projecting beyond the regular line or beyond the front of the immediate adjoining building shall be removed, or that such building when being rebuilt shall be set back to or towards the said line or front; and the portion of land added to street by such setting back or removal shall thenceforth be deemed to be part of the public street and shall vest in the Corporation:

Provided that the Corporation shall make reasonable compensation to the owner for any damage he may sustain in consequence of his building or any part thereof being set back.

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

**268. Compensation.**— (1) No compensation shall be claimable by an owner for any damage which he may sustain in consequence of the prohibition of the erection of any building.

(2) The Corporation shall make reasonable compensation to the owner for any damage or loss which he may sustain in consequence of the prohibition of the re-erection of any building or part of a building except in so far as the prohibition is necessary under any rule or bye-law:

Provided that the Corporation shall make full compensation to the owner for any damage or loss which he may sustain in consequence of building or any part thereof being set back preceding such notice the building has by reason of its being in a ruinous or dangerous condition become unfit for human habitation or unless an order of prohibition issued under section 271 has been and still is in force in respect of such building.

(3) The Corporation shall make reasonable compensation to the owner for any damage or loss which he may sustain in consequence of the inclusion of his land in a public street but in assessing such compensation, regard shall be had to the benefits accruing to that owner from the development of the land belonging to him and affected by such street.

**269. Power to require removal or alteration of work not in conformity with bye-laws or any scheme or any other requirement.**— (1) If any building is erected or

re-erected in contravention of any town-planning scheme mentioned under section 255 or of any building bye-laws made under section 386, the Commissioner, without prejudice to his right to take proceedings for a fine in respect of the contravention, may by notice require the owner either to pull down or remove the work or, if he so elects to effect such alterations therein as may be necessary to make it comply with the said scheme or bye-laws.

- (2) If a building is erected or re-erected—
- (a) without any sanction as required by section 256 (1), or
  - (b) when sanction has been refused, or
  - (c) in contravention of the terms of any sanction granted, or
  - (d) when the sanction has lapsed under section 262,

the Commissioner may by notice require the owner or owners to alter or demolish the building within such reasonable time as the Commissioner may think fit.

(3) If a person to whom a notice has been given under the foregoing provisions of this section fails to comply with the notice before the expiry of twenty-eight days, or such longer period as the District Court, North Goa, Panaji, may on his application allow, the Commissioner - may pull down or remove the work in question, or effect such alteration therein as he deems necessary, and may recover from him the expenses reasonably incurred by the Commissioner in so doing.

(4) If the plans are approved by the Commissioner and the approval is communicated to the person intending to build the house or if the plans are rejected by the Commissioner but no notice of their rejection is given to the person intending to build the house within the prescribed period, it shall not be open to the Commissioner to give a notice under sub-sections (1) and (2) on the ground that the building is erected or re-erected in contravention of any scheme or bye-laws or any other requirements under this Chapter.

(5) Nothing in this section shall affect the right of the Corporation or any other person to apply to the District Court, North Goa, Panaji, for an injunction for the removal or alteration of any building on the ground that it contravenes any provision of this Act or of the bye-laws made thereunder, but if the building is one in respect of which plans have been deposited and the plans have been passed by the Commissioner or no notice of its rejection has been given within the prescribed period after the deposit thereof, and if the work has been executed in accordance with the plans, the Court on granting an injunction shall have power to order the Corporation to pay to the owner of the works such compensation as the Court thinks just, but before making any such order the Court shall cause the Commissioner, if already not impleaded as a party, to be joined as a party to the proceeding.

**270. Bar on jurisdiction.**— Save as otherwise expressly provided in this Act or rules made thereunder, no Civil Court shall have jurisdiction to settle, decide or otherwise deal with any question which is by or under this Chapter is required to be settled, decided or dealt with by the Corporation or the Commissioner.

## CHAPTER XXIV

**Dangerous and Insanitary Buildings**

**271. Provisions regarding buildings unfit for human habitation.**— (1) If it appears to the Commissioner that any building intended or used for human habitation or human occupation for any purpose whatever is unfit for such habitation or occupation, he shall give notice in writing to the occupier or to the owner, if the building is not occupied, stating that the building is unfit and signifying his intention to prohibit the further use of such building for such purposes, and calling upon the occupier or owner to state in writing his objection to such prohibition within seven days from the receipt of the notice. If no objection is stated by such occupier or owner within the said period or if the objection stated appears to the Commissioner to be insufficient or not well founded, he may, with the previous approval of the Standing Committee, prohibit by an order in writing the further use of such building for human habitation or occupation:

Provided that, before such order is given the occupier or owner of the building shall be given an opportunity of appearing before the Standing Committee in person or by an agent in support of his objection.

(2) Notice of such prohibition shall be served upon the owner of any building affected thereby and also upon every occupier or user thereof, specifying a period, not being less than fourteen days from the date of service of such notice, within which every such person shall remove himself and his movable property from the said building; and if within the period so specified any such person fails to remove himself and his property as aforesaid, the Commissioner may cause him and his property to be removed and may recover from him the cost of such removal.

(3) When a building has been vacated by removal under sub-section (2), the Commissioner shall affix a notice to the building in the prescribed manner and no person except with the permission in writing of the Commissioner and in accordance with the terms and conditions of such permission, shall without sufficient cause enter into or remain in such building.

(4) If at any time after a building has been vacated by removal under sub-section (2), the Commissioner considers that it can be rendered fit for human habitation or occupation by structural alterations or repairs, he may by a notice in writing call upon the owner to execute, within a period of six months from the date of receipt of such notice, such structural alterations or repairs as he deems necessary, and if at the expiry of the aforesaid period such alterations or repairs have not been executed to his satisfaction, he shall issue to the owner a notice in writing ordering the demolition of such building within a period of thirty days from the receipt of the notice or such longer period as the Commissioner may specify.

(5) If the Commissioner is of the opinion that the building cannot be rendered fit for human habitation or occupation, he may, with the previous approval of the Standing Committee, by a notice in writing call upon the owner to demolish it within a period of thirty days from the receipt of such notice or such longer period as the Commissioner may specify.

(6) If at the expiry of the said period an order to demolish a building given under sub-section (4) or sub-section (5) has not been complied with the Commissioner may, with the previous approval of the Standing Committee direct, by any order in writing, the demolition thereof by any municipal officer, servant or contractor. The materials of the building so demolished shall thereupon be sold by public auction and the proceeds of the sale shall be made over to the owner after deducting the cost of the demolition and sale. If the amount realised is not sufficient to cover the cost of the demolition and sale, the balance, if any, shall be recovered from the owner in any manner as provided under the law:

Provided that, before such an order is given, the owner of the building shall be given an opportunity of appearing before the Standing Committee in person or by agent, and of showing cause why such order should not be given.

(7) If any building in respect of which an order under this section has been given is held under a lease, the lease shall be voidable at the option of the lessee with effect from the date on which the lessee has to remove himself from the leased property.

**272. Removal of building in dangerous state.**— (1) If, in the opinion of the Commissioner, any building, wall, structure or anything affixed thereto is in a dangerous state, the Commissioner may, by a notice in writing, require the occupier or owner thereof forthwith either to demolish or remove the building, wall, structure or anything affixed thereto or to cause such repairs to be made thereto as the Commissioner considers necessary for the public safety; and if the danger appears to him to be imminent, he may forthwith take such steps as may be required to avert such danger, including the forcible removal without notice from such building of all the occupiers thereof and their property.

(2) Any expenses incurred by the Commissioner under sub-section (1) shall be paid by the owner of such building, wall, structure, or anything affixed thereto.

(3) Except with the permission in writing of the Commissioner no person shall without sufficient cause enter into or remain in any building from which the occupier and his property has been removed under sub-section (1).

**273. Abandoned or unoccupied premises.**— If it appears to the Commissioner that any building or structure has been abandoned or is unoccupied and has become a resort of disorderly persons or is by reason of its condition seriously detrimental to the amenities of the neighbourhood, the Commissioner may give a written notice to the owner of such building or structure if he is known and found to be a resident within the limits of the Corporation, or to any person who is known or believed to claim to be the owner, if such person is resident within the limits of the Corporation, and/or shall also affix a copy of the notice on some conspicuous part of the building or structure requiring all persons having any right or interest therein to take such order with the said building or structure as may, in the opinion of the Commissioner, be necessary to prevent the same from being resorted as aforesaid, or from being seriously detrimental to the amenities of the neighbourhood.

**274. Reclamation of low-lying sites.**— (1) If for any reason it appears to the Commissioner that the level of the site on which it is proposed to erect or re-erect a building is so low that such building is likely to become insanitary or likely to be a source

of nuisance, he shall give to the owner of the site proposed to be built upon a notice in writing, calling upon him to show cause in writing within thirty days after the receipt of such notice why the site should not be reclaimed with such materials and raised to such height and within such period not being less than six months from the date of the notice, as the Commissioner thinks fit and in the notice, the Commissioner shall specify the cost at which the site can be reclaimed and raised by municipal agency if the owner desires to employ that agency.

(2) If no objection is stated within such period as aforesaid, or if any objection which is stated appears to the Commissioner to be insufficient or not well founded, he may by a notice in writing, direct such owner or occupier—

(a) to reclaim and raise the site within the specified period; or

(b) within thirty days after the receipt of the said notice to pay to the Commissioner the estimated cost of reclaiming and raising the site by municipal agency.

(3) In any case in which the estimated cost of the reclamation has not been paid to the Commissioner, and the owner still proposes to erect the building and fails to commence the reclamation within three months of the receipt of the notice under sub-section (2), or if he fails to raise the site to the specified height with the specified materials within the specified period, the Commissioner may recover from him the estimated cost as stated in the Notice issued under sub-section (1), or so much thereof as the Commissioner considers necessary to complete the work, and shall carry out and complete the work.

**275. Power to prohibit re-erection of building on inaccessible sites.**— (1) If any building so situated as to be inaccessible to a fire-engine or as to cause obstruction to a fire-engine from reaching other buildings is demolished or destroyed by fire or otherwise, the Commissioner may by a notice in writing addressed to the owner of the building demolished or destroyed as aforesaid, direct that no building shall be erected which would be inaccessible to a fire-engine or which would cause obstruction to a fire-engine from reaching other building.

(2) No person shall erect or re-erect any building in contravention of a notice, vide sub-section (1).

**276. Removal of building materials from any premises in certain cases.**— If it appears to the Commissioner that any stones, rafters, building materials or debris of building materials are stored or collected in or upon any premises in such quantity or bulk or in such a way as to constitute a harbourage or breeding place for rats or other vermin or is otherwise a source of danger or nuisance or likely to spread any infectious diseases, virus or any infection to the occupiers of the said premises or to persons residing in the neighbourhood thereof or generally in the area surrounding thereof, the Commissioner may by a written notice require the owner of such premises, or the owner of the materials or debris so stored or collected therein, to remove or dispose of the same or to take such order with the same as may, in the opinion of the Commissioner, be necessary or expedient to abate the nuisance or prevent a recurrence thereof.

**277. Power of Commissioner to call for statement of accommodation.**— (1) The owner of the building shall, within the period of seven days of the receipt of a written

notice from the Commissioner, supply such information with respect to such building or its occupants as the Corporation may prescribe.

(2) The occupier of the building occupied as a separate tenement shall on like notice and within the like period supply such information as may be prescribed with respect to such building as aforesaid which is in his occupation.

**278. Cleaning and disinfecting of buildings.**— (1) Should the owner, part-owner, or occupier of any building suffer the same to be in a filthy or unwholesome state, or in the event of a National or State event or celebration, the Commissioner may, by a notice require him within twenty-four hours to cleanse the same or otherwise put it in a proper state and thereafter to keep it in a clean and proper state and if it appears to be necessary for sanitary purposes so to do, may, at any time by a notice, direct the occupier of any building to lime-wash or otherwise cleanse the said building inside and outside in the manner and within a period to be specified in the notice.

(2) If the Commissioner is of opinion that the cleansing or disinfecting of a building or any part thereof, of any article therein, which is likely to retain infection, will tend to prevent or check the spread of any disease, he may, by a notice require the owner or occupier to cleanse or disinfect the same in the manner and within the period to be specified in the notice.

**279. "Building" to include part of a building for purposes of this Chapter.**— For the purposes of this Chapter the expression "building" includes a part of a building.

## CHAPTER XXV

### Streets

#### Public Streets

**280. Closing of public streets.**— (1) The Corporation may with the previous sanction of the State Government permanently close the whole or any part of a public street:

Provided that no such street or part thereof shall be closed unless for a period of not less than one month before the date of the meeting of the Corporation at which the matter is to be decided, a notice has been posted in the street or part thereof which it is proposed to close informing the residents of the proposal and until any objections to the proposal made in writing at any time before the day of the said meeting have been received and considered by the Corporation.

(2) When any public street or part thereof is permanently closed under sub-section (1), the site of such street, or of the part thereof which has been closed, may be disposed of, subject to the provisions of section 75, as land belonging to the Corporation:

Provided that nothing herein contained shall be interpreted to mean any restrictions on the power of the Commissioner to permit or order a temporary closure of a street.

**281. Laying railway, skybus or electrical telephone poles.**— (1) Without the previous permission in writing of the Commissioner no person shall lay on, under or above any public street any railway or skybus or erect or lay any poles or cables or the like, or operate the same.

(2) The Commissioner shall give such permission in accordance with any general or special rules which may be made by the State Government after considering any representation made by the Corporation.

(3) Nothing in this section shall be deemed to affect any provision of the Indian Telegraph Act, 1885, the Indian Railways Act, 1890, or the Indian Electricity Act, 1910.

**282. Prohibition of projections upon streets.**— (1) Except with the previous permission of the Commissioner and in accordance with such terms and conditions, including the payment of rent, as he may impose, no person shall erect, add to, set up or place against or in front of any premises any structure or fixture or obstruction which will—

(a) overhang or project into or encroach upon or in any way obstruct the passage of the public along any street; or

(b) project into or encroach upon or cover any drain or open channel in any street so as to interfere in any way with the use of proper working of such drain or channel or to impede the inspection or cleansing thereof.

(2) The Commissioner may, by a written notice, require the owner or occupier of any premises to take such order as he may direct with any structure, fixture or covering which has been erected, setup or placed against or in front of the said premises in contravention of this section.

(3) Any rent payable under this section shall be recoverable under chapter XII of this Act.

**283. Procedure to be followed by Commissioner on conviction of a person under section 421.**— (1) When any person has been convicted under section 421, the Commissioner may—

(a) by a notice, require such person to remove the overhanging structure, encroachment or obstruction and where necessary, to restore the street, drain, or channel to the condition it was in before the encroachment; and

(b) if the requirement is not complied with within the time fixed in the notice, have the required act done by his subordinate officers at the expense of such person and recover the cost of the required act from such person as an arrear of tax under Chapter XII of this Act.

**284. Restriction on powers of municipal authorities in relation to street.**— (1) The Corporation or the Commissioner shall not in respect of any street vested in the Government, grant permission to do any act the doing of which without the permission of the Corporation or the Commissioner is punishable under this Act or the rules or bye-laws made thereunder except with the previous sanction of the State Government which may accord its sanction either generally or in particular cases.

(2) The Corporation or the Commissioner shall, if so required by the State Government, exercise in respect of such streets, all or any of the powers conferred by this Act upon the Corporation or the Commissioner, as the case may be.



**285. Footings of buildings not to establish title to land belonging to Government or vesting in Corporation.**— No title to any land belonging to or vested in the Government or the Corporation shall be deemed to have been acquired by reason only that the footing of the foundations of any building, wall or other structure, project or have projected below the surface of such land.

**286. Prohibition of obstruction in streets.**— No person shall, except with the permission of the Commissioner and in accordance with such conditions including the payment of rent as he may impose either generally or specially in that behalf, place or deposit upon any street or drain, well or channel therein, any stall, chair, bench, box, ladder, bale, tray, goods or other things and the Commissioner may without giving notice remove any such stall, chair, bench, box, ladder, bale, tray, goods or other thing or may in lieu of such removal collect such rent for the use of the land as he may impose.

**287. Streets not to be opened or broken up and building materials not to be deposited therein without permission.**— (1) Except in such cases as the State Government may by general or special order exempt from the operation of this section, no person shall, except with the permission of the Commissioner and in accordance with such terms and conditions, including payment of rent or otherwise, as the Commissioner may impose either generally or in each special case,—

(a) open, break-up, displace, take up or make any alteration in, or cause any injury to, the soil or pavement, or any wall, fence, post, chain or other materials or thing forming part of any street or in any open space vested in the Corporation; or

(b) deposit any building material in any street or in any open space vested in the Corporation; or

(c) set up in any street or in any open space vested in the Corporation any scaffold or any temporary erection for the purpose of any work whatever, or any posts, bars, rails, boards or other things by way of enclosure, for the purpose of making mortar or depositing bricks, lime, rubbish or other materials.

(2) Any permission granted under sub-section (1), clause (b) or (c) shall be terminable at the discretion of the Commissioner, on his giving not less than twenty-four hours written notice of the termination thereof to the person to whom such permission was granted.

(3) The Commissioner may, without notice—

(a) cause the soil pavement or any wall, fence, post, chain or other material forming part of the street to be restored to the condition it was in before any opening or breaking up or displacement, or alteration or damage made or done without the permission of the authority specified in sub-section (1);

(b) cause to be removed any building materials, or any scaffold or any temporary erection, or any posts, bars, rails, boards or other things by way of enclosure, which have been deposited or set up in any street or in any open space vested in the Corporation without any permission of the authority specified in sub-section (1), or which, having been deposited or set up with such permission, have not been removed within the period specified in the notice issued under sub-section (2) and recover the costs of such restoration or removal from the offender.

**288. Ground floor doors, etc., not to open outwards on streets.**— If any door, gate, bar or window on the ground floor of any premises opens outwards upon a street or upon any land required for the improvement of a street in such a manner as, in the opinion of the Commissioner, to obstruct the safe or convenient passage of the public along such street, the Commissioner may at any time by a written notice require the owner of the said premises to have the said door, gate, bar or window altered so as not to open outwards.

**289. Powers to require removal of old projections.**— (1) If any such structure, fixture or covering as is described in section 282 has already been erected, set up or placed against or in front of any premises, the Commissioner may give notice under sub-section (2) of the said section to the owner of the said premises.

(2) If the owner or occupier of the building proves that any such structure, fixture or covering was authorised by any law previously in force or that it was erected with the consent of any Corporation authority duly empowered in that behalf, the Corporation shall, after such structures have been removed, make reasonable compensation to every person who suffers damage by the removal or alteration thereof.

### Streets

**290. Commissioner may call for further particulars.**— (1) Every person who intends to make or lay out a street shall give a written notice of his intention to the Commissioner and shall submit such plans and other documents as the Corporation may prescribe in this behalf.

(2) If any notice given under sub-section (1) does not supply all the information which the Commissioner deems necessary to enable him to deal satisfactorily with the case, he may at any time within thirty days of receipt of the said notice, by written order require the persons who gave the said notice to furnish such information.

**291. Level of new street to be determined by Commissioner.**— The level, direction, width, and means of drainage of every new street and the height and means of drainage of the buildings to be erected on each side thereof shall be fixed and determined by the Commissioner.

**292. New streets not to be made and buildings on either side thereof not to be erected except in accordance with the direction of Commissioner.**— (1) No person shall make or lay out any new street or erect any building on either side thereof otherwise than in accordance with the directions of the Commissioner under section 291.

(2) If any such new street be made or laid out, or if any building on either side of any such street be erected by any person in contravention of this section, the Commissioner may, by a written notice, require the said person to make a statement in writing subscribed by him in that behalf and addressed to the Commissioner to show cause on or before such date as may be specified in such Notice to appear before the Commissioner, as the case may be, either personally or by an agent, and to show cause as aforesaid.

(3) If such person fails to show sufficient cause as aforesaid, the Commissioner may cause the street or building to be so altered or to be demolished or removed and may recover the expenses thereof from the said person.

**293. Levelling, metalling, parking, etc., on streets.**— (1) If any street be not levelled, paved, lighted, sewered, drained, channelled or flagged to the satisfaction of the Commissioner he may, by a written notice, require the owner or owners of the street and the owners of the several premises fronting or adjoining the said street or abutting thereon, or to which access is obtained through such street, or which will benefit by works executed under this section, to contribute in such proportions as he may direct to the cost of levelling, metalling, tarring or asphaltting, paving, lighting, sewerage, draining, channelling or flagging the same.

(2) The notice shall show:—

- (a) the nature of the intended works;
- (b) the estimated expenses thereof including five percent for contingencies; and
- (c) the proportion of the expenses payable by each owner.

(3) Any person dissatisfied with the notice of the Commissioner calling upon him to contribute towards the cost may Appeal to the District Court, North Goa at Panaji.

(4) Every such appeal shall be presented within thirty days from the date of the receipt of the notice issued under sub-section (1) and shall be accompanied by a copy of the said notice.

(5) The provisions of the Indian Limitation Act, 1963, relating to appeals shall apply to every appeal preferred under this section.

(6) On recovery of the full amount of the estimated expenses, the Commissioner shall carry out the work with all convenient speed.

(7) Any expenditure involved over and above the amount so recovered shall be met from the municipal fund; but if the actual cost of the work as finally completed is less than the estimated cost, the surplus shall be refunded to the contributors proportionately to their contributions in all cases where a refund would amount to not less than fifty rupees.

(8) If no appeal is preferred under sub-section (3) within the period specified in sub-section (4), or, if an appeal is preferred and no effect is given to the decision of the District Court affirming the order of the Commissioner, the Commissioner may execute the work mentioned in the notice referred to in sub-section (1) and may recover the expenses incurred in so doing from the owners in default in the proportion specified in the said notice.

(9) The Commissioner may, in consultation with the Police, from time to time, earmark such places as he thinks fit to be the parking or halting places or lots for vehicles on any part of a public street or public place.

(10) The Commissioner may, charge such fees or charges from any person for use of such place or lot by him for parking or halting a vehicle for each day or part thereof subject to such terms and conditions as the Commissioner may think fit, with the approval of the Corporation.

### **Conversion of Streets into Public Streets**

**294. Power to declare streets when metalled, etc., public streets.**— (1) When any street has had been levelled, metalled, tarred or asphalted, paved, made good, lighted, drained, channelled and flagged to the satisfaction of the Commissioner, he shall, if so required by the persons liable for the greater part of the expenditure on such street, by notice put up in any part of such street, declare the same to be a public street. The said street shall thereupon become a public street.

2) The Commissioner may, at any time, by a notice exhibited in any street or part of a street not maintained by the Corporation, give intimation of his intention to declare the same a public street and, unless within one month next after such notice is first exhibited the owner of the majority of owners of such street or such part of street, lodges or lodge objections thereto with the Corporation, the Commissioner may, by a notice exhibited in such street or part, declare the same to be a public street vested in the Corporation.

(3) Any person aggrieved by a notice under sub-section (2) may appeal within thirty days from the date the notice is first exhibited, to the District Court of North Goa at Panaji, which shall give a reasonable opportunity of being heard to the appellant and the Corporation.

(4) The provisions of the Indian Limitation Act, 1963, relating to appeals shall apply to every appeal preferred under this section.

**295. Power to construct or maintain public bridges.**— The Commissioner, when authorized by the Corporation in this behalf, may agree,—

(a) with any person to adopt and maintain any existing or proposed bridge, via duct or arch and approaches as part of a public street, or as property vested in the Corporation; or

(b) for the construction or alteration of any such bridge, via duct or arch or for the purchase or acquisition of any adjoining land required for the foundation and support thereof, or for the approaches thereto, either entirely at the expenses of such person or partly at the expense of the Corporation.

## CHAPTER XXVI

### **General Provisions as to Streets and Public Nuisance**

**296. Power to require protection of streets during cutting down of trees, erection demolition of building, etc.**— (1) No person shall without the previous permission in writing of the Commissioner cut down any tree or cut off a branch of any tree, or erect or demolish any building or part of a building or alter or repair the outer portion of any building, where such action is of a nature to cause obstruction, danger or annoyance or risk of obstruction, danger or annoyance to any person using a street.

(2) The Commissioner may at any time by a notice require that any person doing or proposing to do any of the acts referred to in sub-section (1) shall refrain from beginning

or continuing the act unless he puts up, maintains, and provides from sunset to sunrise with sufficient lighting such hoardings or screens as are specified or described in the notice and may further at any time by notice require the removal, within a time to be specified in the notice, of any hoarding or screen erected in anticipation or in pursuance of any of the said acts.

(3) Whoever contravenes the provisions of sub-section (1) or omits to comply with the terms of a notice under sub-section (2), shall be punishable with fine which may extend to five hundred rupees and in case of a continuing contravention or omission, with a further fine which may extend to one hundred rupees for every day after the first during which the contravention or omission continues.

**297. Power to attach brackets for lamps.**— The Commissioner may attach brackets for lamps to the outside of any building but in such manner as not to occasion any injury to the building or inconvenience to persons using it or passing by it.

**298. Destroying direction-posts, lamp-posts, etc.**— Whoever, without being authorised by the Commissioner, defaces or disturbs any municipal direction-post, lamp-post or lamp or damages any municipal light in any public place, shall be punishable with fine which may extend to five hundred rupees.

**299. Bill-sticking without permission.**— (1) Whoever, without the consent of the owner or occupier or other person for the time being in charge affixes or causes to be affixed any poster, bill, notice, placard or other paper or means of advertisement against or upon any street, building, wall, tree, board, fence or pole or writes upon, soils, defaces or marks any such building, wall, tree, board, fence or pole with chalk or paint or in any other way whatsoever, shall be punishable with fine which may extend to one thousand rupees.

(2) Notwithstanding anything contained in section 351, a Court may take cognizance of an offence under sub-section (1) of this section upon the complaint of the owner or occupier or other person in charge of the property in respect of which such offence is alleged to have been committed.

**300. Indecent or obscene pictures or printed or written matter.**— (1) Whoever affixes to, inscribes or stencils on any house, building, wall, hoardings, gate, fences, pillar, post, board, tree, road or any other thing whatsoever so as to be visible to a person being in or passing along any street, public highway, or footpath, and whoever affixes or inscribes or stencils on any public latrine or urinal or delivers or attempts to deliver, or exhibits to any inhabitant or to any person being in or passing along any street, public highway or footpath, or throws into the area of any house or exhibits to public view in the window of any house or shop, any picture or printed or written matter which is of an indecent or obscene nature, shall on conviction be punished with imprisonment which may extend to one month or with fine which may extend to one thousand rupees or with both.

(2) Whoever gives or delivers to any other person any such pictures, or printed or written matter mentioned in sub-section (1), with the intent that the same, or some one or more thereof, should be affixed, inscribed, stencilled, delivered or exhibited as therein

mentioned, shall on conviction be punished with imprisonment which may extend to three months or with fine which may extend to five thousand rupees, or with both.

(3) Any police officer may arrest without warrant any person whom he shall find committing any offence under this section.

(4) Nothing in this section shall apply to any advertisement published by the Corporation or published with the sanction of the State Government.

**301. Naming of streets and numbering of houses.**— (1) The Commissioner may from time to time—

(a) with the sanction of the Corporation determine the name by which any street shall be known;

(b) cause to be put up or painted on a conspicuous part of any house at or near each end, corner of entrance to every street, the name of such street as so determined;

(c) determine the number by which any premises shall be known;

(d) by a written notice require the owner of any premises, either to put up or paint a number of such premises in such position and manner as may be specified in such notice or to signify in writing his desire that the work shall be executed under the orders of the Commissioner.

(2) No person shall, without the permission of or without other lawful authority; destroy, remove, deface or in anyway injure any such name, or number or put up or paint any name or number different from that put upon, painted by order of the Commissioner.

(3) When a number is put up or painted on any premises under the orders of the Commissioner in accordance with clause (d) of sub-section (1), the expense of such work shall be payable by the owner of the premises.

(4) The name by which any street is known shall not be changed except with the sanction of the State Government.

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

**303. Roofs and external walls not to be made of inflammable materials.**— The Commissioner may by general or special order, direct that no roofs and external walls of huts or other buildings shall, within the specified limits be made of grass, mats, leaves, or other inflammable material, or repaired or renewed with the same, unless his permission in writing has been obtained.

(2) The Commissioner may by a written notice require any person who has built the roof and external wall of any hut or other buildings in contravention of a direction issued under sub-section (1), to remove or alter the roof or wall so built.

**304. Picketing animals or collecting carts.**— (1) Subject to the provisions of any other Act for the time being in force, whoever, without the permission of the Commissioner pickets animals or collects carts on any street, or uses one street as a halting place for vehicles or animals of any description or as a place of encampment, or causes or permits animals to stray, shall be punishable with fine which may extend to five hundred rupees.

(2) Any animal found picketed, tethered or straying on any public street without the permission of the Commissioner may be removed to a pound by any officer or servant of the Corporation or by a police officer.

**305. Driving vehicles without proper lights.**— Whoever drives or propels any vehicle not properly supplied with lights in any street during the period from half an hour after sunset to half an hour before sunrise shall be punishable with fine which may extend to five hundred rupees.

**306. Beating drums, etc.**— (1) Whoever, in contravention of any general or special prohibition issued by the Commissioner, and without the permission of the Commissioner, beats a drum or tom tom, blows a horn or trumpet or beats or sounds any other instrument or makes a noise on any utensil, shall be punishable with fine which may extend to one thousand rupees.

(2) In the case of bands, each individual member of such band shall be punishable under this section.

(3) For purposes of the section "instrument" shall include a gramophone, a wireless receiver, a loudspeaker or other electrically, or electronically or battery operated means of producing or reproducing sound.

**307. Discharging fire-arms.**— Whoever, unless authorized, bound or justified discharges fire-arms or lets off fire-works, fire balloons, or detonators, or engages in any game in such a manner as to cause, or be likely to cause danger to persons passing by or dwelling or working in the neighbourhood, or risk of injury to property, shall be punishable with fine which may extend to one thousand rupees.

**308. Quarrying, blasting, cutting timber or building.**— Whoever quarries, blasts, cuts timber or carries on building operations in such manner as to cause or to be likely to cause danger to persons passing by or dwelling or working in the neighbourhood, shall be punishable with fine which may extend to one thousand rupees.

**309. Lopping of branches, etc. of tree or plant on a public place.**— Whoever, without the permission of the Commissioner, lops or cuts the branches or twigs of any tree or plant standing on a public place, or plucks the fruits, flowers or leaves of such tree or plant, or causes any damage thereto, shall be punishable with fine which may extend to one thousand rupees, or in the case of a second or subsequent breach, to two thousand rupees.

**PART VII****CHAPTER XXVII****Co-operation of Police**

**310. Co-operation of Police.**— (1) The Superintendent of Police, and his subordinates shall, as far as may be, co-operate with the Commissioner for carrying out the purposes of this Act and for the maintenance of public health, safety and convenience within the limits of the Corporation.

(2) It shall be the duty of every police officer within the limits of the Corporation —

(i) to communicate without delay to the Commissioner any information which he receives of a design to commit or of the commission of any offence against this Act or any rule or bye-law made thereunder, and

(ii) to assist any Corporation Officer or servant reasonably demanding his aid for the lawful exercise of any power vested in the Corporation or in any Corporation Officer or servant under this Act or any rule or bye-law made thereunder.

(3) Any officer or servant of the Corporation, when empowered so to do by a general or special order of the State Government, may exercise such of the powers of a police officer for such of the purposes of this Act as may be specified in the order.

**311. Powers of police to arrest offenders.**— (1) Any police officer, and in the absence of a police officer any officer or servant of the Corporation empowered in this behalf by the general or special order of the State Government under sub-section (3) of section 310 may arrest any person who commits any offence against this Act or any rule or bye-law made thereunder—

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

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

(2) Any person arrested under this section may be detained until his name and address are correctly ascertained:

Provided that no person so arrested shall be detained longer than is necessary for bringing him before a Magistrate unless an order of a Magistrate for his detention is obtained.

**312. Power of the Superintendent to arrest a person on requisition from Commissioner.**— On a written requisition from the Commissioner, the concerned Superintendent of Police shall order arrest of any person who obstructs any Corporation Officer or servant engaged in the discharge of any duty imposed by this Act or by any rule or bye-laws made thereunder.

**313. Police protection at fairs, etc.**— When special police protection is, in the opinion of the State Government, necessary on the occasion of any fair, agricultural show or industrial exhibition managed by the Corporation, or for the purpose of guarding houses evacuated through plague or other epidemic, the State Government may provide



such protection, and the Corporation shall pay the charges thereof or such part of them as the State Government considers equitable.

## CHAPTER XXVIII

### Prevention and Extinction of Fires

**314. Requisition of fire brigade and arrangements for the prevention and extinction of fire.**— (1) For the prevention and extinction of fire, the Corporation shall requisition a fire brigade from Goa State Fire Services with such implements, machinery or means of Communication as the Corporation may think necessary for the efficiency of the exigency.

**315. Power of fire brigade and other persons for suppression of fire.**— (1) On the occasion of a fire within the limits of the City, any Magistrate, the Commissioner, any member of the Corporation, any member of a fire brigade maintained by the State Government, then and there directing the operations of men belonging to the brigade, and, if directed so to do by a Magistrate or the Commissioner or a member of the Corporation, any police officer, above the rank of Police Sub-Inspector, may —

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

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

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

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

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

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

(2) When any building belonging to, vested in or occupied by the Government is endangered by such a fire, the officer of the Public Works Department for the time being in charge of the building may exercise the power conferred on a Magistrate by sub-section (1).

(3) On the occasion of a fire, all persons assisting the fire brigade whether voluntarily or otherwise, shall be under the officer in charge of the fire brigade and shall obey all orders and directions given by such officer.

(4) No person shall be liable to pay damages in respect of anything in good faith done or intended to be done under sub-section (1).

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

**316. Precautionary measures for places of public entertainment.**— The Commissioner may, by notice, require the manager or proprietor of any place of public entertainment to make such provision as he may direct for the prevention and extinction of fire, and for the easy exit of the audience in case of fire.

#### CHAPTER XXIX

##### **Dangerous Animals**

**317. Disposal of mad and stray dogs and other animals.**— (1) The Commissioner may—

(a) authorise any person—

(i) to destroy, or cause to be destroyed or confine or cause to be confined for such period as the Commissioner may direct, any dog or other animal suffering or reasonably suspected to be suffering from rabies, or bitten by any dog or other animal suffering or suspected as aforesaid, or any dog or other animal dangerous to human safety, or any bird, animal or other vermin causing a nuisance;

(ii) to confine, or cause to be confined any dogs found wandering about streets or public places without collars or other marks distinguishing them as private property and to charge a fee for such detention and to take appropriate steps.

(b) issue a temporary or standing order that any dogs without collars or other marks distinguishing them as private property found straying on the streets or beyond the enclosure of the houses of the owners of such dogs should be confined or dealt with appropriately:

Provided that before issuing any order a notice to that effect shall be published in the prescribed manner.

**318. Allowing dogs to be at large.**— Whoever, being the owner or person in charge of any dog, allows it to be at large in any street without a muzzle—

(a) if such dog is likely to annoy or intimidate passers-by, or

(b) if the Commissioner has by notice in the prescribed manner during the prevalence of rabies directed that dogs shall not be at large without muzzles, shall be punishable with fine which may extend to five hundred rupees.

**319. Letting loose horse or other animals.**— Whoever willfully or negligently lets loose any horse or other animal so as to cause, or negligently allows any horse or other animal to cause injury, danger, alarm or annoyance to any person or damage to property, shall be punishable with fine which may extend to five thousand rupees.

#### CHAPTER XXX

##### **Beggars**

**320. Soliciting alms.** — (1) Whoever, in any street or public place within the limits of the Corporation, begs for alms, or exposes, or exhibits with the object of exciting or

extorting alms any deformity, disease or bodily ailment or any offensive sore or wound, shall be punishable with imprisonment which may extend to three months.

(2) If the Court finds that a person has committed an offence punishable under sub-section (1), it may, if in its opinion the person is unable to earn a livelihood owing to physical infirmity or debility or is otherwise a fit person to be committed to a poor-house, in lieu of passing a sentence Order that he may be committed to poor-house maintained by the Corporation or approved by the State Government, for such term and subject to such conditions as may be prescribed by rules made under this Act.

(3) If the person committed to a poorhouse under sub-section (2) escapes from it or commits a breach of any condition subject to which he was committed to the poorhouse, he shall be punishable with imprisonment for a term which may extend to six months.

(4) If the Court finds that the person who has committed an offence punishable under sub-section (1) was not born within the limits of the City or has not been continuously resident therein for more than one year, it may, in lieu of Passing a sentence or order referred to in the aforesaid sub-sections, by order in writing direct the said person to leave the said limits within such time and by such route or routes as may be stated in the order and not to return thereto without the permission in writing of the District Magistrate. If the said person fails to comply with the order within the time specified therein, the Court may cause the said person to be removed beyond the limit of the City under such escort as it may direct.

(5) If the said person returns within the limits of the City without the permission of the authority specified in a term which may extend to six months.

(6) Until and during the trial, a person accused of an offence under this section may be detained either in custody under section 309 of the Code of Criminal Procedure, 1973, or in a poorhouse, according as the Court may, from time to time, direct.

(7) Notwithstanding anything contained in the Code of Criminal Procedure, 1973, an offence punishable under this section shall be cognizable.

**321. Importing beggar.**— Whenever the Commissioner receives information that any person within the limits of the City lives wholly or in part on the proceeds of the begging of others, he may, in writing inform a Magistrate, who shall deal with such person as if the information received about him was of the description mentioned in section 109 of the Code of Criminal Procedure, 1973, and for the purposes of any proceedings under this section the fact that a person lives as aforesaid may be proved by evidence of general repute or otherwise.

## PART VIII

### CHAPTER XXXI

#### Procedure

#### Licences and Written Permissions

**322. Licences and written permissions.**— (1) Wherever it is prescribed that the permission of the Commissioner is necessary for the doing of any act, under this Act, such permission shall unless it is otherwise expressly provided be in writing.

(2) Every licence and written permission granted under this Act or under any rule or bye-law made thereunder shall be signed by the Commissioner and shall specify.

- (a) the date of the grant thereof;
- (b) the purpose and the period (if any) for which it is granted;
- (c) the restrictions and conditions (if any) subject to which it is granted;
- (d) the name of the person to whom it is granted; and
- (e) the tax or fee, if any, paid for the licence or written permission.

(3) Except when it is in this Act, or in any rule or bye-law made thereunder, otherwise expressly provided, for every such licence or written permission a fee may be charged at such rate as may be fixed by the Corporation and such fee shall be payable by the person to whom the licence is granted.

(4) Every person to whom a licence or permission has been granted shall produce it at all reasonable hours of inspection if required by the Commissioner or any officer authorised by him in this behalf.

(5) Any licence or written permission granted under this Act, or under any rule or bye-law made thereunder may at any time be suspended or revoked by the Commissioner if any of its restrictions or conditions is infringed or evaded by the grantee, or if the grantee is convicted of a breach any of the provisions of this Act or of any rule or bye-law made thereunder in any matter to which such licence or permission relates.

(6) When any such licence or written permission is suspended or revoked, or when the period for which the same was granted has expired, the Grantee shall, for all purposes of this Act or of any rule or bye-laws made thereunder, be deemed to be without a licence or written permission until such time whether within the said period or otherwise as the authority granting the same may see fit to cancel the order suspending or revoking the licence or written permission or until the licence or written permission is renewed, as the case may be.

(7) Pending the receipt of orders on his application made before the expiry of a licence or permission, an applicant for the renewal of a licence or permission thereof shall be entitled to act as if it has been renewed.

(8) The acceptance by or on behalf of the Commissioner of the fee or a licence or permission shall not entitle the person paying the fee to the licence or permission.

(9) Every application for a licence or permit shall be addressed to the Commissioner.

(10) Save in cases falling under sections 217 and 219 if the orders of the Commissioner on an application for a licence or permission which complies with the provisions of the foregoing sub-sections are not communicated to the applicant within six weeks from the date of receipt of the application by the Commissioner, the applicant may act as if the licence or permit had been granted for the year or for such shorter period as is mentioned in the application.

(11) In every matter where the State Government or any of the instrumentality or agency of the State Government, desire to construct or erect or undertake or carry out any act for which a permission under this act is required, a certificate issued by the Secretary

to the Government shall be taken as proof of the State Government undertaking such an act and the Commissioner shall issue the necessary permission in terms of this section.

### Evidence

**323. Proof of consent, etc., of municipal authorities or municipal officers.—** Whenever under this Act or any rule or bye-law made thereunder, the doing or the omitting to do any thing or the validity of anything depends upon the approval, sanction, consent, concurrence, declaration, opinion, or satisfaction of —

- (a) the Corporation, or the Standing Committee, or the Commissioner, or
- (b) of any municipal officer,

a written document purporting to have been signed in case (a) by the Commissioner, and in case (b) by the said municipal officer, purporting to convey or set forth such approval, sanction, consent, concurrence, declaration, opinion or satisfaction shall be *prima facie* evidence thereof.

### Signature and Service of Notices, etc.

**324. Signature on notices, etc., may be stamped.—** (1) Every licence, written permission, notice, bill, schedule, summons, warrant or other document which is required by this Act or by any rule or bye-law made thereunder to bear the signature of any municipal officer, shall be deemed to be properly signed if it bears a facsimile of the signature of such municipal officer stamped thereupon.

(2) Nothing in sub-section (1) shall be deemed to apply to a cheque drawn upon the municipal fund or to any deed of contract.

**325. Service of notice, etc. how to be effected on owner or occupier of premises.—** When any notice, bill, schedule, summons or other document is required by this Act or any rule or bye-law made thereunder to be served upon or issued or presented to any person as owner or occupier of any land or building, in so far as it concerns that land or building, the service, or issue or presentation thereof shall be effected either—

- (a) by giving or tendering to any person whose name has been entered in the assessment list as the owner, or one of the owners, of the property concerned, or
- (b) by causing the said notice, bill, schedule, summons or other document to be affixed on some conspicuous part of the land or building to which the document relates, or
- (c) by delivering at some post office, the said notice, bill, schedule, summons, or other document under cover addressed by the description of the owner (or occupier) of— (here describing the property concerned) without further name or description of the person concerned, and obtaining a certificate of posting the same from the post office, or
- (d) by any one or more of these methods.

**326. Service of notice, etc. how to be effected on any person otherwise than as owner or occupier of premises.**— When any notice, bill, schedule, summons or other document is required by this Act or by any rule or bye-law made thereunder to be served upon or issued or presented to any person, otherwise than as owner or occupier of any land or building, such service, issue or presentation shall be effected—

(a) by delivering at some post office the said notice, bill, schedule, summons or other such documents under cover bearing the address of the person concerned and obtaining therefor a certificate of posting, or

(b) by giving or tendering to such person the said notice, bill, schedule, summons or other such documents, or

(c) by both methods.

**327. The two preceding sections inapplicable to Magistrate's summonses.**— Nothing in the two preceding sections shall apply to any summons issued under this Act by a Magistrate.

### **Powers of Entry and Inspection**

**328. Power of entry on premises for purposes of Inspection, survey or execution of necessary work.**— (1) Any municipal officer duly authorised in this behalf by the Commissioner may enter into or upon any premises, with or without assistants or workmen, in order to make any inspection, survey, measurement, valuation or inquiry, or executed any work which is authorised by this Act or by any rule or bye-law made thereunder or which, in his opinion it is necessary or expedient for any of the purposes or in pursuance of any of the provisions of this Act or of any such rule or bye-law, to make or execute:

Provided as follows—

(a) except when it is in this Act or in any rule or bye-law made thereunder otherwise expressly provided, no such entry shall be made between sunset and sunrise;

(b) except when it is in this Act or in any rule or bye-law made thereunder otherwise expressly provided, no building used as a dwelling house shall be so entered, unless with the consent of the occupier thereof, without giving the said occupier at least six hours previous notice in writing of the intention to make such entry and (except where it is inexpedient to mention the purpose) of the purpose thereof;

(c) notwithstanding any power to enter any premises conferred upon municipal officers by this Act or any rule or bye-law made thereunder, sufficient notice of such entry shall in every instance be given to enable the inmates of any apartment appropriated to women to withdraw to some part of the premises where their privacy need not be disturbed;

(d) due regard shall always be had, so far as may be compatible with the exigencies of the purpose for which the entry is made, to the social and religious usages of the occupants of the premises entered.

(2) Except when it is in this Act or any rule or bye-law made thereunder otherwise expressly provided, no claim shall lie against any person for compensation for any damage necessarily caused by any entry made or by the use of any force necessary for effecting such entry:

Provided that force shall not be used for effecting an entry, unless there is reason to believe that an offence has been or is being committed against some provisions of this Act or any rule or bye-law made thereunder.

**329. Power of entry on lands adjacent to works.**— (1) Any municipal officer duly authorised to carry out works may enter upon any land adjoining or within one hundred metres of any works authorised by this Act or by any rule or bye-law made thereunder and deposit any earth, gravel, sand, lime, bricks, stone, or other materials necessary for such works, or for any other purpose connected with the carrying on of such works.

(2) Such officer shall before depositing materials under sub-section (1), give the owner or occupier of the land reasonable notice of his intention to make such entry, and of the purpose thereof, and shall, if so required by the owner or occupier, set apart by sufficient fences so much of the land as may be required for the purposes mentioned in the said sub-section.

(3) The municipal officer shall not be bound to make any payment, tender or deposit before entering upon any land under sub-section (1), but shall do as little damage as may be, and the Commissioner shall pay compensation to the owner or occupier of the land for such entry and for any temporary damage that may be done in consequence thereof, and shall also pay compensation to the said owner for any permanent damage resulting therefrom.

**330. Right of entry into and inspection of premises licensed for any purpose.**— The Commissioner, or any Corporation officer authorised by him in that behalf, may at any time by day or night and without notice, enter into or upon any place or premises used or intended to be used for any purpose for which any licence or permission is required by or under this Act or any rule or bye-law or any condition of any licence or permission granted or required under this Act or any rule or bye-law made thereunder is being contravened, and whether any nuisance is being created in or upon such place or premises.

**331. Prohibition of obstructing entry.**— No person shall, in any way, obstruct any municipal officer duly authorised in that behalf in making any entry under sections 328, 329 or 330, or any other municipal officer or any other persons accompanying him at his request or acting under his orders for the purpose of such entry.

### **Enforcement of Orders to execute Works, etc.**

**332. Execution of works which any person is required to execute by Commissioner at such person's cost.**— (1) When any requisition or order is made under this Act or any rule or bye-law made thereunder, by written notice issued by the Commissioner or by any municipal officer duly empowered in this behalf, a reasonable

period to be determined by the Commissioner shall be prescribed in such notice for carrying such requisition or order into effect.

(2) If, within the period so prescribed, such requisition or order or any portion thereof is not complied with, the Commissioner may take such measures, or cause such work to be executed or things to be done, as may, in his opinion, be necessary for giving effect to the requisition or order so made; and unless it is in this Act or in any rule or bye-law made thereunder otherwise, expressly provided, the expenses thereof shall be paid by the person or any one or more of the persons to whom such requisition or order was addressed.

(3) When a person is required under any provision of this Act or under any rule or bye-law made thereunder to supply any materials or fittings or to do any work, the Commissioner may, upon the requisition of such person in writing, supply the necessary materials or fittings or cause the necessary work to be done in this behalf:

Provided that the said person shall first deposit a sum sufficient in the opinion of the Commissioner to cover the cost of the said materials, fittings or work.

(4) When a person is required to execute any work under the provisions of this Act or under any rule or bye-law made thereunder, the Commissioner may, for reasons to be recorded in writing instead of giving him the option of executing it, cause such work to be executed by municipal or other agency under his own supervision, and may recover the expenses incurred thereby from the person liable to execute the work:

Provided that the Corporation may, on the advice of the Commissioner, execute the work at the cost of the municipal fund.

### **Recovery of Expenses**

**333. Power of Commissioner to accept agreement for payment of expenses in instalments.**— (1) Whenever under this Act or under any rule or bye-law made thereunder the cost of any work executed or of any measure taken or thing done by, or, under the order of a municipal authority any Magistrate or any municipal officer empowered in this behalf, is payable by any person, the Commissioner may, with the approval of the Standing Committee, instead of recovering any such cost in any other manner provided in this Act or in any rule or bye-law made thereunder, take an agreement from the said person to pay the same in instalments of such amount and at such intervals as will secure the payment of the whole amount due, with interest thereon at the rate not exceeding six per centum per annum, within a period of not more than five years.

(2) If any instalment is not paid on or before the date on which it falls due, the Commissioner may thenceforward recover interest on the sum then due at such rate not exceeding nine per centum per annum as he may deem fit.

**334. Execution of work by occupier in default of owner and deduction of expenses from rent.**— Whenever the owner of any land or building fails to execute any work which he is required to execute under this Act, or under any rule or bye-law made



thereunder, the occupier (if any) of such land or building may, with the previous approval of the Commissioner, execute the said work and shall be entitled to recover from the owner the reasonable expenses incurred by him in so doing and may, without prejudice to any other right of recovery, deduct the amount thereof from the rent payable by him to the owner.

**335. Limitation of liability of agent or trustee or owner.**— No person who receives the rent of any land or building as an agent or trustee only shall be liable to do anything which by this Act or any rule or bye-law made thereunder is required to be done by an owner, if he proves to the satisfaction of the Commissioner that he has not in his hands funds belonging or payable to the owner sufficient for the purpose:

Provided that nothing in this section shall be deemed to prevent the Commissioner from carrying out the necessary works and recovering the expenses so incurred from the actual owner.

### **Payment of Compensation**

**336. General power of Commissioner to pay compensation.**— In any case not otherwise expressly provided for in this Act, or in any rule or bye-law made thereunder, the Commissioner may, with the previous approval of the Standing Committee, pay compensation to any person who sustains damage by reason of the exercise of any of the powers vested by this Act or by any such rule or bye-law, in the Commissioner, or in any municipal officer or servant.

**337. Compensation to owner for value of immovable property deteriorated.**— (1) In any case in which immovable property has deteriorated in value owing to the exercise of any power conferred by sections 160, 161, 162, 163, 181, 183, 184 and 254, the Corporation may offer to the owner of the property reasonable compensation.

(2) If the owner of the property which has deteriorated in value accepts the compensation, he shall be deemed to have granted to the Corporation a perpetual right to continue the exercise of its powers under any of the said sections in such a manner as not to create greater nuisance or to cause greater damage than was being created, or caused at the time when compensation was received.

**338. Principle on which and manner in which compensation should be determined.**— (1) In determining the amount of compensation, the authority assessing the compensation shall be guided, so far as may be, by the provisions of sections 23 and 24 of the Land Acquisition Act, 1894, and as to matters which cannot be dealt with under those provisions by such provisions as may be prescribed.

(2) The authority assessing compensation for any land acquired by or under the provisions of this Act shall exercise all the powers and perform all the functions of a Court of original jurisdiction and (so far as may be) shall follow the same procedure as may be followed by a Court under the Land Acquisition Act, 1894.

(3) The decision of an authority assessing compensation shall subject to the provisions of section 342, be final.

(4) In this section "land" includes immovable property of every kind and any rights in or over such property.

### **Complaint on Injury**

**339. Procedure on complaint of injury.**— (1) Any person who is injuriously affected by the exercise of any power conferred by sections 160, 161, 162, 163, 181, 183, 184 and 254, may complain to the State Government that more than the least practicable nuisance or damage has been created or caused.

(2) The State Government may appoint an officer to enquire into any such complaints, and such officer shall, for the purpose of this enquiry, have all the powers of a Civil Court trying a suit and shall submit his report to the State Government.

(3) Upon receipt of the report the State Government may, if it thinks fit, direct the Corporation—

(a) to take such measures as it may deem practicable and reasonable for preventing, abating, removing or diminishing the nuisance or damage;

(b) to pay to the complainant all reasonable costs of relating to his complaint, which costs may include compensation for the complainant's loss of time in prosecuting the complaint.

(4) It shall be incumbent on the Corporation, the Standing Committee or the Commissioner, as the case may be, to obey every such order.

**340. Compensation to be paid by offenders against this Act for any damage caused by them.**— (1) Any person who has been convicted of an offence punishable under this Act or under any rule or bye-law made thereunder shall, notwithstanding any punishment for which he may have been sentenced for the said offence, be liable to pay such compensation for any damage to any property of the Corporation resulting from the said offence as the Commissioner may consider reasonable.

(2) In the event of dispute regarding the amount of compensation payable under sub-section (1), such amount shall, on application made to him, be determined by the Magistrate, before whom the said person was convicted of the said offence and on his failure to pay the amount of compensation so determined the same shall be recovered under a warrant issued by the said Magistrate as if it were a fine inflicted by him on the person liable to pay the compensation.

### **Recovery of Expenses or Compensation in case of Disputes**

**341. Reference by Commissioner to the District Court, North Goa at Panaji.**— (1) If, when the Commissioner demands payment of any expenses referred to in section 333 his right to demand the same or the amount of the demand is disputed, the Commissioner shall refer the case for the determination of the District Court, North Goa at Panaji.

(2) The Commissioner shall, pending the decision on any such reference, defer further proceedings for the recovery of the sum claimed by him, but shall not, by reason only of

the pendency of any dispute or reference to the said Court, defer the execution of any temporary measures which may be necessary under any provision of this Act.

**342. Application to District Court.**— Where the Corporation or any municipal officer or servant or any other person is required by this Act or by any rule or bye-law made thereunder to pay any expenses or any compensation, the amount to be paid and, if necessary, the apportionment of the same, shall in case of dispute, be determined by the District Court, North Goa at Panaji, on application being made to him for this purpose at any time within six months from the date when such expenses or compensation first become claimable.

This section shall not apply to any case which is otherwise provided for in the Land Acquisition Act, 1894.

**343. Recovery of sums ascertained under section 337 to be due.**— If the amount of any expenses, or compensation determined in accordance with section 337, is not paid on demand by the person liable to pay the same, it shall be recoverable as if the same were due under the decree of the Court of a District Judge.

**344. Saving of right to claim damages for injury.**— Nothing in this Act shall affect the right of any person who may suffer injury or whose property may be injuriously affected by reason of any act done in exercise of any power conferred by sections 160, 161, 162, 163, 181, 183, 184 and 254 to recover damages.

### Recovery of Certain Dues

**345. Recovery of certain dues by distress and sale.**— In any case not expressly provided for in this Act or in any rule or by-law made thereunder, any sum due to the Corporation on account of any charge, cost or costs, expenses, fees, rates or rent or any other account under this Act or under any such rule or bye-law, shall be recoverable by distress and sale of the movable property of the person from whom such sum is due, in the manner provided by Chapter XII.

**346. If the defaulter is the owner of premises in respect of which expenses are payable the occupier may also be liable for payment thereof.**— If the default referred to in the last preceding section is in connection with a building or a land and the defaulter is the owner thereof, the sum due may be demanded from any person who at the time when the said expenses were incurred occupied the same building or land under or from the said owner. In the event of the occupier failing to pay the sum due, it may be recovered by distress and sale of the goods and chattels of the said person as if the amount thereof were a property tax due by him:

Provided that.—

(a) if the occupier makes a true disclosure of the name and address of the person to whom the rent is due and proves to the satisfaction of the Commissioner that the amount of rent payable by him to that person on the date of the demand for the payment of the said expenses was less than the amount of the said demand, then the

occupier shall not be liable to pay on account of the said demand any sum greater than the amount payable as rent on the date aforesaid;

(b) the occupier shall be entitled to credit in account with the owner for any sum recovered from him on account of the said expenses;

(c) nothing in this section shall affect any agreement made between the occupier and the owner respecting the payment of expenses as aforesaid.

### **Proceedings before Courts**

**347. Decision of the District Court.**— Notwithstanding anything to the contrary in any other law for the time being in force, the District Court, North Goa at Panaji, shall exercise all the powers and jurisdiction expressly conferred on or vested in it by the provisions of this Act; and unless it is otherwise expressly provided by this Act, its decision shall be subject to revision by the High Court.

**348. Procedure in inquiries before Civil Courts.**— (1) For the purposes of any appeal, inquiry or proceeding under this Act, the High Court and the District Court, North Goa at Panaji, may exercise all the powers conferred on them by the Code of Civil Procedure, 1908, and shall observe the procedure prescribed in the said enactment, so far as it is not inconsistent with the provisions of this Act.

(2) The costs of every appeal, inquiry, or proceeding under this Act shall be payable by such parties and in such proportions as the court may direct and the amount thereof shall, if necessary, be recoverable as if it were due under a decree of the Court.

**349. Fees in proceedings before Civil Courts.**— (1) The State Government may by notification in the Gazette prescribe what fee (if any) shall be paid—

(a) on any application, appeal or reference made under this Act, to the District Court, North Goa at Panaji, and

(b) for the issue in connection with any inquiry or proceeding, of the Court under this Act, of any summons or other process:

Provided that the fee (if any) prescribed under clause (a) shall not, in cases in which the value of the claim or subject-matter is capable of being estimated in money, exceed the fees leviable, for the time being, in cases in which the value of the claim or subject-matter is of like amount.

(2) The State Government may from time to time, by a like notification, determine by what person any fee prescribed under clause (a) of sub-section (1) shall be payable.

(3) No application, appeal or reference shall be received by the District Court until the fee (if any) prescribed under clause (a) of sub-section (1) has been paid.

**350. Limitation of Time.**— Where no time is prescribed by this Act for the presentation of an application or appeal, such application or appeal shall be presented, subject to the provisions of section 5 of the Indian Limitation Act, 1963, within thirty

days after the date of the order on respect of or against which the application or appeal is made:

Provided that if the application is an application for revision to the High Court, the period of limitation shall be ninety days.

### **Proceedings before Magistrates**

**351. Procedure in prosecution.**— (1) No Court shall take cognizance of any offence under this Act or under any rule or bye-law made thereunder except on a complaint signed by the Commissioner, or by the officer in charge of a police station authorized by the Commissioner in his behalf either generally in regard to all such offences or particularly in regard only to specific offences or offences of a special class.

(2) Notwithstanding anything contained in the Code of Criminal Procedure, 1973, it shall not be necessary in respect of any offence punishable under this Act to examine the complainant when the complaint is presented in writing.

**352. Power of Magistrate to hear the case in absence of accused.**— If any person summoned to appear before a Magistrate to answer a charge of an offence under this Act or against any rule or bye-law made thereunder fails to appear at the time and place mentioned in the summons, the Magistrate may, if—

(a) service of the summons is proved to his satisfaction; and

(b) no sufficient cause is shown for the non-appearance of such person; hear and determine the case in his absence.

**353. Limitation of time for prosecution.**— No Magistrate shall take cognizance of any offence under this Act or under any rule or bye-law made thereunder unless complaint of such offence is made—

(a) within one year next after the date of the commission of such offence; or

(b) if such date is not known or the offence is a continuing one within one year next after the date on which the commission or existence of such offence was first brought to the notice of the Commissioner or of any other officer or servant whose duty is to report such offence to the Commissioner.

### **Legal Proceedings**

**354. Power of Commissioner to institute legal proceedings and obtain legal advice.**— The Commissioner may on behalf of the Corporation,—

(a) institute, defend or withdraw from legal proceedings under this Act, or under any rule or bye-law made thereunder or any other enactment for the time being in force;

(b) compound any offence under this Act or under any rule or bye-law made thereunder;

(c) admit, compromise or withdraw any claim made under this Act or under any rule or bye-law made thereunder, or under any other enactment for the time being in force; and

(d) obtain such legal advice and assistance as he may from time to time think it necessary or expedient to obtain, for any of the purposes referred to in the foregoing clauses of this section, or for securing the lawful exercise or discharge of any power or duty vesting in or imposed upon the Corporation, the Standing Committee or any municipal officer or servant:

Provided that the Commissioner shall not admit, compromise or withdraw any claim in a suit in which the whole amount claimed exceeds fifty thousand rupees without the previous sanction of the Standing Committee, or where the total amount claimed exceeds one lakh rupees, without the previous sanction of the Corporation.

**355. Notice, limitation and tender of amends in suit against Corporation, etc.—**

(1) No suit shall be instituted against the Corporation, the Standing Committee or any Corporation officer or servant, or any person acting under the direction of the Corporation, the Standing Committee or any municipal officer or servant, in respect of any act done in pursuance or execution or intended execution of this Act, or in respect of any alleged neglect or default in the execution of this Act or any rule or bye-law made thereunder until the expiration of one month next after notice in writing has been delivered or left at the Chief Corporation office or at the residence of such officer, servant or person, stating with reason particularly,—

(a) the cause of action;

(b) the name and residence of the intending plaintiff and of his advocate, pleader or agent (if any) for the purpose of the suit; and

(c) the relief which he claims.

(2) Every such suit shall be commenced within one year next after the accrual of the cause of action, and the plaint therein shall contain a statement that a notice has been delivered or left as required by sub-section (1).

(3) If the Corporation or any person to whom any notice is given under sub-section (1) tenders sufficient amends to the plaintiff before the suit is instituted, the suit shall be dismissed.

(4) If the claim is for damages and if after the institution of the suit a sufficient sum of money with costs is paid into Court, the suit shall be dismissed.

(5) If the defendant in any such suit is the Commissioner or any other Corporation officer or servant, payment of any sum or part thereof payable by him in or in consequence of the suit may, with the sanction of the Standing Committee, be made from the municipal fund.

**356. Bar to grant of injunctions.—** Save as otherwise expressly provided, no injunction shall be granted by any Civil Court to interfere with the public duties of the Corporation, the Standing Committee or the Commissioner.

**357. Indemnity for acts done in good faith.**— No suit shall be maintainable against the Corporation or the Standing Committee, or any protected Corporation officer or servant, or any person acting under or in accordance with the direction of the Corporation or Standing Committee or any Corporation officer or servant, or of a Magistrate, in respect of anything in good faith done or intended to be done under this Act or under any rule or bye-law made thereunder.

### Appeals

**358. Order passed under this Act and the rules thereunder.**— (1) If any person aggrieved by any order passed under this Act or under any rule or bye-law made thereunder, does not receive the address to which he considers himself entitled, he may appeal to any Corporation officer who has been appointed by the Commissioner to hear such appeals, or failing such appointment, to the Commissioner.

(2) Any order passed in appeal by any Corporation officer, other than the Commissioner, shall be subject to revision by the Commissioner.

(3) If the original order has been passed by the Commissioner himself, the appeal shall lie to the State Government or such person as it may direct.

**359. Appeals and revisions.**— Save as otherwise expressly provided, every final order passed by the District Court, North Goa at Panaji, or a Magistrate in exercise of original jurisdiction under the provisions of this Act shall be subject to appeal, and every final order passed by such Judge or Magistrate in exercise of appellate jurisdiction shall be subject to revision at the instance of either party, by the Court to which appeals or, as the case may be, revision from the Court which gave such decision, ordinarily lie.

## CHAPTER XXXII

### Supplemental Provisions

**360. Power of State Government to include certain areas within the limits of the City.**— (1) The State Government may having regard to the factors mentioned in clause (2) of article 243-Q of the Constitution of India, by notification in the Official Gazette and in such other manner as it may determine, declare its intention to include any further or more areas other than those mentioned in Schedule I, within the limits of the City any specified area in the neighbourhood of the City.

(2) If the local authority having jurisdiction in the said area or any person resident therein objects to such declaration, such authority or person may submit an objection in writing to the State Government within such period as may be specified in this behalf in the said notification; and the State Government shall take such objection into consideration.

(3) When the said period has expired and the State Government has considered any objections under sub-section (2), the State Government may by notification include such area or any portion thereof within the limits of the City.

**361. Effect of Inclusion.**— (1) When the said area is included within the limits of the City under section 389, then,—

(a) The Goa Municipalities Act, or The Goa Panchayat Raj Act as the case may be, if in force in such area shall be deemed to be repealed therein; and

(b) Except as the State Government may otherwise by notification in the Official Gazette direct, all rules, bye-laws, regulations, orders, directions and powers made, issued or conferred under this Act and in force at the date of inclusion shall apply to the said area, in supersession of all corresponding rules, bye-laws, regulations, orders, directions and powers made, issued or conferred under The Goa Municipalities Act, or The Goa Panchayat Raj Act as the case may be.

(2) The State Government may issue such orders as may be necessary to give effect to the inclusion of the said area and any matters incidental or ancillary thereto.

**362. Exclusion of specified areas from the operation of certain provisions.**— (1) The State Government may, by notification in the Official Gazette and in such other manner as it may determine, declare its intention to exclude any specified area within the limits of the City from the operation of such provisions of this Act as are, in the opinion of the State Government unsuited thereto, and thereupon the said provisions shall cease to have effect in the said area:

Provided that before making the declaration, the State Government shall be satisfied that the City of Panaji after exclusion of such specified areas continues to fulfill the factors mentioned in clause (2) of article 243-Q of the Constitution of India.

(2) The State Government may make rules for the guidance of the municipal authorities and public officers in respect of the matters covered by the said provisions while the area is excluded.

### General Provisions

**363. Power of authority to require any one or more of a number of things to be done.**— Where a power is expressed as being conferred on any authority to require a person to do a number of things, that authority may from time to time in its discretion require that person to do any one or more of those things.

**364. Determination of owner or occupier where there are gradations of owners or occupiers.**— Whenever any right is conferred or duty imposed by or under this Act, or by any rule or bye-law made thereunder, on the owner or occupier of any premises, and, in consequence of there being gradations of owners or occupiers, doubt arises as to who is the owner or owners or occupiers, entitled to exercise such right or bound to perform such duty, the Commissioner may, after due inquiry determine from time to time which of such owners or occupiers shall be deemed to be so entitled or bound:

Provided that if the name of any one of such owners or occupiers has been entered in the assessment list in pursuance of any decision given by the Commissioner, such owner or occupier shall be deemed to be so entitled or bound until his name is duly removed from the said assessment list.



**365. Councillors and Municipal Officers, etc., to be deemed public servants.—** Every officer or servant in the employment of the Corporation whether for the whole or part of his time, and every Councillor of the Corporation shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code, 1860 and for the purposes of the Prevention of Corruption Act.

**366. Prohibition of obstruction to municipal contractors.—** No person shall obstruct or molest any person with whom the Commissioner has entered into a contract, in the performance or execution of his duty, or of anything which he is empowered or required to do by virtue or in consequence of this Act or any rule or bye-law made thereunder.

**367. Prohibition of removal of mark.—** No person shall remove any mark set up for the purpose of indicating any level, measurement or direction necessary to the execution of works authorised by this Act or by any rule or bye-law made thereunder.

### Construction of References

**368. Construction of references.—** In every enactment or instrument in force at the commencement of this Act, unless a different intention appears,—

(a) all references to the municipal area shall be construed in respect of the City as references to the area within the limits of the City;

(b) all references to the Municipal Committee or the Municipality of Panaji shall be construed in respect of the City as references to the Corporation constituted by this Act;

(c) all references to the President or Vice-President of the Municipality of Panaji shall be construed in respect of the City as references to the Commissioner;

(d) all references to the members of the said Municipality shall in respect of the City be construed as references to the Councillors referred to in section 9; and

(e) all references to any chapter or section of the The Goa Municipalities Act, or The Goa Panchayat Raj Act shall as far as possible be construed in respect of the area under this Corporation as references to this Act or to its corresponding chapter or section.

### Supplemental Provisions

**369. Informalities and errors in assessments, notices, bills, etc., not to be deemed to invalidate such assessment, etc.—** (1) Any informality, clerical error, omission, or other defect, in any assessment made, or in any notice, bill, schedule, summons or other document issued, under this Act, may at any time and as far as possible be rectified.

(2) No such informality, clerical error, omission or other defect shall be deemed to render the assessment, notice, bill, schedule, summons or other document invalid or illegal, if the provisions of this Act have in substance and effect been complied with, but any person who sustains any special damage by reason of any such informality, clerical error, omission or other defect shall be entitled to recover compensation.

**370. Disputes between Corporation and local authorities.**— If any dispute arises between the Corporation and any local authority as regards anything done or to be done under this Act, it shall be referred to the State Government for decision, and such decision may include an order as to the costs of any enquiry ordered by the State Government, and shall be final:

Provided that it shall be competent to the Corporation and the local authority to agree in writing that any such dispute shall, instead of being referred to the State Government for decision, be referred to the decision of an arbitrator or arbitrators appointed under the Arbitration and Conciliation Act, 1996, or to a Civil Court under section 90 of the Code of Civil Procedure, 1908.

**371. Disputes between State Government and Corporation.**— (1) If at any time it appears to the State Government that a dispute has arisen or is likely to arise between the State Government and the Corporation as to the interpretation of any of the provisions of this Act or of any of the rules made thereunder, which is of such a nature and of such public importance that it is expedient to obtain the opinion of the High Court upon it, the State Government may refer the question to the High Court for consideration, and the High Court may, after such hearing as it thinks fit, report to the State Government.

(2) The report drawn up by the High Court under sub-section (1) shall be binding on the State Government and the Corporation.

(3) Nothing in this section shall derogate from the authority of the State Government as laid down in Chapter XXXIII

## **PART IX**

### **CHAPTER XXXIII**

#### **Control**

**372. Power of State Government to require returns, etc.**— The State Government may require the Commissioner to furnish it with—

- (a) any return, statement, estimates, statistics or other information regarding any matter under the control of any municipal authority;
- (b) a report on any such matter; or
- (c) a copy of any document in his charge or under his control.

**373. Power of State Government to depute officers to make inspection or examination and report.**— (1) The State Government may depute an officer not below the rank of Secretary to the State Government to make an inspection, enquiry or examination of any department, office, officer, service, work, or thing under the control of, any Corporation authority and to report to it the result of such inspection, enquiry or examination.

(2) Any officer so deputed may, for the purpose of making such inspection, enquiry or examination, inspect the condition of any part of the City, question any official of the Corporation and may require the Commissioner,—

- (a) to produce any record, correspondence, plan or other document which is in his possession or under his control or which is recorded or filed in his office or in the office of any officer or servant of the Corporation, or

(b) to furnish any report, return, plan, estimate, statement, account, or statistics, file, confidential reports or service record of any official.

(3) Every requisition made under this section shall be complied with by the Commissioner without delay.

(4) Any such officer appointed by the State Government, upon inspection, enquiry or examination, as the case may be, submit his report to the State Government.

**374. Power of State Government to require municipal authority to take action.—** If the Commissioner fails within such period as may have been fixed by the State Government to furnish a document called for under section 372, or if on receipt of any document furnished under section 372 or of any report submitted under section 373, or of any information which appears to the State Government to require action under this section, the State Government is of opinion that—

(a) any of the duties imposed by or under this Act or by any other law for the time being in force has not been performed or has been performed in an imperfect, inefficient or unsuitable manner; or

(b) the Corporation, the Standing Committee, the Commissioner or any other officer or servant of the Corporation has failed to take such measures in any matter as appear to the State Government to be required by the circumstances of the case; or

(c) adequate financial provision has not yet been made for the performance of any such duty or the taking of any such measure; the State Government may, by written order direct the Corporation, the Standing Committee, the Commissioner, or any other officer or servant of the Corporation within a period specified in the order—

(i) to make arrangements to the satisfaction of the State Government for the proper performance of the duties referred to in clause (a) or to take such measures as may be specified by the State Government in connection with any matter referred to in clause (b), or to make financial provision to the satisfaction of the State Government for the performance of any such duty or for the taking of any such measure, as the case may be, or

(ii) to show cause to the satisfaction of the State Government against the making of such arrangements, the taking of such measures or the making of such provisions, as the case may be.

**375. Procedure by the State Government when Municipal authority fails to take action.—** (1) If, within the period fixed by any order issued under section 287 or any other provisions of this Act, any action directed thereunder has not been duly taken, or cause has not been shown as aforesaid, the State Government may, by order,—

(a) appoint some person to take the action so directed;

(b) fix remuneration to be paid to him; and

(c) direct that such remuneration and the cost of taking such action shall be defrayed out of the Municipal fund and, if necessary, that any one or more of the taxes authorised by Chapter XI shall be levied or increased.

(2) The person appointed under sub-section (1) may, for the purpose of taking the action directed under section 374, exercise any of the powers conferred on any officer of the Corporation by or under this Act, including the power to draw cheques on the account of the Municipal fund.

(3) Any bank or society having the custody of any account referred to in sub-section (2) shall be bound to honour cheques drawn as aforesaid on that account to the extent of the amount standing to the credit of the Municipal fund.

(4) The State Government may, in addition to or instead of directing under sub-section (1) the levy or increase of any taxes, direct by notification that any sum of money which may, in its opinion, be required for giving effect to any order issued under that sub-section be borrowed, by way of debenture on the security of all or any of the said taxes, at such rates of interest and upon such terms as to the time of repayment/and otherwise as may be specified in the notification.

(5) The provisions of Chapter IX shall apply to any loan raised in pursuance of sub-section (4).

**376. Power to demand punishment or dismissal.**— Notwithstanding anything contained in this Act, if in the opinion of the State Government any officer or servant of the Corporation is negligent in the discharge of his duties, the Corporation shall, on the requirement of the State Government, suspend, fine or otherwise punish him, and if in the opinion of the State Government he is unfit for his employment, the Corporation shall dismiss him.

**377. Power to prevent extravagant establishment.**— If, in the opinion of the State Government, the number of persons employed by the Corporation as officers or servants, or whom the Corporation may propose to employ as such, or the remuneration assigned by the Corporation to those persons or any of them, is excessive, the Corporation shall, on the requirement of the State Government, reduce the number of those persons or the remuneration as the case may be.

**378. Power of State Government to suspend any resolution or order.**— (1) If the State Government is of opinion that the execution of any resolution or order of the Corporation or of any other authority or officer subordinate thereto or the doing of any act which is about to be done or is being done or is purported to be done by or on behalf of the Corporation, is not in conformity with law or with the rules or bye-laws made thereunder, or is likely to lead to a breach of the peace or to cause injury or annoyance to the public or to any class or body of persons, or is likely to cause waste of or damage to Municipal funds, the State Government may, by order in writing, suspend the execution of such resolution or order or prohibit the doing of any such act.

(2) A copy of such order of the State Government shall be sent to the Corporation by the Government.

(3) On receipt of a copy of the order as aforesaid, the Corporation may, if it is of opinion that the resolution, order or act is not in contravention or excess of the powers conferred by any law for the time being in force, or the execution of the resolution or the

doing of the act is not likely to cause waste of or damage to Municipal funds, make a representation to the State Government against the said order, so however in the interim, comply with any such prohibitory orders issued under sub-section (1) herein.

(4) The State Government may, after considering the said representation, either cancel, modify, vary, or confirm the order passed by it under sub-section (1) or take such other action in respect of the matter as may in the opinion of the State Government be just or expedient having regard to all the circumstances of the case.

**379. Power of Government to supersede Corporation in case of incompetency or default or excess or abuse of powers.**— (1) If at any time upon representations made, or on its own motion, or pursuant to a report received or otherwise, it appears to the State Government that the Corporation is not competent to perform, or persistently makes default in the performance of the duties imposed on it by or under this Act or any other law for the time being in force, or exceeds or abuses its powers, or that the Corporation and its activities are being run in a manner prejudicial to the provisions of this Act, or in cases of non-compliance with any directions issued under this Act by the State Government, the State Government may, after having given an opportunity to the Corporation to show cause why the Corporation should not be dissolved and after considering representation, if any, submitted by the Corporation within the time specified by the State Government, by an order published, with reasons therefor, in the Official Gazette, dissolve the Corporation.

(2) Notwithstanding anything contained in sections 17 and 22, all Councillors shall vacate their office from the date mentioned in any order under sub-section (1).

**380. Consequences of dissolution.**— (1) When the Corporation is dissolved under section 379 or under the proviso to article 243-F of the Constitution of India the following consequences shall ensue,—

(a) all members of the Corporation shall, from the date of the notification, vacate their office;

(b) all powers and duties of the Corporation, Standing Committee and the Commissioner may, until the Corporation is reconstituted, be exercised, performed by such Government Officer as the State Government may appoint in that behalf, and the person so appointed shall be called the Administrator of the City;

(c) all property vested in the Corporation shall, until the Corporation is reconstituted, vest in such Government Officer in trust for the purposes of this Act.

(2) The Administrator of the City shall be a Corporation sole and may sue and be sued in the name of "The Administrator of the City".

(3) The Administrator of the City shall be subject to the control of the State Government and such other Government Officer or Officers or persons as it may direct, and shall be subject also to all other restrictions, limitations, and conditions imposed by this Act on the Corporation, the Standing Committee and the Commissioner.

(4) The Administrator of the City may at any time be removed by the State Government who shall also have power to appoint another Government Officer in his place.

(5) The Administrator of the City may, if the State Government so directs, receive payment for his services from the Municipal fund.

**381. Reconstitution of Corporation.**— (1) When the Corporation is dissolved under section 379, general elections shall be held to constitute a Corporation on such date as may be Specified by the State Election Commission:

Provided that an election to constitute the Corporation shall be completed before the expiration of a period of six months from the date of dissolution of the Corporation.

(2) The Councillors so elected shall enter upon office as the Corporation on such day as the State Government may appoint in this behalf, and subject to the provisions of this Act, shall in accordance with the provisions of sub-section (1) of section 17 retire from office five years after they have entered upon office.

(3) All debts and obligations incurred, all contracts entered into and all matters and things to be done by, or for, the Corporation or the Administrator of the City before the reconstitution of the Corporation shall be deemed to have been incurred, entered into or to be done by, or for, the Corporation as reconstituted under this section.

(4) Every appointment, notification, notice, tax, order, scheme, licence, permission, rule, bye-law, or form made, issued, or imposed by the Corporation under this section and not inconsistent with this Act, shall be deemed to have been respectively made, issued, or imposed under the provisions of this Act, and shall unless subsequently altered, modified, cancelled, suspended, surrendered or withdrawn, as the case may be, under this Act, remain in force for the period, if any, for which it was so made, issued, or imposed.

(5) All rates, taxes and sums of money due to the Corporation or to the Administrator of the City when the Corporation is reconstituted under this section, shall be deemed to be due to the Corporation.

(6) All suits or other legal proceedings, civil or criminal, instituted by or against the Corporation or the Administrator of the City before the reconstitution of the Corporation under this section, may be continued by or against the Corporation, as so reconstituted.

**382. Control of the State Government.**— (1) The State Government may, at any time, for the purpose of satisfying itself as to the legality or propriety of any order passed by the Commissioner or any other officer of the Corporation in exercise of the powers conferred by this Act, or as to the regularity of the proceedings of any meeting of the Corporation or a Standing Committee or in any proceeding before the officer of the Corporation, held in pursuance of the provisions of this Act, call for and examine the record of any case pending before or disposed of by the Commissioner, the Corporation or a Standing Committee or any such officer, and may pass such order in reference thereto as it thinks fit:

Provided that no order shall be varied or reversed unless notice has been given to the parties interested to appear and to be heard in support of such order.

(2) The State Government shall have powers by a general or special order, to issue directions to the Commissioner, Corporation, Standing Committee or any officer of the

Corporation not inconsistent with this Act, and any such directions or orders, shall be complied with by any or all authorities under this Act.

(3) The State Government may by a notification published in the Official Gazette, direct that the Corporation Area shall stand divided into four or more zones as the State Government deems fit and proper for the purpose of efficient and smooth working of the Corporation, and for such purposes and upon such division of Corporation into zones, may delegate the powers of Standing Committee, Commissioner to any of the officials of such zones and upon such delegation, the officials in the concerned zonal offices shall discharge the functions, so delegated which are required to be performed by or under this Act by such authorities.

**383. Enforcement of orders.**— In all matters connected with this Act, if the Corporation makes default in carrying out any order made by the State Government or by any authority other than the Corporation in exercise of any powers conferred by this Act or any rule made thereunder, the State Government shall have all the powers necessary for the enforcement of such order including by appointing, an officer of the State Government to discharge any functions, powers or duties of any of the authorities at the cost of the Corporation.

**384. Certain officials entitled to attend meetings of Corporation or Standing Committee.**— Any officer of the Educational, Public Works, Medical, Sanitary and other Technical Departments or any other official, functionary or authority, whom the State Government may by general or special order appoint in this behalf, shall be entitled to attend any meeting of the Corporation or Standing Committee and address it on any matter affecting the work of his department or in matters connected with the Corporation but shall not be entitled, by means of this section to vote at such meeting.

**385. Rules for inspection of institution and works of Corporation.**— The State Government may make rules under this Act authorizing inspection by servant of the Government or institutions and works which are under the management and control of the Corporation and regulating such inspection, and until appropriate provisions are made in this behalf, issue general or special orders for the purpose of carrying out the provisions of this section as well as other provisions of this Act.

## PART X

### CHAPTER XXXIV

#### Bye-laws

**386. Bye-laws.**— The Corporation may, and if so required by the State Government shall, make bye-laws for carrying out the provisions and intentions of this Act, and in particular and without prejudice to the generality of the foregoing power, it may make bye-laws to regulate all or any of the following matters, namely,—

(1) *Conduct of business,*

- (a) the time and place of committee meetings;
- (b) the manner in which notice of such committee meetings may be given;

(c) the quorum necessary for the transaction of business at any committee meetings;

(d) the filling of vacancies on any committee other than the Standing Committee;

(e) any other matter relating to the proceedings of the Corporation or of the Standing Committee, the holding and regulation of meetings and the Conduct of debate and the mode of asking and answering of questions connected with the Administration of this Act and the inspection of minute books and the supply of copies of minutes to Councillors or other persons on payment of fees or otherwise;

**(2) Delegation of powers.**— the exercise by the Commissioner or any other officer or any of the servants of the Corporation of the powers conferred upon the Corporation by this or any other Act for the time being in force, and the conditions and limitations subject to which such powers may be exercised;

**(3) Municipal officers and servants.**— (a) the qualifications of persons to be appointed Medical Officer of Health, Chief Engineer, or Engineer in charge of a separate department of Corporation works, or of persons to be appointed to posts requiring scientific or technical knowledge, and the qualifications of persons to be appointed Corporation Officers or servants;

(b) the conditions of service of Corporation officers or servants;

(c) the procedure to be followed in dismissing or removing from office or otherwise punishing or penalizing any Corporation officer or servant, and the cases in which and the authorities to which an appeal may be allowed;

(d) the Corporation officers or servants from whom security may be required and the amount and nature of the security;

(e) the grant of leave to Corporation officers and servants;

(f) leave salaries to Corporation officers and servants on leave;

(g) the remuneration of persons appointed to act for any of the said officers or servants during their absence on leave;

(h) the period of service of Corporation officers and servants;

(i) the conditions under which Corporation officers and servants may receive pensions, gratuity or compassionate allowances on retirement or discharge and the grant of gratuities to the surviving relatives of any such officers or servants;

(j) the conveyance allowance payable to Corporation officers;

(k) the travelling allowance of Corporation officers and servants;

(l) the determination of what Corporation officers and servants are essential for the purpose of section 58.



**(4) Provident or annuity fund.**— (a) a provident or annuity fund;

(b) compulsory subscription to such fund, whether by deduction from pay or otherwise, by all Corporation officers and servants other than those in the service of the State Government;

(c) contributions to such funds by the Corporation from the Municipal fund;

(d) the times, circumstances, and conditions at or under which payments may be made out of any funds established under the Act and the conditions under which such payments shall discharge the fund from further liability;

(e) the settlement by arbitration or otherwise of disputes relating to such fund or to the payments or subscriptions thereto or to claim thereon arising between the Corporation and other persons or between persons claiming any share or interest therein;

**(5) Manner of service of notice under section 74.**— the manner in which notice of any enquiry or order shall be given under sub-section (1) of section 74;

**(6) Transfer of property.**— the conditions and limitations under which immovable property vested in the Corporation may be transferred or disposed of;

**(7) Publication of annual administration report and statements of accounts.**—

(a) the form and contents of the report and statement to be prepared under section 96;

(b) the publication of the said report and statement;

(c) the submission of a copy thereof by the Commissioner to the State Government;

**(8) Contracts.**—

(a) the manner in which and the persons by whom contracts may be executed;

(b) the security to be demanded for the due performance of contracts;

(c) the submission of estimates of works before contracts are entertained;

(d) the examination and acceptance of tenders;

(e) the kind of works which may be executed otherwise than by contract;

**(9) Signature on cheques etc.**—

(a) the manner in which and the person by whom payments may be made out of the Municipal fund or cheques drawn upon the said fund may be signed;

(b) the manner in which and the person by whom coupons attached to debentures issued under this Act may be signed;

**(10) The common seal.**— the custody of the common seal of the Corporation and the manner in which and the person by whom the common seal may be affixed;

**(11) Preparation of budget estimates.**— the manner in which the budget estimates shall be prepared;

**(12) Tolls and cess on imports:- the classes of goods on which, and the rate at which tolls and cess on imports may be imposed— time and mode of collection of taxes, cesses, etc.**— the regulation of the time and mode of collection of any tax which may be imposed under sub-section (2) of section 104;

**(13) Assessment, collection remission, refund and recovery of taxes, cesses etc.**— (a) the date before which, and the rates at which municipal taxes to be levied shall be determined;

(b) the assessment, collection, composition, remission, refund and recovery of taxes and cesses and the exemptions from such taxes and cesses, and the prevention of evasion;

(c) the date, place and manner of paying any tax or installment of tax payable under this Act and the person to whom it shall be paid;

(d) the fees for notice of demand of any tax and for the execution of warrants of distress and the rates to be charged for maintenance of any livestock distrained; and the persons authorized to receive payment of any sums so payable;

(e) the manner in which the annual values of buildings and lands shall be determined for the purposes of assessment;

**(14) Drains.**— (a) the maintenance and improvement of existing drains;

(b) the construction of new drains;

(c) the alteration and discontinuation of drains;

(d) the flushing and cleaning of drains;

(e) the drainage of any building or land;

(f) the drainage of private streets;

(g) the construction and position of closet accommodation, water closets, privies, urinals and similar conveniences, public or private, and bathing and washing and the places and the prevention of nuisances arising therefrom;

(h) the construction and maintenance of a sufficient number of some or all of the aforesaid convenience in all buildings;

(i) similar provisions for the use of the public;

(j) the payment of the cost of agency under the authority conferred by this Act;

**(15) Public latrines and washing places.**— (a) the maintenance and regulation of urinals, closet accommodation, water closet accommodation, water closets, bathing and washing places and premises appurtenant thereto, belonging to the Corporation;

(b) the regulation of urinals, closet accommodation, water closets and bathing and washing places provided for the common use of the inhabitants of one or more buildings;

**(16) Scavenging and disposal of refuse.**— the scavenging of streets and the removal or disposal of sewage and rubbish and offensive matter from all buildings and lands within the City;

**(17) Waterworks.**— (a) waterworks;

(b) the inspection of waterworks;

(c) the power to enter waterworks;

(d) the protection of waterworks from waste, injury, or contamination;

(e) fire-hydrants;

(f) boating, fishing or bathing in any waterworks;

(g) the terms and conditions of the supply of water to lands and buildings and the provision of meters;

(h) the cutting-off private water supplies and the regulations of water supply;

(i) the prevention of fraud in connection with water-supply or the use of meters;

(j) the digging or construction of any new well, tank, pond, cistern or fountain;

(k) the prevention of the pollution of water within the city;

**(18) Streets.**— (a) the maintenance and improvement of public streets;

(b) projections, obstructions or encroachments in public streets and the issue of licences and the conditions under which they may be issued, including the payment of rent or fees;

(c) the execution of works in or near public streets and the temporary occupation of public streets;

(d) the naming and numbering of streets and the temporary occupation of public streets;

(e) the cleansing of private streets and keeping them free of dusty asphaltting, tarring or other means;

(f) bill-posting and sky signs including prohibition of the same;

(g) dangerous places;

(h) the lighting of public streets;

(i) the watering of public streets;

**(19) Street traffic.**— street traffic and the reduction of noise caused by such traffic;

**(20) Prohibition or restriction and regulation of use of barbed wire etc.**— the use of barbed wire or any material likely to cause injury to persons or animals on any land or premises abutting on any street, pathway or place which the public are entitled to use or frequent;

**(21) Hedges.**— the removal, trimming and cutting of trees, shrubs and hedges;

**(22) Lodging houses.**— (a) the periodical regulation of the number of persons who may occupy a lodging house and the licences necessary for keepers of lodging houses;

(b) the inspection of lodging houses;

(c) the cleanliness and ventilation of lodging houses;

(d) the lighting of common spaces and staircases in lodging houses;

(e) the precautions to be taken in the case of any dangerous or infectious disease breaking out in a lodging house;

(f) the general control of lodging houses;

**(23) Over crowding.**— the number of persons who may occupy any building;

**(24) Rest houses etc.**— the inspection and control of stables, camping grounds, pounds and rest-houses;

**(25) Camping on public ground.**— the encamping or picketing of animals or the collection of parking of vehicles in any public place; or the use of such places for the halting of animals or vehicles;

**(26) Keeping of animals.**— (a) the keeping of animals in the City;

(b) the importation of animals into the City and the transport of animals within the City.

(c) measures to be taken with stray animals or animals likely, if at large in any street or public place, to cause annoyance or intimidation;

(d) the prevention of cruelty to animals;

(e) the disposal of carcasses of animals dying in the City;

(f) the destruction of any animals which from old age or other cause are in a moribund or infirm state or have received such injuries or are suffering from such dangerous disease that their recovery therefrom is unlikely;

(g) the prevention of the sale or use as human food of the carcasses of animals which die naturally or from disease;

(h) the prohibition of importation into, or sale or disposal or use within, the Corporation limits of any animal or of the hide or any portion of the carcass of any animal dying or slaughtered on account of, or suffering from, any contagious or infectious disease;

**(27) Wash-houses.**— public wash houses and the exercise of their calling by washermen at places other than those appointed or approved by the Commissioner;

**(28) Dangerous and offensive trades and factories.**—

(a) (i) the articles to be included in the description contained in clause (a) of section 219.

(ii) the prohibition or regulation by licence or otherwise of the storage or keeping of such articles;

(b) (i) the trades, manufacturers, industries, or operations to be included in the description contained in clause (c) of section 219.

(ii) the prohibition or regulation by licence or otherwise of the exercise of such trades, manufacturers, industries, or operations;

(c) the supervision and sanitary regulation of factories and workshops;

**(29) Exemption of articles and trade operations.**— the articles or quantity thereof and the trade operations connected with trade which may be exempted;

**(30) Standard of water used in aerated waters etc.**— the standard of water or other ingredients to be used in the manufacture or preparation of aerated water or of cordials;

**(31) Labels and inscription.**— the form or kind of label to be attached to packages containing articles of food or drink or drugs or any mixture thereof and the inscription on the label of such particulars, directions, statement, information or words as may be specified;

**(32) Nuisances.**— (a) the discharge of smoke, steam, dust, fumes or noxious vapours;

(b) the use of whistles, trumpets and noise-producing instruments operated by any mechanical means;

(c) the prevention of other nuisances;

**(33) Advertisement.**— the exhibition of advertisements, and hoardings and similar structures used for the purpose of advertising;

**(34) Management of municipal markets, etc. and the supervision of the manufacture, storage and sale of food.**— (a) the sale of the flesh of any four-footed animal not slaughtered in a Corporation limits of the flesh of any such animal outside these limits;

(b) the sale of meat;

(c) the sanitary conditions of municipal slaughter houses;

(d) the sanitary conditions of municipal markets;

(e) the destruction of diseased animals;

(f) the manufacture for sale and the sale of articles of food and drink or drugs either by licence or otherwise;

(g) the qualifications of persons who may compound, mix, prepare, dispense or sell any drugs and the certificates or permissions necessary;

(h) the hours and manner of importation into, or of transport within, the City or any articles of food and drink or drugs, by licence for such importation, transport or otherwise;

(i) the places at which articles of food and drink or drugs shall be produced for inspection prior to importation, transport or exposure for sale;

(j) the places in which articles of food and drink or drugs may or may not be manufactured, kept, sold or exposed for sale;

(k) the notice-boards to be exhibited by the vendors and labels to be affixed by them to adulterated articles of food and drink of drugs exposed for sale and the particulars which such notice-boards and labels shall contain;

(l) the importation or transport within the City of any articles of food or drink produced under such conditions as will make them or are likely to make them injurious to the health of persons consuming them;

(m) the supervision and sanitary condition of bakeries, places where sweets are manufactured, public eating- houses, stalls, aerated water and ice factories and dairies, stables, and buildings or enclosures where animals are kept, whether or not the animals therein are kept for profit;

(n) the exposure of goods for sale on streets and the levying of fees from persons setting up stalls or otherwise selling or exposing goods for sale on the streets;

(o) the regulation of the manner in which food grains whether intended for the sale or for private consumption, may be stored.

(p) the precautions to be taken for protection milch-cattle, milk and milk products against infection or contamination;

(q) the giving of notice of the outbreak of any contagious disease among animals and prescribing precautions to be taken for preventing the spread of any such disease;

(r) the hawking of articles of food and drink;

**(35) Private markets.**— (a) the construction and structural and architectural features of private markets;

(b) the drainage, water supply, ventilation, lighting, sanitary conditions and regulation of private markets;

(c) the prevention of cruelty, nuisance, obstruction and overcrowding in; or in the approaches to, or in the passage or, private markets;

(d) the supervision of private markets;

(e) the appointment and dismissal of superintendents of private markets;

(f) the days on which and the hours during which any private market may be held;

(g) the prevention of undesirable or diseased persons from entering private markets;

(h) the prohibition of all persons from selling in a private market in respect of which a licence has been refused, cancelled or suspended;

**(36) Pawnbrokers.**— licences to pawn brokers, the conditions for such licences and the determination, by public auction or otherwise, of the amount to be paid for such licences;

**(37) Registration of births and deaths etc.**— the registration of all births, deaths and marriages which take place within the City; the taking of a census and the verification of deaths and causes of deaths;

**(38) Licensing of theatres, etc.**— (a) safety, sanitation and internal arrangement of theatres or other places of public entertainment or resort and the control and inspection thereof, in order to ensure the safety, health and convenience of persons employed in, or visiting, attending or resorting to the same;

(b) the licensing of such entertainments;

**(39) Construction of buildings.**— (a) the information and plans to be submitted with applications for the approval of sites for buildings and for permission to erect or re-erect any building;

(b) the period within which sanction for erection or re-erection of a building must be granted or refused;

- (c) the appointment of a person to supervise the work of erection or re-erection of building or of any specified class or classes of buildings and his disqualifications;
- (d) the grant of a completion certificate for newly erected or re-erected buildings and the cases in which, and the persons by whom such certificates shall be granted;
- (e) the height of buildings;
- (f) the level and width of the foundation, the level of the lowest floor or plinth and the stability of the structure;
- (g) the number and height above the ground, or above the next lower storey, of the storeys of which any building may consist;
- (h) the height and slope of the roof above the uppermost floor upon which human beings are to live or cooking operations are to be carried on and, the provision of chimneys for cooking operations;
- (i) the space to be left about any building to secure the free circulation of air and to facilitate scavenging and to prevent fire and the minimum width of streets in front of the buildings;
- (j) the ventilation and drainage of buildings and the minimum dimensions of doors and windows;
- (k) the means and appliances to be provided and maintained for egress from buildings and protection of life in case of fire;
- (l) the material to be used and the method of construction to be adopted for any building or class of buildings and the provision of impervious floors and dampproof courses for walls;
- (m) the position, materials and methods of construction of fire-places, smoke-escapes, chimneys, staircases, water-closet accommodation and drains in buildings;
- (n) the parts or portions of building sites on which no building shall be erected;
- (o) the paving of any passage between two buildings sites on which no building shall be erected;
- (p) the restriction and the use of inflammable materials in buildings;
- (q) the precautions to be taken for the purpose of preventing danger or injury to the public or to persons employed in erecting a building and of securing the stability of the various parts of the building and of the buildings and other property in the vicinity thereof, during the progress of the building or of any demolition or excavation incidental thereto;
- (r) the line of frontage where a building abuts on a street;
- (s) the materials and methods of construction to be used for godowns intended for the storage of foodgrains in excess of twenty tonnes;



(t) the minimum requirements, including dimensions of accommodation for human beings and of accommodation for animals;

(u) the position and dimensions of projections beyond the outer face of any external wall of a building;

(v) the height of factory chimneys and the consumption of smoke;

**(40) Removal or improvement of insanitary building.**— (a) The removal or improvement of insanitary buildings and buildings in a ruinous or dangerous condition.

(b) the marking of vacant uninhabitable buildings;

(c) the cleansing lime-washing, painting or repair of such building;

(d) the exercise of compulsion upon the owners or occupiers to take such order with abandoned, unoccupied buildings or lands as the Commissioner may be directed;

(e) the excavation of earth, stone or other materials from any place;

**(41) Assessment of compensation under section 267.**— The assessment of compensation by the Corporation under section 267;

**(42) Passenger-lifts.**— (a) The construction, maintenance and working of passenger-lifts, and all machinery and apparatus pertaining thereto;

(b) the construction, maintenance, fencing and lighting of shafts, landings, hatches and gates connected with passenger-lifts;

(c) the entry upon, and inspection of any premises containing a passenger-lift by such persons as the Commissioner may authorize in this behalf;

(d) the prohibition of the use of any lift where any bye-law made under this subsection has not been complied with:

Provided that such bye-laws shall not affect any provisions of the Factories Act, 1948, or of the Indian Electricity Act, 1910, or any other law or any rules framed thereunder;

**Explanation.**— A lift actually used as a lift by passenger-lift notwithstanding that it may not have been constructed for that purpose and that its use as a passenger-lift is not authorized by the owner or occupier;

**(43) Precautions in demolition of buildings.**— (a) The precautions to be taken for the prevention of danger or injury to the public during, and to persons engaged in, the demolition of buildings or parts of a building and for the protection of other parts of the same building and of other buildings in the vicinity thereof;

(b) the notice to be given by any person intending to demolish a building or part of a building to the Commissioner together with particulars of the proposed demolition and of the precautions to be taken during the progress of the work;

(c) the prohibition of the commencement of demolition within a prescribed period except with the permission of the Commissioner;

(d) the prohibition of the commencement or continuance of the demolition until all precautions have been and are being taken in accordance with the rules and with any directions and requisitions in writing which the Commissioner may issue to the person in charge of the work, or to the person who submitted the notice, if any, required under the rules;

**(44) Improvement of insanitary lands.**— (a) The prohibition of accumulation of water in any pool, ditch, tank, well, pond, quarry, hole drain, water-course, cistern or other receptacle;

(b) the prohibition of cultivation, use of manure or irrigation injurious to health;

(c) the paving and draining of cattle-stands;

(d) the adoption of measures generally to tender insanitary lands sanitary;

**(45) Holding of fairs, etc.**— The holding of fairs and industrial exhibitions in the City;

(46) Protection of property of the Corporation from injury;

**(47) Protection against fire.**— The stacking of inflammable materials and of the lighting of fires in any specific portion of the City;

**(48) Charges for services by municipal authorities.**— The charge for services rendered by any municipal authority;

**(49) Appointment of agents by owners of lands not resident in the City.**— The appointment by owners of buildings or lands in the city, who are not residents in the City, or persons residing within or near the City to act as their agents for all or any of the purposes of the Act or any rule or bye-law made thereunder;

**(50) Mode of performance of acts not otherwise provided for.**— The person by whom and the time, place and manner at or in which anything prescribed under this Act, shall be done, where no express provision has been made therefore;

**(51) Inspection of municipal records.**— The cases in which inspection and copies of municipal records may be granted, and the procedure and the fees for the grant of such inspection of copies;

**(52) Licences and notices.**— The form of licences and notices issued under this Act and the authority entitled to sign or issue them;

**(53) Burial and burning grounds.**— The disposal of the dead; the control, use and management of burial and burning grounds, the maintenance of all such places in good order and in a safe and sanitary condition, and the prevention of encroachments thereon;

**(54) Vehicles or animals plying for hire.**— (a) Vehicles or animals kept for plying for hire within the limits of the Corporation, the issue of licences to proprietors or drivers of such vehicles or animals, the prescription of types and specification of vehicles to be licenced and the fixing of fees payable for such licences and the conditions on which they may be granted or revoked;

(b) the rates which may be demanded for the hire of any carriage, cart, motor vehicles or other conveyance or animals hired to carry loads or persons, and restriction of the loads which may be carried by any animal or carriage, cart or other conveyance plying for hire, within the limits of the Corporation:

Provided that no bye-laws made under clause (a) or (b) shall apply to any Vehicle to which the Motor Vehicles Act, 1989, applies in any area where that Act is in force:

Provided further that the operation of any bye-law made under the provisions of clause (a) or (b) or of any rules made under the Motor Vehicles Act, 1989, may, with the sanction of the State Government, be extended to:—

(i) any railway station;

(ii) the whole or any part of any street so far as such street is situated within ten miles of the limits of the Corporation;

(iii) the whole or any part of any street leading from the limits of the Corporation to the limits of any municipality, notified area, or cantonment, if the distance between the limits of the Corporation and the boundaries of these authorities does not exceed fifty miles, and the Corporation and the authorities concerned each consent to the extension of such bye-laws or rules;

**(55) Poor houses.**— (a) The maintenance of poorhouses by the Corporation or by private persons or institutions;

(b) the requirements to be satisfied before a poorhouse managed by a private person or institution is approved by the Corporation;

(c) the compulsion of able-bodied beggars to work;

(d) the nature of the work which may be required of beggars and the kind of food to be supplied to them;

(e) the authority by which exemption from the obligation to work may be granted in a poor-house on the ground of ill-health or debility;

(f) the inspection of poor-house by authorities to be prescribed in the bye-laws;

**(56) Preventing of use of false or incorrect weights, etc.**— The preventing of use in any market of false or incorrect weights, scales or measures;

**(57) Printing and sales of bye-laws and exhibitions thereof in suitable places.**— The printing and sale of bye-laws and rules made under this Act and provision for the exhibition thereof in suitable places.

**387. Penalties for breach of bye-laws.**— (1) In making a bye-law under section 386, the Corporation may provide that a breach or any abatement of a breach of it shall be punishable.

(a) with fine which may extend to ten thousand rupees and in the case of a continuing breach, with fine which may extend to one thousand rupees for each day during which the breach continues after conviction for the first breach, or

(b) with fine which may extend to one thousand rupees for every day during which the breach continues after receipt of written notice from the Commissioner to discontinue the breach.

(2) In lieu of or in addition to such fine, the Magistrate may require the offender to remedy the mischief so far as is in his power.

**388. Conditions precedent to the making of bye-laws.**— The power to make bye-laws under this Act is subject to the condition of the bye-laws being made after previous publication, and to the following further conditions, namely.—

(a) a draft of the bye-laws shall be published for such time and in such manner as the State Government may prescribe in this behalf;

(b) for not less than twenty one days during such period a printed copy of such draft shall be kept at the municipal office for public inspection, and every person shall be permitted at any reasonable time to peruse the same, free of charge; and

(c) printed copies of such draft shall be obtainable by any person requiring the same, on payment of such fee not exceeding fifty rupees for each copy, as may be prescribed by the Corporation.

**389. Bye-laws to be subject to sanction of State Government.**— (1) No bye-law made by the Corporation under this Act shall have any validity until it is approved by the State Government.

(2) Before sanctioning any such bye-law, the State Government may modify, vary, amend, delete or add to it.

(3) The State Government may cancel or revoke its approval of any such bye-law, and thereupon the bye-laws shall cease to have effect:

Provided in case of any addition of any provision in the bye-law, or any such modification, while exercising its power of approval by the State Government, the procedure prescribed in the preceding section of previous publication shall not apply.

**390. Publication of bye-laws and rules in Gazette and effect of such publication.**— All bye-laws and rules made and sanctioned under this Act or bye-laws cancelled under sub-section (3) of section 389 shall be published in the Gazette and shall thereupon have effect as if enacted in this Act.

**391. Power of State Government to make rules.**— (1) The State Government may frame forms for any proceeding of the Corporation and may after previous publication make rules for the purpose of carrying into effect the provisions of this Act

Provided that no rules in respect of any matter relating to the preparation of electoral rolls and conduct of elections shall be made without consultation with the State Election Commissioner:

Provided further such rules may provide for charging of fees for any of 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 following matter, namely:

(a) the manner of delegation of powers conferred on the officers or authorities of the Corporation to any other officer of the Corporation or the State Government;

(b) the manner in which, the conditions under which, and the authority by which, claims to, or objection against, registration may be made and decided;

(c) the nomination of candidates and objections to such nomination;

(d) the date and time of elections, the mode of recording votes, the management, the management of contested elections, and the procedure in case of equality of votes or in the event of one Councillor being elected to represent more than one ward or interest;

(e) the holding of elections to fill casual vacancies;

(f) the division of electorate into wards or communities and the allocation of Councillors thereto;

(g) the preparation publication and sale of copies of the municipal electoral roll;

(h) any other matter relating to representation and election for which it may be expedient to provide;

(i) the qualifications requisite in the case of persons appointed by a municipal authority to offices requiring professional skill;

(j) the procedure to be observed for the employment, punishment, suspension or removal of the officers and servants of the corporation and appeal from orders of punishment or removal;

(k) the extent of general supervision and control to be exercised by the commissioner over servants of the State placed at the disposal of the corporation under section 61;

(l) the conditions of the service in regard to the leave, provident fund, and pension admissible to the person transferred in pursuance of section 52 in respect of the period of service rendered by him before such transfer and the extent of the liability of the local authorities concerned with the transfer;

(m) the conditions on which property may be acquired by the corporation or on which property vested in the corporation may be transferred by sale, mortgage, lease, exchange or otherwise;

(n) the authority on which money may be paid from the municipal fund, and the management and regulation of provident funds;

(o) the preparation of plans and estimates for work partly or wholly to be constructed at the expense of the corporation and for the preparation, and periodical revision of maps and registers made under section 77 and for the authorities by which and the conditions subject to which such plans, estimates, maps and registers are to be prepared and sanctioned;

(p) the regulation of contracts with electrical supply companies for the supply of electrical energy;

(q) the preparation of estimates of income and expenditure of the corporation and as to the persons by whom, and the conditions subject to which such estimates may be sanctioned;

(r) the manner of making applications for permission to borrow money; the enquiries to be made in relation to loans and the manner of conducting such enquiries; the inspection of any works carried out by means of loans; and the utilization of unexpended balances of loans etc.;

(s) the manner in which accounts are to be kept by the corporation; the conditions on which such accounts are to be open to inspection by inhabitants paying any tax under this act, the manner in which such accounts are to be audited and published and the power of auditors in respect of disallowance and surcharge;

(t) the assessment and collection of and the compounding for revision or limiting refunds or taxes imposed under this act, and preventing evasion of the same; and for fixing the fee, payable for notices of demands;

(u) the conditions on which the corporation may receive animals or articles into a bonded warehouse and the agreement to be signed by the traders and others wishing to deposit animals or articles therein;

(v) the returns, statements and reports to be submitted by the corporation;

(w) the division of the Corporation Area into various zones as directed by the State Government.

(x) the language in which business shall be transacted, proceedings recorded and notices issued;

(y) the publication of notices;

(z) generally for the municipal authorities and public officers in carrying out the purposes of this act;

(z-1) the same purposes as those for which the corporation may make bye-laws under the provision of section 386;

(z-2) any other matters incidental or ancillary to the matter in respect of which the State Government is empowered to make rules.

(3) Rules under clauses (a) to (j) of sub-section (2) may among other matters provide—

(i) for the authority by whom the electoral roll shall be prepared and the particulars to be contained in the roll;

(ii) for the form and manner in which and the condition on which nomination may be made, and for the security of nominations;

(iii) for the appointment of returning officer of each ward and for his powers and duties;

(iv) for the appointment of polling stations for each ward;

(v) for the appointment of officers to preside at polling stations, and for the duties of such officers;

(vi) for the checking of voters by reference to the electoral roll;

(vii) for the manner in which votes are to be given and in the particular for the case of illiterate voters, or voters under physical or other disability;

(viii) for the procedure to be followed in respect of tender of votes by persons representing themselves to be electors after other persons have voted as such electors;

(ix) for the scrutiny of votes;

(x) for the safe custody of ballot papers and other election papers, for the period for which such paper shall be preserved, and for the inspection and production of such papers;

(xi) for the definition of the practices at elections held under the provision of this act which are deemed to be corrupt;

(xii) for the procedure to be followed by the district court in enquiries relating to application presented under section 399, the liability of witnesses to answer questions, the evidence to be recorded, the powers to be exercised including power to indemnify witnesses against civil or criminal proceedings and the enforcement of orders made in such enquiries;

(xiii) for rendering incapable of municipal office either permanently or for a term of years any person who may have been proved guilty as aforesaid of a corrupt practice or of conniving at or abetting the same;

(xiv) for provision of other matters incidental or ancillary to the preparation, revision, publication and regular maintenance of the roll and for the conduct of elections.

(4) in making rules under clauses (d) and (i), and clauses (t) and (u) of sub-section (2), the State Government may direct that a breach of any provision thereof shall be punishable with fine which may extend to five hundred rupees.

(5) Notwithstanding anything hereinbefore contained the State Government shall not make rules under laws (z-2) of sub-section (2) for the Corporation unless the Corporation has been required by the State Government to make bye-laws under section 386 and has failed to make any such bye-laws, or having made them has failed to obtain their confirmation by the State Government as required by sub-section (1) of 389 within nine months of the date of the order of the State Government under clauses (z-2) of sub-section (2) shall have effect as if they were, and shall be deemed for all purposes to be bye-laws made by the Corporation.

## PART XI

### CHAPTER XXXV

#### Punishment of Offences

392. **Certain offences punishable with fine.**— (1) Whoever:

(a) contravenes any of the provisions of this Act or of the rules made thereunder mentioned in the first column of the following table, or

(b) fails to comply with any direction lawfully given to him or any requisition lawfully made upon him under any of the said provisions or rules, shall be punishable with a fine which may extend to the amount mentioned in the third column of the said table.

(2) Whoever after having been convicted of any offence under clause (a) or (b) of sub-section (1), continues to commit such offence shall be punished for each day after the first during which he continues so to offend, with fine which may extend to the amount mentioned in the fourth column of the said table.

**Explanation.**— The entries in the second column of the following table headed "subject" are not intended as definitions of the offences described in the provisions mentioned in the first column, or even as abstracts of those provisions, but are inserted merely as references to the subject-matter thereof.



TABLE

Section sub-section or clause	Subject	Maximum Fine Which may be Imposed	Daily fine which may be imposed when the offence is a continuing one
(1)	(2)	(3)	(4)
Section 175	New buildings not to be erected without drains	Twenty-five thousand rupees	Five hundred rupees
Section 175, sub- section (1)	Owner of land to allow others to carry drains through the land	Five hundred rupees	do
Section 176	Owner of drain to allow use thereof or joint ownership, therein to others	do	Five hundred rupees
Section 178	Resistance to order of the Commissioner regarding use of joint ownership of a drain	do	do
Section 179	Resistance to Commissioner draining premises in combination	do	do
Section 180	Resistance to the Commissioner constructing drains or failure to maintain and keep in repair portion of a drain vesting in an owner	do	do
Section 181	Resistance to the Commissioner affixing shafts or pipes for ventilation of drains	do	do
Section 217	Establishment, etc., of factory, etc., without permission of the Commissioner	Twenty-five thousand rupees	do
Section 219	Storing dangerous or offensive articles or carrying on dangerous or offensive trades	Ten thousand rupees	do
Section 225, sub- section (1)	Keeping open a private market without permission	Five thousand rupees	Two hundred and fifty rupees
Section 225, sub- section (2)	Establishment, removal, re-opening, re-establishment or enlarging of private market without permission	Ten thousand rupees	One thousand rupees
Section 226	Selling animals, meat, etc., outside market without a licence	One thousand rupees	One hundred rupees
Section 228 sub-section (3)	Slaughter of animals without permission outside municipal slaughter-houses	do	

(1)	(2)	(3)	(4)
Section 230	Sale of diseased or unwholesome animal or article intended for human food	Ten thousand rupees for first offence and twenty thousand rupees for any subsequent offence	One hundred rupees
Section 231	Keeping adulterants in place where butter, ghee, etc., are manufactured	One thousand rupees	—
Section 232	Sale, etc., of notified article which is not of prescribed standard of purity	Ten thousand rupees for first offence and twenty thousand rupees for any subsequent offence	—
Section 233	Sale, etc. of substitutes	One thousand rupees for first offence and five thousand rupees for any subsequent offence	—
Section 238 sub-section (3)	Removing, interfering or tampering with animal, food, drink, drugs, etc. seized and left in custody.	Two thousand rupees	—
Section 243	Failure to give information of existence of dangerous disease	Five hundred rupees	—
Section 255	Erection or re-erection of a building in contravention of a town-planning scheme	One lakh rupees	One thousand rupees
Section 256	Prohibition of erection or re-erection of buildings without permission of the commissioner	Ten thousand rupees	One thousand rupees
Section 263, sub-section (1)	Notice to be given to the commissioner of completion of building	One thousand rupees	—
Section 263, sub-section (4)	Prohibition of occupation of new or re-erected building without permission of the commissioner	One thousand rupees	—
Section 271, sub-section (3)	Entering into or remaining in a building which has been declared unfit for human habitation	Five thousand rupees	—
Section 272, sub-section (1)	Requisition to remove or repair buildings in ruinous or dangerous out state	Ten thousand rupees	Five hundred rupees
Section 272, sub-section (3)	Entering into or remaining in a ruinous or dangerous building from which occupants have been	Ten thousand rupees	Five hundred rupees

(1)	(2)	(3)	(4)
	removed.		
Section 275, sub-section (3)	Erection or re-erection of building on inaccessible sites	Ten thousand rupees	One thousand rupees
Section 281, sub-section (1)	Laying a tramway or railway on a public street	Ten thousand rupees	One thousand rupees
Section 282, sub-section (1)	Prohibition of projections upon streets etc.	Ten thousand rupees	Fifty rupees
Section 282, sub-section (1)	Requisition to remove the same	Two thousand rupees	Fifty rupees
Section 288	Requisition to alter ground floor doors, etc., opening on roads, or streets, etc.	Five hundred rupees	
Section 289	Requisition to remove projections upon streets, etc.	Two thousand rupees	One hundred rupees
Section 292, sub-section (1)	Laying out of private street otherwise than in accordance with the permission of the Commissioner	Ten thousand rupees	One thousand rupees
Section 300	Regulation of posters depicting scenes from film etc.	One thousand rupees	One hundred rupees

**393. Punishment for certain offences.**— Whoever contravenes any provisions of sections 209, 210, 265, 357, 395 or 396 or of any order made thereunder, or fails to comply with any lawful direction or requisition under any of the said provisions, shall be punished with imprisonment which may extend to one month or with fine which may extend to ten thousand rupees or with both.

**394. Power of Corporation in the event of non-compliance.**— Whenever the terms or any one of the terms of a notice are not complied with, the commissioner may after six hours notice, by his officer, cause the terms or term to be complied with.

**395. Penalty for obstruction.**— Any person who willfully obstructs any Corporation authority, or any Corporation officer or servant, or any person authorized by any Corporation authority in the exercise of powers conferred by this Act or any rules or bye-laws made thereunder shall be punished with fine which may extend to one thousand rupees.

**396. Punishment for acquiring share of interest in the contract, etc., with corporation.**— If any councillor, Corporation officer, or servant knowingly acquires, directly or indirectly, by himself or a partner or employer or employee, any share or interest in any contract or employment with by, or on behalf of, the Corporation, not being a share or interest permissible under sub-section (3) of section 52, for an officer or servant of the Corporation to have without being thereby disqualified from employment

of the Corporation, he shall be punished with simple imprisonment for a term which may extend to one year or with fine or with both.

**397. Punishment for essential officer leaving employment.**— Any essential officer or servant contravening any of the provisions of section 56 shall be punishable with imprisonment which may extend to six months or with fine or with both.

**398. Penalty for disobedience of order of Corporation authorities.**— Whoever disobeys any lawful direction or prohibition given by an authority of the Corporation by a public notice or any written notice lawfully issued by it under the provision this act, or fails to comply with the condition subject to which any permission was given to him by an authority of the Corporation under the said provision, shall, if the disobedience or omission is not an offence punishable under any other section, be punishable with fine which may extend to one thousand rupees, and in case of continuing breach, with a further fine which may extend to one thousand rupees for every day after the first during which the breach continues:

Provided that when the notice fixes a time within which a certain act is to be done and no time is specified in this Act, it shall rest with the magistrate trying an offence under this section to determine whether the time so fixed was reasonable for purpose of compliance with the notice.

## Part XII

### CHAPTER XXXVI

#### Election Petitions

**399. Election petition to be heard and disposed of by District Court.**— (1) If the qualification of any person declared to be elected for being councillor is disputed, or if the validity or any election is questioned, whether by reason of the improper rejection by the State Election Commissioner of a nomination or of the improper reception or refusal of a vote, or for any other cause, any person enrolled in the municipal election roll may, at any time within fifteen days from date on which election of a councillor is notified under section 16, apply to the District Court. If the application is for a declaration that any particular candidate shall be deemed to have been elected, the applicant shall make parties to his application or candidates who although not declare elected, had contested the election from the same ward.

(2) If the District Court, after making such inquiry as it deem necessary, finds that the election was a valid election and that the person whose election is objected to is not qualified, it shall confirm the declared result of the election. If it finds that the person whose election is objected to is disqualified for being a Councillor, it shall declare such person's election null and void. If it finds that the election is not valid election, it shall set it aside. In either case it shall direct that the candidate, if any, in whose favour next highest number of valid votes is recorded after the said person or after all the persons who were returned as elected at the said election, and against whose election no cause of objection is found, shall be deemed to have been elected.

(3) The District Court's order shall be conclusive.

(4) Every election not called in question in accordance with the foregoing provisions shall be deemed to have been to all intents a good and valid election.

**PART XIII**  
**CHAPTER XXXVII**  
**Transitory Provisions**

**400. Transitory Provisions.**— (1) Until such time as the elections are conducted or held, for constituting the Corporation and electing the Councillors thereof as per provisions of this Act, the first Corporation, immediately upon publication of this Act in the Official Gazette, shall be constituted as under:

(a) All Councillors of the erstwhile Panaji Municipal Council, representing areas, mentioned in Schedule I hereof shall become the first Councillors of the newly constituted Corporation under this Act.

(b) All members of Village Panchayats, including Sarpanch or deputy Sarpanch relating to Panchayat areas mentioned in Schedule I, shall become the first Councillors of the newly constituted Corporation under this Act.

(c) Such officials of the State Government representing the departments of health, public works department, police department, town and country planning department and such other department or bodies, or statutory committees or such other officials, in all not exceeding fifteen in number nominated by the State Government to be the first Councillors of the newly constituted Corporation under this Act, ex-officio.

(d) Such other persons who in the opinion of the State Government, on account of their outstanding contribution to the capital City or their performance in the field of art, literature, science, environment, architecture, engineering, law, education or social work, deserve to be appointed to the Corporation, be appointed by the State Government, but not exceeding seven in number, as first Councillors of the newly constituted Corporation under this Act.

(2) The State Government shall by a notification, constitute a panchayat area, in respect of those areas, which were hitherto part of Panaji Municipal Council, and are not included in Schedule I herein, under the Goa Panchayat Raj Act and appoint such Councillors, whose areas or wards represented by them, have become panchayat areas, as panchas for such newly constituted panchayat bodies.

(3) The Chairperson and the Vice-Chairperson of the hitherto Panaji Municipal Council, shall become the Mayor and Deputy Mayor respectively of the Corporation.

(4) The transitory provisions made hereinbefore, shall continue without any change until the elections are held within a period of one year or on such date as may be specified by the Government for constituting the Corporation in accordance with the provisions of this Act.

(5) The provisions of this part as well as other provisions of this Act, making transitory provisions, forming panchayat areas or assimilating panchayat areas into Corporation, shall have effect notwithstanding anything to the contrary provided in either the Goa Municipalities Act, the Goa Panchayat Raj Act or any other law for the time being in force.

## CHAPTER XXXVIII

**Removal of Difficulties**

**401. Removal of Difficulties.**— If any difficulty arises in giving effect to the provisions of this Act, the State Government, as occasion requires, by order do anything, which appears to it to be necessary in or for the purposes of removing the difficulty:

Provided that no order shall be made under this section after the expiry of two years from the date of publication of this Act in the Official Gazette.

**402. Overriding Effect.**— The provisions of this Act shall have effect notwithstanding anything said or provided in the Goa Municipalities Act, 1968, Goa Panchayat Raj Act, 1993 or any other law, order, decree, judgement of any court, notification, rule, regulation, bye-laws.

## SCHEDULE

(See Section 61)

1. Relief of the poor, unemployment other than industrial unemployment.
2. Charities and charitable institutions, charitable and religious endowments.
3. Prevention of Cruelty to Animal Act, 1890.
4. Protection of wild birds and animals.
5. Relief on account of floods, earthquakes, etc.
6. Jubilee and memorial funds.
7. Intoxication liquors and narcotic drugs, opium, dangerous drugs.
8. Poisons.
9. Agriculture, including agricultural education and research, protection against pests and prevention of plant diseases.
10. Marketing of agricultural produce.
11. Arboriculture.
12. Sericulture.
13. Gardens.
14. Veterinary, including improvement of live-stock and prevention of animal diseases.
15. Prevention of the extension from one until to another of infectious diseases affecting animals or plants.
16. Markets established under the Berar Cotton and Grain Markets law, the Central Provinces and Berar Cotton and Grain Markets Law, the Central Act, 1932, and the Central Provinces and Berar Agricultural Produce Market Act, 1935.
17. Fisheries.
18. State forests, including afforestation, disforestation, forest rates and grazing.
19. Land improvement and agricultural loans.
20. Colonization.
21. Collection of land revenue and rents.

22. Collection of local cesses and other sums recoverable as land revenue.
23. Malguzari and zamindari forest and other forests not under management of forest department.
24. Scarcity and famine relief and relief of agricultural indebtedness.
25. Fuel and fodder reserves.
26. Floods.
27. Moneylending and moneylenders.
28. Pounds and prevention of cattle trespass.
29. Burials and burial grounds.
30. Central Provinces and Berar Slaughter of Animals Act, 1915.
31. Hospitals and dispensaries excluding epidemic and travelling dispensaries.
32. Lunacy and mental deficiency including places for the reception of treatment of lunatics and mental deficient.
33. Sanitary laws and regulations.
34. Appointment, qualifications and duties of health officials and welfare workers.
35. Public health laboratories.
36. Conservancy (scavenging and cleaning).
37. Drainage.
38. Sewage disposal and purification.
39. Sanitary conveniences.
40. Lighting and ventilation of houses and buildings.
41. Housing.
42. New streets and buildings.
43. Factories and workshops.
44. Offensive trades and nuisances, including smoke nuisances.
45. Pig-sties and keeping of animals.
46. Sanitation of fairs and labours camps.
47. River pollution prevention.
48. Disposal of the dead.
49. Water-supply.
50. Food supply including (a) purity of food, (b) 31[Central Provinces and Berar Prevention of Adulteration Act, 1919] and (c) milk and dairies.
51. Infectious and contagious diseases, and diseases caused by animal parasites.
52. Prevention of epidemics.
53. Epidemic and travelling dispensaries, including those specially appointed for aborigines and rural uplift.
54. Vaccination.
55. Registration of births and deaths.
56. Welfare work.
57. Social hygiene.
58. Agricultural statistics and prices.
59. Elections to the State and Central Legislature.
60. Education.

61. Libraries.
62. Technical and industrial education.
63. Public works including State buildings, roads, bridges and ferries managed by the Public Works Department.
64. Tools.
65. Planning of post-war development, liaison with other Government departments with reference to schemes of post-war development.
66. Resettlement and re-employment of servicemen, Civil Pioneers and labour employed in war industries including State and District Soldiers Boards.
67. Welfare of labour.
68. Unemployment insurance.
69. Industrial unemployment.
70. Co-operative societies.
71. Rural Development;
  - (i) village uplift including welfare activities in backward areas, and
  - (ii) cottage and small-scale industries.
72. Rehabilitation of refugees.

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#### SCHEDULE I

Areas comprised within the City of Panaji Corporation are as follows:—

1. The whole of Panaji Municipal Area as on the date of the enforcement of this Act excluding:
  - (a) Survey Nos. 1 to 7 of Durgawadi Revenue Village.
  - (b) Survey Nos. 1 to 295 of Taleigao Revenue Village but including:
    - (i) Survey Nos. 122, 123, 124, 125, 126 and 127.
    - (ii) Area on the Southern side of the road Durgawadi to Panaji-Taleigao, comprising part of Surveys Nos. 128, 130, 131 and 132 as shown in the map annexed.
2. (a) Entire area of Village Panchayat of Penha da Franca, part of village Pilerne comprising of Survey Nos. 15 to 23, 31 to 35, 53 to 76, part of Village Salvador do Mundo comprising of Survey Nos. 75, 76, 85 to 112, 135 to 147, 151 and 152, part of Village Soccoro comprising of Survey Nos. 21 to 24, 40 to 43, 354 to 357, 359 to 399, 401 and 402, part of Village Reis Magos comprising of Survey Nos. 38, 39, 43 to 74 and 76 and Sangolda Village Panchayat comprising of Survey Nos. 85 & 86 as shown in the map annexed.
- (b) Entire area of Village Panchayat Santa Cruz, entire area of Bambolim Village but excluding area under the Military occupation, part of village Morombi-O-Pequeno comprising of Survey Nos. 30 to 92, 94, 96 to 137 and 140 to 143, as shown in the map annexed.



**Department of Urban Development**  
**Directorate of Municipal Administration**

—  
**Public Notice**

1/4/UDD/2003/2104

Whereas the Legislative Assembly of the State of Goa, has passed the City of Panaji Corporation Bill, 2002.

And Whereas His Excellency the Governor of Goa has been pleased to give his assent to the said Bill on 21-1-2003, whereby the said Bill has become an Act.

And Whereas in terms of sub-section (2) and sub-section (3) of Section 1 of the said Act, read with section 2 thereof, the State Government has been empowered to enforce the said Act and to declare, by Notification any areas of Schedule I and/or any area or any part thereof, not forming part of the City of Panaji Corporation, to be a Panchayat area under the Panchayat Raj Act viz-a-viz the area specified in Schedule I of the said Act (Schedule I is appended below).

And Whereas powers are vested in the State Government to notify the date or different dates for different areas of Schedule I, different chapters or sections of this Act, for enforcement of the said Act.

And Whereas the State Government considers it appropriate to have wider consultation by inviting suggestions, views if any, from the members of the public in general, from the areas mentioned in Schedule I of the said Act, before issuance of Notification under Section 1 of the said Act.

Now Therefore this Public Notice is hereby issued announcing the intention of the Government to issue the said Notification in terms of section 1 of the said Act, and inviting from the members of the public who desire to give any suggestions/views as regards giving effect to the provisions of the said Act to the areas mentioned in Schedule I or any part thereof, are required to do so, in writing, with reasons thereof, addressed to the Director of Municipal Administration and Ex officio Joint Secretary to the Government of Goa, Collectorate Building, Panaji-Goa, within 15 days from the date of the publication of this Public Notice in the Official Gazette.

By order and in the name of the Governor of Goa.

*P. Krishnamurthy*, Secretary (Urban Development).

Panaji, 13th February, 2003.

## SCHEDULE I

Areas comprised within the City of Panaji Corporation are as follows:

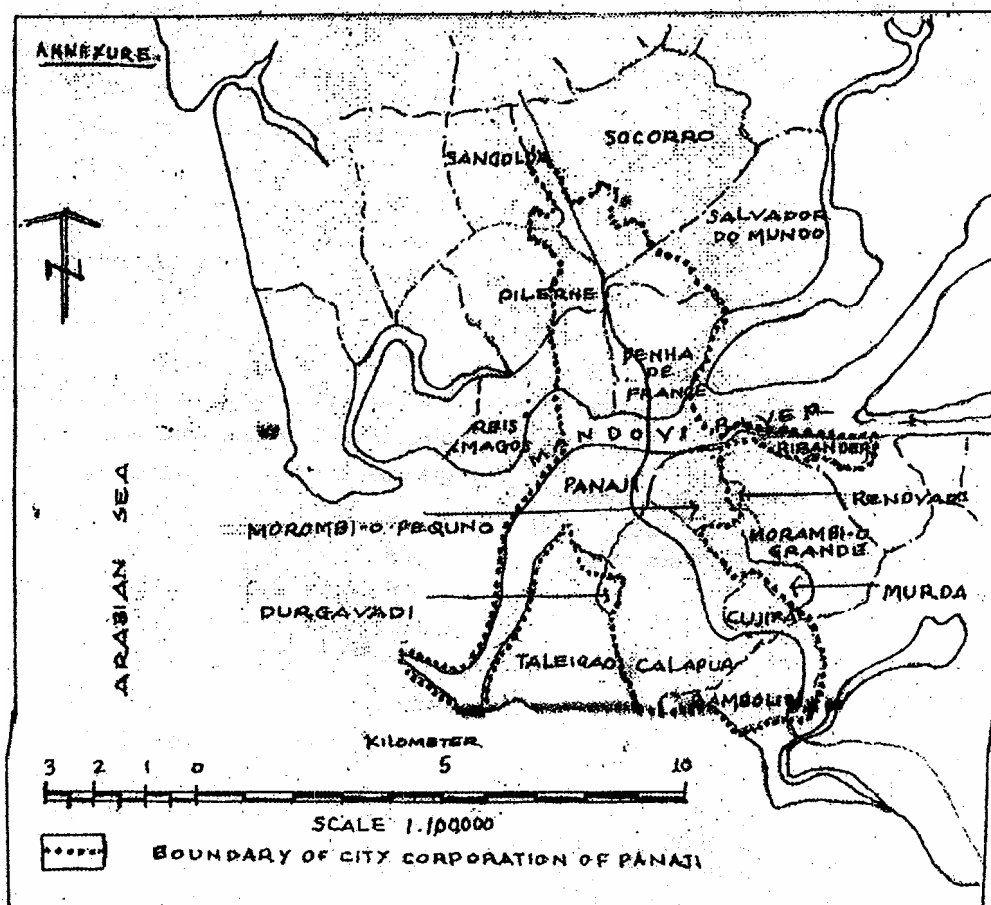
1. The whole of Panaji Municipal Area as on the date of the enforcement of this Act excluding:

- (a) Survey Nos. 1 to 7 of Durgawadi Revenue Village,
- (b) Survey Nos. 1 to 295 of Taleigao Revenue Village but including:
  - (i) Survey Nos. 122, 123, 124, 125, 126 and 127.

(ii) Area on the Southern side of the road Durgawadi to Panaji — Taleigao, comprising part of Survey Nos. 128, 130, 131 and 132 as shown in the map annexed.

2. (a) Entire area of Village Panchayat of Penha da Franca, part of village Pilerne comprising of Survey Nos. 15 to 23, 31 to 35, 53 to 76, part of Village Salvador do Mundo comprising of Survey Nos. 75, 76, 85 to 112, 135 to 147, 151 and 152, part of Village Socorro comprising of Survey Nos. 21 to 24, 40 to 43, 354 to 357, 359 to 399, 401 and 402, part of village Reis Magos comprising of Survey Nos. 38, 39, 43 to 74 and 76 and Sangolda Village Panchayat comprising of Survey Nos. 85 & 86 as shown in the map annexed.

(b) Entire area of Village Panchayat Santa Cruz, entire area of Bambolim Village but excluding area under the Military occupation, part of village Morombi-O-Pequeno comprising of Survey Nos. 30 to 92, 94, 96 to 137 and 140 to 143 as shown in the map annexed.



**GOVERNMENT OF GOA**  
**Department of Urban Development**  
**Directorate of Municipal Administration**

**Notification**

1/04/DMA/Admn/2340

Whereas certain draft rules which the Government of Goa proposes to make were published in the Official Gazette, Extraordinary No. 2 Series I No. 35, dated 26th November, 2004, as required by sub-section (1) of section 391 of the City of Panaji Corporation Act, 2002 (Goa Act 1 of 2003), under Notification No. 1/04/DMA/Admn/2058 dated 26-11-2004 of the Department of Urban Development (Directorate of Municipal Administration), Panaji, inviting objections and suggestions from all persons likely to be affected thereby, before the expiry of fifteen days from the date of publication of the said Notification in the Official Gazette;

And Whereas the said Gazette was made available to the public on 26-11-2004;

And whereas no objections/suggestions have been received from the public on the said draft rules within the said period of fifteen days by the Government;

Now, therefore, in exercise of the powers conferred by section 391 of the City of Panaji Corporation Act, 2002 (Goa Act 1 of 2003), and all other powers enabling it in this behalf and in consultation with the State Election Commissioner, the Government of Goa hereby makes the following rules, namely:—

PART – I

**Preliminary**

**1. Short title and commencement.**— (1) These rules may be called the Corporation of the City of Panaji (Election) Rules, 2004.

(2) They shall come into force at once.

**2. Definitions.**— In these rules, unless the context otherwise requires,

(a) “Act” means the City of Panaji Corporation Act, 2002 (Act No.1 of 2003);

(b) “Commission” means the State Election Commission as defined in clause (51) of section 5 of the Act;

(c) “Corporation” means the Municipal Corporation of the City of Panaji, constituted or deemed to be constituted under the Act;

(d) “election” means an election to fill a seat or seats in the Corporation;

(e) “electoral roll” means the municipal election roll prepared under the Act;

(f) “Form” means a Form appended to these rules;

(g) “Government” means Government of Goa;

(h) “Returning Officer” or “Assistant Returning Officer” means an officer duly appointed by the State Election Commissioner;

(i) “State Election Commissioner” means the State Election Commissioner referred to in clause (51) of section 5 of the Act;

(j) “section” means a section of the Act;

(k) “ward” means a ward of the Corporation;

(1) Words and expressions used but not defined in these rules, shall have the same meaning as assigned to them in the Act.

## PART – II

### General Provisions

**3. Maintenance of Electoral Rolls.**— The State Election Commissioner shall maintain an authentic copy of electoral rolls prepared under section 13 of the Act.

**4. Fixation of various stages of Election.**— (1) For the purpose of holding election, the Commission shall, by order in Form I, appoint:—

(a) the last date, time and place for making nominations;

(b) the date, time and place for scrutiny of nominations, which shall be a date not later than the third day after the last date for making nominations;

(c) the last date for withdrawal of candidature, which shall be a date not later than the third day after the date for scrutiny of nominations;

(d) the date or dates on which a poll shall, if necessary, be taken, which or the first of which dates shall be a date not earlier than the twelfth day after the last date for the withdrawal of candidatures, and the time during which the poll shall be taken on the date or dates so fixed:

Provided that, such date or dates shall not be earlier than two months before the date of expiry of the term of office of the Councillors of the Corporation to which such election is to be made and shall not be later than fifteen days before the date of such expiry:

Provided further that in the case of the first elections to be held under the Act, the date or dates to be fixed for the poll shall be such as the Commission may deem fit, but such date or dates shall not be earlier than the twelfth day after the last date for the withdrawal of candidatures;

(e) the date or dates, time and place for the counting of votes, and

(f) the dates, time and places for other stages of the elections.

(2) The Commission shall, not less than seven days before the last date fixed for the nomination of candidates, cause the order under sub-rule (1) to be published as a public notice by putting up such order on the notice board of the Corporation and where there

are local newspapers, also additionally by publication in one or more of such newspapers and Official Gazette. The Commission shall also arrange to give wide publicity to the election programme by affixing copies of the order in local languages at the Corporation office and at such other conspicuous places within the Corporation area as may be deemed fit and by causing the said order to be published in such other manner as it deems fit.

**5. Appointment of Returning Officer and Assistant Returning Officers.**— (1) The Commission shall appoint any Officer of the Government not below the rank of Deputy Collector to be a Returning Officer in respect of any election or part of an election under these rules.

(2) (a) The Commission may, if deemed necessary, appoint any officer of the Corporation not below the rank of Assistant Commissioner or an officer of the Government not below the rank of Deputy Collector to be an Assistant Returning Officer to assist any Returning Officer in the performance of his functions;

(b) The Assistant Returning Officer shall, subject to the control of the Returning Officer, be competent to perform all or any of the functions of the Returning Officer:

Provided that, no Assistant Returning Officer shall perform any of the functions of the Returning Officer which relates to the scrutiny of nomination papers or to the counting of votes, unless the Returning Officer is unavoidably prevented from performing the said functions.

**6. Returning Officer to include Assistant Returning Officer performing functions of Returning Officer.**— Subject to the provisions of sub-rule (2) of rule 5, reference in these rules to the Returning Officer shall, unless the context otherwise requires, be deemed to include an Assistant Returning Officer.

**7. General Duty of Returning Officer.**— It shall be the general duty of the Returning Officer at any election to do all such acts and things as may be necessary for effectually conducting the election in the manner provided by these rules.

**8. Polling Stations.**— The Returning Officer shall provide a sufficient number of polling stations for each ward for which election is to be held and shall, not later than seven days before the date of poll, publish a list showing the polling stations and the areas for which they will be set up (hereinafter referred to as the "polling area").

**9. Appointment of Presiding and Polling Officers.**— (1) The Returning Officer shall appoint a Presiding Officer for each polling station and such polling officer or officers to assist the Presiding Officer, as he thinks necessary, but shall not appoint any person who has been employed by or on behalf of, or has been otherwise working for, a candidate in or about the election:

Provided that, if a polling officer is absent from the polling station, the Presiding Officer may appoint any person who is present at the polling station, other than a person, who has been employed by or on behalf of, or has been otherwise working for, a candidate in or about the election, to be the polling officer during the absence of the former officer, and inform the Returning Officer accordingly.

(2) A polling officer shall, if so directed by the Presiding Officer, perform all or any of the functions of a Presiding Officer under these rules.

(3) If the Presiding Officer, owing to illness or other unavoidable cause, is obliged to absent himself from the polling station, his functions shall be performed by such polling officer as has been previously authorized by the Returning Officer to perform such functions during any such absence.

(4) Reference in these rules to the Presiding Officer shall, unless the context otherwise requires, be deemed to include any person performing any function which he is authorized to perform under sub-rule (2), or as the case may be, under sub-rule (3).

**10. General Duty of Presiding Officer.**— It shall be the general duty of the Presiding Officer at a polling station to keep order thereat and to see that the poll is fairly taken.

**11. Control**— The Returning Officer, Assistant Returning Officer, Presiding Officers, Polling Officers and all other persons appointed for any matter connected with these rules shall work under the direction and supervision of the Commission.

**12. Nomination of Candidates.**— (1) Any person may be nominated as a candidate for election to fill a seat, if he is qualified to be chosen to fill that seat under the provisions of the Act.

(2) Every nomination paper shall be in Form II, which shall be supplied by the Returning Officer to any voter on demand. The nomination paper duly completed and signed by the candidate and by a voter of the ward as proposer, shall be delivered to the Returning Officer in duplicate by each candidate, either in person or by his proposer, on or before the date appointed under sub-rule (1) of rule 4 during the time and at the place specified thereunder.

(3) Any person who is qualified to vote under section 14 and whose name is entered in the electoral roll for the ward for which the candidate is nominated, may subscribe as proposer. He shall not subscribe as proposer for more than one nomination paper. If he does so, all the nomination papers so subscribed, except the one received first shall, notwithstanding anything contained in sub-rule (2) of rule 13, be invalid. The same candidate may, however, be nominated by more than one nomination paper for election in the same ward.

(4) In a ward where the seat is reserved for Scheduled Castes or Scheduled Tribes or Other Backward Class, a candidate shall not be deemed to be qualified to be chosen to fill that seat, unless the nomination paper contains a declaration by him specifying the particular Scheduled Caste or Scheduled Tribe or other Backward Class of which he is a member supported by a certificate issued by a competent authority to that effect.

(5) On receiving a nomination paper under sub-rule (2), the Returning Officer shall inform the person delivering the same, the day, time and place fixed for the scrutiny of nominations and shall enter on the nomination paper its serial number and shall sign thereon a certificate stating the date on which and the hour at which the nomination paper has been delivered to him. The Returning Officer shall then sign a receipt for the nomination paper and the notice of scrutiny in Form III and hand over the same to the person presenting the nomination paper. As soon as may be after receipt of a nomination

paper, the Returning Officer shall cause to be affixed in some conspicuous place in his office a notice of the nomination alongwith the duplicate copy of Part A of the nomination paper.

(6) When elections are to be held at or about the same time in two or more wards, one and the same person, if qualified, may be nominated for election in all or any number of the said wards.

**13. Scrutiny of Nomination Papers.**— (1) The candidates, one proposer of each candidate and one other person duly authorized in writing by each candidate, but no other person, may attend at the time and place fixed for the scrutiny of the nomination papers under rule 4, and the Returning officer shall give them all reasonable facilities for examining the nomination papers of all candidates which have been delivered as required by sub-rule (2) of rule 12.

(2) The Returning Officer shall examine the nomination papers and decide all objections which may be made to any nomination, and may, either on such objection or on his own motion, after such summary inquiry, if any, as he thinks necessary, reject any nomination paper on any of the following grounds, that is to say:—

(a) that the candidate is not qualified or is disqualified for election under the Act;

(b) that the proposer is not qualified to nominate the candidate;

(c) that there has been a failure to comply with any of the provisions of the Act or prescribed by these rules;

(d) that the candidate or proposer is not identical with the person whose electoral number is specified in the nomination paper as the number of such candidate or proposer, as the case may be;

(e) that the signature of the candidate or the proposer on the nomination paper is not genuine or is obtained by fraud.

(3) Nothing contained in clauses (c), (d), or (e) of sub-rule (2) shall be deemed to authorise the rejection of the nomination of any candidate on the ground of any irregularity in respect of a nomination paper, if the candidate has been duly nominated by means of another nomination paper in respect of which no irregularity has been committed.

(4) The Returning Officer shall not reject any nomination paper on the ground of any defect, which is not of a substantial character.

(5) The Returning Officer shall hold the scrutiny on the date appointed in this behalf under clause (b) of sub-rule (1) of rule 4 and shall not allow any adjournment of the proceedings except when such proceedings are interrupted or obstructed by riot or open violence or by causes beyond his control:

Provided that, in case any objection is raised by the Returning Officer or is made by any other person, the candidate concerned may be allowed time to rebut it not later than the next day and the Returning Officer shall record his decision on the date to which the proceedings have been adjourned.

(6) The Returning Officer shall endorse on each nomination paper his decision accepting or rejecting the same and, if the nomination paper is rejected, shall record in writing a brief statement of his reasons for such rejection.

(7) For the purpose of this rule, the production of a certified copy of an entry made in the list of voters shall be conclusive evidence of the right of any voter named in that entry to stand for election or to subscribe a nomination paper, as the case may be, unless it is proved that the candidate or the proposer is disqualified.

(8) Immediately after all the nomination papers have been scrutinized and decisions, accepting or rejecting the same have been recorded, the Returning Officer shall prepare a list of validly nominated candidates in Form IV. The Returning Officer shall then affix list on his notice board and shall record the date on which and time at which the list was so affixed.

**14. Deposits.**— (1) On or before the date appointed for the delivery of nomination papers, each candidate shall deposit, or cause to be deposited, with the Returning Officer a sum of Rs. 2000/- (Rupees two thousand only) for general category and Rs.1000/- (Rupees one thousand only) for reserved category in cash and no candidate shall be deemed to be duly nominated, unless such deposit is made:

Provided further that, where a candidate has been nominated by more than one nomination paper for election in the same ward, not more than one deposit shall be required of him under this rule.

(2) If a candidate by whom or on whose behalf the deposit referred to in sub-rule (1) has been made withdraws his candidature in the manner and within the time specified in these rules; or if the nomination of any such candidate is refused, the deposit shall be returned to the person by whom it was made; and, if any candidate dies before the commencement of the poll, any such deposit, if made by him, shall be returned to his legal representative or, if not made by the candidate, shall be returned to the person by whom it was made.

(3) On a candidate being elected, such deposit shall be returned to him or to the person who made it, as the case may be, after the declaration of result.

(4) On a candidate failing to get elected, if the number of valid votes polled by him does not exceed one-eighth of the total number of valid votes polled by all the candidates, the deposit shall be forfeited to the Corporation.

(5) A deposit made in respect of an unsuccessful candidate, if not forfeited under sub-rule (4), shall be returned to the person making it, as soon as may be, after the publication of the result of the election in the Official Gazette.

**15. Assignment of symbols to and publication of list of contesting candidates.—**

(1) Subject to any general or special directions issued by the Government in this behalf by notification in the Official Gazette, the Returning Officers shall on the day immediately following the last day for withdrawal of candidatures, allot to each candidate a symbol in the manner hereinafter indicated in the Schedule mentioned below:



## SCHEDULE

1. Aeroplane
2. Almirah
3. Baby Doll
4. Ball
5. Camera
6. Car
7. Desk
8. Door
9. Envelope
10. Fire Engine
11. Flute
12. Frying Pan
13. Gas Cylinder
14. Gas Stove
15. Hanger
16. Hat
17. Ink Pot and Pen
18. Jeep
19. Kite
20. Lock and Key
21. Pressure Cooker
22. Railway Engine
23. Road Roller
24. Sewing Machine
25. Stool
26. Table Lamp
27. Television
28. Violin
29. Walking Stick
30. Whistle:

Provided that, where the number of candidates contesting the election exceeds the number of symbols indicated in this rule, the Returning Officer may assign any other symbol except symbols of recognized national parties as declared by the Election Commission of India, and symbols not being depiction of birds and animals, to any candidate to whom no symbol has been assigned.

(2) The Returning Officer shall assign to each candidate one symbol in the order of symbols mentioned in the Schedule to sub-rule (1) and after arranging the names of the final list of candidates in alphabetical order in Roman script as required under sub-rule (3).

(3) The Returning Officer shall thereafter publish a list of contesting candidates. Such list shall be in Form V and shall contain the names in alphabetical order determined with reference to the surnames of the candidates having surnames, and the names proper, of other Candidates, and their addresses as given in the nomination papers.

**16. Withdrawal of candidature.**— (1) Any candidate may withdraw his candidature in person by notice in writing subscribed by him or through his election agent who has been authorized in this behalf in writing by the candidate and delivered to the Returning Officer on or before the day appointed under clause (c) of sub-rule (1) of rule 4 and;

(2) The notice shall be delivered to the Returning Officer before 3 o'clock in the afternoon on the last day fixed under sub-rule (1) for withdrawal of candidature.

(3) The notice may be given either by the candidate in person or through his election agent who has been authorized in this behalf in writing by the candidate.

(4) No person who has given a notice of withdrawal of his candidature under sub-rule (1) shall be allowed to cancel the notice.

(5) The Returning Officer shall, on being satisfied as to the genuineness of a notice of withdrawal and the identity of the person delivering it under sub-rule (1), cause the notice to be affixed on the notice board in his office.

**17. Appointment of Election Agent and Revocation of such appointment.**— (1) If a candidate desires to appoint an election agent, such appointment shall, subject to the provisions of sub-rule (3), be made in Form VI and lodged with the Returning Officer either at the time of delivering the nomination paper or at any time before the election.

(2) The appointment of the election agent may be revoked by the candidate at any time by a declaration in writing signed by him and lodged with the Returning Officer. Such revocation shall take effect from the date on which it is so lodged. In the event of such revocation or in the event of the election agent dying before, or during the period of the election, the candidate may appoint a new election agent in accordance with the provision of sub-rule (1).

(3) No person, who is for the time being disqualified under section 15 from being elected at any election to the Corporation, shall, so long as the disqualification subsists, be appointed as an election agent.

**18. Appointment of Polling Agent.**— (1) At an election at which a poll is to be taken, any contesting candidate or his election agent, may appoint one agent and two relief agents to act as polling agents of such candidate at each polling station. Such appointment shall be made by a letter in writing in duplicate in Form VII signed by the candidate or his election agent, prior to the date fixed for polls.

(2) The candidate or his election agent shall deliver the duplicate copy of the letter of appointment to the polling agent, who shall, on the date fixed for the poll, present it to, and sign the declaration contained therein before the Presiding Officer. The Presiding Officer shall retain the duplicate copy presented to him in his custody. No polling agent shall be allowed to perform any duty at the polling station, unless he has complied with the provision of this sub-rule.

**19. Appointment of Counting Agents.**— (1) Each contesting candidate or his election agent may appoint not more than four agents to act as counting agents of such candidate by a letter in writing in duplicate in Form VII signed by the candidate or his election agent.

(2) Before the commencement of the counting of votes, the candidate or his election agent shall give notice of the appointment of such counting agents to the Returning Officer by forwarding to such officer the letter of appointment referred to in sub-rule (1), one day prior to the date fixed for counting.

(3) The candidate or his election agent shall also deliver the duplicate copy of the letter of appointment to the counting agent who shall, on the date fixed for the counting of votes, present it to, and sign the declaration contained therein before the Returning Officer one day prior to the date fixed for counting. The Returning Officer shall retain the duplicate copy presented to him in his custody. No counting agent shall be allowed to perform any duty at the place fixed for the counting of votes, unless he has complied with the provisions of this sub-rule.

**20. Revocation of Appointment or Death of Polling Agent.**— (1) The appointment of the polling agent may be revoked by the candidate at any time before the commencement of the poll by a declaration in writing signed by him.

(2) Such declaration shall —

(a) in the case where the appointment is revoked not less than seven days before the commencement of the poll, be lodged with the Returning Officer;

(b) in any other case, be lodged with the Returning Officer or the Presiding Officer of the polling station where the polling agent was appointed for duty.

(3) If the polling agent of a candidate dies before the close of the poll, the candidate or his election agent shall forthwith report in writing the fact of such death —

(a) in the case where the death takes place not less than seven days before the commencement of the poll, to the Returning Officer; and

(b) in any other case, to the Returning Officer or the Presiding Officer of the polling station where the polling agent was appointed for duty.

(4) Wherever the Returning Officer receives any declaration or report made under sub-rule (1) or (2), he shall forthwith communicate such declaration or report, as the case may be, to the Presiding Officer of the polling station where such polling agent was appointed for duty.

(5) Where the appointment of a polling agent is revoked under sub-rule (1) or where the polling agent dies before the close of the poll, the candidate or his election agent may, at any time before the poll is closed, appoint a new polling agent in accordance with the provisions of sub-rule (1) of rule 18:

Provided that, the letter of appointment of a new polling agent shall,—

(a) in the case where such appointment is made not less than seven days before the commencement of the poll, be given to the Returning Officer; and

(b) in any other case, be given to the Returning Officer or the Presiding Officer of the polling station where the new polling agent is appointed.

(6) The provision of sub-rule (2) of rule 18 shall apply in relation to a polling agent appointed under sub-rule (5) as they apply in relation to a polling agent appointed under sub-rule (1) of rule 18.

**21. Revocation of Appointment or Death of Counting Agent—** (1) The appointment of the counting agent may be revoked by the candidate at any time before the commencement of the counting of votes by a declaration in writing signed by him. Such declaration shall be lodged with the Returning Officer.

(2) If the counting agent of a candidate dies before the completion of the counting of votes, the candidate or his election agent shall forthwith report the death in writing to the Returning Officer.

(3) Where the appointment of a counting agent is revoked under sub-rule (1) or where the counting agent dies before the completion of the counting of votes, the candidate or his election agent may appoint a new counting agent in the manner laid down in sub-rule (1) of rule 19.

(4) The provisions of sub-rules (2) and (3) of rule 19 shall apply in relation to a counting agent appointed under sub-rule (3) as they apply in relation to a counting agent appointed under sub-rule (1) of rule 19.

**22. Death of candidate before poll.—** If a contesting candidate dies and a report of his death is received by the Returning Officer before the commencement of the poll, the Returning Officer shall, upon being satisfied of the fact of the death of the candidate, countermand the poll in respect of the ward to the election of which the deceased was a candidate and report the fact to the State Election Commission and all proceedings with reference to the election of such ward shall be commenced a just in all respects, as if for a new election:

Provided that:—

(i) no further nomination shall be necessary in the case of a person who was a validly nominated candidate at the time of the countermanding of the poll; and

(ii) no person who has given a notice of withdrawal of his candidature by rule 16 before the countermanding of the poll, shall be ineligible for being nominated as a candidate for the election after such countermanding.

**23. Uncontested Election.—** (1) If in any ward, only one candidate has filed a nomination, and his nomination has been accepted, the Returning Officer shall forthwith declare such candidate to be duly elected.

(2) If in any ward, only one nomination out of several nominations made, has been accepted, the Returning Officer shall declare the candidate whose nomination has been accepted, to be duly elected.

**24. Contested Elections.—** In cases other than those covered by rule 23, a poll shall be taken:

Provided that in case no candidate has filed a nomination or where all the nominations of the candidates have been rejected, all proceedings with reference to the election of such ward shall be commenced afresh, as if for a new election.

**25. Manner of Voting at Elections.**— At every contested election, votes shall be given either by ballot or by electronic voting machine, decided by the Commission, in the manner provided in Part III or Part IV respectively, of these rules.

### Part III

#### Voting by Ballot

**26. Ballot box.**— Every ballot box shall be of such design and colour, as may be approved by the Commission. It shall be so constructed that ballot papers can be introduced therein but cannot be withdrawn therefrom without the box being unlocked and the seals being broken.

**27. Ballot Paper.**— (1) Every ballot paper shall be in Form VIII.

(2) The names of the candidates shall be arranged on the ballot paper in the same order in which they appear in the list of contesting candidates at the election prepared and published under rule 15.

(3) If two or more candidates bear the same name, they shall be distinguished by the addition of their occupation or residence or in some other manner.

**28. Arrangement at Polling Stations**— (1) Outside each polling station there shall be displayed prominently.—

(a) a notice specifying the polling area, the voters of which are entitled to vote at the polling station, and where the polling station has more than one polling booth, at each one of such booths, the description of voters allotted to such booth; and

(b) another notice giving the name of each candidate in the same language or languages and in the same order in which the names of such candidates appear in the list of contesting candidates at the election published under rule 15 together with the description of the symbol which has been assigned to each of such candidate under that rule.

(2) The Returning Officer shall cause to be provided at every polling station a compartment (referred to in these rules as a “polling compartment”) in which voters can record their votes screened from observation.

(3) The Returning Officer shall provide at each polling station a sufficient number of ballot boxes, ballot papers, copies of the list of voters in respect of the polling area or areas the voters of which are entitled to vote at such polling station, instruments for stamping, the Official mark on the ballot papers and articles necessary for voters to mark the ballot paper. The Returning Officer shall also provide at each polling station such other equipment and accessories as may be required for taking the poll at such polling station.

**29. Admission to Polling Station**— The Presiding Officer shall regulate the number of voters to be admitted at any one time inside the polling station and shall exclude therefrom all persons other than —

(a) polling officers;

(b) public servants on duty in connection with the election;

- (c) persons authorized by the Commission or the Returning Officer;
- (d) candidates, their election agents and subject to the provisions of rule 18, one polling agent of each candidate;
- (e) a child in arms accompanying a voter;
- (f) a person accompanying a blind or infirm voter who cannot move without help; and
- (g) such other person as the Returning Officer or the Presiding Officer may employ for the purpose of identifying the voter.

**30. Preparation of Ballot Boxes for Poll.**— (1) Where a paper seal is used for securing the ballot box, the Presiding Officer shall fix in the space meant therefor a paper seal provided for the purpose. He shall also affix on such paper his signature and obtain thereon signatures of such candidates or such election or polling agents of the candidates as may be present and may desire to affix their signatures. He shall then secure and seal the ballot box in such manner that the slit for insertion of ballot papers therein remains open.

(2) Where it is not necessary to use a paper seal for securing a ballot box, the Presiding Officer shall secure and seal the box in such manner that the slit in the box for insertion of ballot papers therein remains open and shall allow the candidates or their election or polling agents who may be present to affix their own seals on the space in the box meant therefor, if they so desire.

(3) Every ballot box used at a polling station shall bear labels, both inside and outside, marked with,—

- (a) the serial number, if any and the name of the ward;
- (b) the serial number and name of the polling station;
- (c) the serial number of the ballot box (to be filled in at the end of the poll on the label outside the ballot box only); and
- (d) the date of poll.

(4) Immediately before the commencement of the poll, the Presiding Officer shall demonstrate to the candidates, their election agents and their polling agents, who may be present at such station and all other persons present that the ballot box is empty and bears the labels referred to in sub-rule (3).

(5) The ballot box shall then be closed, sealed and secured and placed in full view of the Presiding Officer and the polling agents.

**31. Facilities for Women Voters.**— (1) Where a polling station is for both men and women voters, the Presiding Officer may direct that they shall be admitted into the polling station alternately in separate batches.

(2) The Returning Officer or the Presiding Officer may appoint a woman to serve as an assistant at a polling station to assist women voters and also to assist the Presiding Officer

generally in taking the poll in respect of women voters, and, in particular, to help in searching any women voters in case it becomes necessary.

**32. Identification of Voters.**— (1) The Presiding Officer may employ at the polling station such persons, as he thinks fit, to help in the identification of the voters or to assist him otherwise in taking a poll.

(2) As each voter enters the polling station, the Presiding Officer, or the Polling Officer authorized by him in this behalf, shall check the voters name and other particulars with the relevant entry in the list of voters and then call out the serial number, name and other particulars of the voter.

(3) In deciding the right of a person to obtain a ballot paper, the Presiding Officer or the Polling Officer, as the case may be, shall overlook merely clerical or printing errors, in an entry in the list of voters, if he is satisfied that such person is identical with the voter to whom such entry relates.

(4) The identity of voters shall be decided on the basis of —

(i) Photo Identity Card issued by the Election Commission of India; or

(ii) Photo Identity Card issued by any Department of the Central or State Government; or

(iii) PAN Card issued by the Income Tax Department; or

(iv) Passport; or

(v) Student Photo identity card issued by a recognized educational institution; or

(vi) Driving Licence issued by the Directorate of Transport; or

(vii) Photo Identity Card issued to an employee by the employer provided the name and designation of the issuing authority is clearly shown.

**33. Challenging of Identity.**— (1) Any candidate, election agent or polling agent may challenge the identity of a person claiming to be a particular voter by first depositing a sum of Rs. 5/- in cash with the Presiding Officer for each such challenge.

(2) On such deposit being made, the Presiding Officer shall —

(a) warn the person challenged of the penalty for personation;

(b) read the relevant entry in the list of voters in full and ask him whether he is the person referred to in that entry;

(c) enter his name and address in the list of challenged votes in Form IX; and

(d) require him to affix his signature in the said list.

(3) The Presiding Officer shall thereafter hold a summary inquiry into the challenge and may for that purpose.—

(a) require the challenger to adduce evidence in proof of the challenge and the person challenged to adduce evidence in proof of his identity;

(b) put to the person challenged any questions necessary for the purpose of establishing his identity and require him to answer them on oath; and

(c) administer an oath to the person challenged and any other person offering to give evidence.

(4) If, after the inquiry, the Presiding Officer considers that the challenge has not been established, he shall allow the person challenged to vote; and if he considers that the challenge has been established, he shall debar the person challenged from voting.

(5) If the Presiding Officer is of the opinion that the challenge is frivolous or has not been made in good faith, he shall direct that the deposit made under sub-rule (1) be forfeited to the Commission, and in any other case, he shall return it to the challenger at the conclusion of the enquiry.

**34. Safeguards against Personation.**— (1) With a view to preventing personation of voters, every voter about whose identity the Presiding Officer or the polling officer, as the case may be, is satisfied, shall allow his left forefinger to be inspected by the Presiding Officer or the polling officer and an indelible ink mark be put on it.

(2) (a) If any voter refuses to allow his left forefinger to be inspected or marked in accordance with sub-rule (1) or has already such a mark on his left forefinger or does any act with a view to removing the ink mark, he shall not be supplied with any ballot paper or allowed to vote;

(b) A person who fails or refuses to produce documentary evidence as required under rule 71 (4) to prove his identity shall also not be supplied with ballot paper or allowed to vote.

(3) Any reference in this rule to the left forefinger of a voter shall, in the case where the voter has his left forefinger missing, be construed as a reference to any other finger of his left hand and shall, in the case where all the fingers of his left hand are missing, be construed as a reference to the forefinger or any other finger of his right hand, and shall, in the case where all his fingers of both the hands are missing, be construed as reference to such extremity of his left or right arm as he possesses.

**35. Issue of Ballot Paper.**— (1) Every ballot paper before it is issued to an elector, and the counterfoil attached thereto shall be stamped on the back with such distinguishing mark as the Commission may direct and every ballot paper, before it is issued, shall be signed in full on its back by the Presiding/Polling Officer.

(2) Before the issue of ballot paper to intending an voter,—

(a) his name and serial number in the voter's list shall be called out so that all present can hear them;

(b) the electoral number of the elector as entered in the marked copy of the electoral roll shall be recorded on its counterfoil;

(c) the signature or thumb impression of that elector shall be obtained on the counterfoil;



(d) the name of the elector shall be marked; in the marked copy of the electoral roll to indicate that a ballot paper has been issued to him alongwith the serial number of the ballot paper issued to that elector.

(3) Where objections are raised by candidates and/or their agents, the Presiding Officer shall dispose of such objections as provided in rule 33 and when satisfied that the intending voter is entitled to vote and has not yet voted, shall direct the Polling Officer to issue him a ballot paper as provided in this rule.

(4) Save as provided in sub-rule (2), no person in the Polling Station shall note down the serial number of the ballot issued to a particular voter.

**36. Voting Procedure.**— (1) The voter, on receiving the ballot paper, shall forthwith—

(a) proceed to one of the polling compartments;

(b) there make a mark on the ballot paper with the instrument supplied for the purpose on or near the symbol of the candidate for whom he intends to vote;

(c) fold the ballot paper so as to conceal his vote;

(d) if required, show to the Presiding Officer the distinguishing mark on the ballot paper;

(e) insert the folded ballot paper into the ballot box, and

(f) quit the polling station.

(2) Every voter shall vote without undue delay.

(3) No voter shall be allowed to enter a polling compartment when another voter is inside it.

**37. Recording of Vote of Blind or Infirm voter.**— (1) If, owing to blindness or other physical infirmity, a voter is unable to recognize the symbols on the ballot paper or to make a mark thereon, the Presiding Officer shall record the vote on the ballot paper in accordance with the wishes of the voter, fold it so as to conceal the vote and insert it into the ballot box.

(2) While acting under this rule, the Presiding Officer shall observe as much secrecy as is feasible. He shall keep a brief record of each such instance but shall not indicate therein the manner in which any vote has been given.

**38. Spoilt and Returned Ballot Papers.**— (1) A voter who has inadvertently dealt with his ballot paper in such manner that it cannot be conveniently used as a ballot paper, may, on returning it to the Presiding Officer and on satisfying him of the inadvertence, be given another ballot paper, and the ballot paper so returned shall be marked “Spoilt-cancelled” by the Presiding Officer.

(2) If a voter, after obtaining a ballot paper, decides not to use it, he shall return it to the Presiding Officer, and the ballot paper so returned shall be marked as “Returned-cancelled” by the Presiding Officer.

(3) All ballot papers cancelled under sub-rule (1) or sub-rule (2) shall be kept in a separate packet.

**39. Tendered Voters.**— (1) If a person representing himself to be a particular voter applies for a ballot paper after another person has already voted as such voter, he shall, on satisfactorily answering such questions relating to his identity as the Presiding Officer may ask, be entitled, subject to the following provisions of this rule, to mark a ballot paper (hereinafter in these rules referred to as a “tendered ballot paper”) in the same manner as any other voter.

(2) Every such person shall, before being supplied with a tendered ballot paper, sign his name against the entry relating to him in a list in Form X.

(3) A tendered ballot paper shall be the same as the other ballot papers used at the polling station, except that it shall be.—

(a) serially the last in the bundle of ballot papers issued for use at the polling station; and

(b) endorsed on the back with the words “tendered ballot paper” by the Presiding Officer in his own hand and signed by him.

(4) The voter after marking a tendered ballot paper in the polling compartment and folding it, shall instead of putting it into the ballot box, give it to the Presiding Officer who shall place it in a cover specially kept for the purpose.

**40. Closing of Poll.**— (1) The Presiding Officer shall close a polling station at the hour fixed in that behalf under rule 4 and shall not thereafter admit any voter into the polling station:

Provided that, all voters present at the polling station before it is closed shall be allowed to cast their votes;

(2) If any question arises as to whether a voter was present at the polling station before it was closed, it shall be decided by the Presiding Officer and his decision shall be final.

**41. Sealing of Ballot Boxes after Poll.**— (1) As soon as practicable after the closing of the poll, the Presiding Officer shall, in the presence of any candidates or their election or polling agents, if in attendance, close the slit of the ballot box, and where the ballot box does not contain any mechanical device for closing the slit, he shall seal up the slit and also allow any polling agent present to affix his seal.

(2) The ballot box shall thereafter be sealed and secured.

(3) Where it becomes necessary to use a second ballot box by reason of the first box getting full, the first box shall be closed, sealed and secured as provided in sub-rules (1) and (2) before another ballot box is put into use.

**42. Account of Ballot Papers.**— The Presiding Officer shall, at the close of the poll, prepare a ballot paper account in Form XI and enclose it in a separate cover with the words “Ballot Paper Account” superscribed thereon.

**43. Sealing of other packets.**— (1) The Presiding Officer shall then make into separate packets—

- (a) the marked copy of the list of voters;
- (b) the unused ballot papers;
- (c) the cancelled ballot papers;
- (d) the cover containing the tendered ballot papers and the list of tendered ballot papers;
- (e) the list of challenged votes; and
- (f) any other papers directed by the Returning Officer to be kept in a sealed packet.

(2) Each such packet shall be sealed with the seals of the Presiding Officer and of those polling agents present who may desire to affix their seals thereon.

**44. Transmission of Ballot Boxes, Packets, etc. to the Returning Officer.**— (1) The Presiding Officer shall then deliver or cause to be delivered to the Returning Officer at such place as the Returning Office may direct—

- (a) the ballot boxes;
- (b) the ballot paper account;
- (c) the sealed packets referred to in rule 43, and
- (d) all other papers used at the poll.

(2) The Returning Officer shall make adequate arrangements for the safe transport of all ballot boxes, packets and other papers and for their safe custody until the commencement of the counting of votes;

**45. Adjournment of poll in emergencies.**— (1) If at an election, the proceedings at any polling station for the poll are interrupted or obstructed by any riot or open violence, or if, at an election, it is not possible to take the poll at any polling station on account of any natural calamity, or any other sufficient cause, the Returning Officer or the Presiding Officer for such polling station shall announce an adjournment of the poll to a date to be fixed later, and where the poll is so adjourned by the Presiding Officer, he shall forthwith inform the Returning Officer concerned.

(2) Whether a poll is adjourned under sub-rule (1), the Returning Officer shall immediately report the circumstances to the Commission who shall, as soon as may be, fix the day on which the poll shall recommence and fix the polling station at which and the hours during which, the poll shall be taken. The Returning Officer shall not count the votes cast at such election, until such adjourned poll shall have been completed.

(3) In every such case as aforesaid, the Commission shall publish the date, place and hours of the poll fixed under sub-rule (2) in the manner laid down in rule 4; and the provisions of these rules governing the original poll shall, *mutatis mutandis*, apply to the fresh poll taken under this rule.

**46. Procedure on Adjournment of poll.**— (1) If the poll at any polling station is adjourned under rule 45, the provisions of rules 41 to 44 (both inclusive) shall, as far as practicable, apply, as if the poll was closed at the hour fixed in that behalf under rule 4.

(2) When an adjourned poll is recommenced under sub-rule (2) of rule 45, the voters who have already voted at the poll so adjourned shall not be allowed to vote again.

(3) The Returning Officer shall provide the Presiding Officer of the polling station at which such adjourned poll is held, with the sealed packet containing the marked copy of the list of voters and a new ballot box.

(4) The Presiding Officer shall open the sealed packet in the presence of the polling agents present and use the marked copy of the list of voters for recording the serial numbers of the ballot papers issued to voters at the adjourned poll.

(5) The provisions of rules 25 to 44 (both inclusive) shall, *mutatis mutandis*, apply in relation to the conduct of an adjourned poll as they apply in relation to the poll before it was so adjourned.

**47. Fresh poll in case of destruction, etc. of Ballot Boxes.**—

(1) If at any election —

(a) any ballot box used at a polling station is unlawfully taken out of the custody of the Presiding Officer or the Returning Officer, or is accidentally or intentionally destroyed or lost, or is damaged or tampered with, to such an extent, that the result of the poll at that at polling station cannot be ascertained, or

(b) any such error or irregularity in procedure as is likely to vitiate the poll is committed at a polling station, the Returning Officer shall forthwith report the matter to the Commission.

(2) Thereupon, the Commission, shall, after taking all material circumstances into account, either

(a) declare the poll at that polling station to be void, appoint a day, and fix the hours, for taking a fresh poll at that polling station and notify the day so appointed and the hours so fixed in such manner as he may deem fit, or

(b) if satisfied that the result of a fresh poll at that polling station will not, in any way, affect the result of the election or that the error or irregularity in procedure is not material, issue such directions to the Returning Officer as he may deem proper for the further conduct and completion of the election.

(3) The provisions of the Act and of any rules or orders made thereunder shall apply to every such fresh poll as they apply to the original poll.

**48. Time and place for counting of votes.**— (1) The returning officer shall, at least one week before the date, or the first of the dates, fixed for the poll, appoint the place or places where the counting of votes will be done and the date and time at which the counting will commence and shall give notice of the same in writing to each candidate or his election agent:

Provided that if for any reason the returning officer finds it necessary so to do, he may alter the date, time and place or places so fixed, or any of them, after giving notice of the same in writing to each candidate or his election agent.

(2) At every election where a poll is taken, votes shall be counted by, or under the supervision and direction of, the Returning Officer, and each contesting candidate, his election agent and his counting agents shall have a right to be present at the time of counting.

**49. Admission to the place fixed for counting.**— (1) The Returning Officer shall exclude from the place fixed for counting of votes all persons except—

- (a) such person as he may appoint to assist him in the counting;
- (b) persons authorized by the Commission;
- (c) public servants on duty in connection with the election; and
- (d) candidates, their election agents and counting agents.

(2) No person who has been employed by or on behalf of, or has been otherwise working for, a candidate in or about the election shall be appointed under clause (a) of sub-rule (1).

(3) The Returning Officer shall decide which counting agent or agents shall watch the counting at any particular counting table or group of counting tables.

(4) Any person, who during the counting of votes misconducts himself or fails to obey the lawful directions of the Returning Officer, may be removed from the place where the votes are being counted by the Returning Officer or by any police officer on duty or by any person authorized in this behalf by the Returning Officer.

**50. Maintenance of Secrecy of Voting.**— The Returning Officer shall, before he commences the counting, read out the provisions of section 128 of the Representation of the People Act, 1951(Central Act 43 of 1951) to such persons as may be present.

**51. Scrutiny and opening of ballot boxes.**— (1) The Returning Officer may have the ballot boxes used at more than one polling station and their contents counted simultaneously.

(2) Before any ballot box is opened at a counting table, the counting agents present at that table shall be allowed to inspect the paper seal or such other seal as might have been affixed thereon and to satisfy themselves that it is intact.

(3) The Returning Officer shall satisfy himself that none of the ballot boxes has, in fact, been tampered with.

(4) If the Returning Officer is satisfied that any ballot box has, in fact, been tampered with, he shall not count the ballot papers contained in that box and shall follow the procedure laid down in rule 47 in respect of that polling station.

**52. Scrutiny and Rejection of Ballot Papers.**— (1) The ballot papers taken out of each ballot box shall be arranged in convenient bundles and scrutinized.

- (2) The Returning Officer shall reject a ballot paper —
- (a) if it bears any mark or writing by which the voter can be identified; or
  - (b) if no vote is recorded thereon; or
  - (c) if votes are given on it in favour of more than one candidate; or
  - (d) if the mark indicating the vote thereon is placed in such manner as to make it doubtful to which candidate the vote had been given; or
  - (e) if it is a spurious ballot paper; or
  - (f) if it is so damaged or mutilated that its identity as a genuine ballot paper cannot be established; or
  - (g) if it bears a serial number, or is of a design, different from the serial numbers or, as the case may be, design of the ballot papers authorized for use at the polling station; or
  - (h) if it does not bear the mark which it should have borne under the provisions of sub-rule (1) of rule 35:

Provided that—

(i) where a Returning Officer is satisfied that any such defect as is mentioned in clause (g) or (h) has been caused by any mistake or failure on the part of the Presiding Officer or the Polling Officer, the ballot paper shall not be rejected merely on the ground of such defect;

(ii) a ballot paper shall not be rejected merely on the ground that the mark indicating the vote is indistinct or made more than once, if the intention that the vote shall be for a particular candidate clearly appears from the way the paper is marked.

(3) Before rejecting any ballot paper under sub-rule (2), the Returning Officer shall allow each counting agent present a reasonable opportunity to inspect the ballot paper but shall not allow him to handle it or any other ballot paper.

(4) The Returning Officer shall record on every ballot paper which he rejects the letter “R” and the grounds of rejection in abbreviated form, either in his own hand or by means of a rubber stamp.

(5) All ballot papers rejected under this rule shall be bundled together.

**53. Counting of Votes.**— (1) All ballot papers, which are not rejected under rule 52, shall be taken for counting and the votes recorded in favour of each candidate shall be counted with the aid of persons appointed to assist the Returning Officer under clause (a) of sub-rule (1) of rule 49:

Provided that, no cover containing tendered ballot papers shall be opened and no such paper shall be counted.

(2) Upon the completion of counting of votes in respect of a polling station, the Returning Officer shall make the entries in a result sheet in Form XII and announce the particulars.

(3) The valid ballot papers shall thereafter be bundled together and kept along with the bundle of rejected ballot papers in a separate packet, which shall be sealed and on which shall be recorded the following particulars, namely:—

- a. the name or number of the ward;
- b. the name or number of the polling station; and
- c. the date of counting.

**54. Counting to be continuous.**— The Returning Officer shall, as far as practicable, proceed continuously with the counting of votes and shall, during any intervals when the counting has to be suspended, keep the ballot papers, packets and other papers relating to the election sealed with his own seal and the seals of such candidate or election or counting agents as may desire to affix their seals and shall cause adequate precautions to be taken for their safe custody during such intervals.

**55. Recommencement of counting after fresh poll.**— (1) If a fresh poll is held under rule 47, the Returning Officer shall, after completion of that poll, recommence the counting of votes on the date and at the time and place which have been fixed by the Commission in that behalf and of which notice had been previously given to the candidates and their election agents.

(2) The provisions of rules 52 and 53 shall apply, so far as may be, to such further counting.

**56. Re-count of votes.**— (1) After the completion of the counting, the Returning Officer shall record in the result sheet in Form XII, the total number of votes polled by each candidate and announce the same.

(2) After such announcement has been made, a candidate or, in his absence, his election agent, may apply in writing to the Returning Officer for a re-count of all or any of the ballot papers already counted within five minutes stating the grounds on which he demands such re-count.

(3) On such an application being made, the Returning Officer shall decide the matter and may allow the application, in whole or in part, or may reject it in to if it appears to him to be frivolous or unreasonable.

(4) Every decision of the Returning Officer under sub-rule (3) shall be in writing and contain the reasons therefore.

(5) If the Returning Officer, decides under sub-rule (3) to allow an application, either in whole or in part, he shall:—

- (a) count the ballot papers again in accordance with his decisions;
- (b) amend the result sheet in Form XII to the extent necessary after such re-count; and
- (c) announce the amendments, so made by him.

(6) After the total number of votes polled by each candidate has been announced under sub-rule (1) or sub-rule (5), the Returning Officer shall complete and sign the result sheets in Form XII and no application for a re-count shall be entertained thereafter:

Provided that, no step under this sub-rule shall be taken on the completion of the counting until the candidates and election agents present at the completion thereof have been given a reasonable opportunity to exercise the right conferred by sub-rule (2).

**57. Equality of votes.**— If, after the counting of the votes is completed, an equality of votes is found to exist between any candidates, and the addition of one vote will entitle any of those candidates to be declared elected, the Returning Officer shall forthwith decide between those candidates by lot, and proceed as if the candidate on whom the lot falls had received an additional vote.

**58. Declaration of result.**— The Returning Officer shall then declare to have been elected the candidate to whom the highest number of valid votes has been given, complete and certify the return of election in Form XIII, and send signed copies thereof to the Commission as soon as possible.

**59. Custody of Election Papers.**— The Returning Officer shall retain in his custody the packets referred to in rule 43 and all other documents relating to the election.

**60. Production and Inspection of Election Papers.**— (1) While in the custody of the Returning Officer:—

- (a) the packets of unused ballot papers;
- (b) the packets of used ballot papers, whether valid, tendered or rejected;
- (c) the packets of marked copies of the list of voters;

shall not be opened and their contents shall not be inspected by, or produced before, any person or authority, except under the order of a competent court.

(2) All other papers relating to the election shall be open to public inspection.

**61. Disposal of Election Papers.**— (1) On expiry of a period of 60 days from the date of publication of the result of the election or where an application challenging the validity of an election has been made, on expiry of a period of 60 days from the date of decision on such application, whichever is later, the State Election Commissioner shall destroy the ballot papers, subject to any direction to the contrary given by the Government or by a competent Court in case any election petition is pending before any Court.

(2) All other papers relating to the election shall be retained until the termination of the next general election for the ward to which they relate and shall thereafter be destroyed, subject to any direction to the contrary given by the Government or a competent court.

**62. Casual Vacancies.**— Whenever a report is received by the Government from the Commissioner of the Corporation of the City of Panaji regarding casual vacancy in the office of Councillor in terms of section 20 of the Act, the Commission, on intimation from the Government, shall fix a date, as soon as conveniently may be, for holding bye-election to fill the vacancy and the provisions of these rules shall thereupon, *mutatis mutandis*, apply accordingly.



**63. Power to give Directions.**— Subject to other provisions of these rules, the State Election Commissioner may issue such directions, or instructions, as deemed necessary, to the Returning Officer and or the Assistant Returning Officers for effectively conducting the elections.

#### PART IV

### Voting by Electronic Voting Machine

**64. Design of Electronic Voting Machine.**— Every Electronic voting machine (hereinafter referred to as the "voting machine") shall have a control unit and a balloting unit and shall be of such designs as may be approved by the Commission.

**65. Preparation of Voting Machine by the Returning Officer.**— (1) The balloting unit of the voting machine shall contain such particulars and in such language or languages as the Commission may specify.

(2) The names of the candidates shall be arranged on the balloting unit in the same order in which they appear in the list of the contesting candidates.

(3) If two or more candidates bear the same name, they shall be distinguished by the addition of their occupation or residence or in some other manner.

(4) Subject to the foregoing provisions of this rule, the Returning Officer shall —

(a) fix the label containing the names and symbol of the contesting candidates in the balloting unit and secure that unit with his seal and the seals of such of the contesting candidates or their election agents present as are desirous of affixing the same;

(b) set the number of contesting candidates and close the candidate set section in the control unit and secure it with his seal and the seals of such of the contesting candidates or their election agents present as are desirous of affixing the same.

**66. Arrangements at the Polling Stations.**— (1) Outside each polling station there shall be displayed prominently—

(a) a notice specifying the polling area, the voters of which are entitled to vote at the polling station and, where the polling station has more than one polling booth, at each one of such booths, the description of voters allotted to such booth; and

(b) another notice giving the name of each candidate in the same language or languages and in the same order in which the names of such candidates appear in the list of contesting candidates at the election published under rule 15 together with the description of the symbol which has been assigned to each of such candidate under that rule.

(2) The returning officer shall cause to be provided at every polling station a compartment in which the voters can record their votes screened from observation.

(3) The Returning Officer shall provide at each polling station one voting machine and copies of relevant part of the electoral roll and such other election material as may be necessary for taking the poll.

(4) Without prejudice to the provisions of sub-rule (3), the Returning Officer may, with the previous approval of the Commission, provide one common voting machine for two or more polling stations located in the same premises.

**67. Admission to Polling Station.**— The Presiding Officer shall regulate the number of voters to be admitted at any one time inside the polling station and shall exclude therefrom all persons other than —

- (a) Polling Officers;
- (b) public servants on duty in connection with the election;
- (c) person authorized by the Commission or the Returning Officer;
- (d) candidates, their election agents and subject to the provision of rule 18 one polling agent of each candidate;
- (e) a Child in arms accompanying a voter;
- (f) a person accompanying a blind or infirm voter who cannot move without help; and
- (g) such other persons as the Returning Officer or the Presiding Officer may employ for the purpose of identifying the voter.

**68. Preparation of Voting Machine for Poll.**— (1) The control unit and balloting unit of every voting machine used at a polling station shall bear a label marked with—

- (a) the serial number, if any, and the names of the ward;
- (b) the serial number and names of the polling station or stations, as the case may be;
- (c) the serial number of the unit; and
- (d) the date of poll.

(2) Immediately before the commencement of the poll, the Presiding Officer shall demonstrate to the polling agents and other persons present that no vote has been already recorded in the voting machine and it bears the label referred to in sub-rule (1).

(3) A paper seal shall be used for securing the control unit of the voting machine and the Presiding Officer shall affix his own signature on the paper seal and obtain thereon the signature of such of the polling agents present as are desirous of affixing the same.

(4) The Presiding Officer shall thereafter fix the paper seal so signed in the space meant therefore in the control unit of the voting machine and shall secure and seal the same.

(5) The seal used for securing the control unit shall be fixed in such a manner that after the unit has been sealed it is not possible to press the "result button" without breaking the seal.

(6) The control unit shall be closed and secured and placed in full view of the Presiding Officer and the polling agents and the balloting unit placed in the voting compartment.

**69. Marked copy of Electoral Roll.**— Immediately before the commencement of the poll, the Presiding Officer shall also demonstrate to the Polling Agents and others present that the marked copy of the electoral roll to be used during the poll does not contain—

(a) any entry other than that made in pursuance of clause (b) sub-rule (2) of rule 72; and

(b) any mark other than the mark made in pursuance of the clause (d) of sub-rule (2) of rule 35.

**70. Facilities for Women Voters.**— (1) Where a polling station is for both men and women voters, the Presiding Officer may direct that they shall be admitted into the polling station alternately in separate batches.

(2) the Returning Officer or the Presiding Officer may appoint a woman to serve as an assistant at a polling station to assist woman voters and also to assist the Presiding Officer generally in taking the poll in respect of woman voters and, in particular, to help in searching any woman voters in case it becomes necessary.

**71. Identification of voters.**— (1) The Presiding Officer may employ at the polling station such persons, as he thinks fit, to help in the identification of the voters or to assist him otherwise in taking the poll.

(2) As each voter enter the polling station, the Presiding Officer, or the Polling Officer authorized by him in this behalf, shall check the voter's name and other particulars with the relevant entry in the list of voters and then call out the serial number, name and other particulars of the voter.

(3) In deciding the right of a person to cast his vote the Presiding Officer or the Polling Officer, as the case may be, shall overlook merely clerical or printing errors in an entry in the list of voters, if he is satisfied that such person is identical with the voter to whom such entry relates.

(4) The identity of voters shall be decided on the basis of —

(i) Photo Identity Card issued by the Election Commission of India; or

(ii) Photo Identity Card issued by any Department of the Central or State Government; or

(iii) PAN Card issued by the Income Tax Department; or

(iv) Passport; or

(v) Student Photo identity card issued by a recognized educational institution; or

(vi) Driving licence issued by the Directorate of Transport; or

(vii) Photo Identity Card issued to an employee by the employer provided the name and designation of the issuing authority is clearly shown.

**72. Facilities for Public Servants on Election Duty.**— (1) The provisions of the rule 71 shall not apply to any person who produces at the polling station an election duty

certificate in Form-12B and seeks permission to cast his vote at that polling station although it is different from the one where he is entitled to vote.

(2) on production of such certificate the Presiding Officer shall—

- (a) obtain thereon the signature of the person producing it;
- (b) have the person's name and electoral roll number as mentioned in the certificate entered at the end of the marked copy of the electoral roll; and
- (c) permit him to cast his vote in the same manner as far as an elector entitled to vote to that polling station.

**73. Challenging of identity.**— (1) Any candidate, election agent or Polling agent may challenge the identity of a person claiming to be a particular voter by first depositing a sum of five rupees in cash with the Presiding Officer for each such challenge.

(2) On such deposit being made, the Presiding Officer shall—

- (a) warn the person challenged of the penalty for personation;
- (b) read the relevant entry in the list of voters in full and ask him whether he is the person referred to in that entry;
- (c) enter his name and address in the list of challenged votes in Form XIV; and
- (d) require him to affix his signature in the said list.

(3) The Presiding Officer shall thereafter hold a summary inquiry into the challenge may for that purpose—

- (a) require the challenger to adduce evidence in proof of the challenge and the person challenged to adduce evidence in proof of his identity;
- (b) put to the person challenged any questions necessary for the purpose of establishing his identity and require him to answer them on oath; and
- (c) administer an oath to the person challenged and any other person offering to give evidence.

(4) If, after the inquiry, Presiding Officer considers that the challenge has been established, he shall allow the person challenged to vote; and if he considers that the challenge has been established, he shall debar the person challenged from voting.

(5) If the Presiding Officer is of the opinion that the challenge is frivolous or has not been made in good faith, he shall direct that the deposit made under sub-rule (1) be forfeited to the Corporation, and in any other case, he shall return it to the challenger at the conclusion of the inquiry.

**74. Safeguards against personation.**— (1) With a view to preventing personation of voter every voter about whose identity the Presiding Officer or the Polling Officer, as the case may be, is satisfied, shall allow his left forefinger to be inspected by the Presiding Officer or Polling Officer and an indelible ink mark to be put on it.

(2) If any voter refuses to allow his left forefinger to be inspected or marked in accordance with sub-rule (1) or has already such a mark on his left forefinger or does any act with a view to removing the ink mark, he shall not be allowed to vote.

(3) Any reference in this rule to the left forefinger of a voter shall, in the case where the voter has his left forefinger missing, be construed as a reference to any other finger of his left hand and shall, in the case where all the fingers of the left hand are missing, be construed as a reference to the forefinger or any other finger of his right hand, and shall, in the case where all his fingers of both the hands are missing, be construed as a reference to such extremity of his left or right arm as he possesses.

**75. Procedure for voting by voting Machines.**— (1) Before permitting an elector to vote, the Polling Officer shall—

(a) record the electoral roll number of the voter as entered in the marked copy of the electoral roll in a register of voters in Form XV;

(b) obtain the signature or the thumb impression of the voter on the said register of voters; and

(c) mark the name of the voter in the marked copy of the electoral roll to indicate that he has been allowed to vote:

Provided that no voter shall be allowed to vote unless he has put his signature or thumb impression on the register of voters.

(2) Notwithstanding anything contained in sub-rule (1), it shall be necessary for any Presiding Officer or Polling Officer or any other Officer to attest the thumb impression of the voter on the register of voters.

**76. Maintenance of secrecy of voting by voters within the Polling Station and Voting procedures.**— (1) Every voter who has been permitted to vote under rule 75 shall maintain secrecy of voting within the polling station and for that purpose observe the voting procedure hereinafter laid down.

(2) Immediately on being permitted to vote, the voter shall proceed to the Presiding Officer or the polling officer incharge of the control unit of the voting machine who shall, by pressing the appropriate button on the control unit activate the balloting unit, for recording of voter's vote.

(3) The voter shall thereafter forthwith—

(a) proceed to the voting compartment;

(b) record his vote by pressing the button on the balloting unit against the name and symbol of the candidate for whom he intends to vote; and

(c) come out of the voting compartment and leave the polling station.

(4) Every voter shall vote without undue delay.

(5) No voter shall be allowed to enter the voting compartment when another voter is inside it.

(6) If a voter who has been permitted to vote under rule 75 or rule 79 refuses after warning given by the Presiding Officer to observe the procedure laid down in the said rules, the Presiding Officer or the Polling Officer under the direction of the Presiding Officer shall not allow such voter to vote.

(7) Where a voter is not allowed to vote under sub-rule (6), a remark to the effect that voting procedure has been violated shall be made against the voters name in the register of voters in Form XV by the Presiding Officer under his signature.

**77. Recording of votes of Blind or Infirm Voters.**— (1) If the Presiding Officer is satisfied that owing to blindness or other physical infirmities a voter is unable to recognise the symbol on the balloting unit of the voting machine or unable to record his vote by pressing the appropriate button thereon without assistance, the Presiding Officer shall permit the voter to take with him a companion of not less than eighteen years of age to the voting compartment for recording the vote on his behalf and in accordance with his wishes:

Provided that no person shall be permitted to act as the companion of more than one voter at any polling station on the same day:

Provided further that before any person is permitted to act as the companion of a voter on any day under this rule, that person shall be required to declare that he will keep secret the vote recorded by him on behalf of the voter and that he has not already acted as the companion of any other voter at any other polling station on that day.

(2) The Presiding Officer shall keep a record in Form XVI of all cases under this rule.

**78. Voter deciding not to vote.**— If a voter, after his electoral roll number has been duly entered in the register of voters in Form XV and has put his signature or thumb impression thereon as required under sub-rule (1) of rule 75, decides not to record his vote, a remark to this effect shall be made against the said entry in Form XV by the Presiding Officer and the signature or thumb impression of the voter shall be obtained against such remark.

**79. Tendered votes.**— (1) If a person representing himself to be a particular voter seeks to vote after another person has already voted as such voter, he shall, on satisfactorily answering such questions relating to his identity as the Presiding Officer may ask, be instead of being allowed to vote through the balloting unit supplied with a tendered ballot paper which shall be of such design, and the particulars of which shall be in such language or languages as the Commission may specify.

(2) Every such voter shall, before being supplied with tendered ballot paper, write his name against the entry relating to him in Form XVII.

(3) On receiving the ballot paper he shall forthwith—

- (a) proceed to the voting compartment;
- (b) record there his vote in the ballot paper by placing a cross mark 'X' with the instrument or article supplied for the purpose on or near the symbol of the candidate for whom he intend to vote;
- (c) fold the ballot so as to conceal his vote;

(d) show to the Presiding Officer, if required, the distinguishing mark on the ballot paper;

(e) give it to the Presiding Officer who shall place it in a cover specially kept for the purpose; and

(f) leave the polling station;

(g) If, owing blindness or physical infirmities, such voter is unable to record his vote without assistance; the Presiding Officer shall permit him to take with him a companion, subject to the same conditions and after following the same procedure as laid down in rule 77 for recording the vote in accordance with his wishes.

**80. Presiding Officer's entry in the voting compartment during poll.**— (1) the Presiding Officer may, whenever he considers it necessary so to do, enter the voting compartment during poll and take such steps as may be necessary to ensure that the balloting unit is not tampered or interfered with in any way.

(2) If the Presiding Officer has reason to suspect that an voter who has entered the voting compartment is tempering or otherwise interfering with the balloting unit or has remained inside the voting compartment for unduly long period, he shall enter the voting compartment and take such steps as may be necessary to ensure the smooth and orderly progress of the poll.

(3) Whenever the Presiding Officer enters the voting compartment under this rule, he shall permit the polling agents present to accompany him if they so desire.

**81. Closing of poll.**— (1) The Presiding Officer shall close a polling station at the hour fixed in that behalf under rule 4 and shall not thereafter admit any voter into the polling station:

Provided that all voters present at the polling station before it is closed shall be allowed to cast their votes.

(2) If any question arises whether a voter was present at the polling station before it was closed, it shall be decided by the Presiding Officer and his decision shall be final.

**82. Account of voters recorded.**— (1) The Presiding Officer shall at the close of the poll prepare an account of votes recorded in Form XVIII and enclose it in a separate cover with the words 'Account of Votes Recorded' superscribed thereon.

(2) The Presiding Officer shall furnish to every polling agent present at the close of the poll a true copy of the entries made in Form XVIII after obtaining a receipt from the said Polling Agent thereafter and shall attest it as a true copy.

**83. Sealing of voting machine after poll.**— (1) As soon as practicable after the closing of the poll, the Presiding Officer shall close the control unit to ensure that no further votes can be recorded and shall detach the balloting unit from the control unit.

(2) The control unit and the balloting unit shall thereafter be sealed and secured separately in such a manner as the Commission may direct and the seal used for securing them shall be so affixed that it will not be possible to open the units without breaking the seals.

(3) The Polling Agent present at the polling station, who desire to affix their seals, shall also be permitted to do so.

**84. Sealing of other packets.**— (1) The Presiding Officer shall then make into separate packets.—

- (a) the marked copy of the list of voters;
- (b) the register of voters in Form XV;
- (c) the cover containing the tendered ballot papers and the list in Form XVII;
- (d) the list of challenged votes; and
- (e) any other papers directed by the Returning Officer to be kept in a sealed packet.

(2) Each such packet shall be sealed with the seals of the Presiding Officer and of those Polling Agents present who may desire to affix their seal thereon.

**85. Transmission of voting Machines, etc. to the Returning Officer.**— (1) The Presiding Officer shall then deliver or cause to be delivered to the Returning Officer at such place as the Returning Officer may direct.—

- (a) the voting machine;
- (b) the account of votes recorded in Form XVIII;
- (c) the sealing packets referred to in rule 84; and
- (d) all other paper used at the poll.

(2) The Returning Officer shall make adequate arrangements for the safe transport of the voting machine, packets-and other-papers for their safe custody until the commencement of the counting of votes.

**86. Adjournment of poll in emergencies.**— (1) If at an election, the proceedings at any polling station for the poll are interrupted or obstructed by any riot or open violence, or if, at an election, it is not possible to take the poll at any polling station on account of any natural calamity, or any other sufficient cause, the Returning Officer or the Presiding Officer for such polling station shall announce an adjournment of the poll to a date to be fixed later, and where the poll is so adjourned by the Presiding Officer, he shall forthwith inform the Returning Officer concerned.

(2) Whether a poll is adjourned under sub-rule (1), the Returning Officer shall immediately, report the circumstances to the Commission who shall, as soon as may be, fix the day on which the poll shall recommence and fix the polling station at which and the hours during which, the poll shall be taken. The Returning Officer shall not count the votes cast at such election, until such adjourned poll shall have been completed.

(3) In every such case as aforesaid, the Commission shall publish the date, place and hours of the poll fixed under sub-rule (2) in the manner laid down in rule 4; and the provisions of these rules governing the original poll shall mutatis mutandis apply to the fresh poll taken under this rule.



**87. Procedure on adjournment of poll.**— (1) If the poll at any polling station is adjourned under rule 86, the provision of rules 82 to 85 shall, as far as practicable, apply, as if the poll was close at the hour fixed in that behalf under rule 4.

(2) When an adjourned poll is recommended under sub-rule (2) of rule 86, the voters who have already voted at the poll so adjourned shall not be allowed to vote again.

(3) The Returning Officer shall provide the Presiding Officer of the polling station at which such adjourned poll is held, with the sealed packet containing the marked copy of the list of voters, register of voters in Form XV and a new voting machine.

(4) The Presiding Officer shall open the sealed packet in the presence of the Polling Agents presence and use the marked copy of the list of voters for marking the names of the voters who are allowed to vote at the adjourned poll.

(5) The provisions of rule 25 and rules 64 to 85 shall apply in relation to the conduct of an adjourned poll as they apply in relation to the poll before it was so adjourned.

**88. Closing of voting machine in case of Booth capturing.**— Where the Presiding Officer is of opinion that booth capturing is taking place at a polling station or at a place fixed for the poll, he shall immediately close the control unit of the voting machine to ensure that no further votes can be recorded and shall detach the balloting unit from the control unit.

**89. Counting of votes where Electronic voting Machine have been used.**— In relation to the counting of votes cast at a polling station where voting machine has been used (i) the provision of rule 19, 21, 48, 49, 50, 90, 91 and 92 rule shall apply.

**90. Scrutiny and inspection of voting machine.**— (1) The Returning Officer may have the control units of the voting machines used at more than one polling station taken up for scrutiny and inspection and votes recorded in such units counted simultaneously.

(2) Before the votes recorded in any control unit of a voting machine are counted under sub-rule (1), the candidate or his Election Agent or his Counting Agent present at the counting table shall be allowed to inspect the paper seal and such other vital seals as might have been affixed on the unit and to satisfy themselves that the seals are intact.

(3) The Returning Officer shall satisfy himself that none of the voting machines has in fact been tampered with.

(4) If the Returning Officer is satisfied that any voting machine has in fact been tampered with, he shall not count the votes recorded in that machine and shall follow the procedure laid down in section 58, or section 58A or 64A of the Representation of the People Act, 1951 (Central Act 43 of 1951), as may be applicable in respect of the polling or stations where that machine was used.

**91. Counting of votes.**— (1) After the Returning Officer is satisfied that a voting machine has in fact not been tampered with he shall have the votes recorded therein counted by pressing the appropriate button marked "Result" provided in the control unit whereby the total votes polled and votes polled by each candidate shall be displayed in respect of each such candidate on the display panel provided for the purpose in the unit.

(2) As the votes polled by each candidate are displayed on the control unit, the Returning Officer shall have:—

(a) the number of such votes recorded separately in respect of each candidate in Part-II of Form XVIII;

(b) Part-II of Form XVIII completed in other respects and signed by the counting supervisor and also by the candidates or their election agents or their counting agents present; and

(c) corresponding entries made in a result sheet in Form XIX and the particulars so entered in the result sheet announced.

**92. Sealing of voting machine.**— (1) After the result of voting recorded in a control unit has been ascertained candidate-wise and entered in Part II of Form XVIII and Form XIX under rule 91, the Returning Officer shall reseal the unit with his seal and the seals of such of the candidates or their election agents present who may desire to affix their seals thereon so however that the result of voting recorded in the unit is not obliterated and the unit retains the memory of such result.

(2) The control unit so sealed shall be kept in specially prepared boxes on which the Returning Officer shall record the following particulars, namely—

(a) the names of the ward;

(b) the particulars of polling station or stations where the control unit has been used;

(c) serial number of the control unit;

(d) date of poll; and

(e) date of counting.

**93. The provisions of Rule 54, 55, 56 and 58.**— Shall, so far as may be, apply in relation to voting by voting machine and any reference in those rules to,—

(a) ballot paper shall be construed as including a reference to such voting machine;

(b) any rule shall be construed as a reference to the corresponding rule in Part IV or, as the case may be, to rule 90 or 91 or 92.

**94. Adjournment of poll in Emergencies.**— (1) If at an election, the proceedings at any polling station for the poll are interrupted or obstructed by any riot or open violence, or if, at an election, it is not possible to take the poll at any polling station on account of any natural calamity, or any other sufficient cause, the Returning Officer or the Presiding Officer for such polling station shall announce an adjournment of the poll to a date to be fixed later, and where the poll is so adjourned by the Presiding Officer, he shall forthwith inform the Returning Officer concerned.

(2) Whether a poll is adjourned under sub-rule (1), the Returning Officer shall immediately report the circumstances to the Commission who shall, as soon as may be, fix the day on which the poll shall recommence and fix the polling station at which and the hours during which, the poll shall be taken. The Returning Officer shall not count the votes cast at such election, until such adjourned poll shall have been completed.

(3) In every such case as aforesaid, the Commission shall publish the date, place and hours of the poll fixed under sub-rule (2) in the manner laid down in rule 4; and the provisions of these rules governing the original poll shall, *mutatis mutandis*, apply to the fresh poll taken under this rule.

**95. Recommencement of counting after fresh poll.**— (1) If a fresh poll is held under rule 47, the Returning Officer shall, after completion of that poll, recommence the counting of votes on the date and at the time and place which have been fixed by the Commission in that behalf and of which notice had been previously given to the candidates and their election agents.

(2) The provisions of rules 52 and 53 shall apply, so far as may be, to such further counting.

**96. Equality of votes.**— If, after the counting of the votes is completed, an equality of votes is found to exist between any candidates, and the addition of one vote will entitle any of those candidates to be declared elected, the Returning Officer shall forthwith decide between those candidates by lot, and proceed as if the candidate on whom the lot falls had received an additional vote.

**97. Custody of voting machines and papers relating to Election**— The Returning Officer shall retain in his custody all voting machines used at in election and all other documents relating to the election.

**98. Production and Inspection of Election Papers**— (1) While in the custody of Returning Officer—

(a) the packets of marked copies of the list of voters; and

(b) the packets containing registers of voters in Form XV shall not be opened and their contents shall not be inspected by, or produced before, any person or authority except under the order of a competent Court.

(2) the counted units sealed under the provisions of rule 88 and kept in the custody of the Retuning Officer shall not be opened and shall not be inspected by, or produced before, any person or authority except under the orders of a competent Court.

(3) all other papers relating to the election shall be open to public inspection.

**99. Disposal of Election Papers.**— (1) Subject to any direction to the contrary given by the Government or by a competent Court, the voting machines kept in the custody of the Returning Officer under rule 97 shall be retained intact for such period as the Commission may direct and shall not be used at any subsequent election without the previous approval of the Commission.

(2) All other papers relating to the election shall be retained until the termination of the next general election for the ward to which they relate and shall thereafter be destroyed, subject to any direction to the contrary given by the Government or a competent court.

## PART V

**Miscellaneous**

**100. Casual Vacancies.**— Whenever a report is received by the Government from the Commissioner of the Corporation of the City of Panaji of a vacancy in the office of Councillor referred to in section 20 of the Act, the Commission, on intimation from the Government, shall fix a date, as soon as conveniently may be, for holding bye-election to fill the vacancy and the provisions of, these rules shall thereupon, mutatis mutandis, apply accordingly.

**101. Power to give directions.**— Subject to the other provision of these rules, the State Election Commissioner may issue such directions, or instructions as deemed necessary, to the Returning Officer and/or the Assistant Returning Officers for effectively conducting the elections.

## FORM I

[See rule 4 (1) ]

**Office of the State Election Commission****Order**

No.

In pursuance of sub-rule (1) of rule 4 of the Corporation of the City of Panaji (Election) Rules, 2004 the State Election Commissioner hereby appoints in relation to the election to the Corporation of the City of Panaji by the ward specified in column (1) of the Schedule hereto.

(a) Name of Returning Officer or Assistant Returning Officer specified in column (2) against the ward specified in column (1) (hereinafter referred to as "against the ward ");

(b) The date and time specified in column (3) (against the ward) thereof, to be the last date and time for making nominations;

(c) The date and time specified in column (4) (against the ward) to be the date and time for the scrutiny of nominations;

(d) The date specified in column (5) (against the ward) to be the date for the publication of the list of validly nominated candidates;

(e) The date specified in column (6) (against the ward) to be the last date for withdrawal of candidature;

(f) The date specified in column (7) (against the ward) to be the date for the publication of the list of contesting candidates;

(g) The date or dates and time specified in column (8) (against the ward) to be the date or dates on which and the time during which the poll shall be taken;

(h) The date and time specified in column (9) (against the ward) to be the date and time for counting of votes;

(i) The place specified in column (10) (against the ward) to be the place for making scrutiny and withdrawal of nominations;

(j) The place specified in column (11) (against the ward) to be the place for counting of votes.

SCHEDULE

1. Name and number of Ward.
2. Name of Returning Officer or Assistant Returning Officer.
3. Last date and time for making nominations.
4. Date and time for scrutiny of nomination.
5. Date of publication of list of validly nominated candidates.
6. Last date for withdrawal of candidature.
7. Date of publication of list of contesting candidates.
8. Date or dates on which and time during which poll shall be taken.
9. Date and time for counting of votes.
10. Place for making scrutiny and withdrawal of nominations.
11. Place for counting of votes.

- 
- 1.
  - 2.
  - 3.
  - 4.
  - 5.
- 

Date:

Place:

State Election Commission.....

FORM II

[See rule 12 (2)]

**Nomination Paper**

PART - A

Election to the ..... Corporation of the City of Panaji.  
(to be filled in by the Proposer)

I hereby nominate .....as a candidate for election from the.....  
..... ward

(Name) (Number)

Name of Candidate .....

Father's/Husband's name .....

Age .....

Full postal address of the candidate .....

In a ward having a reserved seat, state the particulars of the Caste or Tribe to which the candidate belongs.

The name or number of the ward in which the name of the candidate is entered as a voter in the list of voters.

Serial number of the candidate in the list of voters of the ward aforementioned in which his name is entered as a voter.

Name of the proposer .....

Serial number of the proposer in the list of voters of the ward.

Date:

*Signature of Proposer*

(Declaration of Candidate)

I hereby signify my willingness to serve as a Councillor if I am elected.

Date:

*Signature of Candidate*

\_\_\_\_\_  
PART - B

**Further declaration to be made by a Scheduled Caste or  
a Scheduled Tribe Candidate**

I hereby declare that I am a member of the \* Caste/Tribe which is a Scheduled \*Caste/ Tribe in relation to the State of Goa.

Date:

*Signature of Candidate*

Serial No. of nomination paper .....

This nomination was delivered to me at my office at ..... (hour) on ..... (date) by the \*Candidate of the candidate.

\*Proposer

Date :

*Signature of Returning Officer*

Decision of Returning Officer accepting or rejecting the nomination paper.

I have examined this nomination paper in accordance with rule 13 of the Corporation of the City of Panaji (Election) Rules, 2004, and decide as follows:—

Date:

*Signature of Returning Officer*

\_\_\_\_\_  
\*Strike off if unnecessary

\_\_\_\_\_  
FORM III

[See rule 12 (5)]

**Receipt for Nomination Paper and Notice of Scrutiny**

(To be handed over to the person presenting the nomination paper)

Serial No. of Nomination paper .....

The nomination paper of ..... a candidate for election from the ..... Ward of the Corporation of the City of Panaji delivered to me at my office at ..... (hour)

On ..... (date) by the \*Candidate of the candidate.  
\*Proposer

All nomination papers will be taken up for scrutiny at ..... at (hour) on ..... (date) at ..... (place).

Date : *Signature of Returning Officer*

\* strike off if unnecessary

FORM IV  
[rule 13 (8)]

**List of validly nominated candidates**

Election to the ..... Corporation of the City of Panaji from ..... Ward .....  
(Name) (Number)

Sr. No.	Name of Candidate	Address of candidate
1.		
2.		
3.		
4.		
etc		

Place:

Date: **Returning Officer**

FORM V  
[See rule 15 (3)1

List of Contesting Candidates and Symbol assigned to them.

Election to the .....  
Corporation of the City of Panaji from ..... Ward

Sr. No.	Name of Candidate	Address of Candidate	Symbol assigned to the candidate
1.			
2.			
3.			
4.			
etc			

Place:

Date: *Returning Officer*

FORM VI

[See rule 17 (1)]

**Appointment of Election Agent**

Election to the..... Corporation of the City of Panaji from .....Ward.

To,

The Returning Officer,

..... Ward of the Corporation of the City of Panaji.

I, ..... of ....., a candidate at the above election, do hereby appoint ..... of ..... as my election agent from this day at the above election.

Place:

Date:

*Signature of Candidate.*

I accept the above appointment.

Place:

Date:

*Signature of Election Agent*

FORM VII

(See rules 18 and 19)

**Appointment of Polling / Counting Agent**

Election to the ..... Corporation of the City of Panaji from.....Ward.

To,

The Returning Officer ..... Polling Station

\*The Presiding Officer

I, ..... \* a candidate /\*the election agent of .....who is candidate at the above election, do hereby appoint .....As a \*polling agent to attend Polling booth No. .... of Polling Station No. ....

Counting Agent to attend at the place fixed for the counting of votes

Place:

Date:

Signature of \*Candidate  
\*Election Agent

I agree to act as such \*Polling Agent  
\*Counting Agent

Place:

Date:

Declaration of \*Polling Agent to be signed before the \*Returning Officer  
\*Counting \*Presiding



I hereby declare that at the above election I will not do anything forbidden by the City of Panaji Corporation Act, 2002 or rules made there under.

Date:

Signature of \*Polling Agent  
\*Counting Agent

Signed before me.

Date:

\*Returning Officer  
\*Presiding Officer

\*Only the appropriate alternative should be used.

FORM VIII

(See rule 27)

**Corporation of the City of Panaji .....**

Ward/Constituency No. ....

Serial No. ....

Ballot Paper

Serial No. ....

1. Name of candidate		Symbol	
Corporation of the City of Panaji		Ward No. ....	
2. Name of candidate		Symbol	
3. Name of candidate		Symbol	
4. Name of candidate		Symbol	

FORM IX

(See rule 33)

**List of Challenged Votes**

Election to the Corporation of the City of Panaji from ..... Ward.

Polling Station .....

No. of Polling Station, if any .....

Sr. No. of Entry	Name of the voter	Sr. No. in list of voters	Signature or thumb impression of the voter and his address	Name of identifier, if any	Name of person challenging	Amount of deposit made	Order of Presiding Officer in each case	Signature of challenger acknowledging Receipt of deposit when deposit returned
1	2	3	4	5	6	7	8	9

Date:

*Signature of the Presiding Officer*

FORM X  
(See rule 39)

**Tendered Votes List**

Election to the ..... Corporation of the City of Panaji from.....Ward.  
Polling Station .....

No. of Polling Station, if any .....

1. Serial number of the entry
2. Name of the Voter
3. Serial number of the voter in the list of voters
4. Address of the voter
5. Serial number of tendered ballot paper
6. Serial number of ballot paper issued to person who has already voted
7. Signature or thumb impression of the person tendering vote

Date:

*Signature of the Presiding Officer*

FORM XI  
(See rule 42)

**Ballot Paper Account**

Election to the ..... Corporation of the City of Panaji from.....Ward..... Polling  
Station .....

Serial No.	From	to	Total Nos.
(1)	(2)		(3)

- (1) Number of ballot papers received by the Presiding Officer at the Polling Station or if the Polling Station has more than one booth, at each booth.
- (2) Number of ballot papers issued to voters.
- (3) Number of unused ballot papers returned.
- (4) Number of ballot papers cancelled.
- (5) Number of tendered ballot papers used.
- (6) Number of ballot papers in ballot boxes.

*Signature of the Presiding Officer*

Place:

Date:

**Note:**— “If polling station has more than one polling booth, separate account in this Form shall be attached to this account in respect of each such polling booth”

FORM XII A  
(See rule 53 and 56)

Result Sheet

Election to the..... Corporation of the City of Panaji from the.....Ward

Polling Station Sl. No. Name	Number of valid vote cast in favour of ABC etc.	number of Valid votes Rejected votes Total votes for polling station	Remarks Number of tendered votes

FORM XII B

[See rule 72 (1) ]

Election Duty Certificate.

Certified that ..... is an elector in the ..... Corporation of the City of Panaji in ward number ..... his electoral roll number being ..... that by reason of his being on election duty he is unable to vote at the polling station where he is entitled to vote and that he is therefore hereby authorised to vote at any polling station (in the said ward where) he may be on duty on the date of poll.

Place: .....

Signature .....

Date: .....

Returning Officer .....

SEAL

FORM XIII

(See rule 58)

**Return of Election**

Election to the ..... Corporation of the City of Panaji from.....Ward..... 20 .....

Sl. No.	Name of candidate	Number of valid votes given for the candidate,
1.		
2.		
3.		
4.		
etc.		
Total No. of Valid votes		
Total No. of invalid votes		
Total No. of tendered votes		

I declare that Name ..... Address ..... has been duly elected

Place:

Dated the ..... day of ..... 20 .....

*Signature of Returning Officer*

## FORM XIV

## List of Challenged Votes

[See rule 73 (2) (c)]

Election to the Corporation of the City of Panaji from Ward No. ...., Polling Station number and Name of Polling Station .....

Serial number of entry	Name of elector	Part of roll	Serial number of Elector's name in that part	Signature or thumb impression of the person challenged	Address of the person challenged	Name of identifier, if any	Name of challenger	Order of Presiding Officer	Signature of challenger on receiving refund of deposit
1	2	3	4	5	6	7	8	9	10
1.									
2.									
3.									
4.									
5.									
6.									
7.									
8.									
9.									
10.									

Date .....

*Signature of Presiding Officer,*

\*Appropriate particulars of the election to be inserted here.

## FORM XV

[See Rule 76 (7), 78, 98 (1) (b)]

**REGISTER OF VOTERS**

Election to the Corporation of the City of Panaji from Ward No ..... and Name of Polling Station ..... Part No. of Electoral Roll .....

Sl. No.	Sl. No. of elector in the electoral roll	Signature/Thumb impression of elector	Remarks
1.			
2.			
3.			
4.			
etc.			

*Signature of the Presiding Officer*

## FORM XVI

[See rule 77 (2)]

**List of illiterate, Blind and Infirm Voters**

Election to the Corporation of the City of Panaji \*from the Ward No..... \*by the  
elected numbers\* \*(State) .....

[Number and Name of Polling Station ..... Name of place of poll .....]

Part No. & Serial No. of elector	Full name of elector	Full name of companion	Address of companion	Signature of companion
-------------------------------------	----------------------	---------------------------	-------------------------	---------------------------

Date

*Signature of Presiding Officer*

\*Strike off whichever is inapplicable

## FORM XVII

[See Rule 79 (2), 84 (1) (c),]

**LIST OF TENDERED VOTES**

Election to the Corporation of the City of Panaji from Ward No. and Names of Part No. of  
Electoral Roll .....

Polling Station.....

Sl. No.	Names of Elector	Sl. No. of Elector in electoral roll	Sl. No. in Register of voters Form XV of the person who has already voted in place of elector	Signature impression elector
1.				
2.				
3.				
4.				
5.				
6.				
7.				
8.				
9.				
10.				

Date:

*Signature of the Presiding Officer*

## FORM - XVIII

I See Rule 82 (1), 82 (2) , 85 (1) (b), 91 (2) (a) 91(2) (b) 92 (1)]

**LIST OF TENDERED VOTES**

Election to the Corporation of the City of Panaji from Ward No.....

And Name of Polling Station ..... "Identification No. of Voting.....  
..... Machine used at the Polling Station : balloting Unit control unit.

1. Total No. of electors assigned to the Polling Station.
2. Total No. of voters as entered in the Register for Voters .
3. No. of Voters deciding not to record votes under rule.
4. No. of voters not allowed to vote under rule .
5. Total No. of votes recorded as per voting machine.
6. Whether the total No. of votes as shown against item 5 tallies with the total No. of voters as shown against item 2 minus Nos. of voters deciding not to record votes as against item 3 minus No. of Voters as against item 4 (2-3-4) or any discrepancy noticed.
7. No. of voters to whom tendered ballot papers were issued under rule 49P
8. No. of tendered ballot papers.

Sl. No.

From to

(a) received for use .....

(b) issued to electors .....

(c) not used and returned .....

## 9. Account of papers seals

Sl. Nos.

From To *Signature of Polling Agents*

1. Serial Numbers of paper seals supplied From..... to..... 1. ....

2. Total numbers supplied 2. ....

3. Number of paper seals used 3. ....

4. Number of unused paper seals returned to Returning  
Officer (Deduct item 3 from item 2) 4. ....

5. Serial number of damaged paper seals if any

Date,

Place:

*Signature of Presiding Officer*  
*Polling Station No.*

## FORM XIX

[See rule 91 (2) (c), 92 (1)]

## Final Result Sheet

(to be used for recording the result of voting at polling stations other than notified polling stations)  
Election to the Corporation of the City of Panaji From Ward No. ....

## PART I

Name of the Ward  
(Corporation of the City of Panaji). Total No. of  
Ward No.

Serial No. of Polling Station	No. of valid votes caste in favour of			Total of valid votes	No. of rejected votes	Total No. of tendered
	A	B	C			
(1)						
(2)						
(3)						
Total No. of votes recorded at Polling Stations						
No. of votes recorded on postal ballot papers						

Total votes polled.

Place .....

Date .....

*Returning Officer,*

By order and in the name of the Governor of Goa.

*Daulat Hawaldar*, Director of Municipal Administration/ex officio Spl. Secretary.

Panaji, 26th November, 2004.