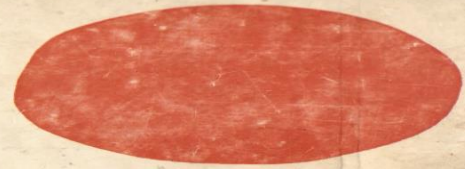


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Punjab Municipal Corporation Act, 1976

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74 th Constitutional Amendment Act, 1992 --Impact on Urban Local Bodies



73rd/74th Constitutional Amendment Act. 1992

- At dawn of independence, - India-
- - conceived as federal structure
- - comprising of Centre / States.
- Institutions at local level- comprised of;
- Municipal bodies in urban areas/
 - - Panchayats in rural areas
 - - with no constitutional recognition
 - --operated under state Govts/state laws
 - --In many States local bodies- become weak /ineffective
 - - State failed to hold regular elections, Prolonged supersession
 - -- Inadequate devolution of powers / functions
 - .-- ULBs unable to perform as vibrant units
 - -Had differential structure across nation

74 th CAA 1992- Objectives

--- 73rd /74th CAA, 1992 –gave Constitutional recognition/ protection -to governance in **rural / urban areas**

- Empowering urban local bodies by vesting ;
 - - adequate powers, authority, resources, duties/ responsibility to perform functions
 - Ensuring regular conduct of elections;
 - Ensuring timely elections in case of supersession;
 - Representation for women/ weaker sections
 - Strengthening democratic decentralisation
 - Defining functions/taxation powers;
 - Arrangements for revenue sharing
 - Promoting planning at local level through ULBs
 - Promoting better governance of urban areas

74 th Constitutional Amendment Act. 1992

- **1 Constitution of three types of municipalities:**
- 1. Nagar Panchayat 2. Municipal Council 3. Municipal Corporation
- **Nagar Panchayats** -- created for a transitional areas (area which is fast changing from rural to urban area)/ very small urban areas-- five years.
- **Municipal councils** --for smaller urban areas--tenure five years.
- **Municipal corporations** -- for larger urban areas.-- tenure 5 years.
- **2.Factors considered for creating municipality--** *population , density of population, revenue generated for local administration, percentage of employment in non-agricultural activities, economic importance etc*
- **3 Reservation of seats** – Women-1/3 rd of total seats
- SC/STs—based on proportion of population- one-third of which for women;
- -- Reservation for seats for SC/ ST / BC /women- for Chairpersons
- **4. Constituting wards committees** in Ulbs having population > 3 lakhs
- **5. Constitution of Municipalities.-** Ulbs to be constituted in every State, comprising or elected members+**experts**+MP+MLA representing that area.
- **6 . Appointment of Election Commission in each state-- for conducting elections to institutions of local government.**
- **7 Constitution of Finance Commission for local governments.**
- **8. Constitution of MPC /DPC**
- **9 –preparing DDP/MADP**

S.No.	Classification	Sub-category	Population Range	Governing Local Authority	Number of Cities as per Census of India, 2011
1	Small Town*	Small Town I	5,000 - 20,000	Nagar Panchayat	7467
		Small Town II	20,000- 50,000	Nagar Panchayat/ Municipal Council	
2	Medium Town	Medium Town I	50,000 to 1,00,000	Municipal Council	372
		Medium Town II	1 lakh to 5 lakh	Municipal Council	
3	Large City	--	5 lakh to 10 lakh	Municipal Corporation	43
4	Metropolitan City	Metropolitan City I	10 lakh to 50 lakh	Municipal Corporation/ Metropolitan Planning Committee	45
		Metropolitan City II	50 lakh to 1 Crore	- Same -	5
5	Megapolis	--	More than 1 Crore	- Same -	3

Note: Names of Local Authorities may vary as per States' traditions and laws.

Source: Modifications for the UDPMI Guidelines based on census classification and State experiences.

* Any urban centres even having less than 5,000 population may be given a statutory status and be called as a Statutory Town and Census of India follows 6-fold classification as per the population size

74 th CAA- State Finance Commission

- . Setting up of State Finance Commission for
- -- reviewing financial position of Municipalities
- -- make recommendations regarding-
- (a) principles governing -
- (i) distribution between State/ Municipalities—taxes, duties, tolls /fees leviable by State, which may be divided between them/allocation between Municipalities/Panchayats at all levels
- (ii) determine taxes, duties, tolls /fees – assigned/appropriated by, Municipalities;
- (iii) grants-in-aid to Municipalities from Consolidated Fund of the State;
- (b) measures to improve financial position of Municipalities;
- Audit of accounts of ULBs -

74 th CAA; State Election Commission

- superintendence/ direction /control/ conduct of municipal elections/**Re-Elections- to Municipalities**
- -- - powers vested in **State Election Commission**
- -- for holding fair elections



74 th CAA- Functions- 12th Schedule

- "TWELFTH SCHEDULE -- attached with the constitution (Article 243W)
- 1. Urban planning including town planning.
- 2. Regulation of land-use and construction of buildings.
- 3. Planning for economic and social development.
- 4. Roads and bridges.
- 5. Water supply for domestic, industrial and commercial purposes.
- 6. Public health, sanitation conservancy and solid waste management.
- 7. Fire services.
- 8. Urban forestry, protection of environment /promotion of ecological aspects.
- 9. Safeguarding the interests of weaker sections of society, including the handicapped and mentally retarded.
- 10. Slum improvement and up-gradation. 11. Urban poverty alleviation.
- 12. Providing urban amenities /facilities parks, gardens, playgrounds.
- 13. Promotion of cultural, educational and aesthetic aspects.
- 14. Burials /burial grounds; cremations, cremation grounds/electric crematoriums.15. Cattle pounds; prevention of cruelty to animals.
- 16. Vital statistics including registration of births and deaths.
- 17. Public amenities including street lighting, parking lots, bus stops / public conveniences. 18. Regulation of slaughter houses and tanneries

- **Planning Functions--**
- **Preparing DDP(DPC)**
- **Metro Area
Development
Plan(MPC)**

74 th Constitutional Amendment Act. 1992

- Act implemented only in letters -- not in spirit.
- Municipalities not free from interference from state
- Municipalities not given urban planning functions
- Need for induction of professionals in different fields
- -- Empowering /Capacity building for good governance
- Including in constitution- state/central list
- - Bringing DLG & HUD- under one minister
- ULBs to be declared as PDA under PRTPDA, 1995
- Improvement Trusts made technical arm of ULBs
- Town Planning Department - made planning agency of ULBS
- Multiplicity of agencies operating at local level avoided
- Creating a Regulatory authority for fixing Municipal services charges
- Creating dedicated cadre of municipal governance
- Incentivising ULBs for good efforts/ good practices initiated by ULBs
- - Direct election of Mayor/Deputy Mayor/ President/Vice –President
- --74 th CAA– hold great potential in making urban areas inclusive/ sustainable/liveable/productive

***Punjab Municipal
Corporation Act, 1976***



Number of ULBs in Punjab- 2.12.2016; Vision

- Municipal Corporations -10,
- Municipalities - 100
- --Class-I (28),
- --Class-II (47),
- --Class-III (25),
- Nagar Panchayats (57)
- Total – 167
- Improvement Trusts- 28
- **Vision ;**
- **- The aim of Department is;**
- **-- to make the Urban Local Bodies in the State of Punjab**
- **to be the best in India.**
- **Providing State of the art Urban Infrastructure,**
- **citizen facilitation and**
- **efficient service delivery system**
- **are the objectives of Urban Local Bodies in Punjab.**



JAMMU & KASHMIR

HIMACHAL PRADESH

PAKISTAN

RAJASTHAN

HARYANA




LEGEND

- - - International Boundary
- - - State/UT Boundary
- - - District Boundary
- National Highway
- Major Road
- Railway
- River/Lake
- State Capital
- ⊙ District Headquarter
- City/Town

Map not to Scale

Punjab Municipal Corporation Act, 1976

- An Act for;- Governance of Large Urban Area
 - -Establishing Government at Local level
 - Democratic Governance of large urban areas
 - Establishing bodies for governance- Corporation
 - -Defining constitution of Corporation
 - - Defining tenure of Corporation
 - - Defining Structure of Corporation
 - - Defining Functions of Corporation
 - -Defining Authorities/officers/employees
 - - Defining Revenue /expenditure / Borrowing
 - - Defining power of Taxation
- 

Punjab Municipal Corporation Act, 1976

- Defining system of auditing/accounting
- Defining power to contract, property, borrowing
- Defining power/authority regulating-- water supply/drainage/sewerage/streets/building regulations/sanitation/public health/vital statistics/public safety/markets/slaughter house
- - Defining institutions conducting Elections
- - Setting up of Finance Commission
- -Setting District/ MPC-Preparing Draft District / Metro

PMC Act, 1976-Structure- 24 Chapters/431

- **1. Definitions**
- **2. Constitution of Corporation**
- **3. Functions of the Corporation**
- **4. Authorities under Corporation**
- **5. Procedure's**
- **6. Corporation Officers other Employees**
- **7. Revenue and Expenditure**
- **8. Taxation**
- **9. Borrowing**
- **10. Property and Contracts**
- **11. Accounts and Audit**
- **12. WS, Drainage, Sewage Disposal**
- **13. Streets**
- **14. Buildings**
- **15. Sanitation and Public Health**
- **16. Vital Statistics**
- **17. Public Safety And Suppression Of Nuisances**
- **18. Markets, Slaughter-houses,**
- **19. Trades & Occupations**
- **20. Improvement**
- **21. Powers, Procedure, Offences, Penalties**
- **22. Rules, Regulations and Bye-laws**
- **23. Control**
- **24. Miscellaneous**
- **- Transitory provisions, repeals and amendments**

PMC Act, 1976-Structure-Reservations

- An Act to provide for establishment of Municipal Corporation for certain Cities in the State of Punjab
- **Corporation** - setting up of municipal Government for City
- **Corporation to be**;- A Body corporate;
- having perpetual succession common seal
- with power-- to acquire, hold / dispose of property – be sue / be sued,
- - power/ functions exercised by Commissioner till Corporation constituted
- **Corporation to consist of**;-
- (i) Directly elected Councilors
- (ii) ex officio members -- MLA representing constituencies
- --Government to determine number of elected Councilors
- -- not less than less than fifty and more than hundred
- -- Reservation for SC-in proportion of their population With 1/3 for women
- -- seats allotted by rotation to different wards
- - two seats for Backward Classes,
- - Not less than 1/3 seats reserved for women for SC-- including number of scheduled cast

PMC Act, 1976-Structure-Elections

- **Reservation for Mayors for**—Scheduled Castes, Backward Classes and women in ratio -(a) 5%or Scheduled Castes;
- - (b) 2% for Backward Classes; /(c) 5% for women Scheduled Castes.
- - **Duration of Municipal Corporation.**- five years - unless dissolved
- - from date appointed for its first meeting and no longer.
- -- Corporation constituted upon dissolution continue for remainder period
- - **When dissolved** – elections held within six months from dissolution;
- -Government to direct holding of general elections /filling vacancy
- - **Delimitation of wards.**- (1) For election of Councilors- City divided into single-member ward- having approximately equal population
- -Government to alter/amend delimitation orders/conduct elections
- **Disqualifications for councillorship** --unsound mind/ declared insolvent/foreign citizenship/corrupt practice/offence involving moral turpitude/hold office of profit/licensed architect, draftsman, engineer, plumber
- - **Allowances** - as fixed by Government
- - **Councilors elect Mayor, Senior Deputy Mayor, Deputy Mayor** –from one of its members-. Term to be co-terminus with their term as councillors.
- -Removal/Resignation of Mayor, Senior Deputy Mayor/Deputy Mayor.


PMC Act, 1976-Committees -

- **Corporation-may set up number of Ad-hoc committees**
- **Committees-** Mayor as Chairman/ another member as Vice-Chairman:
 - **1, Finance & Contracts Committee-Mayor+2dm+2coun+comis**
 - **2. Water Supply and Sewerage Disposal Committee,**
 - **3. Buildings and Roads Committee,**
 - **4. House Tax Assessment Committee**
 - **5. Wards Committees - not less than 5wards / population of 3 lakhs or more,**
 - **Wards Committee membership- - (i) Councilors of Wards**
 - **(ii) Commissioner**
 - **iii. Ex-officio members of corp. nominated by commissioner**
 - **Elected Chairman from Councilors and nominated Secretary from officers**
 - **6. Constitution of District Planning Committees.-**

PMC Act-Functions - Obligatory

- --*municipal Government of City to vest in Corporation.*
- 2 Types of Functions –Obligatory and Discretionary functions –
Obligatory Corporation;
- construction/maintenance/ cleaning drains, *public latrines, urinals*
- --supply of *water*
- - *scavenging, removal disposal of filth, rubbish obnoxious /polluted matters;*
- - reclaiming unhealthy localities/*removing noxious vegetation* /nuisances;
- (e) disposal of *dead*
- (f) registration of *births/ deaths;*
- (g) public *vaccination /inoculation;*
- (h) preventing/ checking *dangerous diseases;*
- (i) construction / maintenance /*regulating municipal markets& slaughterhouses-*


PMC Act-Functions - Obligatory

- (j) regulating offensive /***dangerous trades or practices***;
 - (k) securing /removal of dangerous ***buildings/ places***;
 - (l) construction, ***maintenance, public streets, bridges, culverts, causeways***;
 - (m) naming/numbering / lighting, watering /cleansing/ removing obstructions/***projections of public streets / public places***;
 - (p) maintenance of ***municipal offices***;
 - (q) laying/maintenance of public ***parks, gardens or recreation grounds***;
 - (r) maintaining ***fire-brigade/ protecting life/ property in fire***;
 - (s) maintenance of ***monuments /memorials/properties vested***
 - (u) fulfilment of obligation under Act / other law in force
- 

PMC Act-Functions -Discretionary

- :- (a) **education including** cultural and physical education
- ; (b) **libraries, museums, art galleries, botanical or zoological collections**
- ; (c) **stadia, gymnasia, akharas** and places for sports and games; (
- d) care of **trees**
- (e) **surveys of buildings/ lands;**
- (f) **registration of marriages;** (g) **census of population;**
- (h) **civic reception** to persons of distinction
- (i) **providing entertainments** , establishment of theatres /cinemas;
- (j) organization of **fairs and exhibitions;**
- (k) acquisition of **movable or immovable property**
- (l) **construction and maintenance of** - (i) rest-houses, (ii) poor-houses, (iii) infirmaries, (iv) children's homes, (v) houses for the deaf and dumb and for disabled and handicapped children, (vi) shelters for destitute and disabled persons, (vii) asylums for persons of unsound mind;
- (m) construction and **maintenance of cattle ponds;**
- (n) **dwelling houses** ; welfare of the Corporation officers and other Corporation employees ; **sanctioning of loans** to such officers and employees or any class of them for construction of houses and purchase of

PMC Act-Functions -Discretionary

- (p) Setting of a ***chemical /bacteriological laboratories*** for analysis of water, food/ drugs/ detection of diseases or research connected ;
 - (q) ***relief to destitute*** and disabled persons;
 - (r) establishment / maintenance of ***veterinary hospitals***; swimming pools, public wash houses, bathing places and other institutions public health;
 - (t) ***management of farms/ dairies within for supply of milk /milk products*** ; (u) organisation /management of ***cottage industries, handicraft centres and sales emporia; warehouses and godowns; garages, sheds, stands for vehicles***
 - (x) improvement through ***improvement schemes***
 - (z) provision of ***housing accommodation*** for inhabitants
 - (za) establishment/ ***maintenance of hospitals, dispensaries*** and maternity and child welfare centres for public medical relief;
 - (zb) supply /***distribution of electricity***
 - (zc) any measure likely to promote ***public safety, health, convenience or general welfare.***
- 

PMC Act- Municipal authorities

- **Municipal authorities** charged with carrying out of this Act
- - (a) **Corporation** ;
- ~~(b) **Finance and Contract Committee** ;~~
- (c) **Commissioner-Appointment of Commissioner.** - Class I officer, minimum service of ten years -- tenure 3 years : renewed further for a term not exceeding 3 years
- **Powers-** entire executive power /duties
- (a) conferred/ imposed by municipal/other acts
- - **including**
- -prescribing duties /exercise supervision /control ;
- -service of officers / other employees
- - their pay, conditions of service;
- (c) take action deemed necessary - make a report to Corporation action, reasons/cost,
- **Power of Corporation-asking Commissioner to produce documents/ returns**

PMC Act- Procedures - Meetings

(1) hold *minimum one monthly meeting*

- (2) Chaired by-Mayor/ Senior Deputy Mayor,/ Deputy Mayor may,
- . *one-fourth of total members- a special meeting of Corporation.*
- (3) meeting may be adjourned / subsequent date,-- further adjourned
- . - First meeting after general election – *convened by Divisional Commissioner-*
- *Notice of meetings & business. – 72 hours-registered address-only matters listed to be discussed*
- - *Quorum. - one-third of total members.- Presiding Officer. - Mayor /Senior Deputy Mayor/Deputy Mayor .*
- *Matter decided by majority of votes of members present/voting*
- *Councillor not to vote on matter in which he is interested*
- *Maintenance of order – presiding officer and admission of public to meetings, withdrawal and suspension of councillors-open to public unless /otherwise decided-- -Keeping of minutes and proceedings*
- -Forwarding *proceedings to Divisional Commissioner-3 d- election Mayor/SDM/DM- convenedby Divisional Commissioner- appoint a non-contesting member to preside-equal vote-toss*

PMC Act- Posts

Posts in Corporation / appointments thereto. -

- Government may, constitute all/any of the following Corporation Services,

: (i) Punjab Service of Corporation Engineers and Sectional Officers;

(ii) Punjab Service of Corporation Health Officers;

(iii) Punjab Service of Corporation Secretaries ;

(iv) Punjab Service of Corporation Accounts Officers and Accountants ;

(v) other Service --Government may decide.

- ***Make rules for recruitment/ service conditions / classification***

- ***transfer from one Corporation- to another Corporation***

-Officers /employees-- not to undertake any extraneous work

--Officers / employees- not to be interested in any contract,

-- Punishment of Corporation officers / other employees- for misconduct etc

PMC Act-Revenue and Expenditure

Constitution of Corporation Fund. –

- (a) funds before the constitution of a City vested in any local authority*
- (b) moneys received by /on behalf of Corporation-Act/ law / contract;*
- (c) Income from disposal of property*
- (d) rents accruing from property of the Corporation;*
- (e) moneys raised by any tax, rate of cess levied for purposes of Act;*
- (f) all fees collected /fines levied*
- (g) Funds received from Government /individual /association of individuals –as grant or gift or deposit;*
- (h) interests /profits from any investment/ transaction of money belonging to Corporation- loans advanced*
- (i) moneys received from other source whatsoever;*
- (2) Corporation Fund --held in trust .*

Corporation Fund kept in State Bank of India/ Treasury / Nationalised Bank. –

--- or in any other Bank approved by the Government

- All Money paid to Corporation Fund - received by Commissioner

PMC Act-Operation of Account

- Payments not to be made unless covered by a budget-grant
- Procedure when money not covered by a budget-grant is expended
- *Application of Corporation Fund- purposes defined in Act/Rules/promoting public interest/objectives of the Act*
- All payment made with a cheque
 - - to be signed by both
 - (a) the officer-in-charge of accounts; and
 - (b) Commissioner / officer subordinate to him /authorised by him
- Payments not to be -- made unless covered by a budget-grant
- Duty of persons signing cheques. - satisfy that t sum specified, for payment is ;
 - required for a purpose
 - work specifically sanctioned by proper authority
 - covered by a current budget-grant;

MC ACT; Expenditure ,

- **Application of Corporation Fund. For making payments related to –**
- **(1) Provisions of the Act;.**
- **(2) Under other Act**
- **. (3) Promoting safety, health, welfare, or convenience of inhabitants,**
 - **- expenditure declared as- appropriate charge on Corporation Fund.**
- **(4) meeting cost of Local Government Directorate/ sub-offices / advising, assisting/ supervising work of Corporation / other local bodies: --Provided amount not to exceed 1% of income for preceding financial year**
 - **-Payments for works urgently required for public service-asked by SLG**
 - **-Investment surplus money. - in prescribed manner, with loss debited to Corporation Fund.**
 - **- Constitution of special funds. - constitute special fund/ funds and disposal of such funds in manner defined by regulations.**

MC ACT; Budget

Prepare an annual Budget Estimates –Indicating an estimate of income /expenditure-prepared in the manner prescribed

- *Preparing Budget estimates-not later than first week of February*
- *- adopt budget estimate*
- *-- -submitting budget to Government not later than last week of February*
- *Govt to returned Budget before 31st March- with //without/medication/approval*
- Power to alter budget estimates. - On recommendation of Commissioner,
- Corporation- increase/reduce/transfer/reallocate funds
- Power of Corporation to re-adjust income/ expenditure
- Provisions as to unexpended budget-grant

MC ACT; Taxation

Taxes imposed by Corporation/ arrangements of taxes collected by Government:-@specified by Government by notification – assessed/ collected as per provisions of Act/ bye-laws made thereunder.

(1) Corporation to levy following taxes :-

*(a) lands and buildings; (b) octroi; (c) vehicles and animals ;
(d) advertisements- other than published in newspapers
; (e) on buildings payable for sanction of building plan
(f) development tax- on increase in land value-due to development or improvement work.*

(2) With prior approval of Government , Corporation may, levy tax-

,- (a) professions, trades, callings and employments;

(b) any other tax which State Legislature has power to impose :

Provided opportunity given to residents- to file/consider objections

-Rate specified by Government by notification

- assessed / collected as per Act/ bye-laws made thereunder

- Government to direct Corporation to impose any tax not levied

- in failure Govt, can impose tax by notification.

MC ACT; Taxation

In addition; After close of each year-- Government may pay to Corporation- whole/ part Tax collected by it under;

- *(a) Indian Stamp Act, 1899--stamp duty on transfer of property*
- *; (b) Punjab Motor Vehicles Taxation Act, - from person keeping a motor vehicle within local area City*
- *; (c) Punjab Electricity (Duty) Act, 1958, on energy supplied*
- *(d) Punjab Entertainment Duty Act, 1955- from Individuals within City*
- *; (e) Punjab Entertainments Tax (Cinematograph Shows) Act, 1954, from proprietor.*
- **Components of taxes on lands and buildings.** - consist :-
- **(a) water tax-** percentage of the ratable value of lands and buildings
- **(b) fire tax** - percentage of the ratable value management of the Fire Service;
- **(c) a general tax** - @ not more than 15% of ratable value of lands and buildings within City :-- levied on a graduated scale, if Government determines. - exempt from general tax lands upto prescribed limit
- - Commissioner to Define Premises where water tax / fire tax are to be levied.

MC ACT; Borrowing

Power of Corporation to borrow - by debenture --securitising immovable property vested/ to be acquired- taxes, rates, cesses, fees and charges

- *(a) for acquiring any land*
- *; (b) for erecting any building -*
- *; (c) for execution of permanent work' provision of any plant,*
- *; (d) to pay off debt due to Government*
- *; (e) to repay a loan previously raised*
- *; (f) for any other purpose - Corporation is, authorised to borrow:*
 - *(i) no loan raised without sanction of Government- including- amount of loan, / rate of interest/ date of flotation/ time and method of the repayment*
- *-- money borrowed not applied to payment of salaries/ allowances to any Corporation officers or other contractual employees.*
- *Time of repayment- not to exceed 60 years*
- *Maintenance /investment of --sinking funds for repayment. of loan*
- *. Priority of payment for interest/ repayment of loans over o*
- *- Attachment of Corporation Fund- for recovery of money borrowed from Government*

MC ACT; Property Vested

- a) public town walls, gates markets, stalls, slaughter houses, manure, night-soil depots / public buildings- *constructed / maintained out of Corporation Fund***
- (b) public streams, springs and water works** for public purposes
- (c) all public sewers/ drains/ sewers/, culverts/ water course/s** in or under any public street,- constructed by Corporation alongside any public street,
- ; **(d) public lamps, lamp-posts, / apparatus** connected ;
- (e) land / property transferred by Government /** acquired by- gift, purchase for public purchased/ public purposes
- ; **(f) all public streets,** with pavements, stones, other materials , trees growing, erections, materials, implements and things provided
- immovable property transferred otherwise than by sale by Government for public purposes, it shall be deemed to be a condition of such transfer, compensation payable in no case exceed the amount, cost of present value
 - **Corporation to maintain a register / map of immovable property**
 - **. (4) The management/control of every public institution maintained out of Corporation Fund placed under corporation -- vest in the Corporation-**

MC ACT; Property & contracts

Acquisition of immovable property by agreement-Commissioner can acquire any immovable property by agreement- with approval of Corporation

-In case of failure- State Government to acquire land on request and pass on to Corporation with cost incurred.

-Disposal of property. -Commissioner empowered to dispose property

- by sale or otherwise, any movable property belonging to Corporation - value not exceeding five thousand rupees

- (ii) grant a lease (other than a lease in perpetuity) ;

- (iii) sell /grant a lease in perpetuity of any immovable property with value not exceeding 5,000/- or annual rent - not exceeding Rs 300/-;

- Lease, sell, let out/ hire / transfer any property movable or immovable with permission of Corporation; - sold, leased in normal/fair competition

- Corporation competent to enter / perform any contract necessary for Act

- contract made on behalf of Corporation by Commissioner

- contract with expenditure not exceeding 25,000/- or such higher amount as the Corporation may fix, may be made by Commissioner ;

- Executing contracts as per – bye-laws,

- contracts made in violations shall not be binding on the Corporation

MC ACT; Accounts and Audit

- **Corporation to maintain accounts** of receipts and expenditure
 - **Examiner Local Fund Accounts**, -to conduct day to day examination and audit of Corporation accounts - furnish a monthly report– Mayor to sign& publish abstract
 - **Report by Examiner on-**any impropriety/irregularity in expenditure / recovery of moneys due in Corporation accounts; also **prepare annual report**-which shall be published
 - **Commissioner to.- remedy defects** / irregularities; forward to Government copies of the report; with a brief of action, itaken / proposed to be taken thereon.
 - **Procedure to be followed by Examiner**,;. - audit accounts of Corporation with assistance of officers/other employees subordinate to him
 - -- ascertain moneys disbursed were legally available
 - -- expenditure conforms to authority which governs it;
 - (b) audit accounts of debts, deposits, sinking funds, advances, suspense
- Power of Local Fund Accounts**– make queries; call for returns, make observations ; call for vouchers/ statements/returns /explanations .

MC ACT Water Supply, Drainage, Sewage Disposal

- **Corporation-** Make provision of wholesome piped water supply , define limits - domestic/ non-domestic purposes at reasonable cost
- Carry out – surveys, assess demand ,look at sources, formulate proposals
- -Consumer to Make application , pay charges for connection, water consumed- face disconnection of supply- to non-payment of dues after notice- give notice of waste of water- -Occupying New premises with arrangement for water supply- occupiers/owner jointly responsible for offences related to water supply
- Corporation--Power to detect waste or misuse water / test water fittings
- - Supply Public gratuitous water supply.- Make Provision of fire hydrants\close /restrict use of water from polluted sources
- ***Make adequate provision of sewerage disposal*** -Public drains to vest in Corporation-. New premises not to be erected without drainage- close/limit the use of private drain ;. Sewage / rain water drains to be distinct. Appointment of places for the emptying of drains /disposal of sewage.
- Connection not to be made without permission; Buildings, railways and private streets not to be erected /constructed over drains or water-works without permission -- affix shafts etc., for ventilation of drain or, cesspool. Work to be done by licensed plumber

MC ACT –Streets

- *Corporation-All public streets to be vested, maintained, controlled , regulated ; levelled, metaled; paved, channeled, altered ;repaired, widened, extended or improved and provide/ repair fences and posts for the safety of foot-passengers*
- **Corporation holds power to-** Close public street/Disposal of land forming site; make new public streets; prescribe minimum width of new public streets; prohibit use of public streets for certain kinds of traffic; acquire land / buildings for public streets / public parking places/ Defining the regular line of streets/ Setting forward /Setting back//Compulsory setting back of building to regular line of street; Acquisition of open land within the regular line of street; Acquisition of building ; Compensation paid in cases of setting back /setting forward of buildings, etc. Layout plans. Alteration /demolition of street made in violation;. Declaration of public streets; Prohibition of projection; encroachment by construction of structures, fixtures or deposit in stree Power to remove anything deposited or exposed for sale in contravention of this Act. ; Disposal of things removed; Naming and numbering of streets. . Measures for lighting.;. Prohibition of removal, etc. of lamps

MC ACT – Buildings

Corporation's Powers to regulate constructing buildings including ;

- **Prohibition of building without sanction.**
- **Regulating erection of building**
- **Approval for additions / repairs**
- **Prescribing Conditions of construction**
- **-Power to Sanction/refusal of building /work.**
- **Prescribing When building or work may be proceeded**
- **Withdrawing Sanction accorded under misrepresentation**
- **--Prescribing Period for completion of building or work.**
- **Prohibiting use of inflammable materials for buildings**
- **Power of demolition/ stoppage of buildings and works**
- **Power of stoppage of building /works in certain cases.**
- **Power to require alteration of work.**
- **Requiring Completion certificate.**
- **-Imposing restrictions on user / removal of dangerous buildings.**
- **-- Power to getting vacation of building in certain circumstances.**
- **Preparing Building Scheme**

MC ACT –Sanitation and Public Health

Corporations mandated to make provision for daily cleansing of streets/ removal of rubbish/filth from cities and includes duties/power involving;

- All Rubbish, etc. to be property of Corporation
- Making provision for receptacles, depots/ places for rubbish, etc.;
- Owners / occupiers of houses; factories, work-shops, to collect /deposit rubbish/ removal of filth/ polluted matter through Corporation agency.
- Power to get premises, Public latrines, urinal etc. scavenged a/cleansed.
- Provision of Latrines /urinals in new buildings; labourers ; for markets
- Removal of congested buildings; improvement/demolition of buildings unfit for human habitation/Insanitary huts / sheds.
- Prohibition against washing by washermen.

MC ACT –Sanitation and Public Health

- ***Carrying out disinfection during outbreak of dangerous /epidemic diseases- public conveyance.***
- ***Disposal of infected articles without disinfection***
- ***Power to restricting / prohibiting sale of food /drink.***
- ***Disposal of infectious corpses when person died from dangerous disease.***
- ***Conditions of service of sweepers and certain other classes of persons employed in Corporation service./doing house scavenging.***
- ***Requiring information regarding burning and burial ground.***
- ***Permission for use of new burning or burial ground.***
- ***Power to require closing of burning and burial grounds.***
- ***Removal of corpses.***
- ***Disposal of dead animals***

MC ACT – Vital Statistics

- **Corporation to maintain data -- Births & Deaths**
- Corporation Health Officer - Chief Registrar of births & deaths
- Registrar- Maintain register of all births/deaths
- Commissioner may appoint different registrars of births / deaths while defining areas
- Duties of registrars. --Have information of every birth/death occurring within defined area & register, without fee/reward , particulars of every birth / death
- -Parents to register child birth within eight days of birth,
- All deaths reported/ recorded
- Births or deaths occurring in hospital- duty of medical officer in-charge to report/register

MC—Public Safety & Suppression of Nuisances

- ***Checking Public Nuisance- Role & Responsibility;***
- ***Prohibition of creating nuisances*** in all public places - carry meat exposed to public view; spilling/depositing rubbish, filth polluted/obnoxious material; defacing buildings, carrying polluted and obnoxious matter during prohibited period/manner; making grave or burn or bury any corpse at any place; beating drum/blow a horn o/trumpet/ utensil, play any music ; singing, screaming or shouting, by amplification; letting loose any animal or negligently allow any animal to cause, injury, danger, , store or use night-soil, cow-dung, manure, rubbish etc. emitting offensive smell; unauthorized latrines
- Commissioner empowered to removal/abatement of nuisance.
- Registration and control of dogs
- Regulating stacking or collecting inflammable materials.
- Providing for Care of naked lights.
- Regulating/ Discharging fire-works, fire-arms, etc.
- Mandating to require buildings, wells, etc., rendered safe.
- Ensuring enclosure of waste land used for improper purposes

MC—Markets, Slaughter-houses, Trades And Occupations

- *Corporations-To make provision/ create municipal markets/ regulate private markets/private slaughter houses/circuse, cimemas, private entertainment*
- Regulating Private markets / slaughter-houses.
- Granting license / Prohibiting use of unlicensed markets/ Prohibition of keeping markets open without licence/ carrying out business and trade- publication/Levy of stallages, rent/fees.
- Power to expel lepers / disturbers, from markets.
- Licensing Butcher's fishmonger'/ poulterer's Factory, etc.
- Licensing of Eating houses, etc.,Seizure of certain animals.
- Licences for hawking articles, etc
- Licencing /control of theatres, circuses / public amusement.
- Stopping use of premises in contravention of licences.
- Power to inspect places suspected with unlawful slaughter of animal, etc.,

MC-Improvement Scheme

- **Improvement scheme**- framed for area involving disrepair/ sanitary defects/ narrowness /bad arrangement of streets/want of light, air, ventilation or proper conveniences, dangerous or injurious to health of the inhabitant of the area –unfit for human habitation and
 - -- most satisfactory method is re-arrangement/reconstruction of streets /buildings in accordance with improvement scheme ; frame an improvement Scheme
- **improvement scheme includes** :-
 - - acquisition of any property for scheme
 - -- relaying land comprised in scheme
 - - redistribution of sites belonging to owners of property ;
 - - closure /demolition of buildings unfit for human habitation ;
 - demolition/ construction / re-construction of obstructive buildings /alteration of streets ; -- providing water-supply, street lighting, drainage ;
 - providing open spaces /sanitary arrangements/accommodation for any class of inhabitants /facilities for communication
 - - sale, letting or exchange of property in scheme ;
 - -- any other matter for essential

MC–Improvement Scheme

- *Submission of scheme to Corporation for approval / to Government for sanction. –*
- *-Improvement scheme* -when framed, submitted to Corporation for approval
- *- Corporation may approve with/ without* modifications /reject with direction to have a fresh scheme
- *- No scheme approved by Corporation-* shall be valid unless sanctioned by Government.
- *Publication of notice after scheme is sanctioned.* – by Government,
- *- Commissioner to prepare a notice stating that –*
- *- scheme has been sanctioned;*
- *-- the boundaries of area comprised in scheme;*
- *-- place where particulars , map ; land proposed to acquire may be seen*
- *-- Commissioner to cause the publication of notice in Official Gazette*

MC–Re- Housing Scheme

- **Rehousing scheme.– Commissioner** , while framing an improvement scheme
- - may also frame a **Rehousing scheme**
- --for construction/ maintenance / management of buildings necessary for providing accommodation for persons
- -impacted/displaced- by execution of improvement scheme
- --**Improvement scheme / rehousing scheme** -to conform master plan / zonal development plan.
- - No improvement scheme /rehousing scheme framed –
- -- after a development plan or City/ zonal development plan for an area prepared - shall be valid- unless such scheme is in conformity with development plan/ zonal development plan.

MC–Powers, Procedure, Offences and Penalties

- ***Signature, conditions, duration, suspension, revocation, etc., of licences and written permissions- specify*** date of giving ; period of license ; purpose; restrictions /conditions; name , address of person granted ;fee, paid
- ***Power of entry and inspection.-*** any land /building -for checking any violation of Act /bye-law; ascertaining conditions to take any action or execute any work under this Act; taking any action or executing any work authorized; inquiry, inspection, examination, measurement, valuation or survey authorised or required ; efficient discharge of the functions
- ***Power to enter land adjoining land*** in relation to any work.
- ***Breaking into building-when essential -***
- ***Time of making entry-*** . made except between the hours of sunrise and sunset.
- ***Consent ordinarily to be obtained.***
- ***Regard to social/ religious usages.***
- ***Prohibition of obstruction/molestation in execution of work.***
- ***Public notices how to be made known.***
- ***Newspaper in which advertisement of notices to be published.***
- ***Proof of consent, etc. of Commissioner etc.***
- ***Notices, etc. to fix reasonable time.***
- ***Signature on notices, etc., may be stamped.***

MC-Powers, Procedure, Offences and Penalties

- ***Service of notices-***

- registered post,/ delivered at registered office/principal office / place of business of company/partnership

- ***Service of bills for tax /notice of demand-***

- by ordinary post with a pre-paid letter under a certificate of posting.

- ***Power in case of non- compliance with notice, etc. -;***

- -after giving notice in writing- take action/ steps necessary -for completion of act/ work required to be done / executed by such person- all expenses incurred payable to Commissioner-- if not paid within ten days - recoverable as an arrear of tax as land revenue;

- ***Liability of occupier to pay in default of owner***

- ***Execution of work by occupier in default of owner/deduction of expense from rent***

- ***Police establishments.*** -- Every Corporation , unless relieved of this obligation by Government, maintain a sufficient police establishment for police requirements within the City/ for performance of duties imposed by Act.

- ***Arrest of Offenders.***

- ***Power to institute legal proceedings and obtain legal advice.***

- ***Prosecutions. . Composition of offences.***

- ***Protection of action of tCorporation, etc.***

- ***Notice to be given of suits.***

MC–Rules, Regulations and Bye-laws

- ***Supplemental provisions respecting rules.***
- ***Supplemental provisions respecting regulations.***
- ***Powers to made bye-laws.***
 - – Bye-laws relating to taxation.;
 - Bye-laws relating to water-supply, drainage and sewage disposal ;
 - Bye-laws relating to streets;
 - Bye-laws relating to buildings –
 - Bye-laws relating to sanitation and public health;
 - Bye-laws relating to vital statistics ;
 - Bye-laws relating to public safety and suppression of nuisances –
 - Bye-laws relating to markets, slaughter houses, trades and occupations;
 - By-laws relation to improvement ;
 - Bye-laws relating to miscellaneous matters
- ***Penalty for breaches of bye-laws.***
- ***Supplemental provisions respecting bye-law.***
- ***Bye-laws -- available for inspection and purchase.***



MC-CONTROLS

- ***.Power of Government to require production of documents.***
- ***. Inspection.***
- ***Directions by Government.***
- ***Power to provide for enforcement of direction***
- ***Dissolution of Corporation.-***
 - -- If in the opinion of Government;
 - -- a Corporation is not competent to perform its duties or
 - -- persistently makes default in the performance of duties imposed -under this / any other law
 - -- exceeds or abuses any of its powers
 - -Government , may, by an order published, along with reasons therefor, in the Official Gazette,
 - - dissolve such Corporation :
 - - after giving a reasonable opportunity of being heard before its dissolution.
 - - When a Municipal Corporation is dissolved
 - - (i) all Councillors shall vacate their offices forthwith;
 - (ii) all powers/ duties of Corporation during its dissolution-- shall be exercised /performed by such person or authority, as the Government may, by notification, appoint
 - (iii) all property in possession of Corporation shall be held by the Government
- ***. Appointment of a person to carry out the work of Corporation in certain cases.***

MC–Miscellaneous

- *Delegation. -- Validity of notices and other documents.*
- *. Admissibility of document or entry as evidence.*
- *Evidence of Corporation Officer or employee.*
- *Prohibition against obstruction of Mayor or any Municipal authority et*
- *Prohibition against removal of mark.*
- *Prohibition against removal or obliteration of notice.*
- *Prohibition against unauthorised dealing with public place / materials.*
- *. Liability of Councillors.*
- *Councillors /Corporation Officer and employees to be public servants.*
- *Annual administration report.*
- *Other laws not to be disregarded.*
- *Construction of references.*
- *Special provisions as to rural areas.*
- *Government's power to suspend any resolution /order of Corporation.*
- *Government's power to annul or modify illegal proceedings.*
- *. Government's power to withdraw area of City from operation of Act*

MC–Transitory provisions, repeals/ amendments

- *Constructions of references in other enactment.
Sums due.*
- *Assets, liabilities, debts, obligations, contracts and pending proceedings.*
- *Continuation of appointments, taxes, budget estimates, assessments, etc.*
- *. Provision for municipal committee or local authority which is superseded or dissolved.*
- *Power to remove difficulties.*
- ***Repeal.***- The Punjab Municipal Act, 1911, the Punjab Municipal (Executive Officers) Act, 1931, the Punjab Gram Panchayat Act, 1952 and the Punjab Panchayat Samitis and Zila Parishads Act, 1961, shall stand repealed in area constituted to be a City or included in a City with effect from the day on which it is so constituted or included.

MC ACT; Taxation- Land

. *Determination of Ratable value of lands/ buildings assessable*

- *Subject to rules, made by State Government*

- *rateable value* of any land/ building assessable to taxes u/s 91 shall be

- (a) **land**- gross annual rent reasonably expected to let;

- (b) **building**; , the gross annual rent of building & appurtenances expected to let with following deductions :- (i) not exceeding 20 % on account of the furniture let therewith; (ii) a deduction of 10 % for repair/ maintain building to command such gross annual rent.

- Explanation I.-- immaterial whether house/ building/ furniture/ land let by same/ different contracts,

- Explanation II. - “gross annual rent” not to include any tax payable by the owner / tenant .

- (c) In the case of building, where gross annual rent cannot be determined @ 5 % of estimated present cost of erecting building-- less depreciation Provided that - (i) without accounting machinery thereon ;

- - when self occupied by owner/ not let- rateable value to be 50% of annual market rent in locality for similar accommodation

MC ACT; Taxation- Land

. *Furnishing of returns / penalty* .

- Every owner of lands / buildings exceeds Rs 30,000/- shall furnish a return
 - in prescribed form / verified with particulars
- Failure to give any information in the return which is false,
 - punishable with fine - extend to 5,000/- and jail for 3 months or with both
- **Exemption from Taxation** of Union properties- except properties liable for tax before Jan26,1950
- **Charge by measurement** in lieu of water tax in certain cases
- **Recovery of taxes on lands** and buildings from occupiers.
- **Taxes on lands / buildings**- first charge on premises assessed
- **Preparing Assessment list.** –Corporation to prepare assessment list of all lands/ buildings in City to be prepared containing prescribed particulars. along with ratable value – notified- objections invited-considered –finalised- power to revise –notify rate annually- when property transferred notice given
- **Notice of erection of building,** . – When building is er re-built / enlarged/ re-occupied, person to give in writing to the Commissioner within fifteen days from date of its completion/ occupation, and the said taxes shall be assessable on the building from the said date

MC ACT; Taxation- Land

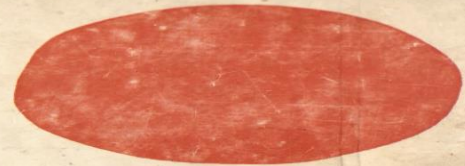
- . Notice of demolition or removal of building
- Power of Commissioner to call for information and return
 - a) name /place of residence of owner/occupier/ both of land or building;
 - (b) measurements /dimensions land /building ; rent
 - , (c) actual cost /details determining such land.
- Power of Commissioner to employ valuers.



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Punjab Municipal Corporation Law (extension To Chandigarh)- 1994

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PMC Act- Composition

- Corporation shall consist of,
 - Members directly elected representing wards-not less than 20
 - - 9 members, with voting rights, nominated by Administrator from Persons-
 - - eminent / distinguished in public affairs or
 - -Having special knowledge/practical experience in Municipal Admn.
 - - Member House of People-MP with voting Right
 - Government by notification fix the number of wards-
 - Till election of Corporation- Commissioner to exercise all Powers
 - Government to Fix number of Wards
 - - Reservation of seats for the SC – based on population