



తెలంగాణ రాజపత్రము
THE TELANGANA GAZETTE
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No. 11] HYDERABAD, WEDNESDAY, OCTOBER 9, 2019.

**TELANGANA ACTS, ORDINANCES AND
REGULATIONS Etc.**

The following Act of the Telangana Legislature received the assent of the Governor on the 8th October, 2019 and the said assent is hereby first published on the 9th October, 2019 in the Telangana Gazette for general information:-

ACT No. 11 OF 2019.

AN ACT TO CONSOLIDATE AND PROVIDE FOR THE CONSTITUTION OF MUNICIPALITIES (MUNICIPAL COUNCILS AND MUNICIPAL CORPORATIONS) OTHER THAN THE GREATER HYDERABAD MUNICIPAL CORPORATION IN THE STATE OF TELANGANA IN TERMS OF PART - IX A OF THE CONSTITUTION OF INDIA AND FOR MATTERS CONNECTED THEREWITH OR INCIDENTAL THERETO.

Be it enacted by the Legislature of the State in the Seventieth Year of the Republic of India as follows:-

CHAPTER-I

PRELIMINARY AND DEFINITIONS

1. (1) This Act may be called the Telangana Municipalities Act, 2019.

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

(3) It applies to the Municipal Councils and Municipal Corporations in the State and save as otherwise provided under this Act, it does not apply to the Greater Hyderabad Municipal Corporation (constituted under the Greater Hyderabad Municipal Corporation Act, 1955).

Short title,
extent
application
and
commence-
ment.

Act II of 1956.

(4) It shall come into force on such date and in such areas as the State Government may, by notification in the Telangana Gazette appoint, and they may appoint different dates for different areas and for different provisions.

Definitions.

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

(1) "Advertisement" means anything in writing or in print or by way of picture or effigy or representation to public through any device whether illuminated either wholly or part and further through any electronic or social media / medium, including any hoarding or structure used or adapted for the display of advertisement;

(2) "appointment" or "appoint" means and include temporary appointment and officiating appointment by the Government;

(3) "annual rental value" means the annual rental value of any building or land fixed in accordance with the provisions of this Act and the rules made thereunder;

(4) "booth capturing" includes, among other things, all or any of the following activities, namely:-

(i) seizure of a polling station or a place fixed for the poll by any person or persons making polling authorities surrender the ballot papers or voting machines and doing of any other act which affects the orderly conduct of elections;

(ii) taking possession of polling station or a place fixed for the poll by any person or persons and allowing only his or their own supporters to exercise their right to vote and prevent others from free exercise of their right to vote;

(iii) coercing or intimidating or threatening directly or indirectly any elector and preventing him from going to the polling station or a place fixed for the poll to cast his vote;

(iv) seizure of a place for counting of votes by any person or persons, making the counting authorities surrender the ballot papers or voting machines and the doing of anything which affects the orderly counting of votes;

(v) doing by any person in the service of Government, of all or any of the aforesaid activities or aiding or conniving at any such activity in the furtherance of the prospects of the election of a candidate.

(5) "building" means any permanent structure or otherwise constructed of any material for any purpose and includes multi storied complexes, gated communities, malls, high rise buildings, a house, out-house, shop, stable, latrine, shed, hut, wall and compound wall, or any part of such building either residential or non-residential;

(6) "building line" means a line which is in rear of the street alignment and to which the main wall of a building abutting on a street may lawfully extend;

(7) "capital value" means the capital value of any building or land fixed in accordance with the provisions of this Act and the rules made thereunder;

(8) "casual vacancy" means a vacancy arising otherwise than by efflux of time;

(9) "casual election" means an election held to fill a casual vacancy;

(10) "Carriage" means any wheeled vehicle with springs or other appliances acting as springs and includes any kind of bicycle, tricycle, rickshaw and palanquin but does not include any motor vehicle within the meaning of the Motor Vehicles Act, 1988;

(11) "Chairperson" and "Vice-Chairperson" means-

(i) in relation to a Municipal Corporation the Mayor and the Deputy Mayor respectively;

(ii) in relation to a Municipal Council, the Chairperson and Vice-Chairperson, respectively;

(12) "Chairperson" means the Chairperson of the Municipal Council and includes Mayor of Municipal Corporation as elected under section 20 of this Act, and the term chairperson shall be construed as the Mayor wherever the context so requires with regard to the Municipal Corporation, unless otherwise provided;

(13) "Collector" means District Collector in charge of a District;

(14) "Commissioner" means the Commissioner of the Municipality or of Municipal Corporation, appointed by the Government under section 38 of this Act;

(15) "company" means a company as defined in the Companies Act, 2013, and includes any foreign company;

Central Act 18
of 2013.

(16) "compound" means land, whether enclosed or not, which is the appurtenance of a building or the common appurtenance of several buildings;

(17) "contractor" means and includes any person or persons engaged by the Municipality for discharge of any duties or works or services under a contract as may be necessary;

(18) "corporation" means the Municipal Corporation constituted under section 3 of this Act;

(19) "council" means the Municipal Council constituted under section 3 of this Act;

(20) "cubical contents" means and includes all those parameters that are used with reference to the measurement of a building, the space contained within the external surface of its wall and roof and the upper surface of the floor of its lowest storey, or where the building consists of one storey only, the upper surface of its floor;

(21) "development" means the carrying out of any activity of construction or building, or other operations in, or over, or under land or water, or the making of any material changes or otherwise, in any building or land or any part thereof, or in the use of any building or land, and includes any repairs or redevelopment and layout and sub-division of any land; and "to develop" shall be construed accordingly;

(22) "development charge" means a charge levied for the purpose of any development activity;

(23) "Commissioner and Director of Municipal Administration" means an officer appointed by the Government under this Act, and includes an Additional Director, a Joint Director, Deputy Director, or any other officer of the Government authorized by it to perform the functions of the Commissioner and Director of Municipal Administration;

(24) "drain" includes a sewer, a house-drain, a drain of any other description, a tunnel, a culvert, a ditch, a channel or any other device for carrying of sullage, sewage, offensive matter, polluted water, rainwater or sub-soil water;

(25) "drainage" includes all liquid discharges except sewage;

(26) "election authority" means such officer or authority as may be appointed by the State Election Commission under this Act to exercise such powers, functions incidental therewith for the conduct of elections to the Municipalities;

(27) "election tribunal" means a Tribunal constituted for disposal of election petitions under section 233 of this Act;

(28) "energy conservation building code" means the energy code adopted by the Bureau of Energy Efficiency as revised from time to time, stipulating the minimum requirements for energy-efficient building design and construction;

(29) "factory" means any premises including the precincts thereof,-

(i) wherein any industrial or manufacturing process is carried on with the aid of steam, water, oil, gas, electrical or any other form of power which is mechanically transmitted, and it is not generated by human or animal agency; or

(ii) wherein twenty or more workers are working or were working and in any part of which a manufacturing process is being carried on without the aid of power or is ordinarily so carried on but does not include a mine subject to the operation of Mines Act, 1952 or a railway running shed or a hotel or restaurant or an eating house;

Central Act 35
of 1952.

(30) "Finance Commission" or "State Finance Commission" means the Finance Commission constituted by the Governor under article 243-I of the Constitution of India;

(31) "filth" means,-

(i) night-soil and other contents of latrines, cesspools and drains;

(ii) dung and the refuse or useless or offensive material thrown out in consequence of any process of manufacture, industry or trade; and

(iii) putrid and putrefying substances;

(32) "financial year" means the year beginning on the first day of April or such other date as the Government may by notification appoint;

(33) "food" includes every article used for food or drink by man, other than drugs or water, and any article which ordinarily enters into, or is used in the composition or preparation of human food, and also includes confectionery, flavoring and coloring matters, spices and condiments;

(34) "garbage" means rubbish or waste, especially domestic or otherwise refuse;

(35) "Government" means the State Government of Telangana;

(36) "green cell" means a cell constituted at each Municipality to enhance greenery, plantation, parks and afforestation under envision Haritha Telangana or otherwise and to develop own nurseries and ensure supply of saplings and provide necessary care within the Municipal area;

(37) "height of building" means height measured from the road and in case of undulated terrain, height can be considered as average of the corresponding ground level. The parapet wall, staircase headroom, lift room and water tank are excluded from the height of the building;

(38) "high-rise building" means and includes all buildings with 18 meters or more in height measured from the average level of the central line of street on which the site abuts, staircase rooms, lift rooms, chimneys, elevated tanks above the topmost floor and architectural features are excluded from the height of such building;

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

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

(41) "industrial area local authority" means an authority created for industrial township as separate local authority by the Government of Telangana under the provisions of article 243-Q of Constitution of India;

(42) "infectious disease or communicable disease" means any disease, which may be transmitted from one person to another and declared as such by the Government through notification under this Act;

(43) "land" includes land which is being built upon or is built upon or covered with water, benefits to arise out of land, things attached to the earth or permanently fastened to anything attached to the earth and rights created by legislation over any street;

(44) "larger urban area" means a Municipal Corporation and classified as a larger urban area by the Governor by notification with reference to various factors as provided in article 243Q of the Constitution of India;

(45) "latrine" means and includes a place set apart for defecating or urinating or both and includes a closet of the dry or water-carriage type and urinal, any public convenient places such as rest rooms, washrooms, *etc.*;

(46) "license" means a license issued under this Act;

(47) "licensed technical personnel" is a Licensed Architect or Engineer or Town Planner or Structural Engineer or Surveyor or any other technical person as prescribed to plan, design and supervise for carrying out layout and building developmental activities, and also to issue certificate of supervision of such a development of land and building in municipal areas;

(48) "local area" means the entire area notified as Municipal area of the Municipality, and includes any town, village, hamlet, bazaar, station or other area or any group of the same in the immediate neighborhood of one another;

(49) "liquid waste management" means the creation, collection, and disposal of non-hazardous liquid materials to prevent discharge of pollutants to the storm water drain system or to watercourse and all such steps taken in this regard;

(50) "local authority" means any Municipality, Municipal Corporation, Zilla Praja Parishad, Mandal Praja Parishad, Gram Panchayat and Cantonment Board established by law;

(51) "Market" includes any place, by whatever name called, where persons assemble for the sale of vegetables, fruits, meat, fish, live stock, or any other article of food of a perishable nature, or any other article and declared and licensed by the municipality as a market;

(52) "master plan" means a comprehensive plan showing therein the existing and proposed locations and general layout of (a) arterial streets and transportation lines, (b) residential areas, (c) commercial areas, (d) industrial areas, (e) educational institutions, (f) public parks, playgrounds and other recreational

places, (g) public and semi-public buildings, and (h) any other places put to any specified use or earmarked and proposed to be used for any of the purposes as mentioned in this definition and as provided under this Act;

(53) "Member" means elected members, ex-officio and co-opted members of the Municipality;

(54) "municipal officer" means and includes all the officers, employees and such other staff employed in the Municipality;

(55) "municipal property" means and includes municipal open spaces, auditoriums, parks, playgrounds, community halls, municipal roads, pavements, street lights, garbage, nalas, municipal drain, municipal market, municipal slaughter-house or water works and all such other structures, buildings, etc. belonging to and managed by the Municipality under this Act;

(56) "Municipalities" means institutions of self-government constituted under article 243Q of the Constitution of India and includes a Municipal Corporation and a Municipal Council as declared and notified under the provisions of this Act and the expression Municipality shall be construed as Municipal Council and Municipal Corporation wherever the context so requires and unless provided otherwise under this Act;

(57) "municipal fund" means the municipal fund referred to in **section 106** of this Act;

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

(59) "notification" means a notification published either in the Telangana Gazette or as the case may be District Gazette concerned and the word 'notified' shall be construed accordingly;

(60) "non-revenue water" means water that has been produced and is "lost" before it reaches the customer or does not yield any revenue;

(61) "occupier" includes—

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

(ii) a rent-free occupant;

(62) "online service" means services of Municipality through electronic devices such as computer, computer network, computer resource and communication device or through any such other electronic device;

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

(64) "owner" means and includes—

(i) the person for the time being receiving or entitled to receive, whether on his own account or as agent, trustee, guardian, manager or receiver for another person or estate for any religious or charitable purposes, the rent or profits of the property in connection with which the word is used;

(ii) the person for the time being in charge of the animal or vehicle in connection with which the word is used;

(65) "population" means the population as ascertained at the latest census as published by the census authorities;

(66) "premises" means any land or building or part of a building or any hut or part of a hut, and includes —

(i) the garden, ground and outhouses, if any, appertaining thereto, and

(ii) any fittings or fixtures affixed to a building or part of a building or land or hut or part of a hut;

(67) "prescribed" means prescribed under the rules made under this Act;

(68) "private street" means any street, road, square, court, alley, passage or riding path, which is not a public street but does not include a pathway made by the owner of premises on his own land to secure access to, or the convenient use of, such premises;

(69) "public place" includes any path, garden or ground or any other place to which public have or are permitted to have access;

(70) "public street" means any street, road, square, court, alley, passage or riding path over which the public have a right of way whether a thoroughfare or not, and includes—

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

(ii) the footway attached to any such street, public bridge or causeway;
and

(iii) the drains attached to any such street, public bridge or causeway and the land, whether covered or not by any pavement, veranda, or other structure which lies on either side of the roadway upto the boundaries of the adjacent property whether that property is private property or property belonging to the Government;

(71) "public watercourse, springs, wells and tanks" include those used by the public to such an extent as to give a prescriptive right to such use;

(72) "qualifying date" means the first day of January of the year in relation to the preparation and publication of electoral roll under this Act.

(73) "re-construction of a building" includes—

(i) the re-erection, wholly or partially, of a building after more than one-half of its cubical contents have been taken down or burnt down or has fallen down whether at one time or not;

(ii) the re-erection, wholly or partially, of any building of which an outer wall has been taken down or burnt down or has fallen down to or within ten feet of the ground, adjoining the lowest storey of the building, and of any frame building which has so far been taken down or burnt down or has fallen down, so as to leave only the frame work of the lowest storey;

(iii) the conversion into a dwelling house or a place of public worship of any building not originally constructed for human habitation or for public worship as the case may be, or the conversion into more than one dwelling house of a building originally constructed as one dwelling house only or the conversion of a dwelling house into a factory, shop, office or warehouse;

(iv) the re-conversion into a dwelling house or a place of public worship or a factory of any building which has been discontinued as, or appropriated for any purpose other than a dwelling house or a place of public worship or a factory, as the case may be;

(74) "Regional Director" means the Regional Director-cum-Appellate Commissioner of Municipal Administration having jurisdiction over the Municipality concerned under this Act;

(75) "registered voter in the Municipality" means a person whose name appears in the electoral roll prepared and published under this Act;

(76) "residence" and "reside" means that a person is deemed to have his ordinary residence or to reside in any house, which includes a person using any portion thereof as a sleeping apartment; or a person merely absent to reside in any house but has a right or a liberty to return to such house at any time and has not abandoned his intention of returning;

(77) "Returning Officer" means an officer designated by the State Election Commission under this Act for conduct of elections to the offices under this Act;

(78) "rubbish" means dust, ash, broken brick, mortar, broken glass, and refuse of any kind which is not filth;

(79) "salary" means all pays or emoluments or payments and includes all allowances;

(80) "schedule" means the schedules annexed to this Act;

(81) "Scheduled Castes" mean such castes, races or tribes or parts of or groups within such castes, races or tribes as are notified to be Scheduled Castes under article 341 of the Constitution of India in relation to the State of Telangana;

(82) "Scheduled Tribes" mean such tribes or tribal communities or parts of or groups within such tribes or tribal communities as are notified to be Scheduled Tribes under article 342 of the Constitution of India in relation to the State of Telangana;

(83) "segregation" means sorting and separate storage of various components of solid waste, namely biodegradable wastes, non-biodegradable wastes and domestic hazardous waste;

(84) "self-assessment" means the act or process of analyzing and evaluating oneself and in connection with which the word is used;

(85) "self-certification" means an official statement that a person make about himself, especially while applying for municipal services;

(86) "sewage" means night soil and other contents of water closets, latrines, privies, urinals, cesspools or drains, and polluted water from sinks, bathrooms, stables, cattle sheds and other like places and includes trade effluents and discharges from manufactories of all kinds;

(87) "self-declaration" means the act of declaring something that is stated or made known in an official or public way by the individual;

(88) "single window system" is a facility to process the applications for permission through online by streamlining the different processes and approvals, in order to act as a single point of contact for requesting various services, submission of documents and payment of fees as prescribed;

(89) "slaughter house" means any place used for the slaughter of cattle, sheep, goats, or pigs for the purpose of selling the flesh thereof as meat;

(90) "slum" means a highly populated urban residential area consisting of closely packed temporary structures like kutcha or semi-pucca houses without any basic amenities like roads, drains, water supply, street light or health facilities and occupied by below poverty line families;

(91) "special officer" means any officer of the Government appointed as such for exercising powers and discharging functions under provisions of this Act;

(92) "State Election Commission" means the State Election Commission constituted in pursuance of article 243-K of the Constitution of India;

(93) "street alignment" means a line dividing the lands comprised in and forming part of a street from the adjoining land;

(94) "smaller urban area" means a Municipality with reference to various factors as provided in article 243-Q of the Constitution of India;

(95) "solid waste management" means the process of generating, collecting and treating the solid waste or semi-solid domestic waste, sanitary waste, commercial waste, institutional waste, catering and market waste and other non-residential waste, street sweeping, silt removed or collected from the surface drains, horticulture waste, agriculture and dairy waste, treated bio-medical waste excluding industrial waste, bio-medical waste and e-waste, battery waste, radioactive waste generated in the area under the municipality;

(96) "State Government" means the Government of Telangana;

(97) "Transferable Development Right or TDR" means an award specifying the built up area an owner of a site or plot can sell or dispose or utilize elsewhere, in lieu of surrendering land free of cost which is required to be set apart or affected for public purpose as per the Master Plan or in road widening or covered in recreational use zone, etc. and which was issued in the form of a certificate by Competent Authority;

(98) "Telangana State Industrial Project Approval and Self-Certification System (TS-iPASS)" means a body constituted under the Telangana State Industrial Project Approval and Self-Certification System (TS-iPASS) Act, 2014 meant for according clearances and approval for manufacturing proposals;

Act 3 of 2014.

(99) "Urban Development Authority" means any Urban Development Authority constituted under the Telangana Urban Areas (Development) Act, 1975 and includes Hyderabad Metropolitan Development Authority constituted under Hyderabad Metropolitan Development Authority Act, 2008;

Act 1 of 1975.

Act 8 of 2008.

(100) "voting machines" means any machine or apparatus whether operated electronically or otherwise used for giving or recording of votes and any reference to a ballot box or ballot paper in this Act or the rules made thereunder shall, save as otherwise provided be construed as including a reference to such voting machine wherever such voting machine is used at any election;

(101) "Vice-Chairperson" means the Vice-Chairperson of the Municipal Council and includes Deputy Mayor of Municipal Corporation elected under section 20 of this Act, and the term Vice-Chairperson shall be construed as Deputy Mayor wherever the context so requires with regard to the Municipal Corporation, unless otherwise provided;

(102) "Ward Committee" means a Ward Committee constituted under section 17 and 30 of this Act;

(103) "waste" means solid waste or semi-solid domestic waste, sanitary waste, commercial waste, institutional waste, catering and market waste and other non-residential waste, street sweeping, silt removed or collected from the surface drains, horticulture waste, agriculture and dairy waste, industrial waste, bio-medical waste and e-waste, battery waste, radioactive waste generated in the area under the Municipality;

(104) "water connection" includes-

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

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

(105) "Watercourse" means and includes any river, stream or channel whether natural or artificial;

(106) "water for domestic purposes" shall include water for domestic requirement including drinking water purposes 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 mechanical purposes;

(107) "year" means the financial year;

(108) The words and expressions used in this Act, but not defined shall have the meanings assigned to them in the relevant Acts.

CHAPTER II

CONSTITUTION AND COMPOSITION OF MUNICIPALITIES

Constitution of Municipalities.

3. (1) The Municipality shall be a body corporate having perpetual succession and a common seal. It can sue or be sued in its corporate name, acquire, hold and transfer property, enter into contracts and do all things which are necessary, proper or expedient for which it is constituted.

**Act 6 of 1965.
Act 25 of 1994.**

(2) From the date of commencement of this Act, all the Municipalities constituted under the Telangana Municipalities Act, 1965 and the Municipal Corporations constituted under Telangana Municipal Corporations Act, 1994 shall be deemed to have been constituted as Municipal Councils as specified in Schedule I and Municipal Corporations as specified in Schedule II under this Act, and the provisions of this Act shall apply to all such Municipalities constituted and deemed to have been constituted under this Act:

Telangana Act 5 of 2018.

Provided that in cases where a Gram Panchayat is already notified as a Municipality under section 3-A of the Municipalities Act, 1965, the elected body of such Gram Panchayat shall continue to be in existence until its term expires and exercise all such powers under the provisions of the Telangana Panchayat Raj Act, 2018, and on such date of expiry, it shall be deemed to have been constituted as a Municipality under this Act.

(3) The State Legislature may, by way of amendment to this Act, modify or add or alter schedule I or II of this Act so as to,-

(a) form a new Municipality by separation of local area from any Municipality, or by uniting two or more local areas or part of areas, or by uniting any local area to a part of Municipality;

(b) include within a Municipality any local area;

- (c) exclude from a Municipality, any area comprised therein;
- (d) constitute any local area as a Municipality;
- (e) alter the name of any Municipality;
- (f) revise the boundary of municipal area;
- (g) describe the boundaries of the Municipality;
- (h) abolish a Municipality.

4. (1) The Government may pass such orders as it may deem fit so as:-

(a) to the disposal of the property vested in a Municipality, which has ceased to exist, and the discharge of its liabilities; and

(b) to the disposal of any part of the property vested in a Municipality, which has ceased to exercise jurisdiction over any local area, and the discharge of the liabilities of the Municipality relating to such property, or arising from such local area;

(2) An order made under sub-section (1) of section (4) shall contain such supplemental, incidental and consequential provisions, as the Government may deem necessary, and, in particular, may direct;

(a) that any tax, fee or other sum due to the Municipality, or where a Municipality has ceased to exercise jurisdiction over any local area, such tax, fee, or other sum due to the Municipality, as relates to that area, shall be payable to such authorities, as may be specified in the order; and

(b) that appeals, petitions, or other applications, with reference to any such tax, fee or sum, which are pending on the date on which the Municipality ceased to exist or, as the case may be, on the date on which the Municipality ceased to exercise jurisdiction over the local area, shall be disposed of by such authorities, as may be specified in the order.

COMPOSITION OF MUNICIPALITIES

5. (1) In each Municipality, there shall be a Municipal Council or a Municipal Corporation having authority over the Municipality.

(2) The Municipal Council or the Municipal Corporation as the case may be, shall consist of such number of Ward Members elected in direct elections conducted to the Municipality, as specified in column No 4 of the Schedule-I and Schedule-II respectively.

(3) In addition to the elected members specified in sub-section (2), the following shall also be members in the Municipality:

(a) Member of the Legislative Assembly of the State, representing the constituency, of which a Municipality or a portion thereof forms part,

(b) Member of the House of People, representing the constituency of which a Municipality or a portion thereof forms part:

Provided that a Member of the Legislative Assembly, and a Member of the House of People, representing a constituency which comprises more than one Municipality, including a part of any Municipality, shall be the ex-officio member of one such Municipality, which he/she chooses within a period of thirty (30) days from the date of conduct of ordinary elections to the Municipality, or from the date of election as a Member of Legislative Assembly or of the House of People as the

**Power of
Government
over property
of
Municipalities.**

**Composition of
Municipality.**

case may be, by notice, in writing, duly signed by him and delivered to the Commissioner of that Municipality:

Provided further that the intimation so delivered shall be final and irrevocable, and in default of such intimation within the aforesaid period, the District Election Authority shall decide the Municipality and inform the Member of Legislative Assembly or of the House of People as the case may be.

(c) Member of the Legislative Council of the State:

Provided that a member-

(i) elected to the Legislative Council by the electorate of local authorities as provided in article 171 (3) (a) of the Constitution of India,

(ii) elected to the Legislative Council by the electorate consisting of graduates as provided in article 171 (3) (b) of the Constitution of India,

(iii) elected to the Legislative Council by the electorate consisting of the teachers as provided in article 171 (3) (c) of the Constitution of India,

(iv) elected to the Legislative Council by the members of the Legislative Assembly as provided in article 171 (3) (d) of the Constitution of India, and

(v) nominated by the Governor as provided in article 171 (3) (e) of the Constitution of India shall choose to be an ex-officio member of any one of the Municipalities in his jurisdiction within a period of thirty days from the date of conduct of ordinary elections to the Municipality, or from the date of election as a Member of Legislative Council, as the case may be, and deliver to the Commissioner of that Municipality, by notice, in writing, duly signed by him:

Provided further that the intimation so delivered shall be final and irrevocable, and in default of such intimation within the aforesaid period, the District Election Authority shall decide the Municipality and inform the Member of Legislative Council;

(d) Member of the Council of States:

Provided that a member of the Council of the State shall choose to be an ex-officio member of any one of the Municipalities in the State within a period of thirty days from the date of conduct of ordinary elections to the Municipality, or from the date of election as a Member of Council of State as the case may be, and deliver to the Commissioner of that Municipality, by notice, in writing, duly signed by him:

Provided further that the intimation so delivered shall be final and irrevocable, and in default of such intimation within the aforesaid period, the District Election Authority shall decide the Municipality and inform the Member of Council of States;

(e) The ex-officio members referred to in clauses (a), (b), (c) and (d) shall have the right to speak and take part in the proceedings of any meeting of the Municipalities within the jurisdiction, and shall have right to vote in the Municipality he / she has chosen.

(4) Two persons in the case of municipal council and three persons in case of Municipal Corporations having special knowledge or experience in municipal administration co-opted by the members specified in sub-sections (2) and (3), as prescribed and the persons should be the registered voters in the Municipality and they should possess the age not less than twenty one (21) years as on the date of notification and one amongst them shall be a woman.

(5) Two persons belonging to minority community co-opted by the members specified in sub-sections (2) and (3) as prescribed and the persons should be the registered voters in the Municipality and they should possess the age not less than twenty one (21) years as on the date of notification and one amongst them shall be a woman:

Provided that while co-opting members from minority community, preference shall be given to such members who are not represented in the municipality through direct elections:

Provided further that the members co-opted under sub-sections (4) and (5) shall have a right to participate in the meetings of the Municipality but shall have no right to vote.

(6) In the event of any member of the Municipality getting elected as a Member of the Legislature of the State or of Parliament or any other elected post, he shall submit his resignation as member of the Municipality or the newly elected post of Legislature of the State or of Parliament or any other elected post, within a period of 15 days from the date of such election. In the absence of such resignation he shall be deemed to have resigned from the office of member of the Municipality.

6. (1) All the seats in the Municipality shall be filled by persons chosen by direct election, and for this purpose, each municipality shall be divided into such number of wards as mentioned at sub-section (2) of section 5 on territorial basis as prescribed by notification in such a manner that all wards shall have, as far as practicable, equal number of voters and one member shall be elected from each ward, and,

(a) determine the wards in which the seats, if any, reserved under sub-section (1) of section 6 shall be set apart; and

(b) declare for whom such seats are reserved.

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

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

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

(5) When a new ward is formed, or when an existing ward is abolished, the Government may determine following the procedure under section 3(3) of this Act:-

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

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

7. (1) In every Municipality, out of the total strength of elected members determined under sub-section (2) of section 5 in the manner prescribed, seats shall be reserved-

(a) in favor of Scheduled Tribes and Scheduled Castes in proportion to their respective population of the Municipality, and

(b) in favor of Backward Classes:

Division of Municipalities into wards for the purpose of election of members of the Municipal Council

Reservation of seats.

Provided that, the total reservations shall not exceed 50 percent of the total number of seats of the municipality.

(2) (a) 50% of the total number of seats reserved for Scheduled Tribes, Scheduled Castes and Backward Classes under sub-section (1) shall be reserved for women belonging to the Scheduled Tribes, Scheduled Castes and Backward Classes respectively.

(b) 50% of the total number of seats under sub-section (1) including the reservations made under clause (a) of sub-section (2) shall be reserved for women.

(3) The reservations referred to in sub-sections (1) and (2) shall be made by rotation in the manner prescribed in the rules made under this Act and shall continue to remain for two consecutive terms commencing from the first ordinary elections held under this Act.

Oath of the members.

8. (1) Every person who is elected as a member shall, before taking his seat, make and subscribe at a meeting of the Municipality an oath or affirmation of his allegiance to the Constitution of India, before such authority and in such form as prescribed by the Government.

(2) Where a member fails to take the oath or affirmation prescribed in sub-section (1) within three months of the date on which his term of office commences, or at one of the first three meetings held from the said date whichever is later, ceases to hold his office and his seat shall be deemed to have become vacant.

Action by Commissioner and member after the member ceases office.

9. (1) Where a member ceases to hold office under section (8), the Commissioner shall report the same to the Council at its next meeting.

(2) If the member who failed to take an oath or affirmation under section (8) makes any application within thirty days of the date on which he has ceased to be a member, the council may grant him further time which shall not be more than three months for making the oath, and if he makes the oath within the extended time given by the Council, he shall continue to hold his office.

Term of office of members of Municipality.

10. (1) Save as otherwise provided in this Act, the term of office of elected members at ordinary elections shall be five years from the date of the first meeting of the Municipality, after the ordinary elections.

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

(3) The process for election of elected members to any ordinary vacancies shall commence three months before the occurrence of such vacancy.

(4) A member elected at a direct election held after the occurrence of a vacancy, shall enter upon office forthwith, but shall hold office only as long as the member in whose place he is elected would have been entitled to hold office, if the vacancy had not occurred.

Qualifications of candidates.

11. (1) Subject to the provisions of this Act, a person shall be qualified for election as a member only if his name appears on the electoral roll for the Municipality, and if he is not less than twenty-one (21) years of age.

(2) Any person who ceases to be a member shall, if qualified, under sub-section (1) and not otherwise disqualified, be eligible for re-election as such.

12. A person shall be disqualified for being chosen as, or for being, a member of a Municipality, if he is disqualified by or under any law for the time being in force, for the purpose of elections to the legislature of the State and others specified in Schedule IV.

General disqualifications.

13. (1) Where any voter or local authority makes a complaint to the Commissioner that any person who is elected as a member has not qualified or has become disqualified under section 12, the Commissioner shall on such complaint or suo-moto shall enquire into such complaint after giving an opportunity and notice to the concerned member and pass order on merits of the complaint received and communicate the same to the concerned member either disqualifying the member or otherwise.

Authority to decide questions of disqualification of members.

(2) In the event the concerned member is aggrieved by any such order, such member may approach by way of appeal before the District Court within a period of 30 days from the date of receipt of the order. The District Court shall after giving notice to the aggrieved appellant, dispose of the same within a period of three months. The District Court shall also have power to condone the delay on filing proper application and satisfying the sufficient cause. Pending disposal of the appeal, the member shall continue as such.

14. (1) Where a Municipality is constituted for the first time, the Government may appoint a Special Officer to exercise the powers, perform the functions and discharge the duties of the Council until the elected members assume the office and elects the Chairperson.

Special provision in the case of newly-constituted and reconstituted municipalities.

(2) The Special officer shall report to the State Election Commission for the conduct of elections to the Municipalities so that the elected members and the Chairperson come into office on such dates as may be specified by the Government by an order made in this behalf:

Provided that the Government may, from time to time, postpone the date within a period of six months so specified, if for any reason, the elections cannot be completed before such date.

(3) The provisions of sub-sections (1) and (2) shall, so far as may be, apply to all cases of reconstitution of municipalities, unless otherwise provided in this Act.

15. (1) Every vacancy either by way of death, resignation or disqualification in the office of an elected member shall be reported by the Commissioner to the State Election Commission within fifteen (15) days from the date of occurrence of such vacancy and shall be filled within four (4) months from that date.

Vacancies of members.

(2) A member elected in a vacancy shall enter upon office forthwith, but shall hold office for the remaining period, in whose place he is elected.

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

16. (1) Where an election held under section 12 or section 15, and no member is elected, the State Election Commission in consultation with the State Government, may fix a fresh election date.

Procedure when no member is elected.

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

Appointment of Committees.

17. (1) In every Municipality, Ward Committees shall be constituted for every ward separately representing (i) youth, (ii) women, (iii) senior citizens and (iv) other eminent people from the ward to consider and advise on the issues referred to them. Each of the committees may consist of 15 members.

(2) The duties, responsibilities and related matters of the committees shall be such as provided under sections 30 and 31 and as may be prescribed by the Government.

Acts of the Municipality not to be invalidated by defect in constitution and vacancy.

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

MUNICIPAL AUTHORITIES**Municipal Authorities.**

19. Subject to the provisions of this Act, the municipal authority will be the Council.

Election of Chairperson and Vice-Chairperson.

20. (1) In terms of the rules prescribed under this Act, the elected members referred to in sub-section (2), and ex-officio members referred in clauses (a) (b) (c) of sub-section (3), of section 5 of this Act, shall elect one of its elected members to be its Chairperson and another to be its Vice-Chairperson in the case of Municipality; and to be its Mayor and another to be its Deputy Mayor in case of Municipal Corporation at the first meeting of the municipality, after elections. They will be elected by show of hands on party whip. If the Chairperson or Mayor and Vice-Chairperson or Deputy Mayor are not elected in such meeting, the fresh election shall be held on the consecutive day. The names of the persons so elected shall be published in the prescribed manner. Any vacancy in the said offices shall be filled in the same manner as a casual election, and the persons so elected in such vacancy shall enter upon office forthwith and holds office for the remaining period of the person in whose place he is elected.

(2) A member voting under sub-section (1) in disregard or disobedience of the party whip shall cease to hold office and the vacancy caused by such cessation shall be filled as a casual vacancy.

(3) The Chairperson or Mayor and the Vice-Chairperson or Deputy Mayor as the case may be, shall assume the office on his being declared as such, and hold office in accordance with the provisions of this Act, unless resigned or removed on any other reason in accordance with the provisions of the Act.

Resolution of disputes relating to cessation for disobedience of party whip.

21. Where a member ceases to hold office for disobedience of the party whip, he may apply to the District Court having jurisdiction over the area in which the Municipality is situated for a decision

Oath of the office of the Chairperson or Mayor.

22. The Chairperson or Mayor before assuming office shall take the oath of secrecy in such form and administered by such officer, as may be prescribed.

23. (1) The Chairperson shall be the Presiding Officer of the Municipal Council. The Chairperson shall get himself acquainted with the provisions of the Act within a period of three months on assumption of office and thereupon be responsible to,-

Duties and Responsibilities of the Chairperson.

(a) convene the meeting of the Municipal Council once in a month and at such other times as requisitioned in writing by not less than 50% of total members of council;

(b) set the agenda for the council meeting;

(c) refer any resolution of the Council for its reconsideration which, in his opinion, is in excess of the powers of the Council or inconsistent with any law.

(2) The Chairperson shall also be responsible to,-

(a) maintain sanitation, water supply and proper street lights in the town;

(b) ensure door-to-door garbage collection from all residential and commercial establishments; and scientific process and disposal of municipal solid waste and liquid waste;

(c) constitute green cell and earmark 10% of funds in the budget and take up plantation and cause development of nurseries and species in the Municipality as decided by the District level committee headed by the District Collector and take up plantation in his / her ward and ensure survival of 85% of such plantations;

(d) development and maintenance of parks and protection of water bodies;

(e) protection of Government land and open spaces;

(f) take action for closure of annual accounts and audit of accounts every year;

(g) take action for removal of encroachments on municipal properties;

(h) take action to reduce non-revenue water and transmission loss of water and reduce usage of power bores, wherever not required;

(i) encourage construction of rain water harvesting structures and compliance with energy savings buildings including ECBC and cool roofings as prescribed;

(j) exercise the powers and perform the functions specifically conferred or imposed on him by this Act and rules made thereunder;

(k) sign the minutes of the council meeting immediately thereafter within 24 hours; and

(l) exercise any other power and perform any other function, as directed by Government from time to time.

24. (1) A District Level Committee headed by the District Collector and consisting of District Forest Officer (Social Forestry) or equivalent level officer in charge of Haritha Haaram and respective Commissioners shall draw up ward-wise and Municipality wise "green action plan" year wise for a period of 5 years which will clearly specify number of plants to be planted, keeping in mind the area, topography and availability of all possible spaces available for taking up plantations. The committee shall accordingly decide the size and location for setting up the municipality nursery which will be sufficient to meet the requirements of the municipality. The committee shall also decide the district specific plants and species to ensure maximum survival and growth of these plants. A campaign to propagate plantation involving all possible advertising means such as hoardings, cinema slides and other such means shall be taken up to keep up the momentum.

Municipality wise "Green Action Plan".

(2) The cost of maintaining the nursery and taking up plantations and their survival shall be met from the "Green Budget" earmarked in the municipality budget.

(3) The Chairperson or the Mayor and the Commissioner shall be responsible for setting up the nursery to take care of the requirements of the municipality. The nursery should be able to meet the year wise requirements of the municipality anytime for a period of 5 years and additional capacity to meet the requirements also by the households to take up plantations within their individual plot premises. These saplings will be provided free of cost.

(4) The Commissioner shall designate special officers for ward(s) so as to cover all the wards who will be responsible for taking up the plantation and ensuring their survival in accordance with the municipality wise action plan.

(5) The ward member shall be responsible for taking up the plantations in his or her ward as per the 'municipal green action plan' and ensuring their survival.

(6) It shall be the responsibility of the ward member and the special officer to ensure 85% survival of plants. Likewise, it shall be the responsibility of the Chairperson or the Mayor and the Commissioner to ensure proper upkeep and growth of nursery. The District Collector shall have the power to form flying squads and take up regular inspections of these plantations ward wise and the state of Nursery.

(7) In all such cases where the survival is less than 85% and or there is no or lackadaisical involvement of the ward member or the special officer resulting in poor survival of plants, the ward member shall be disqualified and removed and likewise, the special officer shall be removed from service by the District Collector for his or her failure to ensure 85% survival of plantations.

Function of Chairperson to incur contingent expenditure.

25. The Chairperson may incur such contingent expenditure incidental to the municipal administration, as may be prescribed and report such expenditure incurred along with the reasons therefor to the Municipality at its next meeting:

Provided no such expenditure shall be incurred in the absence of the provision under the relevant head of account in the budget, or where such expenditure was expressly prohibited by the Municipality.

Emergency powers of the Chairperson.

26. No Chairperson shall direct the execution of any work or the doing of any act, which requires the sanction of the Municipal Council, unless it is done in consultation and with the approval of District Collector whenever there is such emergency which is necessary for the service or safety of the public, and may direct that the expense of such act shall be paid from the municipal fund and report the action taken to the Municipality at its next meeting:

Provided that:

(I) he shall not act in contravention of any resolution of the Municipal Council, prohibiting the execution of any particular act;

(II) he shall not direct the execution of any work to which the expenditure exceeds such an amount, as prescribed under the Rules, from time to time.

Delegation and devolution of functions of Chairperson.

27. The Chairperson may, by an order in writing, delegate any of his functions to the Vice-Chairperson, and any of his administrative functions to the Commissioner:

Provided that he shall not delegate any functions, which the Municipality expressly forbids him to delegate. The powers delegated shall be subject to the rules prescribed under the Rules.

28. (1) Out of the total number of offices of Chairpersons in the State, 50 percent of the seats shall be reserved for Scheduled Tribes, Scheduled Castes and Backward Classes, and the reservations for Scheduled Tribes and Scheduled Castes shall be made in proportion of the population of Scheduled Castes and Scheduled Tribes to total population of all the Municipal councils in the State and to Backward Classes, so that the total reservations shall not exceed more than 50 percent of the total number of the offices of the Chairperson.

Reservation of the office of the Chairperson.

(2) (a) 50% of the total number of offices of Chairperson reserved for Scheduled Tribes, Scheduled Castes and Backward Classes under sub-section (1) shall be reserved for women belonging to the Scheduled Tribes, Scheduled Castes, or the Backward Classes respectively, in the manner prescribed;

(b) 50% of the total number of offices, including the number of offices reserved for women belonging to the Scheduled Tribes, Scheduled Castes and Backward Classes under sub-section (2)(a) shall be reserved for women in the manner prescribed.

(3) The reservation referred in sub-sections (1), (2)(a) and (2)(b) shall be made by rotation to different Municipalities in the manner prescribed and shall remain for two consecutive terms, commencing from the first ordinary elections held under this Act.

29. (1) Out of the total number of offices of Mayors in the State including the Mayor of Greater Hyderabad Municipal Corporation constituted under Greater Hyderabad Municipal Corporation Act, 1955, fifty (50) percent of the seats shall be reserved for Scheduled Tribes, Scheduled Castes and Backward Classes, and the reservations for Scheduled Tribes and Scheduled Castes shall be made in proportion of the population of Scheduled Castes and Scheduled Tribes to total population of all the Corporations in the state and to Backward Classes, so that the total reservations shall not exceed more than 50 percent of the total number of the offices of the Mayors.

Reservation of the office of the Mayor.

Act II of 1956.

(2) (a) 50% of the total number of office of Mayors reserved for Scheduled Tribes, Scheduled Castes, and Backward Classes under sub-section (1) shall be reserved for women belonging to the Scheduled Tribes, Scheduled Castes or the Backward Classes respectively, in the manner prescribed;

(b) 50% of the total number of offices, including the number of offices reserved for women belonging to the Scheduled Tribes, Scheduled Castes and Backward Classes under sub-section (2)(a) shall be reserved for women in the manner prescribed.

(3) The reservation referred in sub-sections (1), (2)(a) and (2)(b) shall be made by rotation to different Corporations in the manner prescribed and shall remain for two consecutive terms, commencing from the first ordinary elections held under this Act.

30. (1) There shall be constituted (4) four Ward Committees for each ward of the Municipality in the manner as prescribed under section 17.

Constitution of Ward Committees.

(2) Each Ward Committee shall consist of a maximum of 15 members consisting of residents from the ward and from among the resident welfare associations, community based organizations, other such groups and individuals, by rotation annually and shall be entrusted with taking up issues pertaining to each of these groups pertaining to that ward.

(3) These ward committees shall meet once in a quarter and the salient issues raised by them pertaining to their ward be placed before the next council meeting.

Functions of the Ward Committee.

31. (1) The Ward Committee constituted in a ward, shall take up issues pertaining to each of the groups which the particular ward committee represents and among others will discuss on,-

- (a) upkeep and maintenance of sanitation and solid waste management,
- (b) tree plantations, Haritha Haram and survival of at least 85% plants;
- (c) maintenance of water supply;
- (d) maintenance of parks, playgrounds, public toilets and market places;
- (e) facilitate collection of taxes, fees and other such dues to the municipality;
- (f) unauthorised constructions and encroachments and taking it up with the authority to have them demolished;
- (g) discourage use of plastics;
- (h) encourage art and cultural activities, sports and games.

(2) The minutes of the meeting shall be drawn and placed in the next council meeting for discussion and the Municipal Commissioner shall be responsible for placing the minutes in the next council meeting.

Postponement of casual elections to the office of Chairperson, Vice-Chairperson and Members.

32. Notwithstanding anything in this Act, or the rules made thereunder, it shall be lawful for the Government to postpone, from time to time, by general or special order, and for reasons specified therein, any election to fill a vacancy to the office of Chairperson or Vice Chairperson or member of a municipality:

Provided that the total period of such postponement shall in no case exceed six months.

Cessation of the office of Chairperson and Vice-Chairperson.

33. The Chairperson or Vice Chairperson shall cease to hold office on his becoming disqualified or on his removal or on the expiry of his term or on his otherwise ceasing to be Chairperson and Vice-Chairperson; and the Member shall cease to hold office on the expiry of the term of office as a member or his otherwise ceasing to be a member.

Procedure when office of Chairperson is vacant.

34. (1) Where the office of the Chairperson falls vacant, the Vice-Chairperson shall perform the functions of the Chairperson until a new Chairperson is elected and assumes the office. Immediately on the occurrence of such vacancy, the Commissioner shall notify the vacancy to the State Election Commission to conduct elections for the vacancy of the office of the Chairperson.

(2) Where the office of the Chairperson is vacant and there is vacancy in the office of the Vice-Chairperson, or the Vice-Chairperson has been continuously absent from the jurisdiction for more than fifteen (15) days, or is incapacitated for

any reason for more than fifteen (15) days, the person authorized by the Government or the District Collector, shall, notwithstanding anything in this Act or in the rules and notifications issued thereunder, exercise the powers and perform the functions of the Chairperson until a new Chairperson or Vice-Chairperson is elected, or the Vice-Chairperson returns to jurisdiction, or recovers from any such incapacity.

35. All elections of members, Chairperson, and Vice-Chairperson shall be notified, in the prescribed manner.

Notification of elections.

36. (1) Any member, Chairperson or Vice-Chairperson may resign by submitting his resignation letter in writing to the Commissioner and such resignation shall be accepted by the District Collector after making due enquiry from such member, Chairperson and Vice-Chairperson, and after the expiry of three days.

Resignation of Member, Chairperson and Vice-Chairperson.

(2) Such resignation shall take effect on the expiry of three working days from the date of such resignation, unless such a resignation is withdrawn within the said period of three working days, in writing to the Commissioner:

Provided that if any member, the Chairperson or the Vice-Chairperson is unable to deliver the letter of resignation to the Commissioner in person due to ill health or any other reasons, and delivered through post or through courier service, then such letter shall have to be attested by a Gazetted Officer and can be sent through a registered post and the period of such three days shall commence from the date of receipt of such a resignation.

37. A motion expressing want of confidence in the Chairperson and/or the Vice-Chairperson may be made by giving a written notice of intention to move the motion, in such form as specified under the Rules, signed by not less than one-half of the total number of members of the Municipality having right to vote, together with a copy of the proposed motion, to the District Collector concerned, in accordance with the procedure prescribed under the Rules:

Motion of no confidence in Chairperson and Vice-Chairperson.

Provided that no notice of motion under this section shall be made within three (3) years of the date of assumption of office by the person against whom the motion is sought to be moved:

Provided further that if the motion is not carried by two-thirds majority or if the meeting could not be held for want of a quorum, no notice of any subsequent motion expressing want of confidence in the same person shall be made until after the expiration of one year from the date of such first meeting.

38. (1) There shall be a Commissioner for a Municipality, appointed by the Government, who shall be the Chief Executive of the Municipality:

Appointment of Commissioner.

Provided that a person holding the office as the Commissioner of a Municipality prior to the commencement of this Act, shall be deemed to have been appointed by the Government as the Commissioner under this sub-section.

(2) The classification and methods, recruitment, conditions of service, pay and other allowances and disciplinary conduct of the officers, under sub-section (1), shall be subject to the rules made by the Government:

Provided that the conditions of service, pay and other allowances of a person holding office as the Commissioner, immediately before the commencement of this Act, shall not be varied to his disadvantage.

(3) The Government shall, from the Consolidated Fund of the State, pay the salaries, allowances, leave allowances, pension and contributions, if any, towards the provident fund, or provident-cum-pension fund of the officers appointed under sub-section (1).

Power to call for records.

39. The Commissioner shall produce all such documents which are in his/her custody for the examination by the Municipal Council as and when they are needed for public purpose.

Presidency of Municipality.

40. (1) Every meeting of the Municipal Council shall be presided over by the Chairperson, or in his absence, by the Vice-Chairperson, and in the absence of both the Chairperson and the Vice-Chairperson, if there is quorum, one of its members present may be chosen to preside for the meeting.

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

(3) If the conduct of a member in the meeting of the Council is not in order in the opinion of the Chairperson, he may direct such member to withdraw from the meeting of the Municipal Council for the day. But where a person ordered to withdraw, continues to remain in the meeting the Chairperson shall take steps to cause such member removed.

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

(5) Where a member who disregards the authority of the chair or abuses the procedural rules, bye-laws or regulations of the Municipality by persistently and willfully obstructing the business thereof, the Chairperson if deems it necessary shall put the question that the member by naming him, be suspended from functioning, after affording reasonable opportunity of hearing the said member, for a period not exceeding three consecutive months, reckoned from the date of that meeting:

Provided that the Municipal Council may, at any time, resolve that such suspension be terminated. A member suspended under this sub-section shall forthwith withdraw from the precincts of the proceedings of the meeting.

Explanation: The Chairperson in this section includes the Vice-Chairperson, or any member presiding for the occasion.

Payment of honorarium and conveyance allowance to Chairperson and Vice-Chairperson and conveyance allowance to Members.

41. For any Municipality, payment of honorarium and conveyance allowance to the Chairperson and the Vice-Chairperson and conveyance allowance to every member shall be paid out of the Municipal fund, at such rates, as may be prescribed under the Rules.

Training for the Chairperson and Ward Members.

42. All ward members, Vice-Chairperson, Chairperson elected under this Act shall undergo training initially and on regular intervals, on department activities and functions of municipal institutions, on provisions of this Act and the rules made thereunder, in the manner prescribed.

ORGANIZATIONAL STRUCTURE OF MUNICIPALITY**MUNICIPAL ESTABLISHMENT**

43. (1) Notwithstanding anything contained in this Act or any other law in force, the Government as prescribed under the Rules may constitute a Common Municipal Service for the State for various cadres of the Officers and employees other than temporary employees of Municipalities including Greater Hyderabad Municipal Corporation constituted under Greater Hyderabad Municipal Corporation Act, 1955, Urban Development Authorities constituted under Telangana Urban Development Authorities Act, 1975 and Hyderabad Metropolitan Development Authority constituted under Hyderabad Metropolitan Development Authority Act, 2008.

**Constitution of
Telangana
Common
Municipal
Service.
Act II of 1956.
Act 1 of 1975.
Act 8 of 2008.**

(2) The Government shall have power to make rules to govern the classification, methods of recruitment, qualification, conditions of service, pay and allowances, trainings, discipline and conduct and other service conditions of the Common Municipal Service.

44. Notwithstanding anything contained in this Act or any other law for the time being in force, the Government shall have the power to transfer any officer or employee of any Municipality including Greater Hyderabad Municipal Corporation and any other Urban Development authorities including Hyderabad Metropolitan Development Authority:

**Power to
transfer of
officers and
employees.**

Provided the Government may delegate this power to any authority in the State, if considered in each such case.

45. Government shall,-

(i) appoint any other officers to assist the Commissioner, to perform the functions relating to engineering, town planning, health, taxation, finance, audit, vigilance and any other functions under the Act, as may be prescribed;

(ii) appoint any category of employees in the Municipality other than those referred in clause (i) and may delegate powers to the authorities in the manner prescribed;

(iii) sanction posts considered necessary to run the administration in the Municipality from time to time, and while according such sanction, the Government may give due regard to the necessity and financial soundness of the Municipality;

(iv) fix cadre strength and staffing pattern in the Municipalities.

**Appointment
of officers and
employees in
the
Municipality.**

46. (1) If the Government is of the opinion that the services of particular class of state Government employees are required to perform the duties of the Municipality, shall place the services of such Government employee at the disposal of the Municipality and the Municipality shall pay the salary and other benefits as entitled to receive under the normal foreign service deputation Rules as prescribed.

**Government
employees on
Lien /
Deputation to
Municipality.**

(2) The Government is the competent authority for taking disciplinary action or in respect of employees of the Government on deputation / lien to Municipality under sub-section (1), and such action, if any, shall be in accordance with the provisions under the Act.

47. The Government may prescribe general code of conduct for the elected representatives and the employees of Municipality for the purpose of smooth functioning of day to day administration.

**Code of
Conduct of the
elected
representatives
and the
employees of
the
Municipality.**

Control of District Collector and Municipal Commissioner over Officers and other employees and their liability.

48. (1) Subject to the provisions of this Act and the rules made thereunder for the time being in force, the Municipal Commissioner shall specify the duties of the officers and employees of the municipality and shall exercise supervision, control and shall initiate disciplinary actions over them in the manner prescribed.

(2) Every employee of the Municipality shall be personally liable for the loss, waste, misapplication of rules or orders or misappropriation of money or any other property. If such loss or waste or misapplication or misappropriation is a direct consequence of the neglect or misconduct in his/her capacity as employee of the Municipality, appropriate action for the same may be instituted against him or her including recovery of loss sustained by the Municipality.

(3) The District Collector, may suspend Municipal Commissioner or any other employees if in his/her opinion the said officer has failed to carry out the duties as entrusted under sections 52, 53, 54, 55, 57, 58 and 61 of this Act or for any other form of impropriety or dereliction of duties. In addition, the District Collector can also initiate disciplinary action against the said officer/s.

Essential Municipal Services.

49. The Government may prescribe rules for essential municipal services under this Act and no officer or employee temporary employee including outsourced contract personnel of the municipality shall,-

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

(b) willfully neglect or refuse to perform any of the duties assigned to him.

Salary and allowances of officers and employees.

50. Necessary provisions to this effect shall be carried out while preparing annual budget as part of obligatory expenditure under section 107.

DUTIES AND RESPONSIBILITIES OF MUNICIPALITY

Vesting of municipal administration.

51. Subject to the provisions of this Act, the administration of the Municipality shall vest in the Municipal Council for this purpose and the Municipal Council shall exercise such powers and perform such functions, other than those specifically conferred on the Chairperson or the Commissioner, as conferred under this Act and the rules made thereunder.

Duties and Responsibilities of the Municipality.

52. The Municipal Commissioner, on behalf of the Municipality, shall perform the following functions:-

(1) Any developmental activities or Urban planning, including town planning-

(a) preparation and implementation of master plan;

(b) planned development of new areas for human settlement;

(c) regulation of land use and construction of buildings;

(d) integration of the development plans and schemes of the municipal area with the district or urban development plan or metropolitan development plan, if any;

(e) measures for beautification of the municipal area such as setting up parks, green spaces, providing recreational areas, improving river banks and landscaping and other such measures;

(f) regulation of markets;

(g) survey of lands and buildings;

(h) preparation and maintaining up-to-date data of appropriate maps and records of lands on Geographical Information System platform.

(2) regulation of land use and construction of buildings-

(a) ensuring construction and development in accordance with the plan and land use pattern;

(b) regulation of unauthorized buildings.

(3) Construction and maintenance of roads, drains and bridges-

(a) improve or repair the same ensuring public safety or convenience;

(b) divert or close public roads;

(c) widen or expand roads ensuring traffic flow pattern.

(4) Water supply for domestic, industrial and commercial purposes:

Provided that individual tap connections, reduce non-revenue water, undertake water audit, and maintain GIS-based water network and asset data base.

All staff working in the municipality in the engineering wing whether borne in the cadre of municipality or on deputation from other departments shall directly report to the Commissioner and work under his or her direct superintendence.

(5) Public health, sanitation, conservancy and solid waste management-

(a) construction of individual household toilets, public toilets, community toilets and SHE toilets to make municipalities open defecation-free;

(b) sewerage and sewage treatment;

(c) faecal sludge and septage management;

(d) waste water treatment and recycling;

(e) prevention and control of infectious and communicable diseases;

(f) public vaccination;

(g) construction, maintenance and regulation of municipal markets and slaughterhouses;

(h) reclamation of unhealthy localities, removal of noxious vegetation and abatement of all nuisances;

(i) maintenance of all public tanks and regulating the excavation, repair and up-keep of all private tanks, wells and other sources of water-supply on such terms and conditions, as the municipality may deem proper;

(j) door-to-door garbage collection, promote segregation of waste at source, regular sweeping and cleaning of the streets and removal of sweepings therefrom, safe transportation of waste, scientific treatment and disposal with emphasis on recycling and upcycling, as per the rules prescribed from time to time;

(k) minimising usage of plastic and safe and scientific management of plastic waste and its disposal;

(l) safe management of construction and demolition waste;

(m) regulate management of bio-medical waste and e-waste, as per the rules prescribed by the Government of India or State Government;

(n) promotion of measures for abatement of all forms of pollution, including air pollution;

(o) removal and disposal of excrement and other filthy matter, and of all ashes, refuse and rubbish;

(p) controlling unauthorized and illegal hoardings and other advertisements and take action against the concerned.

(6) Urban forestry and urban lung spaces, protection of environment and promotion of ecological aspects-

(a) construction and maintenance of parks, open spaces, gardens, and playgrounds;

(b) protection of environment including planting of trees in wards, open spaces, on road sides;

(c) reclamation of waste lands, promotion of social forestry and maintenance of open spaces;

(d) lake and water body protection and development;

(e) establishment and maintenance of nurseries and promotion of greenery.

(7) Slum improvement and up-gradation-

(a) improvement of notified and identified slums; and

(b) de-notification of developed slums.

(8) Night shelter for urban homeless.

(9) Provision of urban amenities and facilities such as community halls, sports complexes and bus shelters.

(10) Promotion of cultural, educational and aesthetic aspects

Promotion of cultural activities, including music, physical education, sports and theatres, and infrastructure therefor.

(11) Development of burial grounds, Vaikunta Dhamams and electric crematoriums and to arrange "vaikuntaratham" or a vehicle for transportation of the deceased to perform the final rites.

(12) Vital statistics including registration of births and deaths.

(13) Public amenities, including street lighting, parking spaces, bus stops and public conveniences-

(a) conversion of conventional street lights into energy-efficient lighting mode;

(b) development of road junctions, medians and parking spaces;

(c) establishment and maintenance of destitute homes, night shelters and shelters for exigencies;

(d) community welfare activities, campaigns for dissemination of information vital for public welfare;

(e) perform functions relating to public transport including encouraging environment friendly vehicles.

(14) Regulation and scientific management of slaughterhouses and tanneries.

(15) Use of Information Technology in service delivery and citizen centric services.

(16) Census-related functions.

(17) Perform any other function or responsibility as entrusted by the State Government from time to time.

53. (1) The Commissioner shall be the Chief Executive of the Municipality and shall perform the functions as prescribed under section 52 of this Act and as entrusted by the State Government from time to time.

Duties and Responsibilities of the Municipal Commissioner.

(2) The Commissioner shall be responsible for carrying out the instructions given by the Government from time to time, in relation to the provisions of this Act.

(3) The Commissioner may incur, in each case, contingent expenditure incidental to the administration of the Municipality as prescribed.

(4) The commissioner shall ensure that the municipality is kept clean from illegal and unauthorized hoardings and other such advertisement material which is put up without the proper authorization from the authority. Action shall be initiated against those putting up such unauthorized advertisement materials and also against the concerned municipal staff for their failure to prevent. These not only add to lack of general upkeep and sanitation but more importantly, are dangerous from human safety point of view in view of unscientific erection and instability.

(5) The Commissioner shall work under the overall control and superintendence of District Collector.

54. The functions referred to in section 53 shall be performed by the Municipal Commissioner through various employees of the Municipality. More specifically, all the engineering staff working in the municipality including those on deputation or from other departments shall work under the direct superintendence and control of the Commissioner. The Commissioner will be the disciplinary authority to initiate action against any of such engineering staff found neglecting his duties or for his failure to perform the duties as entrusted and in the manner prescribed.

Responsibilities of various Functionaries of the Municipalities.

55. The Commissioner shall be the authority to conclude and proceed with all contracts which have already been approved either by the Municipal Council or the Government, as the case may be subject to the rules made under this Act. The methodology of procurement of goods and services shall be standardized and will be based on a transparent process of procurement.

Authority to contract.

56. (1) Every ward member shall,-

(a) ensure proper sanitation, water supply, and street lights in his or her respective ward;

(b) ensure door-to-door garbage collection from all residential and commercial establishments and ensure in situ composting for wet waste and processing of dry waste at ward level;

(c) take up plantation in the ward in accordance with the District Action plan and ensure their survival to at least 85%;

(d) reduce non-revenue water, transmission loss of water, and reduce usage of power bores, wherever not required;

(e) safeguard and protect all the water sources, lakes or any other water bodies;

(f) perform all functions specifically conferred by this Act, or may be assigned by the Government from time to time; and

(g) undergo training on developmental activities in the administration of the Municipality.

(2) Any ward member, either suo-moto or representing any Ward Committee or on such other information, may call the attention of the Chairperson

Duties and Responsibilities of Ward Member (Councilor or Corporator).

to any grievance or neglect or wastage of municipal property or to the needs of any locality or for any such other purposes any neglect in the execution of municipal work, or to the wants of any locality, and may suggest any improvements, which may appear desirable.

(3) Every ward member shall have the right to move resolution on any matter enumerated in sub-section (1) and sub-section (2) or any matter connected to the administration of the Municipality, subject to such rules, as may be prescribed under this Act.

(4) Any matter or subject as may be raised or submitted by any member for the purpose of consideration by the Municipal Council shall be considered and appropriate resolutions may be passed accordingly in due implementation of the suggestions forthcoming.

Transformation into Model Town.

57. The municipality shall strive to transform the town into a model town by preparing a perspective plan. The services required shall be performed by the Municipal Authorities and shall be delivered through online services;

E-Governance and Online Services.

58. (1) The Municipalities shall adopt e-governance system for citizen services on anytime anywhere basis for better, speedy, accountable and transparent administration.

(2) Municipal services may be delivered online for the convenience of citizens in a time bound manner as per the Citizens Charter prescribed under Schedule-III, if timeline is not adhered to, penalty as prescribed shall be recovered from the person responsible for the delay.

(3) Every municipality shall establish one or more Citizen Services Centre for the purpose of providing online services, and also for facilitating redressal of Citizen grievances.

CONDUCT OF BUSINESS

Rules and regulations for proceedings of the Municipal Council.

59. (1) The Municipal Council shall make regulations consistent with the provisions of this Act and as per the rules made thereunder.

(2) All decisions and resolutions of the Municipal Council shall be by simple majority of the members present and voting, subject to the availability of quorum.

(3) No other member other than the elected members including ex-officio and co-opted members, and officials or special invitees as required by the presiding officer shall participate in the meeting.

(4) The minutes of the proceedings shall be recorded by the Municipal Commissioner or officer authorized by the Municipal Commissioner for the purpose.

(5) The minutes of the council Meeting shall be drawn by the Municipal Commissioner or the officer authorised by him and shall be signed by the Chairperson or the mayor or any other Presiding Officer who chaired the council meeting soon after the meeting and not beyond one day. If Presiding Officer fails to sign, the Municipal Commissioner shall approve and sign the minutes within the next day. The minutes of such proceedings shall be placed before the Municipal Council for perusal in the next meeting. A copy of the same shall be sent to the district collector and to the authorities as prescribed by the Government. The Municipal Commissioner shall be responsible for any deviation or delay.

60. (1) No member shall vote or take part in discussion on any question in which he has personal or pecuniary interest of his own either directly or indirectly.

Member when to abstain from taking part in discussion and voting.

(2) The Chairperson may prohibit any member either from voting or taking part in the discussion of the council, if he has a reason to believe that the member has such interest, after recording reasons therefor. If the aggrieved member challenges the decision of the Chairperson, the presiding officer shall place the question before the Council, whose decision shall be final and binding on such member.

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

(4) The member concerned shall not be entitled to vote on the question referred to in sub-section (2) and the Chairperson shall not be entitled to vote on the motion referred to in sub-section (3).

DIRECTION AND CONTROL

61. Every Municipality shall submit to the Government, a report on the administration of the municipality during the preceding year and the annual action plan for the ensuing year not later than one month from the start of each financial year, in such form and in such manner as may be prescribed.

Municipality to submit annual administration report.

62. (1) The Government by notification, make over the management and superintendence of any charitable endowment, or any other properties vested with the Government, under the relevant laws, in respect of which powers and duties are attached to the Government, may be vested in the Municipality with its consent. All powers and duties, which are attached to the Government, in respect thereof, shall be attached to the Municipality, as if it had been specially named in the Telangana Escheats and Bona Vacantia Act, 1974 and the Municipality shall manage and superintendent such endowment or other properties.

Power of the Government to transfer control of Endowments and Inams to Municipality. Act 35 of 1974.

(2) The Government may, by notification, resume the management and superintendence of any endowment or other properties made over to a Municipality under sub-section (1), and upon such resumption, all the powers and duties, attaching to the Municipality under sub-section (1) shall cease.

(3) The Government may assign to a Municipality, with its consent, a charitable Inam, resumed by the Government or any authority, provided that the net income from such Inam can be applied exclusively to any purpose to which the funds of such Municipality may be applied and may revoke any assignment so made.

(4) No order of resumption under sub-section (2) or of revocation under sub-section (3), shall be passed unless the Municipality has an opportunity of making its representation.

63. The Municipality may accept any donation, endowment or trust for the furtherance of any purpose for which the municipal fund is constituted.

Acceptance of donation, endowment or trust by the Municipality.

64. The Government may, subject to such conditions, as it may deem fit to impose, transfer to the Municipality, the management of any institution or the execution of any work not provided for by this Act:

Subjects not provided for by this Act.

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

Government's power to cancel or suspend resolutions of the Municipality.

65. (1) The Government may, either suo-moto or on representation by any member, the Chairperson or the Vice-Chairperson, the District Collector and the Commissioner, by order, in writing,-

(a) cancel any resolution passed, order issued, or license or permission granted; or

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

(i) such resolution, order, license, permission or act has been passed, issued, granted or authorized is not in accordance with law; or

(ii) such resolution, order, license, permission or act is in excess of the powers conferred by this Act or any other enactment; or

(iii) the above acts mentioned in sub-clauses (i) and (ii) the continuance in force of such act or permissions is likely to cause financial loss to the Municipality, danger to life, health or safety to human life or is likely to lead to a riot or disturb public peace and tranquility or is against public interest:

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

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

(2) Where in the opinion of the District Collector, an immediate action is necessary on the grounds referred to sub-clause (iii) of clause (b) of sub-section (1), he or she may suspend the resolution, order, license, permission or act for such period as he thinks fit, pending the exercise of their power under sub-section (1).

Government or the District Collector's power to suspend Chairperson or Vice-Chairperson or Member.

66. (1) The Government or the District Collector, may, either suo-motu or on a representation of Chairperson or Vice-Chairperson or Member or Commissioner or employee of a Municipality, by notification, suspend any Chairperson or Vice-Chairperson or Member who, in their opinion, willfully misbehaved or manhandled any other Member or officer or employee of the municipality, or destroyed the property of the municipality, or used unparliamentary language or abused his position in the course of meetings of the Municipality, or during the discharge of any duty vesting upon the Chairperson or Vice-Chairperson or Member or officer or employee, so as to lead to a situation in which the municipal administration cannot be carried on in accordance with the provisions of this Act, or the financial stability of the municipality is threatened, for a period not exceeding six months, pending investigation into the said charges and action thereon under the foregoing provisions of this section.

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

Provided that the Chairperson or the Vice-Chairperson or member aggrieved by the order of suspension passed under sub-section (1) within 30 days from the date of receipt of order or as the case may be the intimation, prefer an appeal to the Municipal Tribunal:

Provided further that a person suspended under this section shall not be entitled to exercise the powers and perform the functions attached to his office and shall not be entitled to attend the meetings of the Municipality, except a meeting held for the consideration of a no-confidence motion against the Chairperson or Vice-Chairperson.

(3) When the Office of Chairperson is vacant, the Vice-Chairperson shall exercise the powers and perform the functions of the Chairperson, until the Chairperson resumes duty, or a Chairperson is elected and assumes office. When the Office of Vice-Chairperson is also vacant, any elected member of the council shall be chosen as the Chairperson by other members for the period of such vacancy and he shall exercise the powers of Chairperson until the duly elected Chairperson or Vice-Chairperson resumes office.

67. (1) The Government may, by notification and in the manner prescribed, remove any Chairperson or Vice-Chairperson who, in the opinion of the Government,-

(a) willfully omits or refuses to carry out or disobeys the provisions of this Act, or any rules, bye-laws, regulations or lawful orders issued thereunder, or abuses his position or the powers vested in him;

(b) failed in performing the functions or discharging the duties;

(c) omitted or refused to carry out the orders of Government or any authority, designated by the Government for the proper working of the municipality in accordance with the provisions of this Act;

(d) is guilty of misconduct in the discharge of his duties;

(e) is guilty of embezzlement of municipal fund;

(f) persistently defaulted in the performance of his functions and duties entrusted to him under the Act to the detriment of the functioning of the municipality, or has become incapable of such performance;

(g) fails to carry out the functions as required under sections 23, 24 and 57 of this Act.

(2) The Government may, by notification and in the manner prescribed, remove any ward member, if he or she fails to carry out the functions as required under sections 24, 56 and 57 of the Act.

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

(4) Any person removed under sub-sections (1) and (2) from the office of Chairperson, or Vice-Chairperson or ward member shall not be eligible for election as a member for a period of six years from the date of the removal.

(5) The resultant vacancy shall be filled in as per the provisions.

68. (1) If, in the opinion of the Government, the Municipality is not competent to perform, or persistently makes default in performing the duties imposed on it by or under this Act, or any other law for the time being in force, or exceeds or abuses its position or powers, or a situation exists in which the municipal administration cannot be carried on in accordance with the provisions of this Act, or the financial

**Government's
power to
remove
Chairperson or
Vice-
Chairperson
or Ward
Members.**

**Government's
power to
dissolve the
Municipality.**

stability or credit of the Municipality is threatened, the Government may, by notification, direct that the Municipality be dissolved, with effect from a specified date, and reconstituted either immediately or with effect from another specified date, not later than six months from the date of dissolution; and the notification shall be laid before both Houses of the State Legislature.

(2) For purposes of reconstitution of dissolved Municipality under this section, the seats of all the elected members shall be deemed to be vacant. Before publishing a notification under sub-section (1), the Government shall communicate to the Municipality concerned, the grounds on which they propose to do so, fix a reasonable period for the Municipality to show cause against the proposal and consider its explanations or objections, if any, and the Chairperson, of the municipality concerned, shall also be given a reasonable opportunity of being heard.

(3) On the date fixed for the dissolution of the Municipality under sub-section (1), all its members, ex-officio members and co-opted members along with Chairperson, and Vice-Chairperson, shall forthwith be deemed to have vacated their offices as such.

(4) During the interval between the dissolution and the reconstitution of the Municipality, all or any of the powers and functions of the Municipality, its Chairperson, and of the Committees referred in this Act, may be exercised and performed, as far as may be, and to such extent as the Government may determine, by such person as the Government may appoint in that behalf as special officer, to exercise and perform any powers and duties under this Act.

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

(6) The Government may reconstitute the Municipality before expiry of the period notified under sub-section (1) or sub-section (2):

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

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

**Government's
or the District
Collector's
power to give
directions.**

69. (1) Notwithstanding anything contained in this Act, it shall be competent for the Government and District Collector or any authority designated by the Government, to enforce implementation of the provisions of the Act and execution of resolutions, to issue such directions, as the government may consider necessary, to the Chairperson for the proper working of the municipality, or for the implementation of the resolutions thereof.

(2) The Chairperson shall implement the directions issued under sub-section (1) and shall not do anything in derogation to the aforesaid directions. The Chairperson, who contravenes the provisions of this section, shall be deemed to have omitted or refused to carry out the directions of the Government, Collector or any authority, designated by the Government, for the proper working of the municipality, and shall be liable for action under section 68 of this Act.

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

- (a) the Municipal Council and
- (b) the Chairperson

under the Act:

Provided that the Government may, from time to time, by notification in the Telangana Gazette and for reasons specified therein, extend the said period of appointment of Special Officer until the newly elected Municipality assume office.

(2) The Government shall cause elections to be held to the Municipality, so that the newly-elected members may come into office on such date, as may be specified by the Government in this behalf, by a notification, in the Telangana Gazette.

(3) The Special Officer shall exercise the powers, perform the functions and discharge the duties of the Municipal Council until the elected members come into office, of the Chairperson, until a Chairperson is elected.

71. The Government or the District Collector, at any time,-

(i) may enter on and inspect, or cause to be entered on and inspected, any immovable property or any work-in-progress under the control of any municipal authority in his District;

(ii) require the Chairperson or Commissioner,-

(a) to produce any extract from any proceedings, record, correspondence, plan or other document of the Council, or any Committee, constituted under this Act;

(b) to furnish any return, plan, estimate, statement of account, or statistics;

(c) to furnish or obtain any report; and

(d) the Chairperson or the Commissioner, as the case may be, shall furnish the same without unreasonable delay.

72. (1) The Government may appoint such officers, as may be required, for the purpose of inspecting or superintending the operations of the Municipalities constituted under this Act.

(2) (a) The Government may appoint such officers, as they may consider necessary, to assist them for the purpose of inspecting or superintending the operations of all or any of the municipalities constituted under this Act;

(b) In particular, and without prejudice to the generality of the foregoing provisions, the Government may appoint Regional Directors of Municipal Administration and define the territorial jurisdiction of each such officer, for the above purpose, in the manner prescribed.

(3) The cost of the officers and the members of the establishment, aforesaid, shall be paid from the Consolidated Fund of the State.

(4) The Regional Directors of Municipal Administration shall exercise such powers and perform such functions, as may be prescribed by the Government or as may be delegated to them, under this Act.

**Appointment
of Special
Officer.**

**The
Government
or the District
Collector's
power to call
for records etc.**

**Government's
power to
appoint
officers to
supervise
Municipalities.**

(5) The officers appointed under sub-section (1) and clauses (a) and (b) of sub-section (2) or any other officer or person, whom the Government may empower in this behalf, may enter on and inspect or cause to be entered on and inspected, any premises and execution of any work as may be prescribed,-

(a) any immovable property or any work-in-progress under the control of any municipality;

(b) any school, hospital, dispensary, vaccination station, choultry or other institution maintained by, or under the control of, any municipality, and any records, registers or other documents kept in such institution;

(c) the office of any municipality and any records, registers or other documents kept therein.

(6) The municipality, and its officers and employees, shall be bound to afford to the officers and persons aforesaid, such access, at all reasonable times, to municipal property or premises, and all documents as may, in the opinion of such officers or persons, subject to such rules as prescribed, are necessary to enable them to discharge their duties under this section.

(7) The officers and persons aforesaid shall, on their visit to the municipality, sign and record any remark deemed necessary on a register maintained for such officers in the prescribed proforma. He shall submit the inspection report with due findings and endorsement to the next higher officer. In case the higher authority, at a later date, finds any omission or irregularity committed by a municipality but not reported by the inspecting officer, the inspecting officer shall be liable for disciplinary action.

(8) The officers appointed under this section shall inspect all Municipalities in their jurisdiction at least once in three months.

(9) The inspection shall be conducted in accordance with the format, as may be prescribed,-

(a) covering all the responsibilities;

(b) quantifying the functions; and

(c) evolving the benchmarks for every function, as provided under the Act, in respect of the municipality.

(10) The annual inspection programme of an authority shall be approved by the next higher authority at the beginning of every financial year.

(11) The inspecting officers shall prepare a monthly advance tour programme and obtain the approval of the next higher authority.

(12) The inspecting officers shall also submit tour diaries to the next higher authorities, which shall be reviewed regularly and approved.

(13) The inspecting officers shall send inspection report to the municipality and submit a copy of the same to the next higher authority within one week of completion of inspection and seek a report from the Commissioner, who is bound to submit such report within a fortnight.

(14) On receipt of a report from the Commissioner, the same shall be submitted to the higher authority.

(15) The higher authority shall, in turn, submit a report to the Government, on the lapses pointed out by the inspecting officer and the report of the Commissioner. The Government shall take action on the lapses reported, if any, where the explanation is not satisfactory.

(16) Inspecting officers shall also make surprise inspections in addition to the programmed ones.

(17) Organising capacity building programmes to the municipal functionaries and elected representatives.

(18) The District Collector shall supervise and monitor the functioning of the municipalities and take all necessary actions as deemed appropriate for its smooth functioning.

73. If the Government or District Collector is of the opinion that,-

(a) any duty or responsibility imposed on any municipal authority, by or under this Act, has not been performed,

(b) adequate financial provision has not been made for the performance of any such duty the Government or the District Collector, may, by order, direct the municipal authority, within a period to be specified in the order, to make arrangements for the proper performance of the duty, or to make financial provision for performance of the duty, as the case may be:

Government or the District Collector Power to Require the Performance of Duties and Responsibilities.

Provided that unless, in the opinion of the Government or the District Collector, the immediate execution of such order is necessary, the Government or the District Collector shall, before making an order, under this section, give the municipal authority, an opportunity of showing cause as to why such order shall not be made.

74. (1) The Government or District Collector may, from time to time, give such directions, not inconsistent with the provisions of the Act or the rules made thereunder, to the municipalities, as it may consider necessary for carrying out the purposes of this Act.

Government's or the District Collector's power to take action in certain cases.

(2) If, at any time, it appears to the Government or District Collector that the Municipal Council, the Chairperson or the Vice-Chairperson, or the members or the Committees has made any default in performing any duty imposed by or under this Act or any other law for the time being in force, the Government may, by order in writing, fix a period for the performance of such duty.

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

75. (1) The Government may, with the consent of the Municipality, undertake, on its behalf, the construction of water supply, drainage or other works, appoint persons to carry out construction of such works and direct that the expenses, including the pay of such persons, be paid from the municipal fund and thereafter, the provisions of sub-sections (3) and (4) of section 78 shall apply.

Government's powers to undertake work for Municipality.

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

District Collector's power to enforce implementation of the provisions of the Act and execution of resolutions.

76. (1) If it appears to the District Collector that the Chairperson or the Commissioner has made default in carrying out any resolution of the Municipality, the Collector shall, after giving the Chairperson or the Commissioner, as the case may be, a reasonable opportunity of explanation, send a report on such resolution, together with the explanation, if any received, to the Government and, at the same time, forward a copy of the same to the Municipality.

(2) The Government shall, on receipt of the report of the Collector under sub-section (1), consider the same and, if necessary, take action under sub-section (1) of section 65.

Power of Government or the District Collector for the purposes of control.

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

(2) The Government or the District Collector may direct any Municipality, the Chairperson or the Commissioner within the jurisdiction of the District Collector,-

(a) to furnish any document in their possession, or under their control;

(b) to furnish any return, plan, estimate, statement, account or statistics;

(c) to furnish any information or report on any municipal matter;

(d) to record, in writing, any observations they, or he may think proper in regard to its, or his, proceedings or duties.

(3) The District Collector shall inspect one municipality a week to have a first-hand experience of its functioning, inspect ongoing works, review the performance of municipality and interact with citizens and undertake necessary action as deemed appropriate.

(4) The District Collector shall convene a monthly review meeting of all Municipalities and Municipal Corporations in the District with Municipal Commissioners and other Officers as deemed necessary.

Emergency powers of the District Collector.

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

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

(3) The Commissioner shall, so far as the funds to the credit of the Municipality admit, be bound to comply with such order.

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

Responsibilities of officers acting for, or in default of, the Municipality and liability of municipal fund.

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

80. If in the opinion of the District Collector, immediate action is necessary on any of the grounds referred to in section 65(1)(b), he may, in accordance with section 65(2), suspend the resolution, order, license, permission or act, as the case may be, and report to the Government, who may, thereupon, either rescind the Collector's order or, after giving the authority or person concerned a reasonable opportunity of explanation, ratify the same, with or without modification permanently, or for such period as they think fit.

Power of the District Collector to suspend a resolution, order, etc.

81. The Government shall establish State Institute of Urban Excellence as an autonomous institution of Excellence specializing to take up training for elected representatives and municipal employees on regular basis. It will be the hub of urban excellence, specializing in the broad domains of urban development, management, governance, finance, poverty and policy. It shall aim at quality research, undertake training, consultancy services and policy reforms on urban sector issues. The manner of establishment and maintenance of the Center shall be such as may be decided by the Government.

Establishment of State Institute of Urban Excellence.

CHAPTER III

MUNICIPAL REVENUE

82. (1) Subject to the directions from the Government, the Municipality shall collect Revenues under this Act, or other sources or authorized by any law.

Sources, power to levy and collect Taxes and user charges.

(2) The sources of Revenue shall be,-

(a) taxes or Cess or fees levied by the Municipality - Property Tax on land and buildings, any surcharge on mutation proceedings or for any other purpose;

(b) levy of user charges for civic services,-

(i) provision for water supply, drainage, sewerage, solid Waste Management etc.,

(ii) parking of different types of vehicles in different areas and for different periods; and

(iii) any other specific service rendered in pursuance of the provisions of this Act, at such rates as may be prescribed by the rules.

(c) levy of any cost or expenditure towards reimbursement for the purpose of demolition of unauthorized or dangerous structures or any such other activity or purpose.

83. In exercise of the regulatory powers vested in Municipality under this Act or the rules or the regulations made thereunder, the Municipality under the directions of Government shall have the power to levy and collect the fees, cess and fines.

Power to levy and collect fees and fines.

(1) Sanction of building plans and issue of occupancy certificates.

(2) Issue of municipal licenses for various non-residential uses of lands and buildings.

(3) Licensing of -

(a) Various categories of professionals such as plumbers and surveyors;

(b) Various activities such as sinking of tube-wells, sale of meat, fish or poultry, slaughter house or hawking of articles;

(c) Such other activities as require a license or permission under the provisions of this Act; and

(4) Issue of birth and death certificates.

Power to levy development charges.

84. The Municipality may levy development charges on any layouts, residential buildings or non-residential buildings as may be determined, from time to time, and subject to rules made under this Act.

Assessment and Collection of Taxes or fees or user charges.

85. (1) Assessment and Collection of Taxes or fees or user charges shall be in accordance with the provisions of this Act and subject to the rules made thereunder.

(2) The Municipality shall provide online services for items mentioned under section 82 and section 83 and shall also provide electronic or any other machines, which will enable to auto update of payments in online applications and also accounting application for the purpose of collection.

(3) On the constitution of a new Municipality or on merging of new areas in a Municipality, the levy of tax, shall come into effect from the date specified in the relevant notification.

Levy of Tax or fee under any law.

86. The Municipality may, if so authorized by any other law for the time being in force, levy and collect any tax, fee, cess or user charge, imposed under that law, or any dues payable under that law, in accordance with the provisions thereof, under specific directions from the Government.

Recovery of arrears of Municipal Revenue.

87. The Municipality is empowered to recover any arrears due towards any amount towards Municipal Revenue by following the procedure as contemplated for the recovery of land revenue under the provisions of the Telangana Revenue Recovery Act, 1864.

Act No. II of 1864.

By whom Taxes payable.

88. Subject to the provisions of this Act, assessment of property tax shall be payable by the owner, or by the occupier of the building. The occupier from whom tax is collected on behalf of the owner shall be entitled to be reimbursed or deduct such amount from the rent from time to time becoming due from him to such person.

Notification of new taxes.

89. (1) When the Municipality determines to levy any tax for the first time or revising at a new rate, in accordance with the provisions of this Act, or rules and regulations made thereunder, the Commissioner shall forthwith publish in the prescribed manner the rate at which, the date from which and the period of levy, if any, for which such tax shall be levied.

(2) The Municipality subject to sub-section (1) shall publish a notice in the District Gazette, or in one newspaper in the vernacular language of the locality having wide circulation and on the notice board of the Municipal office and in such other conspicuous place.

Liability for loss, waste or misappropriation.

90. Any person or officer as entrusted by the Municipality with the collection of sums due to the Municipality, shall be liable for the loss, waste, miscalculation or misappropriation of any money or other property owned or vested in the Municipality, where such loss, waste, miscalculation or misappropriation is a direct consequence of his neglect or misconduct shall be subjected to any disciplinary action without prejudice to any civil or criminal proceedings.

Power to write-off irrecoverable taxes, etc.

91. Subject to compliance with the directives from the Government in this regard, the Municipality may write-off any tax, fee or other amount, due to it, under a contract or otherwise, or any sum payable in connection therewith, if, in its opinion, such tax, fee, amount or sum is irrecoverable.

Property Tax.

92. (1) Subject to sub-section (1) of section 85, the Municipality shall levy property tax at such unit rates duly taking into consideration the location and usage as notified under section 93 on all buildings and lands which are occupied within the Municipal area, unless exempted under this Act or any other law.

(2) While levying property tax, the amount of trade license fixed as per the Act, shall also be levied and collected along with the Property Tax for the properties where any trade is being carried on.

(3) Any resolution abolishing an existing tax or reducing the rate, shall not be carried into effect without any notice issued under section 93 of this Act.

(4) The government shall exempt any residential building occupied by the owner from the property tax where the area of the building is or less than 75 square yards, having ground or ground plus one floor. In all such cases, a nominal amount of Rs.100 per annum shall be paid by them towards property tax.

93. (1) The Property Tax on buildings shall be levied on the following basis, namely: -

Method of assessment.

- (a) Capital value, or
- (b) Annual rental value, or
- (c) Such other basis as prescribed.

(2) Every building shall be assessed together with its site and other adjacent premises occupied as an appurtenance thereto.

(3) The method of assessment, complaints, serving of notice, collection and recovery shall be in the manner, as prescribed.

94. (1) The owner of a building for new construction or reconstruction, which is not assessed in the municipal records, may submit an online self-certification and ensure his property is assessed and pay the tax to the Municipality. The individual shall be responsible for furnishing correct information in the self-assessment.

Self-assessment.

(2) An audit at random will be undertaken for the self-assessments made under sub section (1) in respect of plot size/plinth area/floors/usage, as prescribed.

(3) In case, any variation is found during the Audit, the Commissioner shall correct the assessment and levy and collect the actual tax, along with one-time penalty of 25 times for incorrect certification and initiate penal action as prescribed under the rules.

(4) Penalty on unauthorized construction or usage: -

(a) Notwithstanding anything contained in this Act and the rules made thereunder, where a building is constructed or reconstructed, or some structures are raised unauthorizedly, it shall be competent to the assessing authority to levy property tax on such building or structure with a penalty, as specified in this Act, till such unauthorized construction is demolished or regularized without prejudice to any proceedings, and the penalty so payable shall deem to be the property tax due,-

(i) upto 10 percent of the violation of permissible setbacks, only in respect of floors permitted in a sanctioned plan: - 25 percent of property tax as penalty;

(ii) more than 10 percent violation of permissible setbacks, only in respect of floors permitted in a sanctioned plan: - 50 percent of property tax as penalty;

(iii) unauthorized floors over the permitted floors in a sanctioned plan: - 100 percent of property tax as penalty.

(iv) total unauthorized construction: - 100 percent of property tax as penalty.

(v) violation of usage: - 100 percent of property tax as penalty and revised rate based on the new usage thereafter.

(b) The levy and collection of penalty referred under sub-section (1) shall not be construed as regularization. Sub-section (1) does not apply to buildings where occupancy certificate is issued by the Municipality with penalty of such unauthorized construction.

(c) When penalty is levied on unauthorized construction / deviation, the information of such properties, shall be sent to or brought to the notice of the Town Planning Section of the Municipality so as to take action for demolition or regularization, as the case may be, under the provisions of this Act.

(d) The penalty leviable under sub-section (1) shall be determined and collected by such authority and in such manner as may be prescribed in accordance with this Act.

(e) Monthly lists:- For regular assessment of any lands or buildings covered under sub-section (1) and clause (i) of sub-section (4) of this section, the Revenue staff of the Municipality or any officer authorized in that behalf, shall prepare and submit monthly lists to the Municipal Commissioner who shall assess all such properties in the list and bring into the tax record immediately. The Municipality shall submit the statement of monthly lists, to the Regional Director.

Vacancy remission.

95. (1) When any building or land or any premises which has been vacant for more than three months is eligible for vacancy remission of 50% of the Property Tax for the vacancy period.

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

(a) premises shall be deemed to be vacant only if they are unoccupied and unproductive of rent;

(b) premises used or intended to be used for the purposes of any industry which is seasonal in character shall not be deemed to be vacant merely on account of their being unoccupied and unproductive of rent during such period or periods of the half year in which seasonal operations are normally suspended;

(3) Every demand for remission under sub-section (1) shall be made during the half year in respect of which the remission is sought.

(4) (a) No demand for such remission shall be entertained unless the owner of the building, land or premises or his agent has previously thereto delivered notice to the Municipal Commissioner within one month of the vacancy during that half year;

(b) no demand for such remission shall be entertained in case of a person who is in arrears of property tax.

(c) notice of the vacancy has to be issued to Municipal Commissioner, for every half year of vacancy.

(d) the Property tax for the vacancy period shall be paid on or before the due date, the vacancy remissions sanctioned will be credited to the property as advance.

Tax on demolished buildings.

96. When any building or part of building, over which property tax is due, is demolished the owner of such property shall be liable to pay tax to the Municipality and intimate the same.

Levy of property tax on Vacant Land.

97. (1) The Property tax shall be levied and collected on vacant land which are not used either for agricultural purposes, and are not occupied by, or adjacent and appurtenant to buildings, at the time of construction or registration as a one-time payment, subject to rates prescribed by the Government from time to time on capital value of the land by the Municipality.

(2) The land owner shall obtain no-due certificate with respect to vacant land tax before initiating any construction.

(3) From the date of commencement of this Act, the Commissioner shall make an inventory of all the vacant lands within six months in the Municipal area and levy tax in accordance with this Act.

(4) The Property tax is leviable in respect of a land which is otherwise capable of being built upon i.e. where construction is permissible.

(5) The levy of property tax on vacant land shall be exempted in respect of all lands/usages belonging to or under the control of the Government in Municipality.

98. The Municipality shall levy service charges on properties of Union of India and its departments at the rate of 75%, 50% or 33 1/3% of property tax leviable, depending on the availability of municipal services at full or partial or nil services respectively and collect accordingly.

Recovery of service charges from the properties of Union of India.

99. The Commissioner or any other person authorized by him on behalf of the Municipality may enter, inspect, survey and measure such buildings or lands after giving reasonable notice to the owner or occupier. During inspection of any premises, any Woman Officer of the Municipality, as authorized by the Commissioner, shall be accompanied. The Commissioner may call on the owner or occupier of any land or building to furnish such information as may be required and the owner or occupier thereof shall comply with it and make a true return to the best of his knowledge.

Power of the Commissioner or any authorized officer to call for information and to enter upon premises.

100. (1) The property tax shall be levied every half-year and shall, save as otherwise expressly provided in prescribed manner under the rules, be paid by the owner of the assessed premises within 30 days after the commencement of the half-year, duly ascertaining the tax payable from the website. The tax-payers shall be entitled for a rebate on property tax as prescribed under the rules, if there are no arrears and if the tax for the entire financial year is paid before 30th April of the year, notwithstanding the service of a bill or demand notice.

Property Tax when payable.

(2) The tax-payer if commits a default to pay the tax by the end of June and by the end of December for the first and second half year respectively, the municipality shall levy a simple interest at the rate of 2% per month. The commissioner after giving a notice to the defaulted owner or occupier disconnect the services to the premises.

(3) An Additional rebate, as prescribed under the rules shall also be allowed in respect of properties which have undertaken both recycling of waste water and rain water harvesting structures and in respect of properties which have installed solar heating and lighting system according to rules prescribed thereunder.

(4) Whenever, tax is levied for the first time or there is an increase in tax, the Commissioner, shall serve Notice to the property owner, giving opportunity to submit grievance within (30) days of notice, if any. For the payment of tax every year, the Commissioner shall inform the public about requirement of payment of tax through multimedia in the beginning of every half-year and also send SMS alerts through registered mobile numbers and in such cases issue of notices can be dispensed with.

101. (1) Any person aggrieved by any tax fixed or assessed under this Act may file a revision petition before the Commissioner, within 60 days of notice. The Commissioner shall dispose of the revision petition within 30 days from the date of receipt of the revision petition:

Revision petitions and appeals when and to whom to lie.

Provided that the Commissioner may condone the delay in filing the revision petition subject to the satisfaction of sufficient cause.

(2) An appeal shall lie to the Regional Director against any orders passed by the Commissioner under sub-section (1) within 30 days from the date of receipt of the order passed by the Commissioner:

Provided that the Regional Director may condone the delay in filing the appeal petition subject to the satisfaction of sufficient cause.

Power of Government to make rules under property taxation.

102. The Government shall make rules providing for,-

- (a) the exemption of special classes of buildings from the tax;
- (b) the manner of ascertaining the annual rental value or capital value of houses and the categories into which they fall for the purposes of taxation;
- (c) the persons who shall be liable to pay the tax and giving notice of transfer of property; and
- (d) the grant of vacancy and other remissions.

Power to correct the Assessment records.

103. (1) Where at any time, it appears that any person or property has been inadvertently omitted from the assessment records or inadequately or improperly assessed relating to any tax, a clerical or arithmetical error is committed in the records, the Commissioner will assess or reassess or rectify the errors, as the case may be:

Provided that no such assessment shall be made where it has the effect of an increase in the assessment unless reasonable opportunity to show cause against the proposed action is given to the person affected.

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

Change of entries of Record of Rights in Municipal records.

104. (1) Whenever the Record of Rights of any person, primarily liable to the payment of property tax is transferred, and the person to whom the same is transferred shall remit the amount as prescribed and the same shall be instantly transferred in the name of Transferee in the Property Tax record of the Municipality as per the rules prescribed.

(2) Whenever the transfer is affected through succession, court decree or any other reason, the person, whose title is transferred and the person to whom the title is transferred, shall give notice of such transfer to the Commissioner and in such cases, the Commissioner shall complete the transfer of property in the time limit as prescribed in Schedule III of this Act. For alteration of entries relating to Record of Rights in succession cases, no fee is required to be collected.

(3) The Commissioner may, by notice, direct the transferee or the person to whom the Record of Rights passes, to produce before him, all documents evidencing the transfer and the person shall produce the same.

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

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

(b) any claim of the Municipality under the provisions of this Act.

105. The Government shall constitute Telangana State Property Tax Board to provide assistance and technical guidance to all Municipalities in the State for proper assessment of property tax on buildings and lands in their respective jurisdictions. The Constitution of the Board and its functions, powers shall be as prescribed by the Government.

**Constitution of
Telangana
State Property
Tax Board.**

105-A. The duty on transfers of property shall be levied,-

**Method of
assessment of
duty on
transfer of
property.**

(a) in the form of a surcharge on the duty imposed by the Indian Stamp Act, 1899, for the time being in the State, on every instrument of the descriptions specified below, in respect of the whole or part of the immovable property, as the case may be, situated within the limits of a municipality; and

**Central Act 2
of 1899.**

(b) at such rate as may be fixed by the Government, not exceeding five per centum on the amount specified below against such instrument:

Sl. No.	Description of instrument	Amount on which duty shall be levied
(1)	(2)	(3)
(i)	Sale of immovable property	The amount or value of the consideration for the sale, as set forth in the instrument or the market value of the property which is the subject matter of the sale whichever is higher.
(ii)	Exchange of immovable property	The market value of the property of greater value, which is the subject matter of exchange.
(iii)	Gift of immovable property	The market value of the property which is the subject matter of the gift.
(iv)	Mortgage with possession of immovable property	The amount secured by the mortgage, as set forth in the instrument.
(v)	Lease for a term exceeding one hundred years or in perpetuity of immovable property	An amount equal to one-sixth of the whole amount or value of the rents which would be paid or delivered in respect of the first fifty years of the lease as set forth in the instrument.

105-B. On the introduction of the duty on transfers of property—

(a) section 27 of the Indian Stamp Act, 1899 shall be read as if it specifically requires the particulars to be set forth separately in respect of property situated within the limits of a municipality and outside such limits;

(b) section 64 of the same Act shall be read as if it referred to the Municipal Council and Municipal Corporation concerned as well as the Government.

**Provisions of
the Indian
Stamps Act,
1899,
applicable on
the
introduction of
duty on
transfers of
property.
Central Act 2
of 1899.**

Power to make rules regarding assessment and collection of duty on transfer of property.

105-C. The Government may make rules not inconsistent with this Act for regulating the collection of the duty on transfer of property, the payment thereof to the Municipal Councils and Municipal Corporations concerned and the deduction of any expenses incurred by the Government in the collection thereof.

FINANCE

Definition of Municipal Fund.

106. (1) All the moneys received by the Municipality shall constitute a fund, which shall be called the Municipal Fund, and shall be applied and disposed of, subject to the provisions of the Act or other laws as prescribed by the Government. The Municipal fund consists of,-

- (a) all moneys received;
- (b) all proceeds of the disposal of Municipal property;
- (c) all rents on the Municipal property;
- (d) taxes, cess, fees and fines collected;
- (e) compensation on account of compounding offences;
- (f) moneys received from Government or public bodies, or private individuals as Grant, donations, gift or deposit;
- (g) interests and profits from banking transactions and any other transactions;
- (h) loans, bonds etc., raised by the Municipality;
- (i) accumulated fund in the Municipality standing to the credit before the commencement of this Act.

(2) All moneys payable to the credit of the municipal fund shall be received by the Commissioner and shall be forthwith paid into any Scheduled Commercial Bank to the credit of an account which shall be styled "the account of the municipal fund of the (said) Municipality" and all funds shall be kept under one single account.

(3) No payment shall be made by the Bank referred in sub-section (2), out of the Municipal Fund except on a cheque signed by the Commissioner or by the way of online fund transfer when authorized by the Commissioner.

(4) For the purpose of strengthening of municipal fund and for taking up developmental projects, the Municipality may consider to raise funds through issue of municipal bonds or borrow from other sources, as per the notification issued by the Government.

(5) The Municipality shall also take necessary steps to obtain credit rating once in every two years, as specified by the Government.

BUDGET

Budget estimate.

107. (1) Each Municipality is an extensive human settlement with high density of population, housing and having its complex requirements of planning, sanitation, water supply, transport and communication among others. Each of these towns undertake infrastructure works such as roads, drains, waste management and street lights to ensure a safe and healthy ambience for its citizens. It is thus important that budget for the municipality is planned in a systematic manner to take care of its obligatory requirements and developmental works so as to ensure a balanced overall healthy growth.

(2) In order to provide a robust growth impetus, the State Government shall provide a matching amount equal to the municipality wise devolution under the Finance Commission, over and above the own resources of the municipality. Any deficit in the matching grant contribution from the State Government shall be carried forward to the next year.

(3) In order to have a uniformity in the budget formation exercise and to ensure that there is an earmarked budget for all the essential functions of the municipality, the District Collector shall be a part of budget preparation exercise of the municipality and shall guide them in its preparation. He or she shall be present in the budget meeting of the municipality.

(4) The municipality shall prepare a budget showing the probable income and expenditure during the ensuing year. While preparing the annual budget for the municipality, the required budget for the following components, in addition to the meeting the salary expenses, must be provided first for,-

(a) Proper upkeep of sanitation and budget requirement towards the sanitation vehicles, tools and sanitation instruments;

(b) Budget to meet the power bill towards street lights maintenance and water supply – municipality shall ensure that these bills are cleared in time and at such periodicity.

(c) Loan repayments if any;

(d) 10% of the annual budget as the "Green Budget" to meet the requirements of plantations and nursery;

The above provisions (a), (b), (c) and (d) will be obligatory and will be treated as charged provisions in the budget.

(5) After meeting the obligatory provisions as mentioned above, earmarking one-third of the balance budget on critical infrastructure requirements and works in newly merged areas, underdeveloped areas and the localities inhabited predominantly by the weaker sections, minorities and slums.

(6) In addition to and after having met the provisioning as above, the budget shall provide for the following,-

(a) maintenance of parks, playgrounds and open spaces;

(b) construction and maintenance of "Vaikuntadhamams" (crematorium) and burial grounds;

(c) construction and maintenance of public toilets;

(d) at-least one integrated vegetarian and non-vegetarian model market for each town and an additional market for every additional 50000 population—model market design may be provided by the Commissioner and Director of Municipal Administration;

(e) construction and maintenance of modern slaughter houses;

(f) scientific management of dump yards and scientific waste including solid and liquid management.

(7) Ward wise works shall be taken up once the above requirements have been met with.

(8) A copy of the budget shall be submitted to the Government at least a fortnight before the end of the financial year for the ensuing year.

Revised Budget.

108. In the course of a financial year, the Municipality shall not mandate the budget with regard to its income or expenditure it proposes unless the consent of the Government or any agency specified therefor is obtained.

Preparation of Annual Accounts.

109. (1) The Commissioner shall prepare annual accounts by way of Double Entry Accrual Based Accounting System with such information and in such form and manner, as may be prescribed under the rules and submit the annual accounts for approval of the Municipal Council.

(2) The annual accounts shall be forwarded to the Director of State Audit and the audit shall be completed within such time, as prescribed under the rules.

Audit of Accounts. Central Act 45 of 1860.

110. (1) The Government shall prescribe the procedure for auditing of the annual accounts of the municipal fund and the auditors shall be deemed to be 'public servants' within the meaning of section 21 of the Indian Penal Code, 1860.

(2) The Municipality shall provide for pre-audit and internal audit of the regular accounts of the Municipality to the Municipal Council as per the rules prescribed under the Act.

(3) The Government may appoint any person to carry out a special audit on specific accounts or whole of the accounts of any period relating to Municipality and submit the special audit report to the Government.

Contribution to expenditure by other local authorities.

111. (1) If the expenditure incurred by the Government or by any other municipality to which this Act applies or by any other local authority in the State for any purpose authorized in the manner prescribed so as to benefit the inhabitants of a municipality, the Municipal Council may, with the sanction of the Government, make a contribution towards such expenditure.

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

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

Guarantee of State Government of principal of, and interest on, the loans floated by Council in Municipality for the purposes of the Act.

112. (1) It is the prerogative of the Government to undertake guarantee for any project/s of the Municipality. In such cases and if considered, the principle of, and interest on the loans floated by a Municipality, subject to fulfillment of the conditions, certification of financial robustness, and ceiling of maximum limit, as may be fixed by the Government, shall carry the guarantee of the Government.

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

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

(a) by notification, and

(b) by notice, of not less than 14 days, discontinue any guarantee given by them or restrict the maximum amount thereof or modify the conditions subject to which it is given, with effect from a specified date not being earlier than six months from the date of publication of the notification in the Telangana Gazette:

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

113. Notwithstanding anything in the Local Authorities Loans Act, 1914, or any other law similar thereto for the time being in force, the Government shall be entitled to recover in the manner provided by sub-section (2) of section 74 of this Act or by suit, any loan or advance made to any Council for any purpose to which the funds of the said Council may be applied under this Act.

Recovery of loans and advances made by the Government.

113-A. (1) There shall be constituted a Finance Commission once in every five years by the Governor on the recommendation made by the Government. The Finance Commission constituted prior to the commencement of this Act shall be deemed to have been constituted under this Act and shall be governed by the provisions of this Act.

Constitution of Finance Commission.

(2) The Finance Commission shall consist of a Chairman and four other members of whom one shall be the Member Secretary. The Governor shall by order appoint on the recommendation of the Government the Chairman and other members of the Commission.

(3) The Government shall make available to the Finance Commission such staff as may be necessary for the discharge of the functions conferred on the Finance Commission.

(4) The Chairman of the Commission shall be selected from among persons who have had experience in public affairs and other members shall be selected from among persons who,-

(a) have special knowledge of the finances and accounts of Government;
or

(b) have had wide experience in financial matters and in administration; or

(c) have special knowledge of economics.

(5) The qualification, disqualification of members, term of members, functions of the Commission, powers of the Commission shall be such as may be prescribed.

CHAPTER IV **STATUTORY FUNCTIONS AND RESPONSIBILITIES OF THE** **MUNICIPALITY WATER SUPPLY**

114. All the existing sources of potable drinking water supply in any form including tanks, water reservoirs, cisterns, pipelines, wells and all other such facilities in the municipality, existing at the commencement of this Act and added subsequently, shall vest in the Municipality.

Vesting of powers.

115. The Municipality shall,-

Water Audit.

(a) conduct water Audit within its jurisdiction, and make all efforts to reduce the non-revenue water (NRW) to its minimum, and may further, initiate necessary steps to rationalize usage of drinking water by ensuring the availability of re-cycled water for non-potable purposes such as horticulture, construction activity and other such activities as may be prescribed;

(b) maintain complete survey maps, drawings and descriptions of water-supply mains, supply-pipes and connections thereto, from all premises in the municipal area along with inventory details and improvements carried out during the year.

Powers of the State Government in water supply.

116. (1) The Government may make rules governing the allocations, classifications of supply of water for residential and commercial purposes including shops, hotels, industrial undertakings and other such non-residential undertakings, and to determine the levy of charges for different categories.

(2) The Government may also direct the Municipality to supply water outside the municipality on such terms, if any.

(3) The Government may constitute an authority or a body or a water board for one or more Municipalities or other local authorities, for the construction and maintenance of water works for the supply of water to such Municipalities or Local Authorities, subject to such conditions as may be prescribed, and such Municipalities or local authorities shall be bound to take water from such authority so constituted.

Powers of the Municipality in water supply.

117. (1) The Municipality may lay or carry any water-main or service-main or any pipe or channel of any kind for the purpose of providing or carrying out or maintaining a system of water-supply on, across, under or over any street or public place, may at all times do all acts and things which may be necessary or expedient for repairing or maintaining any such pipe or channel, as the case may be, in an effective state for the purpose for which such pipe or channel, as the case may be, may be used or intended to be used.

(2) The Municipality may, by regulations, -

(a) specify the terms and conditions for provision of water meter to the owner or the occupier of any land or building;

(b) recover the consumption charges for supply of such water as recorded by such water meter; and

(c) take all such necessary steps as may be required for proper utilization of water and detection of any fraud in respect of such water meters as prescribed.

(3) The Commissioner or any person authorized by him/ her, may cause necessary action including disconnection of municipal water supply in any non-occupied premises, where it is detected that there is illegal drawal of water, or such premises is causing contamination of water supply lines, or is otherwise causing interference in the municipal water supply network in any manner; and may take penal action for such violations as prescribed. Any additional expenses due to damage caused by any of the above circumstances, or for the restoration of water supply, incurred by the Municipality shall be recovered from the persons causing such damage.

(4) The Commissioner or any person authorized by him/her, may cause disconnection of Municipal water supply to any premises for non-payment of outstanding dues to the municipality, by the owner or occupier, till such dues are paid by him:

Provided that the Municipality shall not be liable to pay any penalty or damages for disconnecting supply of water or for not supplying water, in the case of any drought, or other unavoidable circumstances.

Certain prohibitions to maintain water supply.

118. (1) No person shall, -

(a) trespass on any premises connected to and are used for water supply;

(b) allow water to be wasted, or allow the pipes, works or fittings, for the supply of water in his/ her premises to be out of repair causing thereby waste of water;

(c) draw off, divert, or take water from any waterworks belonging to, or under the control of, the municipality, or from any watercourse or stream by which such water is supplied;

(d) unlawfully break, obstruct or otherwise cause any damage to any public channel, tank, reservoir, cistern, well, fountain or stand pipe, or divert water or opens or removes any lock, cock or pipe belonging to water supply or under the management or control of the Municipality.

(2) The Municipality shall impose fine and / or initiate penal action as prescribed against anyone found violating under this section.

PUBLIC DRAINAGE AND SEWERAGE

119. (1) All public drains, alongside or under public street, or located elsewhere, all sewerage collection works existing in the Municipality, whether constructed by the Municipality or by the Government or otherwise, and all works, materials and things appertaining thereto, situated in the Municipal area, shall vest in the Municipality.

Public drains to vest in the Municipality.

(2) For the purpose of enlarging, deepening or otherwise repairing or maintaining any drain as aforesaid, so much of the sub-soil appertaining to the drain as may be necessary, shall be deemed to vest in the Municipality.

120. The Municipality shall,-

(a) provide and maintain a sufficient system of public drains in its jurisdiction;

(b) prepare a map for drains, storm water drains and sewerage network in its jurisdiction capturing all existing facilities, missing gaps and additional requirements therein, and give importance to missing gaps and additional requirements for their improvement while preparing annual budget;

Responsibility of the Municipality for drains, storm water drains and other such works.

(c) prepare an annual plan, and maintain the upkeep of all drains by undertaking the cleaning and de-silting drains regularly, and be ensured that the de-silted material is not mixed with municipal solid waste, and is processed separately as Soil Compost:

Provided that the Municipality shall have power to acquire land wherever required for construction of public drain, storm water drain, and long sewerage network in the Municipality.

121. No person shall,-

(a) unlawfully obstruct the flow of or divert any drain or sewerage belonging to the Municipality;

(b) throw any material including plastic bags and containers, or any waste of animals, into any municipal drain or sewer;

(c) erect or rebuild any building or fence over any drainage, storm water drain, or sewerage-line in the Municipality; and

(d) discharge trade effluent into any municipal drain from such trade premises without approval of the Municipality in accordance with the regulations made thereunder, or any other law for the time being in force.

Prohibitions regarding drains and sewage lines.

The Municipality shall impose fine and initiate penal action against anyone violating under this section.

HEALTH AND SANITATION**City Sanitation Plan.**

122. The Municipality shall prepare a City Sanitation Plan, which, inter-alia, shall include, ward-wise and Municipality wise plan, for the collection, segregation, transfer and processing of waste, in a manner that 100% municipal Solid Waste is lifted on a daily basis.

The responsibility of individuals to segregate waste.

123. (1) It shall be the responsibility of every individual household or user, whether domestic or non-domestic, to segregate the solid waste at source, and hand-over such segregated waste to the Municipality.

(2) If any household or premises fail to comply with the sub-section (1), the local authority shall cause segregation of the same and collect the cost thereof from the occupant of the premises, as applicable.

The responsibility of Municipality to collect segregated waste.

124. (1) It shall be the responsibility of the Municipality or any agency authorized by it, to ensure collection of the solid-waste, in accordance to plans prepared by the Municipality, and by collecting requisite charges as prescribed.

(2) It shall be the responsibility of the elected member of the ward as well as the officer concerned, to ensure segregation of waste at source, and to ensure that the garbage is collected on a regular basis.

Making arrangements for collection of waste.

125. The Municipality shall make adequate arrangements for,—

(a) collection of segregated solid waste from all residential and non-residential premises, separately;

(b) regular sweeping and cleaning of the streets, and removal of waste material generated;

(c) removal of filth, and carcasses of animals from any premises;

(d) collection, safe-keep, transportation and disposal of Municipal solid waste in a manner, including the establishment of Dry Resource Collection Centers, as per the waste disposal rules and guidelines of the Government.

Responsibilities of the Management of the Gated Communities, Apartments, etc.

126. It shall be the duty and responsibility of Resident Welfare Associations (RWAs) and the associations managing gated communities, apartments, other residential, and non-residential building complexes, to segregate the garbage at source, to provide in their premises community bins, or any other facility as prescribed by the Municipality and to ensure that the garbage is lifted daily by paying user charges as prescribed.

Management of Dump yards.

127. (1) It is the responsibility of the Municipality to process the entire municipal Solid Waste collected duly segregating and using scientific management including bio-mining, bio-processing or any other technology as prescribed by the Government or any of its agency.

(2) All existing dump sites will be processed in a scientific manner, either using scientific capping or other techniques, as specified in Central and State Government guidelines from time to time.

(3) The Municipality may identify the lands, which are at a reasonable distance from densely populated areas, for the purpose of setting up of the future dump sites. If such land for the purposes of this sub-section is not available with the Municipal Authorities, it shall be the duty of the District Collector to provide the municipal authorities with appropriate land from amongst land under his control.

128. The municipality shall,-

(a) encourage and strive to have number of compost yards wherever possible;

(b) make efforts to have in-situ composting in public places, including identified parks, apartments, commercial complexes, function halls and other such public places;

(c) ensure that the respective building associations install composting units within their premises.

**Compost
Yards.**

129. It shall be mandatory for all nursing homes, hospitals, clinics, labs and Para-medical Hospitals to segregate their bio-medical waste and arrange for its collection and transportation to the designated facilities, in accordance with Biomedical Waste Rules framed by the State or by the Central Government or by any agency authorized on their behalf. The Municipal Commissioner, in consultation with the health and pollution control authorities, and under the superintendence of District Collector shall initiate necessary action against such violators.

**Bio-Medical
Waste.**

130. It shall be the duty of the Municipality, either on its own or through any other agency authorized by it in this behalf, to implement the provisions of the rules made by the Central and State Government in exercise of the powers conferred by the Environment (Protection) Act, 1986 to regulate the management, and handling of hazardous wastes to the extent such rules apply to the Municipality.

**Hazardous
waste.**

**Central Act
29 of 1986.**

131. It shall be mandatory for all hotels, restaurants, canteens, cafeterias, function halls, hostels, mess or any other establishment serving food to either the general public or to any captive population to ensure that the food served is strict compliance of Food Safety and Standards Act, 2006 and rules framed thereunder. The Commissioner in consultation with District Collector shall initiate necessary action against anyone found not following the required norms or having furnished false certification.

**Food safety
and
standards.**

**Central Act 34
of 2006.**

132. (1) The Municipality may handle the Construction and Demolition Waste and identify suitable places for its disposal and processing.

**Construction
and
Demolition
Waste.**

(2) Wherever a processing facility for Construction and Demolition waste is created, the Municipality may engage an Operation and Maintenance partner to operate the facility in accordance with the rules in force.

(3) The onus, to get the Construction and Demolition waste collected is on the person generating, and such a person shall pay to the municipality for the cost of its disposal, in the manner prescribed.

(4) The Municipality shall have the powers to levy and collect penal charges from the individuals or institutions, causing or said to have caused un-safe, improper and unauthorized dumping, of Construction and Demolition waste in places other than the designated places, and at the rates prescribed.

133. The Government may set up a specialized body corporate either stand alone or under the superintendence of Commissioner and Director of Municipal Administration to,-

**Municipal
Waste
Management.**

(a) bring in focused institutional attention to scientific waste management including solid & liquid waste and construction and demolition waste and management of dump sites and proper disposal;

(b) take every action including utilizing the services of subject experts, raising of resources, use of appropriate technology, hand holding the municipalities, and take all such actions for any other purposes as deemed appropriate to achieve the objectives of waste management.

AVAILABILITY OF PUBLIC CONVENIENCE OR RESTROOMS

Public Convenience.

134. The Municipality shall cause, either directly or indirectly, provisions to have sufficient number of public convenience places and facilities, including restrooms, urinals, washrooms, child-feeding centers and shall have mechanisms in place for their regular maintenance and up keep.

Free access to public convenience facilities.

135. Non-residential premises which are accessible to the general public by nature of their trade or activity, shall compulsorily provide public convenience facilities for use by the general public. Such non-residential premises shall include, but not limited to, petrol bunks, restaurants, hotels, shopping malls, cinema halls, educational institutions, and any other such non-residential premises or any other such premises and categories as may be prescribed by Government. The Commissioner shall act against any violation of this section in the manner prescribed. All new construction in these categories shall carry this provision.

Provision of sufficient number of rest-rooms and toilets.

136. The Municipality and Municipal Commissioner, on suo-moto or based on the complaint received, shall cause the owner or the user of the particular building to provide, alter, upgrade, add rest rooms and toilets including urinals as the case may be, and shall take necessary action in case of noncompliance in the manner prescribed.

PUBLIC STREETS

Barring obstruction in the public road.

137. No person shall build any wall or erect any fence or cause any other obstruction or projection or make any encroachment in or over any public road, except as hereinafter provided,-

(a) no door, gate, extension of any structure whatsoever, or ground floor window, shall, be hung or be placed so as to open upon any public road, without a license from the authority;

(b) the Municipal Commissioner may require the owner or occupier of any building to remove or alter any projection, encroachment, or obstruction, situated against or in front of such building, and in or over any public road vested in the Municipality.

Temporary permissions in public places.

138. (1) The Municipal Commissioner upon receipt of any request for temporary permission, may grant a temporary license, for a period not exceeding 15 days, for erection of temporary shamiana or pandal, or any other structure on the public road or open land vested with the Municipality, duly ensuring that such erection does not cause any public inconvenience and traffic obstructions; and the temporary license so granted shall include such terms and conditions including timings and charges in the manner prescribed by the Municipality. Damages, if any, caused to the public street or to open space, etc., shall be duly recovered in the manner prescribed by Government.

(2) The Government may, by notification, restrict and place under such control as deemed appropriate for the exercise of powers under sub-section (1), by the Municipality.

Penal action for damage of roads.

139. (1) No person shall cause any damage to the roads, footpaths, road margins in any manner whatsoever. Any violation thereof shall attract appropriate

action, including penal action. The amount as required to repair the said damage shall be recovered from the said person in the manner prescribed.

(2) No person shall plant any tree on any public road, or other property vesting in or belonging to the Municipality, except with the previous permission of the Municipal Commissioner, and on such conditions as may be imposed.

(3) No person shall fell, remove, destroy, lop or strip bark, leaves or fruits, from, or otherwise damage any tree vesting in or belonging to Municipality or Government, except with the previous permission from the Municipal Commissioner or competent authority, and on such conditions as the Municipality may impose.

140. The Municipal Council shall give names to public streets and parks, play grounds or any municipal property with the approval of the State Government.

Naming of the Public Street.

141. The Municipality may,-

(a) acquire any land, and buildings if any standing upon such land, required for the purpose of widening, diverting, opening, extending, or otherwise improving any public street in any manner deemed fit and necessary, or of creating any new public street;

Acquisition of Land and Buildings for Improvement of Streets.

(b) acquire any land for the purpose of creating public parking places, and may collect the parking charges for the providing such facility;

(c) pay such reasonable compensation as prescribed, to the owners of any land or buildings, which are acquired for, or affected by any such purposes.

142. Subject to the provisions of this Act, the Municipality may, either on its own or through any other agency authorized by it in this behalf, as and when necessary, having regard to the abutting land uses and traffic flow patterns, implement traffic engineering schemes to ensure public safety, convenience and expeditious movement of traffic, including pedestrian traffic.

Traffic Engineering Schemes.

143. Subject to the provisions of this Act, the Municipality may, either on its own or through any other agency authorized by it in this behalf, from time to time, cause various items of street Infrastructure, including street furniture, rest places, fences, guard-rails, traffic lights, traffic signs, street markings, median strips, bus stops, and any other item to be installed or done, and shall cause them to be maintained so as to ensure public safety and convenience, and expeditious movement of traffic including pedestrian traffic and safe crossing of roads.

Creating Infrastructure for Pedestrians and Bus Stops.

STREET LIGHTS

144. The Municipality shall,-

Street lights.

(a) take all necessary measures for lighting in a suitable manner at all public streets, parks, places of public congregation under its control and other such places, as prescribed; and

(b) procure, erect, maintain and replace such number of lamp-posts and other appurtenances, as may be necessary, for the said purpose.

145. (1) No person shall, without lawful authority, take away or willfully or negligently break or damage, in any other manner whatsoever,-

Prohibition of removal of lamps and damages of poles, etc.

(a) any lamp or any appurtenance of any lamp, or lamp post, in any public street or any public place;

(b) any electric wire for illuminating such lamp;

(c) any post, pole, standard, stays, strut, bracket or other contrivance for carrying, suspending or supporting any electric wire or lamp;

(d) or cause any obstruction by blocking the right of way.

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

(3) If any person willfully or through negligence or accident breaks or causes any damage to any of the things described in sub-section (1), he shall, in addition to any penalty and/or to the penal charges, to which he may be subjected under this Act or any other law in force, pay the expenses of repairing the damages so caused by him.

PUBLIC MARKETS

Public Market.

146. (1) The Municipality shall maintain public markets at locations, enabling maximum public convenience. The markets shall have sufficient ventilation, up-keep, cleanliness, lighting and separate market/sections for vegetarian and non-vegetarian produce.

(2) The Municipality may provide sufficient parking space, sanitation, hygiene, water supply facilities, and public convenience while constructing new public markets henceforth.

(3) The Municipal Commissioner may prohibit by public notice, or regulate by license, the sale or exposure for sale of any animals or articles in or upon any public road or place or part thereof.

Allotment of Municipal Shops.

147. (1) The Municipality shall allot shops on rental basis through public auction to the eligible persons duly collecting the rent, for a specified period with a provision to renewal with due increase in the rent, subject to fulfillment of conditions, as prescribed.

(2) The Municipality shall cause vacation of such shops for violation of allocation terms and conditions including non-payment of rent and non-keeping up shop premises in the manner prescribed or utilization for other purpose or sub-letting. No court shall have jurisdiction over any matter for which provision is made under this section.

Permission for private markets.

148. No person shall open a new private market or continue to keep open a private market, including a temporary market, without obtaining the requisite permission from the Municipality in the manner prescribed by the Government.

VAIKUNTADAMAM (CREMATORIUM) AND BURIAL GROUNDS

Vaikuntadamam (Crematorium) and Burial Grounds.

149. (1) In order to provide dignity and respect to the departed soul, the Municipality shall provide, maintain and upgrade at least one vaikuntadamam (crematorium) or burial ground, and have all modern facilities.

(2) The Municipality may also strive to upgrade all existing and registered smashanavatikas or burial grounds or Crematoriums.

(3) The Municipality shall arrange at least one Vaikunta Ratham (vehicle) or its equivalent for the transportation of the deceased, either with Municipal Fund or with the assistance of others.

(4) Every owner or person, having the control of any place used at the commencement of this Act, being used as a place for burying, cremating or otherwise disposing of the dead, shall, if such place was not already registered under any law applicable thereto, apply to the Municipality to have such place registered under this

Act, failing which it shall be construed as an offence under section 268 of the Indian Penal Code.

(5) If it appears that there is no owner or person having the control of such place, the Municipality shall assume such control and register such place or may close it.

(6) No new place for the disposal of the dead, whether private or public, shall be opened, formed, constructed or used unless a license is obtained in the manner prescribed by the Municipality.

150. (1) The Municipality shall maintain the record in which all the places registered, licensed or otherwise authorized under the section 149, and all such places so registered, licensed or authorized under the previous Acts and before the commencement of this Act, shall be recorded therein.

Maintenance of records of Vaikuntadham (Crematoriums) and Burial Grounds.

(2) A notice in the local language of the town, that such place has been registered, licensed or otherwise authorized as aforesaid, shall be conspicuously affixed on or near the entrance to such place.

(3) The person having control of a place for disposing of the dead, shall maintain and provide information of every burial, cremation or other disposal of a corpse at such place and time, in such manner, to appropriate authority appointed by the Municipality.

151. (1) The Municipality, if it is satisfied that any registered or licensed place for disposal of the deceased is or is likely to become dangerous to the health of persons residing near any burial ground, may identify alternative site for the said purpose within the given time-frame as prescribed.

Identification of alternative site for grave yards.

(2) No person shall, in contravention of any notice under this section and after the expiration of the period specified in such notice, bury, burn or otherwise dispose of, or cause or permit to be buried, burnt or otherwise disposed of, any corpse at such place. Any violation of this sub-section is liable for punishment, as may be prescribed by the Government.

SLAUGHTER HOUSE

152. (1) Subject to such rules as may be made by the Government, every Municipality may designate places for use as public slaughter houses, and charge rents and fees for the places so designated.

Slaughter Houses.

(2) If such land for the purposes of the sub-section (1) is not available with the Municipal Authorities, it shall be the duty of the District Collector to provide the municipal authorities with appropriate land from amongst land under his control.

(3) The Municipality shall, in consultation with District Collector and Commissioner and Director of Municipal Administration shall make efforts to modernize all existing slaughter houses in a time bound manner.

(4) The municipality shall,-

(a) prohibit or regulate the slaughter, cutting up or skinning of animals specified in the rules, on all occasions not excepted therein at places other than public or licensed slaughter houses;

(b) license persons to slaughter animals for purposes of sale to the public; and

(c) cause regular inspection of slaughter-houses, and of the meat therein, and the payment of remuneration to the officers employed for such inspection.

(5) The Municipal Commissioner shall notify, in the manner prescribed, that no place within the limits of the town shall be used for anyone or more of the purposes specified in the rules made in this behalf without a license issued by the Municipality in the manner prescribed and accepted in accordance with the conditions specified in such license.

(6) Appeal against the rejection of license shall lie with the District Collector.

CONTROL OF INFECTIOUS DISEASES

Prevention of infectious diseases.

153. (1) It shall be the duty of the Municipality to take such measures as are necessary for preventing, or checking the spread of, any danger, or of any epidemic, or those caused by any animals therein in the Municipal area.

(2) The Municipality shall exercise its powers for prevention of infectious diseases in its jurisdiction in the manner prescribed by the Government.

Public health surveillance programmes.

154. The Municipality may take up public health surveillance programs or undertake epidemiological investigations or surveys of the people in the Municipal area in coordination with the Medical and Health Department as prescribed by the Government to determine the existence, prevalence or incidence, or to determine the likelihood of a possible outbreak of,-

(a) any infectious disease; or

(b) any other disease, declared by the Government.

Steps to be taken on out-break of infectious diseases.

155. (1) In the event of the prevalence or threatened out-break of any infectious disease in the municipal area, or of any unusual mortality therein, the Municipality shall in coordination with district administration and Medical and Health Department of the Government provide such staff, medicines, appliances, equipment and other things, that in the opinion of the Government, are necessary for the treatment of such infectious disease and preventing it from spreading.

(2) The Municipal Commissioner may inspect any place in which any dangerous disease is reported or suspected to exist, and shall take such measures, as he/she thinks fit to prevent the spread of such disease, under intimation to the Government.

Principles to control of infectious diseases.

156. The Municipality shall follow the advice and directions of Medical and Health Department of the Government and District Collector and shall initiate all necessary steps as required including sanitation, proper hygiene and other such measures as under its control to ensure control of infectious diseases.

Eradication of Mosquitoes and prevention of their breeding.

157. The Municipality shall take all adequate measures, including spray of anti-larva liquids or use of Gambusia fish or take any other measures, for control of mosquito growth, and to formulate and execute schemes to prevent mosquito breeding.

Trade License for carrying out trade.

158. The Municipality may publish a notification specifying conditions and required certificates including no objection certificates from the required agencies such as pollution control board, and in the prescribed manner for the purposes for conducting any trade in the Municipality. The request for the license along with required documents as prescribed shall be made online and issued accordingly. A fine of 25 times shall be levied in case it is found that self certification was done wrongly with malafide intention.

MANAGEMENT AND CONTROL OF ANIMALS

159. The Municipality may take appropriate measures for proper management of animals in its jurisdiction so as,—

Management of domestic animals or pets.

(a) to promote public education on pet ownership, and responsibilities of the owners;

(b) to take necessary steps for registration of pet animals and issue guidelines for their care and vaccination;

(c) to ensure that no person shall feed or permit any animal, which is kept by him/her for dairy purpose or which may be used for food, to be fed on filth;

(d) to ensure that no person shall keep any animal on his/her premises so as to cause nuisance or danger to any person in his/her neighborhood;

(e) to take action on the persons who are cruel against animals in any manner, as per the provisions of the Prevention of Cruelty to Animals Act, 1960.

Central Act 59 of 1960.

160. (1) The Municipality may take necessary measures to reduce stray animal population in the manner prescribed, and make arrangements so that un-licensed pigs, dogs or any other domestic animal are not left unattended, staying within the Municipality are to be handed over to the Animal Protection Committees or any other agency.

Control of animals.

(2) Whoever keeps any pigs, dogs or any other domestic animal in any place within the municipal limits without permission or otherwise than in accordance with the terms thereof, shall be punished with fine as may be prescribed by the Government:

Provided that if there is a situation which leads to endangering of human life or outbreak of epidemic diseases, or a situation leading to such outbreak due to proliferation of stray dogs, pigs, or any other animal, the Commissioner shall take suitable action to restrain such animals in the manner as may be prescribed.

PROHIBITION OF NUISANCES

161. (1) The Municipality shall take steps to remove, put down and abate all nuisances affecting public peace, tranquility, public safety, public health, morals and decency within its jurisdiction on public or private premises, and may proceed at law against any person committing any such nuisances for the abatement thereof and for damages.

Prohibition of Nuisances.

(2) No person shall,—

(a) unauthorizedly affix upon any building, monument, post, wall, fence, tree or other public place, any bill, notice or other document, or

(b) deface, or write upon, or otherwise mark on any building, monument, post, wall, fence, tree or other public place, or

(c) litter the public places, streets, roads, parks, playgrounds and other such places, or

(d) carry rubbish, filth or other polluted and obnoxious matter along any route in contravention of any prohibition made in this behalf by the authority, or

(e) bury or cremate or otherwise dispose of any corpse at a place not licensed for the purpose, or

(f) disturb public peace or order in violation of sound pollution control, or

(g) cause pollution of air in violation of air pollution control order, if any, or

(h) cause obstruction to the movement of vehicular or pedestrian traffic without permission from the competent authority, or

(i) affix indecent or obscene pictures or printed or written matter or any poster, bill, notice or other paper or means of advertisement against or upon any street, building, wall, tree, board, fence or pole or writes upon, spoils, defaces or marks any such building, wall, tree, board, fence or place with chalk or paint or any other way whatsoever, or

(j) quarry, blast, cut timber or carry on building operations in such manner as to cause, or likely to cause danger to persons passing by, or dwelling or working in the neighborhood.

(3) Any person who fails to comply with any order under this sub-section shall be liable for fine in addition to penal action, as prescribed.

ENVIRONMENTAL MANAGEMENT

Control of pollution.

162. Subject to the provisions of any law relating to air, water or noise pollution, for the time being in force, and in accordance with any notification by the State Government in that behalf, the Municipality may function as a competent authority for the enforcement of such law:

Provided that recovery of charges and imposition of penalty, is levied on those persons who are directly responsible for causing pollution of any kind referred above as prescribed by the Government.

DISASTER MANAGEMENT

Management of disaster.

163. (1) The municipality shall, as far as possible, in collaboration with the concerned authorities of the Central Government or the State Government, including the meteorological office, prepare environmental base maps on emergency and disaster management and impact area diagrams, and shall collect other relevant data and take necessary steps for erecting installations and other accessories required to mitigate the effects of any disaster.

(2) The Municipality may organize emergency operations, and promote public awareness in relation to disaster management.

(3) The Municipality may take adequate measures to implement the regulations, if any, made by the Government to mitigate the effects of disaster, and promote citizen awareness in this regard.

(4) The Municipality shall prepare a Fire-hazard Response and Mitigation Plan every year as prescribed by the State Government through consultative process.

(5) A fire and safety audit shall be carried out in places of public congregations including religious places, schools, cinema halls, commercial complexes and schools in the manner prescribed and the report shall be uploaded in public domain. The municipality shall give directions to the concerned to carry out rectifications wherever necessary and in the manner prescribed.

Ensuring safety of engineering staff and workers.

164. (1) The Municipality shall ensure the safety of the engineering staff, construction workers, and persons engaged in carrying out all engineering works, by ensuring that they are provided with safety equipment, and that they carry out works with safety norms as prescribed.

(2) This provision shall also apply to works which are carried out by contractors and other private agencies on behalf of municipalities, and such works also include sanitation, sewerage, water supply and waste management.

VITAL STATISTICS

165. (1) All Births and deaths registration in the municipality, subject to the provisions of the Registration of Births and Deaths Act, 1969, is compulsory and it shall be the responsibility of the Authority to ensure cent percent registration in the manner prescribed. The information will be captured, documented and be reported to the Government in the manner prescribed.

Registration of births and deaths and their reporting.

Central Act 18 of 1969.

(2) The Municipal Commissioner or any other officer authorized shall be the Chief Registrar of Births and Deaths occurring in the Municipal area.

(3) The Municipal Commissioner shall appoint such number of persons to be Registrars of Births and Deaths as he deems necessary and shall define the respective areas which shall be under the charge of such Registrars.

(4) Details of all births and deaths shall be available in public domain and required certificate can be obtained in the manner prescribed.

166. When the birth of any child has been registered without a name, and when a name is given to it, or, the name, if any, by which it was registered, is to be altered, the parent or the guardian of such child or other person giving the name or proposing to alter the name may, within the time frame and in the manner as prescribed enter the name mentioned as having been given to the child or altered.

Registration of name of child or of alteration of name.

167. (1) Any clerical error, which may, at any time, be discovered in a register of births or register of deaths, may be corrected by any person authorized in this behalf by the Municipal Commissioner.

Correction of errors in registers of births or deaths.

(2) An error of fact or substance in any such register if occurred due to typing or clerical mistake, may be corrected by any person authorized as aforesaid by entry in the margin, without any alteration of the original entry, upon request by the concerned without insisting on any declaration by the Municipal Commissioner or the person requiring such error to be corrected.

(3) Correction or change of details, if any, from original application shall require a declaration (setting forth the nature of the error and the fact of the case) on oath made before a Magistrate, by the person required by this Act to give information concerning the birth or death with reference to which the error has been made or, in default of such person, by a person having knowledge of the case.

(4) Except as provided in sub-section (2), no alteration shall be made in any such register.

168. It shall be the duty of the father or the mother of every child born in the municipal area and, in default of the father or the mother, of any relative, of the child living in the same premises and, in default of such relative, of the person having charge of the child, to give, to the best of his or her knowledge and belief, to the Registrar of the area concerned within eight days after such birth, information containing such particulars as may be prescribed in this behalf.

Information of births.

169. It shall be the duty of the nearest relative present at the time of the death or in attendance during the last illness of any person dying in the municipal area and, in default of such relative, of any person present or in attendance at the time of the death and of the occupier of the premises in which, to his knowledge, the death took place and, in default of the person as aforesaid, of each inmate of such

Information regarding deaths.

premises and of the caretaker or other person causing the corpse of the deceased person to be disposed of, to give, to the best of his knowledge and belief, to the Registrar of the area within which the death took place information containing such particulars as may be prescribed within twenty-four hours of such death:

Provided that,—

(a) if the cause of death is known to be a dangerous disease, the information as aforesaid shall be given within twelve hours of its occurrence, and

(b) if the death of any person occurs in a hospital or a nursing home or a maternity home, it shall be the duty of none but the medical officer or other officer-in-charge thereof to forward forthwith a report of such death in such form as the Chief Registrar may, from time to time, specify.

Duties of police in regard to unclaimed corpses.

170. It shall be the duty of the police to convey every unclaimed corpse to a registered burial or burning ground or other place for disposal of the dead or to a duly appointed mortuary and, thereafter, to inform the Registrar within whose jurisdiction such corpse was found.

CHAPTER V

TOWN PLANNING

Planned Development.

Act No. VII of 1920.

Act No. 1 of 1975.

171. (1) There shall be, in every Municipality, and in a defined time frame, a Master Plan comprising of a detailed planning scheme, land pooling scheme, local area plan having components of Water Supply Network Plan, Drainage and Sewerage Plan, Sanitation Plan, Urban green spaces Plan, and Traffic & Transport Plan as prescribed in the Telangana Town Planning Act, 1920 and the Telangana Urban Areas (Development) Act, 1975 and such a plan shall be the guiding principle for overall development of the town.

(2) For securing planned development of areas in Municipalities, a Detailed Planning Scheme or Local Area Plan shall be prepared for specific areas as identified and notified, and as prescribed in the Telangana Town Planning Act, 1920. Detailed Planning scheme shall be prepared in conformity with Master Plan or Indicative Land Use Plan, if any, and shall have ecologically sensitive areas earmarked, and shall have detailed Road Network Plan, Urban Green Spaces Plan, Drainage Plan, Water Trunk Lines, Rain Water Harvesting Structures and Solid Waste Management among the other as prescribed.

DEVELOPMENT OF LAND AND CONSTRUCTION OF BUILDING

Development of Land and Making of Layout.

172. (1) Any individual or developer intending to develop a layout shall duly providing infrastructure and other amenities within the timeframe as prescribed, and pay the layout fee, development charges and other fees, as prescribed apply for its approval online in a manner prescribed and get it approved.

(2) The layout owner shall reserve certain percentage of the land towards open space, parks, playgrounds, common parking place and social infrastructure for Solid Waste Management in the layout, as prescribed.

The common parking area shall be developed by the developer for the said purpose only.

(3) Certain percentage of plotted area, as prescribed, for an amount equivalent to carrying out infrastructure works, shall be mortgaged with the municipality and shall be released upon completion of all infrastructure and amenities and other works, as stipulated and certified in the manner prescribed.

(4) All the layout proposals shall comply and conform to the Master Plan and Detailed Planning Scheme or Local Area Plans regarding land use, road network and reservation of land for public purpose.

(5) The applications for Layouts will be processed through the Self-Certification System in accordance with the Layout rules, and as notified in the Master Plan or Detailed Planning Scheme or Local Area Plan, in the manner as prescribed. Once all requisite documents are submitted and required fee is paid through a web-based online system, the Tentative Layout Plan shall be approved within a period of 21 days and will be communicated online in order to carry out the infrastructure activities and provision of amenities in the defined time frame.

(6) There shall be a District Level Committee which will verify, in the manner prescribed, the actual development and implementation of the layout and whether it is in conformity with the tentative layout approval as given in sub-section (5).

(7) The Owner or Developer of the layout sanctioned, shall complete the infrastructure and amenities and other works within a period of two years from the date of approval of the Tentative Layout Plan.

(8) If the developer fails to execute the required works within the said time period, the Commissioner shall get the left-over works executed within a year from the time of default, and shall meet the expenses incurred for executing such works by selling mortgage plots for an equivalent value. In such an eventuality, the owner or developer shall be blacklisted in the manner as prescribed, and shall not be allowed to undertake any further layout development works in the entire State, either individually or in partnership or in any other manner.

(9) The Government may constitute a Layout Approval Committee for every district under the chairmanship of District collector with Superintendent Engineers or Executive Engineers of Roads and Buildings Department, Panchayati Raj Department and Irrigation Department to process the application for Approved Layout Plan, in the manner as prescribed.

(10) All Roads and Open Spaces, such as Parks, Open Spaces and Playgrounds, common parking area and other such open spaces as earmarked in a Layout, shall be registered, free of cost and free from all encumbrances, in the name of municipality, and shall vest with the Municipality. The Commissioner shall maintain a record of all such Open Spaces vested with the Municipality.

(11) Upon completion of the layout, the owner or developer, shall submit online application along with the Self Certification duly attested by Licensed Technical Personnel, in a manner as prescribed declaring that the development in the layout is as per norms. The developer shall also register all the roads and open spaces in the layout in favor of Municipality. This is a pre-condition to be eligible to get the final layout approval. Based on the Self Certification of completion and upon registering the open spaces including roads in favor of the municipality, the approved layout plan shall be processed and approved by the layout approval committee constituted under sub-section (9) and shall be issued online to the developer.

(12) The Municipal Commissioner, after the issue of the approved layout plan under sub-section (11) of this section, shall release the area mortgaged within 21 days in the manner as prescribed.

(13) The Developer or Occupiers of all Unapproved or Unauthorized Layouts, as on the date of commencement of this Act, shall apply to the Commissioner within a year and shall cause or carry out necessary development in the manner

and within the specified time period as prescribed. Failure to comply this will make these layouts unauthorized, and the Commissioner shall provide any amenity, as required, on a cost basis.

(14) Any transaction involving land that is a part of the earmarked open space or set apart for public purpose, shall be illegal, and any owner or developer who sells or claims such land for any use shall be penalized and punished, in the manner prescribed, including imprisonment for a period not exceeding three (3) years.

(15) In case, the layout was obtained by making a false statement or misrepresentation of any material facts, the same shall be revoked as per the procedure as prescribed.

(16) No new plot or sub-division shall be registered by Registration Authority unless it is approved by the authority as per the provisions of this Act.

(17) The official concerned, who fails to take necessary action within the prescribed period, shall be liable for disciplinary action in the manner prescribed.

(18) Any person or developer who takes up unauthorized development of land without obtaining necessary permission, shall be liable either for punishment with imprisonment for a term which may extend to three years, or with fine which may extend to twenty five percent (25%) of the value of land in question as fixed by the Registration Department at the time of using the land.

(19) Government may constitute special task force at the District level to take action against unauthorized layouts in the manner as prescribed. The special task force at District level shall inspect the unauthorized layouts and take action against all such unauthorized layouts.

Integrated Townships.

173. (1) It is desirable that municipalities undertake appropriate measures to have planned growth in the municipality. One of the ways of systematic development is to encourage the self contained townships based on the "walk to work" concept wherein the distance between the work place and residence is minimized. This also will bring down pressure on roads and will also have more productive time available with people. The State shall promote comprehensive integrated townships prescribing minimum threshold area.

(2) The integrated townships will act as a hub containing residential, office space, commercial, entertainment and services, as prescribed and with planned infrastructure in place.

(3) A set of appropriate incentives aimed at encouraging builders or developers to develop such integrated townships may be provided by the Government.

Approval of Building Permissions.

174. No piece of land shall be used as a site for the construction of a building, and no building shall be constructed or reconstructed, and no addition or alteration shall be made to an existing building without the self certification based declarations or the required approval in the manner prescribed, relating to the use of building sites or the construction or reconstruction of buildings:

Provided that the Government may exempt certain buildings from taking building permission under this section, as in the manner prescribed.

(1) For plot size upto 75 square yards (63 square meters), and the construction of ground or ground plus one floor, will not require any permission; the applicant however need to register online with a token amount of Rs.1 and

duly self certifying to this effect regarding the size of the plot and floors; it shall also not require a completion certificate or occupancy certificate. Any plot bigger than 75 sq yards cannot be split for this purpose or this provision cannot be misused for taking up constructions in Government or prohibited or disputed land and action as prescribed shall be initiated for violations noticed.

(2) Plot size upto 500 square meters and height upto 10 meters: The permission applications for all the individual residential buildings having plot area of 500 square meters and less and building height of 10 meters as specified, shall be processed through an online based Self-Certification System in accordance with the Master Plan or Detailed Planning Scheme or Local Area Plan and the building rules and in the manner prescribed, and upon furnishing all required information details shall get instant online approval.

(3) The onus to ensure authenticity of self-certification and compliance with the self-certification lies with the applicant, who shall be held personally accountable and liable in case of false declaration and action shall be initiated against the said person, as prescribed.

(4) The owner or developer shall along with the building application form, submit an undertaking that in case of any actual construction made by him or her in violation of sanctioned plan, the Government or the Commissioner or the Agency authorized by him or her shall take-up the demolition without issuance of any notice. Further, the District level committee may verify the documents so submitted, and in case of any misrepresentation or false statement, the action shall be taken as prescribed.

(5) Citizens shall be encouraged to bring to the notice of municipality and district collector cases where unauthorized construction or construction in violation of or in excess of permissions, in a manner prescribed. The identity of such informers shall be kept confidential. All such cases shall be examined within a week from such information and appropriate action initiated. The informant shall be incentivized in all such cases where the information furnished by him is found to be correct.

(6) Plot size above 500 square meters and height above 10 meters:- There shall be a single window system in case of applications for building permission in plots of area above 500 square meters and height above 10 meters and all Commercial buildings, High Rise Buildings, Group Development Schemes, Group Housing, Apartment Complexes, Multiplexes, non residential buildings and other such constructions, which require multiple NOCs, one common application form shall be submitted through web based online system as prescribed.

(7) The online application has to be submitted with all requisite documents as prescribed. The online system shall not accept the application unless all such documents are submitted. Such documents upon submission shall be examined by the single window committee set up for this purpose and shortfalls or incompleteness or cases where further information or clarification is needed shall be communicated to the applicant within the 10 days from the date of applying, in a manner prescribed.

(8) In all other cases, the applications for building permissions accompanied by all valid and required documents, as required and prescribed, shall be sanctioned within 21 days and in the manner, as prescribed.

(9) If no order is issued on the building application within the time prescribed, then the approval will be deemed to have been issued, as prescribed. The official

concerned shall be liable for disciplinary action, if there has been a delay in arriving at a decision within the time period.

(10) The permission issued under deemed clause can be revoked by the commissioner within 21 days from the date of deemed approval if it is found that deemed approval has been obtained by misrepresentation of the facts or false statements, and/or against the building rules, regulations and Master Plan land use provisions.

(11) While examining the prima facie title, Municipal Commissioner may consult District Collector or Revenue Authorities to ascertain Government interest if any.

(12) The Building Permission Fees and other Charges shall be paid by the applicant, online at rates as prescribed by the Government from time to time.

(13) The applicant shall commence the construction work within 6 months from the date of issue of the Building permission, and shall complete the same within 3 years in case of Non-High Rise Buildings and within 5 years in case of High-rise Buildings. He shall also upload the pictures of commencement of construction within 6 months online.

(14) If the construction or reconstruction of any building is not completed within the specified period, the permission shall stand lapsed and a fresh application shall have to be made, duly paying the charges, as prescribed.

(15) Mortgage of certain percentage: The applicant is required to handover 10% of built up area in the ground floor or first floor or second floor as the case may be to the municipality by way of mortgage, as prescribed, before release of permission. The individual residential buildings in plots upto 200 square meters with a height upto 7 meters are exempted from this section.

(16) The area so mortgaged will be released on submission of completion certificate and Occupancy Certificate as prescribed.

Occupancy Certificate.

175. (1) In case of non-high rise buildings constructed in plots above 200 square meters and less than 500 square meters, the Occupancy Certificate will be issued through online based on the Self Certification submitted by the Owner or Builder in the prescribed proforma duly attested by the Licensed Technical Personnel, stating that the building has been constructed as per the sanctioned plan and as per rules and regulations in force.

(2) The onus to ensure authenticity of self-declaration and compliance with the Self-Certification lies on the Owner, Applicant and Licensed Technical Personnel, who shall all be held personally responsible and accountable in case of false declaration, and the Owner, Applicant and the Licensed Technical Personnel will be liable for punishment as indicated in section 177.

(3) In case of High rise buildings and buildings constructed in plots 500 square meters and above the applicant shall submit online Self Certification in the prescribed proforma duly attested by the Licensed Technical Personnel, that the building has been constructed as per the sanctioned plan and as per rules and regulations in force and based on the Self Certification, Occupancy Certificate and mortgage shall be issued within 15 days from the date of receipt of application.

Preconditions for Building Permissions.

176. (1) If the proposal for Building Permission is affected by any reservation of land for Public purpose such as Road, Park, Nala Widening, Recreational on any other public person, as per the sanctioned Master Plan/ Detailed Town Planning

Scheme/ Local Area plan, the said portion of the land shall be surrendered to local body free of cost and the applicant shall be compensated by the equivalent built up area in the balance portion of the land or by Transferable Development Rights as prescribed.

(2) If the construction or reconstruction of any building is not completed within the specified period, the permission shall stand lapsed and a fresh application shall have to be made, duly paying revised charges, as prescribed.

(3) All buildings of all sizes should have on-site treatment systems (septic tank with soak away / twin leach pit / decentralized treatment system / faecal sludge and septage) or connected to sewerage system, wastewater treatment and recycling system, as prescribed.

(4) Energy Conservation Building Code or Green Building Code or any other Energy and Water conservation measures as deemed appropriate by the State Government, shall be made applicable to buildings, as prescribed, on plots above certain size and/or built-up area beyond a certain area, as prescribed by the Government.

(5) Certain number of trees shall be planted in the open area in the plot where building is being constructed, as prescribed.

(6) It shall be mandatory to provide for the requisite parking place, while constructing, depending upon the use of building. Parking in buildings, places of public convenience, commercial complexes, cinema halls and other such places, as notified from time to time, shall be provided free of charge to the users, as prescribed.

(7) All parking places except individual independent / residential buildings shall be provided with Electric Vehicle Charging infrastructure.

(8) No external roof, veranda, wall of a building shall be constructed or reconstructed of grass, leaves, mats or other inflammable materials, except with the permission of the Commissioner.

(9) The Commissioner may revoke the Building permission whenever it is found that it was obtained by making false statement or misrepresentation of any material fact or violation of rules, by duly following the procedures, as prescribed.

177. The onus to ensure authenticity of self-declaration and compliance with the self-Certification lies with the owner, applicant and Licensed Technical Personnel. He/she will be held personally responsible and accountable in case of false declaration, the applicant and the Licensed Technical Personnel will be liable for punishment which includes imprisonment up-to three years, levy of penalty, demolition or taking over or sealing of the property without any notice besides cancelling the Licenses of License Technical Personnel (LTP) and forfeiting the mortgaged plots in case of layout or mortgaged built up area flats in case of buildings.

Penalty for misrepresentation of the facts.

178. (1) Government may constitute special task force at the district level to detect and monitor the unauthorized constructions and take timely enforcement action in the manner as prescribed.

Enforcement.

(2) Upon detection of construction or reconstruction of any building which has been commenced without obtaining the permission of Commissioner or carried out or completed otherwise than in accordance with the sanctioned Master Plan or Detailed Town Planning Scheme or Local Area Plan or in breach of any of the provisions of this Act, or any rule or regulation or bye laws made under this Act, the

Commissioner or the Agency authorized by him shall take up the demolition of the unlawfully executed work and recover the cost incurred for doing so, from the owner.

(3) The Registration Authority shall not register any Building or Structure or part of the Building without the production of sanctioned plan approved by the Municipality.

(4) The electricity and water supply connection shall be given to buildings which have obtained necessary authorization in the manner as prescribed.

(5) During the construction of the Building the owner or Builder shall upload the photographs at different stages of the construction as prescribed.

(6) Whenever a complaint or case is brought by any Citizen regarding the unauthorized construction or constructions in deviation to the sanctioned plan as mentioned in section 174(5), it shall be examined within a week from its receipt and necessary action initiated.

(7) The Commissioner shall stop the construction or reconstruction of any building that endangers human life, after obtaining the safety report and causing due diligence from the appropriate authorities, as prescribed.

(8) The Commissioner shall take action on unlawful building, as prescribed and shall issue orders to vacate or demolish building in certain circumstances, as prescribed.

179. (1) The State Government shall appoint municipal building tribunal or tribunals herein after referred to in the section as "the tribunal" to hear and decide appeals arising out of matters referred to and to adjudicate the offences relating to contravenes of the provisions of the Act relating to building regulations and land development in sections 172 to 193 of this Act, in accordance with such procedure and to realize such fees or fines in connection with such appeals as may be prescribed.

(2) The Tribunal shall consist of a chairperson and such number of the other members not exceeding five as the State Government may determine. The members shall consist of judicial members and technical members. The technical member shall be a person who is working in the cadre of Director of Town and Country Planning in Telangana Town Planning service.

(3) The Chairperson or a judicial member shall be a person who is or has been a District Judge.

(4) The Chairperson and other members of the Tribunal shall be appointed by the State Government for such period and on such terms and conditions as the State Government may determine and shall be paid from the revenue of the State Government in the manner as prescribed.

(5) The Tribunal shall have an establishment consisting of such officers and other employees appointed on such terms and conditions as may be prescribed and the expenses of the tribunal shall be paid from the revenue of the State Government.

(6) No court shall have jurisdiction in any matter for which provision is made in this chapter for appeal to the tribunal.

(7) The Tribunal shall consist of one person only who shall be a judicial officer not below the rank of Subordinate Judge.

**Town
Planning
Building
Tribunal.**

(8) The Tribunal shall have the same powers as are vested in a Civil Court under the Code of Civil Procedure, 1908.

**Central Act 5
of 1908.**

(9) Each Tribunal shall have jurisdiction over such area as the State Government may, by notification, from time to time, determine.

(10) The Tribunal may, with the previous sanction of the State Government appoint such officers and staff as it considers necessary for carrying on its business, and the remuneration and other conditions of service of such officers and staff shall be as prescribed.

180. (1) Penalty for unlawful Buildings,-

Penalties.

Notwithstanding anything contained in this Act, any person who, whether at his own instance or at the instance of any other person or anybody including a department of the Government, undertakes or carries out construction or development of any law in contravention of the statutory Master Plan or without permission, approval or sanction or in contravention of any condition subject to which such permission, approval or sanction has been granted shall be punished with imprisonment for a term which may extend to three years, or either fine which may extend to twenty five percent (25%) of the value of land or building including land in question as fixed by the Registration Department at the time of using the land or building:

Provided that the fine imposed shall, in no case be less than fifty per cent of the said amount besides demolition of the building and recovery of demolition cost from the owner of the building.

(2) Penalty for parking violations,-

In case of buildings where the area earmarked for parking is being put to other use, the municipal commissioner shall levy a penalty on the Owner or Developer, which may extend to twenty five percent (25%) of the value of land or building including land in question as fixed by the Registration Department at the time of using the land or building:

Provided that the fine imposed shall, in no case be less than fifty per cent of the said amount as prescribed.

181. (1) It shall be lawful for the Local Authority at any time, before or after making an order for the removal or discontinuance of any unauthorized development of construction under section 178, to make an order directing the sealing of such development or property, or taking the assistance of the police, for the purpose of carrying out the provision of the Act;

**Power to seal
unauthorized
constructions /
development
or premises**

(2) Where any development or property has been sealed, the Commissioner may, for the purpose of removing or discontinuing such development or property, order such seal to be removed.

(3) No person shall remove such seal except,-

- (a) under an order made by the Municipal Commissioner; or
- (b) under an order of the Appellate Tribunal on the appeal made in this behalf.

182. (1) If any structure appears to the Commissioner to be in a ruinous state and dangerous to the passersby or to the occupiers of neighboring structures, he may, by notice, require the owner or occupier to fence off, pull down or repair such structures so as to prevent any danger therefrom.

**Dangerous
Structures,
Precautions
in case of
dangerous
structures.**

(2) If immediate action is necessary, the Commissioner shall himself, before giving such notice or before the period of such notice expires, fence off, pull down or repair such structures or fence off a part of any street or take such temporary measures as he thinks fit to prevent danger and the cost of doing so shall be recoverable from the owner or occupier.

(3) If, in the opinion of the Commissioner, the said structure is imminently dangerous to the inmates thereof, he shall order the immediate help of any police officer.

Construction of Buildings for Public Worship.

183. No site shall be used for the construction of a building intended for public worship, if the construction of a building thereon will hurt the religious feelings of any class of persons or is likely to disturb the law & order situation.

Building Permission for Industries and Factories.

Telangana Act 3 of 2014.

184. The Commissioner shall dispose of the building application for construction or establishment of any factory, workshop, work place, as listed and as per the provisions of the Telangana State Industrial Project Approval and Self Certification System (TS- iPASS) Act, 2014, through online mode, as prescribed.

Removal of Encroachments on Streets.

185. (1) All streets and roads vested in, or to be vested in, or maintained by Municipality, shall be open to all persons.

(2) No door, gate, bar, ground floor window or any other projections shall be hung or placed so as to open outwards upon any street, or causing of obstruction of any sort by anyone will not be permitted.

(3) The Commissioner shall cause to remove or alter any such projection, encroachment or obstruction.

(4) No decision made or order passed or proceeding taken, by the Commissioner effecting removal of encroachments, shall be called in question before a civil court in any suit, application or other proceeding, and no injunction shall be granted by any court.

(5) The Commissioner shall evict certain persons from municipal properties with the support of Police or enforcement team, as prescribed.

(6) The Commissioner shall remove unauthorized advertisement hoardings erected, exhibited or fixed or retained upon or over any land streets, building, wall, or structure, and shall collect removal of such hoardings and other such means of advertisements.

(7) If any obstruction is caused in any street by fall of trees, structures or fences, the owner or occupier of the premises concerned shall remove within 12 hours of the occurrence of such fall or within such period as the Commissioner shall by notice, allow or clear the street of such obstructions.

Protection of Water Bodies, Green Spaces and Heritage Structures / Areas.

Telangana Act 22 of 2017.

186. (1) Water bodies and green spaces located within the municipal area shall be protected in the manner, as prescribed.

(2) Heritage structures or Areas or Precincts notified under Telangana Heritage (Protection, Preservation, Conservation and Maintenance) Act, 2017 shall be protected, conserved and maintained in the manner as prescribed in the said Act.

187. Restaurants, hotels, hospitals, shopping complexes, and places of public congregation and other such buildings or institutions as prescribed shall allow usage of toilet facilities to general public, specially women, aged people and children, in the manner prescribed. **Usage of Toilet Facilities.**
188. The Commissioner shall ensure an enforceable Code of Conduct to regulate certified Architects or Engineers and Licensed Technical Personnel (LTP). The licenses of LTP shall be cancelled and their name shall be blacklisted in case of misrepresentation or false statement or certification of drawings made in violation of Zoning Regulations and Building Rules. **Code of Conduct for Licensed Technical Personnel.**
189. The Commissioner shall take all steps to provide for bus bays and waiting arenas scientifically so that they do not cause traffic obstruction. **Plan for Bus Bays and Waiting Arenas.**
190. The Commissioner shall initiate all necessary measures to cause ease and convenience for pedestrians including construction of footpaths, street furniture, rest places and shall work for the public safety for pedestrian especially those crossing the roads and for pedestrian safety. Necessary markings on roads at all such points to enable pedestrian crossing shall be done. **Safety of pedestrians.**
191. (1) All existing commercial or institutional or school buildings or hostels or other such structures or places of public congregation, such as hotels, temples and religious places or hospitals or theatres or restaurants, shall self-certify their fire-safety and emergency exit plans within a year from the introduction of this Act, and shall install all necessary measures as required during this period to comply with the safety standard. **Safety of all existing structures.**
- (2) Any building not certified or having failed to install fire safety or scientific exit plans shall be declared unsafe and the management will have to make alternate arrangements by vacating such structures. The Municipality shall have the right to declare such structures unsafe and take all necessary measures, as deemed appropriate, including closure or sealing and demolition, wherever necessary, to ensure public safety.
192. (1) The Municipality shall give name or alter the name of public streets, in the manner prescribed, with the approval of the Government. **Naming of Streets and Numbering of Buildings.**
- (2) The Commissioner shall cause a number to be affixed or painted to the side or outer door of any building to some place at the entrance of the premises, as prescribed.
- (3) The Commissioner shall take up naming and numbering of streets and introduce digital unique property numbering system.
193. (1) The Commissioner shall regulate street vending activity for public convenience and for informal sector by earmarking places. **Informal Sector and Slum Development.**
- (2) The Commissioner shall identify all non-notified slums for notification for development and improvement as per the procedure prescribed by the Government from time to time.
- (3) The Commissioner shall conduct a survey of the notified slums for de-notification, as prescribed by the Government from time to time.

CHAPTER-VI**STATE ELECTION COMMISSION AND CONDUCT OF ELECTIONS****State Election Commission.**

194. (1) The preparation of electoral rolls for and the conduct of elections to all municipalities in the State shall be under the superintendence, direction and control of the State Election Commission.

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

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

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

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

Election notification.

195. (1) The State Election Commission shall issue the Notification and Schedule for general election and elections for casual vacancies in all Municipalities and Municipal Corporations. The Schedule and the dates on which elections will be conducted, shall be decided, by the State Election Commission in concurrence with the State Government, which has to consider matters pertaining to law and order situation, internal security, security personnel, central armed police forces and the logistics of their deployment, availability of staff for election related duties, availability and procurement of election related material and premises for polling and counting, conduct of elections to other legislative and statutory bodies, natural calamities and seasonal conditions including drinking water situation and agricultural season, major fairs and festivals, education calendar and examinations in schools and colleges, likely onset of any epidemic diseases, operations relating to collection of vital statistics like census or any other enumeration, and matters involving public interest and any other administrative exigencies:

Provided that in cases of multiple phases, the schedule of each phase shall have a gap of not more than five days from each other.

(2) For the purpose of holding elections to fill ordinary or casual vacancies, the State Election Commission shall, by notification under sections 15 and 16, call upon such date or dates, as may be specified therein, the voters of the Municipalities, to elect ward member in accordance with the provisions of the Act, the rules and orders, if any, made thereunder.

(3) The notification shall specify the time schedule for various stages of the elections to fill the ordinary or casual vacancies, which shall be as follows from the date of election notice referred in sub-section (2):-

(a) Nomination shall be filed	Within a period of three days (including the day of notice) upto 5.00 p.m. (whether or not it is a holiday)
(b) Scrutiny of nominations	On the fourth day (whether or not it is a holiday)
(c) Appeal against rejection of nomination shall be filed, before the District Election Authority or Additional District Election Authority or Deputy District Election Authority as authorized by District Election Authority concerned.	On the fifth day upto 5.00 p.m. (whether or not it is a holiday)
(d) Disposal of appeal against rejection of nomination by the District Election Authority concerned or Additional District Election Authority or Deputy District Election Authority as authorized by District Election Authority concerned.	On the sixth day before 5.00 p.m. (whether or not it is a holiday)
(e) Withdrawal of candidatures shall be allowed.	On the seventh day upto 3.00 p.m. (whether or not it is a holiday).
(f) Publication of final list of contesting candidates.	On the seventh day itself, after the withdrawal of candidatures (whether or not it is a holiday).
(g) Polling shall be held, wherever necessary.	On the fifteenth day (whether or not it is a holiday).
(h) Counting of votes and declaration of results.	On the date and time appointed by the State Election Commission.

(4) The Returning Officer appointed for the purpose of conducting elections to Municipality shall as per the above time schedule specified by the State Election Commission issue the election notice for election of the ward members of Municipality and the time schedule shall commence from that date.

(5) The State Election Commission shall issue the election notification for election of the Chairperson and Vice-Chairperson and the time schedule shall commence from that date.

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

Provided that any amendment, transposition or deletion of any entries in the electoral roll, or any inclusion of names in the electoral roll of the Assembly Constituencies concerned, made by the Electoral Registration Officer under section

Preparation and publication of electoral roll for a Municipality.

22 or section 23, as the case may be, of the Representation of the People Act, 1950, up to the date of election notification, for any election held under this Act, shall be carried out in the electoral roll of the municipality and any such names included shall be added to the part relating to the concerned ward.

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

(2) The electoral roll for a municipality, -

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

(i) before each ordinary election; and

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

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

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

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

(4) Where after the electoral roll for a municipality or any alteration thereto have been published under sub-section (2), the Municipality is divided into Wards for the first time or the division of the Municipality into wards is altered or the limits of the Municipality are varied, the person authorised by the State Election Commission in this behalf shall, as soon as may be after such division or alteration or variation, as the case may be, in order to give effect to the division of the Municipality into wards or to the alteration of the variation of the limits, as the case may be, authorise a re-arrangement and republication of the electoral roll for the Municipality or any part of such roll, in such manner as the State Election Commission may direct.

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

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

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

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

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

**Voting
Machines at
elections.**

197. The State Election Commission shall by notification, specify the symbols that may be chosen by candidates contesting any election under this Act and the restrictions to which their choice shall be subject:

**Symbols for
elections
under the
Act.**

Provided that the State Election Commission shall not in the case of elections to Municipalities allot to any contesting candidate any symbol reserved for a recognized political party or a registered political party. The State Election Commission shall allot symbols reserved for a recognized political party or a registered political party where any candidate is setup by such political party.

198. With a view to prevent impersonation of electors, provision may be made by rules made under this Act, for the production before the Presiding Officer of a polling station by every such elector, of his identity card before the delivery of a ballot paper or ballot papers to him, the identity card of which has been supplied with a photograph attached thereto by the electoral registration officer under the Registration of Electors Rules, 1960 made under the Representation of the People Act, 1950.

**Voter identity
cards.**

**Central Act 43
of 1950.**

199. No proceeding which is being or about to be taken under this Act for the preparation or publication of any electoral roll or for the conduct of any election shall be called in question in any Court, in any suit, or application, and no injunction shall be granted by any Court restraining any action in this regard.

**Injunctions
not to be
granted in
Election
Proceedings.**

200. (1) If it appears to the State Election Commissioner that in connection with any election held under this Act,-

**Requisitioning
of premises
and vehicles
for election
purposes.**

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

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

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

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

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

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

Payment of compensation.

201. (1) Whenever in pursuance of section 200, the State Election Commissioner requisitions any premises, there shall be paid to the person interested compensation the amount of which shall be determined by taking into consideration the following factors, namely:-

(i) the rent payable in respect of the premises or if no rent is so payable, will be the rent payable for similar premises in the locality;

(ii) if in consequence of the requisition of the premises the person interested is compelled to change his residence or place of business, the reasonable expenses, if any, incidental to such change:

Provided that where any person interested being aggrieved by the amount of compensation so determined makes an application within the prescribed time to the State Election Commissioner for referring the matter to an arbitrator appointed by him, the amount of compensation to be paid shall be determined by this arbitrator:

Provided further that where there is any dispute as to the title to receive the compensation or as to the apportionment of the amount of compensation, it shall be referred by the State Election Commissioner to an arbitrator appointed by him for determination and decision of the arbitrator shall be final.

Explanation:- In this sub-section, the expression "person interested" means the person who was in actual possession of the premises requisitioned under section 200 immediately before the requisition or where no person was in such actual possession, the owner of such premises.

(2) Whenever in pursuance of section 200, the State Election Commissioner requisitions any vehicle, there shall be paid to the owner thereof compensation, the amount of which shall be determined by the State Election Commissioner on the basis of the fares or rates prevailing in the locality for the hire of such vehicle:

Provided that where the owner of such vehicle, being aggrieved by the amount of compensation so determined, makes an application within the prescribed time to the State Election Commissioner for referring the matter to an arbitrator appointed by him, the amount of compensation to be paid shall be determined by this arbitrator:

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

Power to obtain information.

202. The State Election Commissioner may with a view to requisitioning any property under section 200 or determining the compensation payable under section 201 by order, require any person to furnish to such authority as may be specified in the order, such information in his possession relating to such property as may be specified.

203. (1) Any person remaining in possession of any requisitioned premises in contravention of any order made under section 200 may summarily be evicted from such premises by an officer empowered by the State Election Commissioner in this behalf.

Eviction from requisitioned premises.

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

204. If any person contravenes any order made under sections 200 to 203, he shall be punishable with imprisonment for a term, which may extend to one year or with fine or with both.

Penalty for contravention of any order regarding requisitioning.

CORRUPT PRACTICES AND ELECTION OFFENCES

205. The following shall be deemed to be corrupt practices for the purposes of this Act:-

Corrupt practices.

(1) Bribery, that is to say,-

(i) any gift, offer or promise by a candidate or his agent or by any other person with the consent of a candidate or his election agent, of any gratification, to any person whomsoever, with the object, directly or indirectly of inducing,

(a) a person to stand or not to stand as or to withdraw or not to withdraw from being a candidate at an election; or

(b) an elector to vote or refrain from voting at an election, or as reward to,

(ii) a person for having so stood or not stood, or for having withdrawn or not having withdrawn his candidature; or

(iii) an elector for having voted or refrained from voting.

(2) The receipt of or agreement to receive, any gratification, whether as a motive or a reward,-

(a) by a person for standing or not standing as or for withdrawing or not withdrawing from being a candidate; or

(b) by any person whomsoever for himself or any other person for voting or refraining from voting or inducing or attempting to induce any elector to vote or refrain from voting, or any candidate to withdraw or not to withdraw his candidature.

Explanation:- For the purposes of this clause, the term "gratification" is not restricted to pecuniary gratification or gratifications estimable in money and it includes all forms of entertainment and all forms of employment for reward but it does not include the payment of any expenses bonafide incurred at, or for the purpose of any election and duly entered in the account of election expenses.

(3) Undue influence, that is to say, any direct or indirect interference or attempt to interfere on the part of the candidate or his agent, or of any person with the consent of the candidate or his election agent with the free exercise of any electoral right:

Provided that,-

(a) without prejudice to the generality of the provisions of this clause any such person as is referred to thereon, who,-

(i) threatens any candidate or any elector or any person in whom a candidate or an elector is interested, with injury of any kind including social ostracism and excommunication or expulsion from any caste or community; or

(ii) induces or attempts to induce a candidate or an elector to believe that he, or any person in whom he is interested will become or will be rendered an object of divine displeasure or spiritual censure, shall be deemed to interfere with the free exercise of the electoral right of such candidate or elector within the meaning of this clause;

(b) a declaration of public policy, or a promise of public action, or the mere exercise of a legal right without intent to interfere with an electoral right, shall not be deemed to be interference within the meaning of this clause.

(4) The appeal by a candidate or his agent or by any other person with the consent of a candidate or his election agent to vote or refrain from voting for any person on the ground of his religion, race, caste, community or language or the use of, or appeal to religious symbols or the use of, or appeal to national symbols of the prospects of the election of that candidate or for prejudicially affecting the election of any candidate:

Provided that no symbol allotted under this Act to a candidate shall be deemed to be a religious symbol or a national symbol for the purposes of this clause.

(5) The promotion of, or attempt to promote feelings of enmity or hatred between different classes of the citizens of India on grounds of religion, race, caste, community or language by a candidate or his agent or any other person with the consent of a candidate or his election agent for the furtherance of the prospects of the election of that candidate or of prejudicially affecting the election of any candidate.

(6) The publication by a candidate or his agent or by any other person, with the consent of a candidate or his election agent or any statement of fact which is false, in which he either believes to be false, or does not believe to be true in relation to the personal character or conduct of any candidate or in relation to the candidature, or withdrawal of any candidate, being a statement reasonably calculated to prejudice the prospects of that candidate's election.

(7) The hiring or procuring, whether on payment or otherwise of any vehicle or vessel by a candidate or his agent or by any other person with the consent of a candidate or his election agent or the use of such vehicle or vessel for the free conveyance of any elector other than that the candidate himself, the members of his family or his agent to or from any polling station:

Provided that the hiring of a vehicle or vessel by an elector or by several electors at their joint costs for the purpose of conveying him or them to and from any such polling station or place fixed for the poll shall not be deemed to be a corrupt practice under this clause if the vehicle or vessel so hired is a vehicle or vessel not propelled by mechanical power:

Provided further that the use of any public transport vehicle or vessel by any elector at his own cost for the purpose of going to or coming from any such polling station or place fixed for the poll shall not be deemed to be a corrupt practice under this clause.

Explanation:- In this clause, the expression "vehicle" means any vehicle used or capable of being used for the purpose of road transport, whether propelled by mechanical power or otherwise and whether used for drawing other vehicles or otherwise.

(8) The incurring or authorizing of expenses in contravention of various provisions under this Act;

(9) The obtaining or procuring or abetting or attempting to obtain or procure by a candidate or his agent, or by any other person with the consent of a candidate or his election agent, any assistance (other than the giving of vote) for the furtherance of the prospects of that candidate's election, from any person in the service of the State, Central Government, local authority or a corporation owned or controlled by the State or Central Government:

Provided that where any person, in the service of the State or Central Government or a local authority in the discharge or purported discharge of his official duty, makes any arrangements or provides any facilities or does any other act or thing, for or in relation to, any candidate or his agent or any other person acting with the consent of the candidate or his election agent (whether by reason of the office held by the candidate or for any other reason), such arrangements, facilities or acts or things shall not be deemed to be assistance for the furtherance of the prospects of that candidate's election.

(10) Booth capturing by candidate or his agent or other person.

Explanation:-

(i) in this section the expression agent includes an election agent, a polling agent, and any person who is held to have acted as an agent in connection with election with the consent of the candidate,-

(a) a person shall be deemed to assist in the furtherance of the prospects of a candidate's election, if he acts as an election agent of that candidate;

(b) for the purposes of clause (9) notwithstanding anything contained in any other law, the publication in the Telangana Gazette of the appointment, resignation, termination of service, dismissal or removal from service of a person in the service of the Government shall be conclusive proof;

(ii) of such appointment, resignation, termination of service, dismissal or removal from service, as the case may be; and

(iii) where the date of taking effect of such appointment, resignation, termination of service, dismissal or removal from service, as the case may be, is stated in such publication, also of the fact that such person was appointed with effect from the said date, or in the case of resignation, termination of service, such person ceased to be in such service with effect from the said date.

206. Whoever at an election applies for a ballot paper or vote in the name of any other person, whether living or dead or in a fictitious name or who having voted once at such election applies at the same election for a ballot paper in his own name, and whoever abets, procures or attempts to procure the voting by any person in any such way shall be punished with imprisonment for a term which may extend to five years and with fine which may extend to five thousand rupees.

**Impersonation
at Elections.**

207. (1) Where an offence under this Act has been committed by a company, every person who at the time the offence was committed, was in charge of and was responsible to the company for the conduct of the business of the company as well as the company shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

**Offences by
Companies.**

Provided that nothing contained in this sub-section shall render any such person liable to any punishment, if he proves that the offence was committed without

his knowledge or that he had exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1) where any offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance or is attributable to any neglect on the part of any director, manager, secretary or other officer of the company shall be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation:- For the purposes of this section,-

(a) "company" means any body corporate and includes a firm or other association of individuals; and

(b) "director" in relation to a firm means a partner in the firm.

ELECTORAL OFFENCES

Promoting enmity between classes in connection with election.

208. Any person who in connection with an election under this Act promotes or attempts to promote on grounds of religion, race, caste, community or language, feelings of enmity or hatred between different classes of the citizens of India shall be punishable with imprisonment for a term which may extend to three years and with fine which may extend to three thousand rupees or with both.

Prohibition of public meetings before the date of poll.

209. (1) No person shall,-

(a) convene, hold, attend, join or address any public meeting or procession in connection with an election; or

(b) display to the public any election matter by means of cinematography, television or other similar apparatus; or

(c) propagate any election matter to the public by holding, or by arranging the holding of, any musical concert or any theatrical performance or any other entertainment or amusement with a view to attract the members of the public thereto, in any polling area during the period of forty-eight hours prior to the hour fixed for the conclusion of the poll for any election in that polling area.

(2) Any person who contravenes the provisions of sub-section (1) shall be punishable with imprisonment for a term which may extend to two years or with fine or with both.

(3) In this section, the expression "election matter" means any matter intended or calculated to influence or affect the result of election.

Disturbance at election meetings.

210. (1) Any person who at a public meeting to which this section applies, acts or incites others to act in a disorderly manner for the purpose of preventing the transaction of the business for which the meeting was called together, shall be punishable with imprisonment which may extend to six months or with fine which may extend to two thousand rupees or with both.

(2) An offence punishable under sub-section (1) shall be cognizable.

(3) This section applies to any public meeting of a political character held in any Municipality between the date of the issue of notification under this Act calling upon the voters to elect a ward member or members and the date on which such election is held.

(4) If any police officer reasonably suspects any person of committing an offence under sub-section (1), he may, if requested to do so by the presiding officer

of the meeting require that person to declare to him immediately his name and address and, if that person refuses or fails so to declare his name and address or if the police officer reasonably suspects him of giving a false name or address, the police officer may arrest him without warrant.

211. (1) No person shall print or publish or cause to be printed or published, any election pamphlet or poster which does not bear on its face the names and addresses of the printer and the publisher thereof.

**Restrictions
on the
printing of
pamphlets,
posters, etc.**

(2) No person shall print or cause to be printed any election pamphlet or poster,-

(a) unless a declaration as to the identity of the publisher thereof, signed by him and attested by two persons to whom he is personally known, is delivered by him to the printer in duplicate; and

(b) unless, within a reasonable time after the printing of the document, one copy of the declaration is sent by the printer, together with one copy of the document,-

(i) where it is printed in the capital of the State, to the Election Authority; and

(ii) in any other case, to the District Magistrate of the district in which it is printed.

(3) For the purpose of this section,-

(a) any process for multiplying copies of a document other than copying it by hand, shall be deemed to be printing and the expression "printer" shall be construed accordingly; and

(b) "election pamphlet or poster" means any printed pamphlet, hand-bill or other document distributed for the purpose of promoting or prejudicing the election of a candidate or group of candidates or any placard or poster having reference to an election, but does not include any hand-bill, placard or poster merely announcing the date, time, place and other particulars of an election meeting or routine instructions to election agents or workers.

(4) Any person who contravenes any of the provisions of sub-section (1) or (2) shall be punishable with imprisonment for a term which may extend to six months or with fine which may extend to two thousand rupees or with both.

212. (1) Every officer, clerk, agent or other person who performs any duty in connection with the recording or counting of votes at an election shall maintain, and aid in maintaining the secrecy of the voting and shall not (except for some purpose authorized by or under any law) communicate to any person any information calculated to violate such secrecy.

**Maintenance
of secrecy of
voting.**

(2) Any person who contravenes provisions of sub-section (1), shall be punishable with imprisonment for a term which may extend to three months or with fine or with both.

213. (1) No person who is a District Returning Officer or Returning Officer, or an Assistant Returning Officer or a Presiding Officer or Polling Officer, at an election, or an officer or clerk appointed by the Returning Officer or the Presiding Officer to perform any duty in connection with an election shall in the conduct or the management of the election do any act other than the giving of vote for the furtherance of the prospects of the election of a candidate.

**Officers at
elections not
to act for
candidates or
to influence
voting.**

(2) No such person as aforesaid, and no member of a police force, shall endeavor,-

- (a) to persuade any person to give his vote at an election; or
- (b) to dissuade any person from giving his vote at an election; or
- (c) to influence the voting of any person at an election in any manner.

(3) Any person who contravenes the provisions of sub-section (1) or sub-section (2) shall be punishable with imprisonment which may extend to six months or with fine or with both.

Prohibition of canvassing in or near polling station.

214. (1) No person shall, on the date or dates on which a poll is taken at any polling station, commit any of the following acts within the polling station or in any public or private place within a distance of one hundred meters of the polling station, namely:-

- (a) canvassing for votes; or
- (b) soliciting the vote of any elector; or
- (c) persuading any elector not to vote for any particular candidates; or
- (d) persuading any elector not to vote at the election; or
- (e) exhibiting any notice or sign (other than an official notice) relating to the election.

(2) Any person who contravenes the provisions of sub-section (1) shall be punishable with fine which may extend to two hundred and fifty rupees.

Penalty for disorderly conduct in or near polling stations.

215. (1) No person shall, on the date or dates on which a poll is taken at any polling station,-

(a) use or operate within or at the entrance of the polling station, or in any public or private place in the neighborhood thereof, any apparatus for amplifying or reproducing the human voice, such as a megaphone or a loudspeaker, or

(b) shout or otherwise act in a disorderly manner within or at the entrance of the polling station or in any public or private place in the neighborhood thereof, so as to cause annoyance to any person visiting the polling station for the poll, or so as to interfere with the work of the officers and other persons on duty at the polling station.

(2) Any person who contravenes or willfully aids or abets the contravention of the provisions of sub-section (1), shall be punishable with imprisonment which may extend to three months or with fine or with both.

(3) If the Presiding Officer of a polling station has reason to believe that any person is committing or has committed an offence punishable under this section, he may direct any police officer to arrest such person, and thereupon the police officer shall arrest him.

(4) Any police officer may take such steps and use such force as may be reasonably necessary for preventing any contravention of the provisions of sub-section (1), and may seize any apparatus used for such contravention.

Penalty for misconduct at the polling station.

216. (1) Any person who during the hours fixed for the poll at any polling station misconducts himself or fails to obey the lawful directions of the Presiding Officer may be removed from the polling station by the Presiding Officer or by any police officer on duty or by any person authorized in this behalf by such Presiding Officer.

(2) The powers conferred by sub-section (1) shall not be exercised so as to prevent any elector who is otherwise entitled to vote at a polling station from having opportunity of voting at that station.

(3) If any person who has been so removed from polling station re-enters the polling station without the permission of the Presiding Officer, he shall be punishable with imprisonment for a term which may extend to three months or with fine or with both.

217. If an elector, to whom a ballot paper has been issued, refuses to observe the procedure prescribed for voting, the ballot paper issued to him shall be liable for cancellation.

Penalty for failure to observe procedure for voting.

218. If any person is guilty of any such corrupt practices as specified in sub-section (7) of section 205 or in connection with an election he shall be punishable with imprisonment for a term, which may extend to three months and with fine, which may extend to three thousand rupees.

Penalty for illegal hiring or procuring of conveyance at elections.

219. (1) If any person to whom this section applies is without reasonable cause guilty of any act or omission in breach of his official duty, he shall be punishable with fine which may extend to two thousand rupees.

Breaches of official duty in connection with elections.

(2) No suit or other legal proceedings shall lie against any such person for damages in respect of any such act or omission as aforesaid.

(3) The persons to whom this section applies are the District Returning Officer, Returning Officer, Assistant Returning Officer, Presiding Officer, Polling Officer and any other person appointed to perform any duty in connection with the receipt of nominations or withdrawal of candidatures or the recording or counting of votes at an election and the expression "official duty" shall for the purposes of this section be construed accordingly but shall not include duties imposed otherwise than by or under this Act.

220. If any person in the service of the State or Central Government or a local authority or a Corporation owned or controlled by the State or Central Government acts as an election agent or a polling agent or counting agent of a candidate at an election, he shall be punishable with imprisonment for a term which may extend to three months or with fine or with both.

Penalty for Government servants for acting as election agent, polling agent or counting agent.

221. (1) No person other than Police Officer and any other person appointed to maintain peace and order, at a polling station who is on duty at the polling station, shall, on a polling day, go armed with arms, as defined in the Arms Act, 1959, of any kind with the neighborhood of a polling station.

Prohibition of going armed to or near a polling station.

Central Act 54 of 1959.

(2) If any person contravenes the provisions of sub-section (1), he shall be punishable with imprisonment for a term which may extend to two years or with fine or with both.

(3) An offence punishable under sub-section (2) shall be cognizable.

222. (1) Any person who at any election fraudulently takes or attempts to take a ballot paper or ballot box out of polling station or willfully aids or abets the doing of any such act shall be punishable with imprisonment for a term which may extend to five years and with fine which may extend upto five thousand rupees or with both.

Removal of ballot papers or ballot boxes from polling stations to be an offence.

(2) If the Presiding Officer of a polling station has reason to believe that any person is committing or has committed an offence punishable under sub-section (1), such officer may, before such person leaves the polling station, arrest or direct a police officer to arrest such person and such officer may cause him to be searched by the police:

Provided that when it is necessary to cause a woman to be searched, the search shall be made by another woman with strict regard to decency.

(3) Any ballot paper found upon the person arrested on search shall be made over for safe custody to a police officer by the Presiding Officer or when the search is made by a police officer, shall be kept by such officer in safe custody.

Offences of booth capturing.

223. (1) Whoever commits an offence of booth capturing shall be punishable with imprisonment for a term which shall not be less than one year but which may extend to three years and with fine, and where such offence is committed by a person in the service of the Government, he shall be punishable with imprisonment for a term which shall not be less than three years but which may extend to five years and with fine.

(2) For the purposes of this sub-section, an offence punishable under sub-section (1) shall be cognizable.

Liquor not to be sold, given or distributed on polling day.

224. (1) No spirituous, fermented or intoxicating liquors or other substances of a like nature shall be sold, given or distributed at a hotel, eating house, tavern, shop or any other place, public or private, within a polling area during the period of forty-eight hours prior to the hour fixed for the conclusion of the poll for any election in that polling area.

(2) Any person who contravenes the provisions of sub-section (1), shall be punishable with imprisonment for a term which may extend to six months or with fine which may extend to two thousand rupees or with both.

(3) Where a person is convicted of an offence under this section, the spirituous, fermented or intoxicating liquors or other substances of a like nature found in his possession shall be liable to confiscation and the same shall be disposed off in such manner as may be prescribed.

Other offences and penalties thereunder.

225. (1) A person shall be guilty of an electoral offence if at any election he,-

(a) fraudulently defaces or fraudulently destroys any nomination paper; or

(b) fraudulently defaces or fraudulently destroys or removes any list, notice or other document affixed by or under the authority of a Returning Officer; or

(c) fraudulently defaces or fraudulently destroys any ballot paper or the official mark of any ballot paper or any declaration or identity or official envelope used in connection with voting by postal ballot; or

(d) without due authority supplies any ballot paper to any person or receives any ballot paper from any person or is in possession of any ballot paper; or

(e) fraudulently puts into any ballot box anything other than the ballot paper which he is authorized by law to put in; or

(f) without due authority destroys, takes, opens or otherwise interferes with any ballot box or ballot papers then in use for the purposes of the election; or

(g) fraudulently or without due authority, as the case may be, attempts to do any of the foregoing acts or willfully aids or abets the doing of any such acts.

(2) Any person guilty of an electoral offence under this section shall,-

(a) if he is a Returning Officer or an Assistant Returning Officer or a Presiding Officer at a polling station or any other officer or clerk employed on official duty in connection with the election, be punishable with imprisonment for a term which may extend to two years or with fine or with both;

(b) if he is any other person, be punishable with imprisonment for a term which may extend to six months or with fine or with both.

(3) For the purposes of this section, a person shall be deemed to be on official duty, if duty is to take part in the conduct of an election or part of an election including the counting of votes or to be responsible after an election for the used ballot papers and other documents in connection with such election, but the expression "official duty" shall not include any duty imposed otherwise than by or under this Act.

226. Whoever does any act in contravention of any of the provisions of this Act or of any rule, notification or order made, issued or passed thereunder and not otherwise provided for in this Act shall, on conviction, be punishable with imprisonment which may extend to two years and with fine which may extend to two thousand rupees.

Penalty for offences not otherwise provided for.

MISCELLANEOUS ELECTION MATTERS

227. (1) If at an election, the proceedings at any polling station are interrupted or obstructed by any riot or open violence or if at an election it is not possible to take the poll at any polling station or such place on account of any natural calamity or any other sufficient cause, the Presiding Officer for such polling station shall announce an adjournment of the poll to a date to be notified later and he shall forthwith inform the Returning Officer concerned.

Adjournment of poll in emergencies.

(2) Whenever a poll is adjourned under sub-section (1), the Returning Officer shall immediately report the circumstances to the District Election Authority and the State Election Commission, and shall, as soon as may be, with the previous approval of the State Election Commission, appoints the day on which the poll shall recommence and fix the hours during which, the poll will be taken and shall not count the votes cast at such election until such adjourned poll shall have been completed.

(3) In every such case as aforesaid, the Returning Officer shall notify in such manner as the State Election Commission may direct, the date and hours of polling fixed under sub-section (2).

228. (1) If at any election,-

(a) any ballot box or electronic voting machine 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 polling station cannot be ascertained; or

(b) any voting machine develops a mechanical failure during the course of the recording of votes; or

(c) any such error, human or mechanical 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 State Election Commission.

Fresh poll in the case of destruction of ballot boxes.

(2) Thereupon the State Election 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 the polling station and notify the day so appointed and the hours so fixed in such manner as it may deem fit; or

(b) if satisfied that the result of a fresh poll at that polling station will not, in any way affect the result of the election or that the mechanical failure of the voting machine or the error or irregularity in procedure is not material, issue such directions to the Returning Officer as it may deem proper for the proper conduct and completion of the election.

(3) The provisions of this Act and of any rules or orders made thereunder shall apply to every such fresh poll as they apply to the original poll.

Adjournment of poll or counter-manding of election on the ground of booth capturing.

229. (1) If at any election,-

(a) booth capturing has taken place at a polling station or in such number of polling stations as is likely to affect the result of such election or that the result of the poll at that polling station cannot be ascertained; or

(b) booth capturing takes place in any place for counting of votes in such a manner that the result of the counting at that place cannot be ascertained, the Returning Officer shall forthwith report the matter to the State Election Commission.

(2) The State Election Commission shall on the receipt of a report from the Returning Officer under sub-section (1) and after taking all material circumstances into account, either,

(a) declare that the poll at that polling station be void, appoint a day, and fix the hours, for taking fresh poll at that polling station and notify the date so appointed and hours so fixed in such manner as he may deem fit, or

(b) if satisfied that in view of the large number of polling stations involved in booth capturing the result of the election is likely to be affected or that booth capturing had affected counting of votes in such manner as to affect the result of the election, countermand the election in that constituency.

Destruction, loss of ballot papers at the time of counting.

230. (1) If at any time before counting of votes is completed, any ballot papers used at a polling are unlawfully taken out of the custody of the Returning Officer or are accidentally or intentionally destroyed or lost or are damaged or tampered with, to such an extent that the result of the poll at that polling station cannot be ascertained, the Returning Officer shall forthwith report the matter to the State Election Commission.

(2) Thereupon, the State Election Commission shall, taking all material circumstances into account, either,

(a) direct that the counting of votes shall be stopped, declare the poll at that polling station to be void, appoint a day and fix the hours, for taking a fresh poll at that polling station and notify the date so appointed and hours so fixed in the manner as it may deem fit; or

(b) if satisfied that the result of a fresh poll at that station will not, in anyway, affect the result of the election, issue such directions to the Returning Officer as it may deem proper for the resumption and completion of the counting and for the further conduct and completion of the election in relation to which the votes have been counted.

(3) The provisions of this Act and of any rules or orders made thereunder shall apply to every such fresh poll as they apply to the original poll.

231. (1) Any officer or staff employed in connection with the preparation, revision and correction of the electoral rolls for, and the conduct of elections shall be deemed to be on deputation to the State Election Commission for the period during which they are so employed and such officers and staff shall during that period, be subject to the control, superintendence and discipline of the State Election Commission.

Electoral officers and staff deemed to be on deputation.

(2) The District Election Authority, Returning Officer, Assistant Returning Officer, Presiding Officer, Polling Officer and any other officer appointed under this Act, and any police officer designated for the time being by the Government for the conduct of any elections shall be deemed to be on deputation to the State Election Commission for the period commencing from the date of notification calling for such elections and ending with the date of declaration of the results of such elections and such officer shall, during that period, be subject to the control, superintendence and discipline of the State Election Commission.

232. The State Election Commission may, subject to such conditions and restrictions as the Government may, by general or special order, impose, by order in writing delegate to any officer or authority subordinate to him, either generally or as respects any particular matter or class of matters any of his powers under this Act.

Delegation of powers of the Commission.

233. (1) No election held under this Act shall be called in question except by an election petition presented to the Election Tribunal.

Election petitions.

(2) The Government may specify a court of District Judge to be an Election Tribunal to try the election petitions under this Act.

(3) The Tribunal shall deal with such petitions and proceedings in connection there with in the manner prescribed.

ELECTION EXPENSES

234. This chapter shall apply to candidates of any election held under this Act.

Application of chapter.

235. (1) Every candidate at any election held under this Act shall, either by himself or by his election agent, keep a separate and correct account of all expenditure incurred in connection with the election, between the date on which the candidate concerned has been nominated and the date of declaration of the result of the election, both dates inclusive hereinafter in this chapter referred to as "election expenses".

Accounts of election expenses.

Explanation I:—"Election expenses" for purpose of this Act shall mean all expenses in connection with the election,-

(a) incurred or authorized by the contesting candidate or by his election agent;

(b) incurred, by any association, or body of persons, or by any individual (other than the candidate or his election agent) aimed at promoting or procuring the election of the candidate concerned; and

(c) incurred by any political party, by which the candidate is set up, so as to promote or procure his election:

Provided that any expenses incurred by any political party as part of its general propaganda, (which is distinguishable from its election campaign for the promotion or procuring the election of a particular candidate), by words, either written or spoken or by signs or visible representations or by audio-visual devices or through print or electronic media or otherwise shall not constitute 'election expenses' for purposes of this Act.

Explanation II:- For the removal of doubts, it is hereby declared that any expenses incurred in respect of any arrangements made, facilities provided or any other act or thing done by any person in the service of the Government and belonging to any of the classes mentioned in sub-section (9) of section 204 in the discharge or purported discharge of his official duty as mentioned in the proviso to that clause shall not be deemed to be expenses in connection with the election incurred or authorized by a candidate or by his election agent for the purposes of this sub-section.

(2) The account of election expenses shall contain such particulars, as may by order, be specified by the State Election Commission.

(3) The total of the said expenses shall not exceed such amount, as may by order, be specified by the State Election Commission.

Lodging of account with the District Election Authority.

236. (1) Every contesting candidate at an election shall, within forty-five days from the date of declaration of the result of the election, lodge with the District Election Authority, an account of his election expenses, which shall be a true copy of the account kept by him or by his election agent under section 235.

(2) The District Election Authority shall submit the copies of election expenditure statements to the State Election Commission.

APPOINTMENT OF OBSERVERS

Appointment of observers.

237. (1) The State Election Commission may nominate an observer who shall be an officer of the Government to watch the conduct of election or elections for such specified area or areas in the district and to perform such other functions as may be entrusted to him by the Commission in relation thereto.

(2) The observer nominated under sub-section (1) shall have the power to direct the Returning Officer for any of the seats for which he has been nominated, to stop the counting of votes at any time before the declaration of the result, or not to declare the result, if in the opinion of the observer, booth capturing has taken place at a large number of polling stations or at counting centers or any ballot papers used at a polling station are unlawfully taken out of the custody of the Returning Officer or are accidentally or intentionally destroyed or lost or are damaged or tampered with to such an extent that the result of the poll at that polling station cannot be ascertained.

(3) Where an observer has directed the Returning Officer under this section to stop counting of votes or not to declare the result, he shall forthwith report the matter to the Commission and thereupon the Commission shall, after taking all material circumstances into account, issue appropriate directions under section 229 or 230 in the matter of declaration of results.

(4) It shall be competent for the State Election Commission to appoint an Election Expenditure Observer for a group of seats or a Municipality or group of Municipalities so as to ensure that the provisions of sections 235 and 236 are strictly adhered to and in that behalf the Commission may issue such instructions as it deems fit, from time to time to such observers.

CHAPTER VII**SUBSIDIARY LEGISLATION****RULES, BYE-LAWS AND REGULATIONS**

238. (1) The Government may, by notification without prejudice to the generality of the foregoing power, make rules for carrying out any or all of the purposes of this Act.

Power of Government to make rules.

(2) In making any rules, the Government may provide that a breach thereof shall be punishable with a fine, as prescribed.

(3) Every rule made under the Act shall immediately after it is made, be laid before each House of the Legislature of the State if it is in session, and if it is not in session, in the session immediately following for a total period of fourteen days which may be comprised in one session or in two successive sessions and if before the expiration of the session in which it is so laid or the session immediately following, the Legislature agrees in making any modification in the rule or in the annulment of the rule, the rule shall, from the date on which the modification or annulment is notified, have effect only in such modified form or shall stand annulled, as the case may be, so however that any such modification or annulment shall be without prejudice to the validity or anything previously done under the rule.

239. (1) The State Legislature may add to, modify or cancel any Schedule.

Power to amend Schedules.

(2) A copy of every notification proposed to be issued under sub-section (1) shall be laid in draft before each House of the State Legislature while it is in session for both the Houses to approve or make any modification or alteration or otherwise within a period of 30 days from the date of submission:

Provided that in the event of no communication from the Legislature being received within the time prescribed above, it shall be deemed that the proposed notification stands approved and the government shall issue the notification accordingly.

240. The Municipal Council may make bye-laws, not inconsistent with this Act, or with any other law for the time being in force, to provide for all matters, expressly required or allowed by this Act, to be provided for by bye-law.

Power of the Council to Make Bye-laws.

241. (1) If, in respect of any matters specified in section 240, the Municipality has failed to make any bye-laws, or if the bye-laws made by it are not, in the opinion of the Government, adequate, the Government may make rules providing for such matters, as they may think fit.

Power of Government to make rules in lieu of Bye-laws.

(2) The rules made under this section may add to, alter, or cancel any bye-laws made by the Municipal Council.

(3) If any provision of bye-laws made by the Municipal Council is repugnant to any provision of a rule made under this section, the rule shall prevail, and the bye-laws, to the extent it is repugnant, be void.

242. Bye-laws with regard to the drainage of, and supply of water to, buildings and water-closets, earth-closets, privies, ash-pits and cess-pools in connection with buildings, and the keeping of water-closets supplied with sufficient water for flushing, may be made so as to affect buildings erected before passing of the bye-laws or this Act.

Power to give retrospective effect to certain Bye-laws.

243. The Municipal Council shall, before making or altering bye-laws, publish a draft of the proposed bye-laws and alterations, together with a notice specifying a

Conditions precedent to making Bye-laws.

date at or after which such draft will be taken into consideration, and shall, before making the bye-laws or alterations, receive and consider any objection or suggestion, which may be made in respect of such draft by any person interested therein, before the date so specified.

Penalty for breaches of Bye-laws.

244. In making bye-laws the Municipal Council may provide that a breach of the bye-laws shall be punishable with fine specifying the same, not inconsistent with any other provision or existing rules.

PUBLICATION OF RULES, BYE-LAWS AND REGULATIONS

Copies of Act, Rules and Bye-laws to be made available online.

245. Complete copies of the Act, bye-laws and the rules framed by the Government and the Municipal Authorities, shall be made available online in English or in the main language of the district.

PENALTIES

General provisions regarding penalties.

246. (1) Whoever acts as a Member knowing that under this Act or the rules made thereunder he is not entitled, or has ceased to be entitled, to hold such office shall, be punished with fine as prescribed and not less than ten thousand rupees for every such offence.

(2) Whoever acts as or exercises the functions of the Chairperson or Vice-Chairperson of a Municipal Council knowing that under this Act or the rules made thereunder he is not entitled, or has ceased to be entitled, to hold such office or to exercise such functions shall be punished with fine as prescribed and not less than rupees ten thousand for every such offence.

(3) If the Chairperson or Vice-Chairperson of a council fails to hand over any documents of, or any moneys or other properties vested in, or belonging to, the council which are in or have come into his possession or control, to his successor in office or other prescribed authority, in every case as soon as his term of office as Chairperson or Vice-Chairperson expires and in the case of the Vice-Chairperson also on demand by the Chairperson, such Chairperson or Vice-Chairperson shall be punished with fine as prescribed and not less than ten thousand for every such offence.

Penalty for acquisition of interest by any Municipal Officer of interest in contract or work.

247. If any Municipal Officer or employee knowingly acquires, directly or indirectly, by himself or by a co-sharer or servant, or near relative or any benamidar, any share or interest in any contract or employment with, by or on behalf of, the Municipal Council, he shall be deemed to have committed an offence under section 168 of the Indian Penal Code:

Provided that no person shall, by reason of being a shareholder in, or member of, any company, be held to be interested in any contract, entered into between such company and the Municipal Council, unless he is a director of such company.

Penalty for willful prevention of distraint.

248. Any person willfully preventing distraint or sufficient distraint of property, subject to distraint for any tax due from any person, shall be liable to a fine, not exceeding ten times the amount of the tax found to be due.

Wrongful restraint of Municipal Authority or Officer and his delegate.

249. Every person, who prevents the municipal authority or officer or any person, to whom the said authority or officer has lawfully delegated its or his powers of entering into or on any land or building, from exercising its or his lawful power of entering there into or thereon, shall be deemed to have committed an offence under section 341 of the Indian Penal Code.

250. If any person, who is required by the provisions of this Act, or by any notice, or other proceedings issued under this Act to furnish any information,-

- (a) omits to furnish it, or
- (b) knowingly furnishing false information,

such person shall be liable to pay fine of Rupees two thousand.

Penalty for not giving information or giving false information.

PROCEDURE AND MISCELLANEOUS

LICENSES AND PERMISSIONS

251. (1) Every license and permission granted under this Act or any rule or bye-law made under this Act, shall specify the period if any for which, and the restrictions, limitations and conditions subject to which, the same is granted, and shall be signed by the Commissioner.

General provisions regarding licenses and permissions.

(2) Save as otherwise expressly provided in or prescribed under this Act, for every such license or permission, fees be charged on such units and at such rates as may be fixed by the Municipal Council.

(3) Every order of a municipal authority granting or refusing a license or permission shall be communicated to the person concerned.

(4) Every order of a municipal authority refusing, suspending, cancelling, modifying or revoking a license or permission shall be in writing and shall state the grounds on which it proceeds.

APPEALS

252. (1) Any person aggrieved by any notice issued by the Municipality under this Act may file an appeal before the Regional Director, within 60 days from the date of receipt of such notice. The Regional Director shall dispose the appeal within 30 days from the date of receipt of the appeal:

Appeals.

Provided that the Regional Director may condone the delay in filing the appeal subject to the satisfaction of showing sufficient cause.

(2) A review shall lie to the Government against any orders passed by the Regional Director under sub-section (1), within 30 days from the date of receipt of the order passed by the Regional Director:

Provided that the Government may condone the delay in filing the review petition subject to the satisfaction of showing sufficient cause for delay in filing the review petition.

POWER TO SUMMON

253. All persons authorised by rule to conduct enquiries relating to elections and all inspecting or superintending officers holding any enquiries into matters falling within the scope of their duties shall have, for the purposes of such enquiries the same powers in regard to the issue of summons for the attendance of witnesses and the production of documents, as enumerated under the Civil Procedure Code, 1908.

Power of persons conducting election and other enquiries.

Central Act 5 of 1908.

254. The Commissioner, the Municipal Engineer or the Town Planning Officer may summon any person to appear before him, and to give evidence or produce documents in respect of any question relating to taxation, or inspection or registration, or to the grant of any licence or permission under the provisions of this Act.

Summons to attend and give evidence or produce documents.

NOTICES, Etc.**Form of notices and permissions.**

255. All notices and permissions given, issued or granted, as the case may be, under the provisions of this Act shall be in writing, either in print or electronic form, and in such form as may be prescribed.

Signature on documents.

256. (1) Every license, permission, notice, bill, Schedule, summons or other document which is required by this Act or by any rule, bye-law or regulation made thereunder shall bear the signature of the Commissioner or of any Municipal Officer either in writing or in electronic form, and may bear a facsimile of the signature of the Commissioner or of such Municipal Officer, as the case may be, stamped thereon.

(2) Nothing in sub-section (1) shall be deemed to apply to a cheque drawn upon the municipal fund or to any deed of contract entered into by the Municipality.

Publication of bye-laws, notice, orders etc.

257. Every bye-law, order, notice or other document directed to be published under this Act shall be written in, or translated into, the main language of the district and deposited at the municipal office, and a copy shall be posted up in a conspicuous position at such office or through web based, and at such other places as the Municipality may direct, and a public proclamation shall be made throughout the Municipality by beat of drum that such copy has been so posted up and that the original is open to inspection at the municipal office.

Notice of prohibition or setting apart of places.

258. Whenever the Municipality has set apart any place for any purpose authorized by this Act or has prohibited the doing of anything in any place, the Commissioner shall forthwith cause to be put up a notice in Telugu, Urdu or English. Such notice shall specify the purpose for which such place has been set apart, or the act prohibited in such place.

Method of serving documents.

259. When any notice, or other documents is required by this Act or by any rule, bye-law, regulation or order made under it, is to be served on or sent to any person, the service or sending thereof may be affected in the manner prescribed.

RELATIONS OF OCCUPIER TO OWNER.**Recovery by occupier of sum leviable from owner.**

260. If the occupier of any building or land makes, on behalf of the owner thereof, any payment for which, under this Act, the owner but not the occupier is liable, such occupier shall be entitled to recover the same from the owner, and may deduct the same from the rent, then or thereafter, due by him to the owner.

Obstruction of owner by occupier.

261. (1) If the occupier of any building or land prevents the owner from carrying into effect in respect thereof any of the provisions of this Act, the Commissioner may by an order, require the said occupier to permit the owner, within eight (8) days from the date of service of such order, to execute all such works as may be necessary.

(2) Such owner shall, for the period during which he is prevented as aforesaid, be exempt from any fine or penalty to which he might otherwise have become liable, by reason of default, in executing such works.

Execution of work by occupier in default of owner.

262. If the owner of any building or land fails to execute any work, which he is required to execute under the provisions of this Act or of any rule, bye-law, regulation or order made under it, the occupier of such building or land may, with the approval of the Commissioner execute the said work and shall be entitled to recover, from the owner, the reasonable expenses incurred in the execution thereof, and may deduct the amount thereof from the rent, then or thereafter, due by him to the owner.

POWERS OF ENTRY AND INSPECTION

263. The Commissioner, or any person authorized by him, on this behalf may enter into or on any building or land, with or without assistants or workmen, in order to make any enquiry, inspection, test, examination, survey, measurement, or valuation, or for the purpose of lawfully placing or removing pipes or meters, or to execute any other work, which is authorized by the provisions of this Act or of any rule, bye-law, regulation or order made under it, or which it is necessary, for any of the purposes of this Act, or in pursuance of any of the said provisions, to make or execute any work in the manner prescribed.

Power of entry to inspect, survey or execute the work.

POWER TO ENFORCE LICENSING PROVISIONS.

264. If, under this Act or any rule, bye-law or regulation made under it, the license or permission of the Commissioner or other officer of the Municipality, or registration in the municipal office is necessary for the doing of any act, and if such act is done without such license or permission or registration, or in a manner not consistent with the terms of any such license or permission, then action shall be taken against the person responsible in the manner prescribed.

Consequences of failure to obtain licenses or of breach of the same.

PAYMENT OF COMPENSATION BY AND TO THE MUNICIPALITY

265. If in any case, not otherwise expressly provided for in this Act, the Commissioner may, with the approval of the Government pay compensation to any person who sustains damage by reason of the exercise by any municipal authority, officer or servant of any of the powers vested in them by this Act or any other law, or by any rule, bye-law or regulation made under it.

Power of Municipality to pay compensation.

266. All costs, damages, penalties, compensation charges, fees, other than school fees, expenses, rents, contributions and other sums, which, under this Act or any other law or rules or bye-laws made thereunder or under any contract in respect of water supply or drainage, made in accordance with this Act, the rules or bye-laws, are due by any person to the Municipality, shall be deemed as a bill payable to the Municipality and shall be recovered as per the rules prescribed under this Act.

Recovery of sums due as taxes.

267. Notwithstanding any provisions provided under any law for time being in force, no distraint shall be made, no suit shall be instituted, and no prosecution shall be commenced in respect of any sum due to the Municipality under this Act, after the expiration of a period of seven years from the date on which distraint might first have been made.

Limitation for recovery of dues.

268. Subject to the provisions of section 267, no person shall be tried for any offence against the provisions of this Act, or of any rule or bye-law made under it, unless the complaint is made by the Commissioner or by a person expressly authorized in this behalf by the Municipality to the Judicial First Class Magistrate who has jurisdiction over the Municipality. The Judicial First Class Magistrate shall take cognizance as per the provisions of the Code of Criminal Procedure, 1973, in regard to the powers of the Magistrates to take cognizance of offences upon complaint received from the Commissioner or the person authorized by him:

**Persons empowered to prosecute.
Central Act 2 of 1974.**

Provided that failure to take out a license, obtain permission or secure registration under this Act shall, for the purposes of this section, be deemed a continuing offence until the expiration of the period, if any, for which the license, permission or registration is required and if no period is specified, complaint may be made at any time within twelve months from the commencement of the offence.

Imprisonment in default of payment and application of costs etc.

269. (1) Any fine, costs, tax or other sum imposed or assessed by a Magistrate under this Act or under any rule or bye-law made under it shall be recoverable by such Magistrate under the Code of Criminal Procedure, 1973, as if it were a fine and the same shall, except in the case of a fine on recovery, be paid to the Municipality, to be applied to the purposes of this Act.

(2) In case any fine or costs imposed or assessed under this Act or under any rule or bye-law made thereunder, are not paid by the defaulter or offender, the Magistrate may order the offender to be imprisoned for a period of six months in default of such payment.

Payment of compensation for damage to municipal property.

270. If, on account of any act or omission, any person has been convicted of an offence against the provisions of this Act or against any rule or bye-law made thereunder and, by reason of such act or omission, damage has been caused to any property, owned by or vesting in the Municipality, the said person shall pay compensation for such damage, notwithstanding any punishment to which he may have been sentenced for the said offence. In such event, the amount of compensation payable by the said person shall be determined by the Magistrate before whom he was convicted of the said offence on application made to him for the purpose of, by the Commissioner, not later than three (3) months from the date of conviction; and in default of payment of the amount of compensation so determined, it shall be recovered under a warrant from the said Magistrate, as if it were a fine imposed by the Magistrate on the person liable thereof.

LEGAL PROCEEDINGS.

Institution of suits against Municipal Authorities, Officers and Servants.

271. (1) Notwithstanding any provisions provided under any law for the time being in force, no suit for damages or compensation shall be instituted against the Municipality, any municipal authority, officer or servant, or any person acting under the direction of such Municipality, municipal authority, officer or servant, in respect of any act done in pursuance of execution or intended execution of this Act or any rule, bye-law, regulation or order made under it or in respect of any alleged neglect or default in the execution of this Act, or any rule, bye-law, regulation, or order made under it, until the expiration of three (3) months after a notice has been delivered or left at the municipal office or at the place of abode of such officer, servant or person, stating the cause of action, the relief sought, and the name and place of abode of the intending plaintiff and the plaint shall contain a statement that such notice has been so delivered or left.

(2) Where the defendant, in any such suit, is the Chairperson, the Commissioner or a municipal officer or employee, payment of the sum or any part of any sum, payable by him in, or in consequence of the suit, whether in respect of costs, charges, expenses, compensation for damages or otherwise, shall be met from the municipal fund.

Provisions regarding institution of civil and criminal actions and obtaining of legal advice.

272. The Commissioner may,-

- (a) take, or withdraw from, proceedings against any person who commits-
 - (i) any offence against this Act, rules, bye-laws or regulations;
 - (ii) any offence, which affects or is likely to affect any property or interest of the Municipality or the due administration of this Act;
 - (iii) any nuisance whatsoever;
- (b) compound any offence against this Act, the rules, bye-laws or regulations;

(c) take, withdraw from or compromise proceedings for the recovery of expenses or compensation claimed to be due to the Municipality;

(d) withdraw or compromise any claim against any person in respect of a penalty payable under a contract entered into with such person;

(e) defend any suit or other legal proceedings brought against the Municipality or against any municipal authority, officer or employee, in respect of anything done or omitted to be done, as aforesaid;

(f) compromise any claim, suit or legal proceedings brought against the Municipality or against any municipal authority, officer or employee, in respect of anything done or omitted to be done, as aforesaid;

(g) institute and prosecute any suit, or withdraw from or compromise any suit or claim, which has been instituted or made in the name of the Municipality or any other municipal authority officer or employee;

(h) obtain such legal advice and assistance as he may, from time to time, think it necessary or expedient to obtain, or as he may be desired by the Municipality to obtain, for any of the purposes mentioned in the foregoing clauses of this section, or for securing the lawful exercise or discharge of any power or duty vesting in or imposed upon, any municipal authority or officer or employee.

273. The election authority may defend himself, if sued or joined as a party, in any proceeding relating to the preparation or publication of electoral rolls or the conduct of elections, as the case may be, and the expenses incurred by the election authority in so doing shall be payable from the municipal fund.

Power of election authority to defend himself, if sued.

274. No court shall grant any temporary injunction, or make any interim order, restraining any proceeding, which is being or about to be taken under this Act, for the preparation or publication of electoral rolls or for the conduct of any elections.

Injunctions not to be granted in election proceedings.
Central Act 5 of 1908.

275. No suit shall be maintainable against the Government, the District Collector, the Revenue Divisional Officer or any Chairperson, Municipal Authority, officer or employee, or any person acting under the direction of any Chairperson, Municipal Authority, officer or employee, or of a Magistrate, in respect of anything done in good faith under this Act or any rule, bye-law, regulation or order made under it.

Protection of persons acting under this Act against suits.

276. (1) The Chairperson, the Member, the Commissioner, the Municipal Engineer, the Town Planning Officer and the Bill Collector or other employee of the Municipality, entrusted with the collection of sums due to the Municipality under this Act, shall be liable for the loss, waste or misappropriation of any money or other property, owned by or vested in the Municipality, if such loss, waste or misappropriation is a direct consequence of his neglect or misconduct, and a suit for compensation may be instituted against him by the Municipality, or by the Government.

Liability for loss, waste or misappropriation.

(2) No such suit shall be instituted after three (3) years after the accrual of the cause of action.

Sanction for Prosecution of Chairperson, Commissioner or any other officer.

277. When the Chairperson, Ward Member, the Commissioner or any other officer is accused of any offence, alleged to have been committed by him, while acting or purporting to act in the discharge of his official duty, no court shall take cognizance of such offence, except with the previous sanction of the Government.

Assessment not to be questioned.

278. No assessment or demand made, and no charge imposed under the authority of this Act, shall be questioned or affected by reason of any clerical error or by reason of any mistake (a) in respect of the name, residence, place of business or occupation of any person, or (b) in the description of any property or thing, or (c) in respect of the amount assessed, demanded or charged, provided that the provisions of this Act have been, in substance and effect, complied with; and no proceedings under this Act shall, merely for defect in form, be quashed or set aside by any Court.

Injunctions not to be granted in respect of revisions or amendment of assessment books.

279. No court shall grant any interim or temporary injunction or make any interim orders restraining any proceeding, which is being or about to be taken under Rules, for the revision or amendment of the assessment books or restraining such revision or amendment from taking effect.

POLICE

Duties of Police Officers.

280. (1) It shall be the duty of every police officer,-

(a) to communicate, without delay, to the proper municipal officer, any information which he receives of the design to commit or of the commission of any offence under this Act or any rule, bye-law or regulation made under it; and

(b) to assist the Chairperson, the Commissioner or any municipal officer or employee reasonably demanding his aid for the lawful exercise of any power, vesting in the Chairperson or the Commissioner, or in such municipal officer or employee under this Act, or any such rule, bye-law or regulation.

(2) Any police officer who omits or refuses to perform any duty, imposed on him by this Act, shall be subject to disciplinary proceedings for dereliction of duties as provided under the Service Rules applicable to the police.

Power of police officers to arrest persons.

281. (1) If any police officer sees any person committing an offence against any of the provisions of this Act or of any rule or bye-law made under it, he shall, if the name and address of such person are unknown to him, and if the said person on demand declines to give his name and address, or gives a name and address which such officer has reason to believe to be false, arrest such person.

(2) No person arrested under sub-section (1) shall be detained in custody,-

(a) after his true name and address are ascertained, or

(b) without the order of a Magistrate for any longer time, not exceeding twenty-four (24) hours from the hour of arrest than is necessary for bringing him before a Magistrate.

Exercise of Powers of Police Officer by Municipal Officers or Employees. Act III of 1889.

282. The Government may empower any municipal officer or employee or any class of municipal officers or employees to exercise the powers of police officer for the purposes of this Act and of the Telangana Towns Nuisances Act, 1889.

MISCELLANEOUS

283. Every municipal officer or employee, every contractor or agent, for the collection of any municipal tax, fee or other sum due to the Municipality, and every person employed by any such contractor or agent for the collection of such tax, fee or sum, shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code, 1860.
- Application of Term of 'Public Servant' to Municipal Officers, Agents and Sub-Agents.**
Central Act 45 of 1860.
284. No person shall remove any mark set up for the purpose of indicating any level or direction incidental to the execution of any work authorised by this Act or by any bye-law, rule or order made under it.
- Prohibition against removal of mark.**
285. No person shall, without authority in that behalf, remove, destroy, deface or otherwise obliterate, any notice exhibited by, or under the orders of the Municipality or the Commissioner or other officer authorized by him on this behalf.
- Prohibition against removal or obliteration of notice.**
286. No person shall, without authority in that behalf, remove earth, sand or other material or deposit any matter or make any encroachment from, in, or on, any land vested in the Municipality, or river, estuary, canal, backwater or water course, not being private property or, in any way, obstruct the same.
- Prohibition against unauthorized dealings with public place or materials.**
287. (1) The Government may, by notification, delegate to any person or authority all or any of the powers vested in them by this Act, except the power to make rules and may in like manner, withdraw any powers so delegated.
- Delegation of powers by the Government.**
- (2) The exercise of any powers delegated under sub-section (1) shall be subject to such restrictions and conditions, as may be prescribed, or as may be specified in the notification, and also to control and revision by the Government.
288. The Government or the District Collector may, from time to time, give such directions not inconsistent with the provisions of this Act or the rules made thereunder to a Municipality, as it may consider necessary, for carrying out the purposes of this Act.
- Power to give directions.**
289. When a dispute exists between a Municipality and one or more than one local authority in regard to any matters arising under the provisions of this Act, or any other enactment and the Government are of the opinion that the local authorities concerned are unable to settle it amicably among themselves, the Government may take cognizance of the dispute and issue orders. Any such decision shall be binding on each of the local authorities concerned and shall not be liable to be questioned in any court of law.
- Adjudication of disputes between Local Authorities.**
290. The Government may, by notification, declare any local area to be a notified area or a Township or an integrated township, for the purpose of application of all or any of the provisions of this Act in the said notified area or a Township in the manner prescribed.
- Notified Areas.**
291. Notwithstanding anything contained in this Act, or in any other law for the time being in force, relating to the Municipalities or the Notified Area Committees, the Government may, in consultation with any Municipality or the Notified Area Committee, as the case may be, and also the Telangana State Industrial
- Power to transfer functions of municipalities to Telangana**

State Industrial Infrastructure Corporation and vice versa. Infrastructure Corporation, by notification, and subject to such restrictions and conditions, including those relating to the remittance of such percentage of the property tax to a Municipality or to a Notified Area Committee and to such control and revision, as may be specified therein, direct that any power or function vested in the Municipality or the Notified Area Committee by or under this Act, shall be transferred to and exercised and performed by the Telangana State Industrial Infrastructure Corporation or any other agencies, as notified by the Government. The same holds vice versa.

Disclosure of information. 292. The Municipality shall maintain and publish all its records, quarterly, half-yearly and yearly intervals, duly categorized and indexed in a manner and form which facilitates the disclosure of such information to the public in such manner as prescribed.

Extension of provisions of law relating to municipalities or of rules thereunder, for mining settlement. 293. (1) The Government may, at the request of the Mines Board of Health, constituted under Telangana Mining Settlements Act, 1956 or otherwise by notification, declare that any of the provisions of this Act, or of any rule made thereunder, including those relating to taxation, shall be extended to and be in force in the Mining Settlement or in any specified area therein.

Act XLIV of 1956.

(2) The provisions so notified shall be construed with such alterations not affecting the substance, as may be necessary or proper, for the purpose of adapting them to the Mining Settlement or any special area therein.

Vesting of public streets and appurtenances in the Municipality.

294. (1) All public streets in the Municipality with the pavements, stones and other materials thereof and all works, materials and other things provided for such streets, including public resources and spaces such as water bodies, etc., other than those managed by Central and State Government, sewers, drains, drainage works, tunnels and culverts, whether made at the cost of the municipal fund or otherwise, in, alongside or under any street, whether public or private, and all works, materials and things appertaining thereto, shall vest in the Municipality.

(2) Notwithstanding anything in sub-section (1), the Government may, after consultation with the Municipality, shall withdraw any such street, sewer, drain, drainage work, tunnel or culvert from the control of the Municipality and place at the control of any other department of Government, by notification.

Duty of Municipality in respect of public streets withdrawn from its control.

295. (1) Where the Municipality has withdrawn a public street and vested the same under the control of any other department of the Government, under sub-section (2) of section 294, it shall be the duty of the Municipality to provide, from the Municipal funds, any amenities as the Government may by general or special order, direct.

(2) From the date of the commencement of this Act, all vacant lands belonging to or under the control of the Government unless otherwise vested with any Government department / local body, shall subject to sub-sections (3) and (4) vest in the possession or under the control of the Municipality concerned for the purposes of this Act.

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

(3) The Municipality shall keep all such vacant lands free from encumbrances and shall restore the possession of such land to the Government for the public purpose, free of cost, or for purpose of alienation to any person or authority whenever required.

(4) The Municipality shall not construct or permit the construction of any building or structure on any such vacant land, or, use or permit the use of such vacant land for any permanent purpose, or alienate such vacant land to any third-party, unless prior permission is obtained from the Government. The Government may give permission only after obtaining the necessary information which deems fit in the circumstances of the case.

296. All garbage, filth, sewage, construction and demolition waste and other collected material by or on behalf of a Municipality, shall belong to the Municipality.

Collected sewage, construction waste, etc. to belong to Municipality.

297. The municipal authority under this Act may acquire an immovable property subject to the provisions of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 and any subsequent Act or notification thereupon as applicable in the State of Telangana, on payment of compensation and the property acquired shall vest in Municipality.

Procedure for acquisition of immovable property required by the Municipality.

Central Act 30 of 2013.

298. The Government, if it deems fit and necessary in the interest of the functioning of Municipal Corporations and the Councils, may make special provisions with respect to one or more corporations or councils.

Special powers of the Government.

299. (1) On and from the commencement of this Act, the Telangana Municipalities Act, 1965 and the Telangana Municipal Corporations Act, 1994 are repealed.

Repeal and savings.

Act No. 6 of 1965.

Act 25 of 1994.

(2) On such repeal, the provisions of sections 8 and 18 of the Telangana General Clauses Act, 1891, shall apply, provided that on such repeal, rules or provisions existing are not inconsistent with this Act.

(3) Notwithstanding the repeal of the Acts referred in sub-section (1) the appointment, notification, order, scheme, form, notice, rule, or bye-law, made or issued, and license or permission granted under the Acts, shall, in so far as it is not inconsistent with the provisions of this Act, shall continue in force and be deemed to have been made, issued or granted under the provisions of this Act, unless it is lapsed or superseded by any appointment, notification, order, scheme, form, notice, rule or bye-law made or issued, and any license or permission granted under the said provisions.

(4) The members of any Council and Corporation holding office at the commencement of this Act shall be deemed to have been elected as members of that Council and Corporation under this Act, and subject to provisions of section 10, continue to hold office of members until the expiration of their term under the provisions which were applicable to them immediately before such commencement.

(5) Any division of the Municipality into wards, made or deemed to have been made under the Telangana Municipalities Act, 1965 or Telangana Municipal Corporations Act, 1994 and in force at the commencement of this Act, shall be deemed to be the division of the Municipality into wards made under this Act; and the members representing the wards shall, subject to the provisions under sub-section (4), be deemed to represent them on and from the commencement of this Act.

**Remove of
difficulties.**

300. If any difficulty arises in giving effect to the provisions of this Act or as to the first constitution or re-constitution of any Municipal Council or Municipal Corporation after the commencement of this Act, the Government may, as occasion may require, may by an order published in the Telangana Gazette do anything which appears to them to be necessary for the purpose of removing the difficulty.

**Repeal of
Ordinance 6
of 2019.**

301. The Telangana Municipalities Ordinance, 2019 is hereby repealed.

SCHEDULE-I

(see sub-section (2) of section 3)

LIST OF MUNICIPALITIES IN THE STATE

Sl. No	Name of the District	Name of the Municipality	Number of Wards
(1)	(2)	(3)	(4)
I	JANGAON		
1		Jangaon	30
II	WARANGAL RURAL		
2		Parkal	22
3		Narsampet	24
4		Wardhannapet	12
III	MAHABUBABAD		
5		Mahabubabad	36
6		Dornakal	15
7		Maripeda	15
8		Thorrur	16
IV	JAYASHANKAR BHUPALAPALLY		
9		Bhupalpally	30
V	KARIMNAGAR		
10		Jammikunta	30
11		Huzurabad	30
12		Choppandandi	14
13		Kothapally	12
VI	JAGTIAL		
14		Jagtial	48
15		Korutla	33
16		Metpalli	26
17		Raikal	12
18		Dharmapuri	15
VII	RAJANNA-SIRCILLA		
19		Vemulavada	28
20		Sircilla	39
VIII	PEDDAPALLI		
21		Peddapalli	36
22		Manthani	13
23		Sulthanabad	15
IX	KHAMMAM		
24		Sattupalli	23
25		Madhira	22
26		Wyra	20
X	BHADRADRI KOTHAGUDEM		
27		Kothagudem	36
28		Palvancha	24
29		Yellandu	24
30		Manuguru	23
XI	ADILABAD		
31		Adilabad	49

(1)	(2)	(3)	(4)
XII	NIRMAL		
32		Nirmal	42
33		Bhainsa	26
34		Khanapur	12
XIII	KUMARAMBHEEM ASIFABAD		
35		Kagaznagar	30
XIV	MANCHERIAL		
36		Mancherial	36
37		Bellampally	34
38		Mandamarri	24
39		Naspur	25
40		Chennur	18
41		Kyathanpally	22
42		Luxettipet	15
XV	RANGA REDDY		
43		Pedda Amberpet	24
44		Ibrahimpattanam	24
45		Jalpally	28
46		Shadnagar	28
47		Shamshabad	25
48		Turkayamjal	24
49		Manikonda	20
50		Narsingi	18
51		Adibatla	15
52		Shankarpally	15
53		Thukkuguda	15
54		Amangal	15
XVI	VIKARABAD		
55		Tandur	36
56		Vikarabad	34
57		Parigi	15
58		Kodangal	12
XVII	MEDCHAL-MALKAJGIRI		
59		Medchal	23
60		Dhammaiguda	18
61		Nagaram	20
62		Pocharam	18
63		Ghatkesar	18
64		Gundlapochampally	15
65		Thumkunta	16
66		Kompally	18
67		Dundigal	28
XVIII	NIZAMABAD		
68		Bodhan	38
69		Armur	36
70		Bheemgal	12
XIX	KAMAREDDY		
71		Kamareddy	49
72		Banswada	19
73		Yellareddy	12

(1)	(2)	(3)	(4)
XX	YADADRI BHUVANAGIRI		
74		Bhongir	35
75		Mothkur	12
76		Choutuppal	20
77		Alair	12
78		Pochampally	13
79		Yadagirigutta	12
XXI	SURYAPET		
80		Suryapet	48
81		Kodada	35
82		Huzurnagar	28
83		Neredcherla	15
84		Tirumalagiri	15
XXII	NALGONDA		
85		Devarakonda	20
86		Nalgonda	48
87		Miryalguda	48
88		Nakrekal	20
89		Nandikonda	12
90		Chityal	12
91		Haliya	12
92		Chandur	10
XXIII	SIDDIPET		
93		Siddipet	43
94		Gajwel	20
95		Dubbaka	20
96		Husnabad	20
97		Cherial	12
XXIV	SANGAREDDY		
98-		Sangareddy	38
99		Sadasivapet	26
100		Zaheerabad	37
101		Andol-Jogipet	20
102		Narayankhed	15
103		Bollaram	22
104		Tellapur	17
105		Ameenpur	24
XXV	MEDAK		
106		Medak	32
107		Thoopran	16
108		Ramayampet	12
109		Narsapur	15
XXVI	MAHABUBNAGAR		
110		Mahabubnagar	49
111		Jadcherla	27
112		Bhoothpur	10
XXVII	NARAYANPET		
113		Narayanapet	24
114		Makthal	16
115		Kosgi	16

(1)	(2)	(3)	(4)
XXVIII	JOGULAMBA GADWAL		
116		Gadwal	37
117		leeja	20
118		Waddepalle	10
119		Alampur	10
XXIX	WANAPARTHY		
120		Wanaparthly	33
121		Kothakota	15
122		Pebbair	12
123		Atmakur	10
124		Amarchinta	10
XXX	NAGARKURNOOL		
125		Nagarkurnool	24
126		Kollapur	20
127		Kalwakurthy	22
128		Atchampet	20

SCHEDULE-II**(see sub-section (2) of section 3)**

Sl.No.	Name of the District	Name of the Municipal Corporation	Number of Wards
(1)	(2)	(3)	(4)
1	Warangal	Greater Warangal Municipal Corporation	66
2	Karimnagar	Karimnagar	60
3	Peddapalli	Ramagundam	50
4	Nizamabad	Nizamabad	60
5	Khammam	Khammam	60
6	Ranga Reddy	Badangpet	32
7	Ranga Reddy	Bandlaguda Jagir	22
8	Ranga Reddy	Meerpet (by merging Meerpet and Jillelguda)	46
9		Boduppal	28
10	Medchal- Malkajgiri	Peerzadiguda	26
11		Jawaharnagar	28
12		Nizampet	33

SCHEDULE-III

Sl. No.	Name of the Municipal Service	Documents required	Time lines	Officers involved in this process	Approval by
(1)	(2)	(3)	(4)	(5)	(6)
1.	Property Tax Property Tax Assessment of building	Registered Document / Court Decree / Affidavit, Building Permission Number	Instant	Online	
2.	Vacancy remission	Assessment copy/proof of vacancy	15 days	Online	Municipal Commissioner
3.	Revision Petition	Application with Assessment Number details	15 days	Online	Municipal Commissioner
4.	Appeal	Application with Review Petition orders	15 days	Authorized person	Regional Director concerned
5.	Certified Copy of Assessment Register	Free download of assessment details			
6.	Vacant Land Assessment	Registered Document / Court Decree / Affidavit	Instant	Online	
7.	Water Tap Connection	Application	14 days	Online	Mission Baghiratha
8.	Trade License	Application with self certification	Instant	Online	—
9.	Trade Renewal	Application with self certification	Instant	Online	—
10.	Mutation	On registration, application get auto transfer from Registration Department to Municipality and makes auto title transfer instantly.			

(1)	(2)	(3)	(4)	(5)	(6)
11.	Sub-Division request	Registered Document / Court Decree / Affidavit, Building Permission Number / Affidavit	15 days	Authorized person	Municipal Commissioner
12.	Certified Copy of Building Permission	Instant download from website	Instant	Authorized person	—
13.	Land use certificate as per master plan	Application	7 days	Online	Municipal Commissioner
14.	Birth Certificate	Application	instant	Online	Municipal Commissioner
15.	Child name inclusion in Birth Certificate	Application	7 days	Online	Municipal Commissioner
16.	Name Correction in Birth Certificate	Application, self declaration	7 days	Online	Municipal Commissioner
17.	Non-availability of Birth Certificate	Application, self declaration	7 days	Online	Municipal Commissioner
18.	Death Certificate	Application along with documents prescribed	7 days	Online	Municipal Commissioner
19.	Name correction in Death Certificate	Application, self declaration	7 days	Online	Municipal Commissioner
20.	Non availability of Death Certificate	Application, self declaration	7 days	Online	Municipal Commissioner
21.	Sanitary Certificate for Educational Institutions	Registration and Recognised Certificate from School Education Department and application	7 days	Authorised person	Municipal Commissioner
22.	Any other services as prescribed by the Government.				

SCHEDULE-IV

(see section 12)

PROVISIONS WITH REGARD TO DISQUALIFICATION OF MEMBERS**1. Disqualification for Election or for Holding Office as a Member:**

A person holding an office of profit under a Municipality, the Central Government or the State Government shall be disqualified for election or for holding office as member:

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

2. Other Disqualifications of Candidates:

(1) A person who has been sentenced by a criminal court,-

(a) to imprisonment for an offence under the Protection of Civil Rights Act, 1955 (Central Act 22 of 1955);

(b) for any offence other than an offence of political character, or any offence not involving moral delinquency, such sentence not having been suspended, reversed or the offence pardoned, shall be disqualified for election as a member, while undergoing the sentence and for five years from the date of expiration thereof.

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

(a) of unsound mind and stands so declared by a competent court;

(b) an applicant to be adjudicated an insolvent or undischarged insolvent;

(c) interested in a subsisting lease or contract entered into with or any work being done for the Municipality, except as a shareholder, other than a Director, in a company:

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

(i) any sale or purchase of immovable property or any agreement for the same; or

(ii) any public loan raised by Municipality or any security for the payment of money only; or

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

(iv) the sale to the Municipality, of any articles, in which he regularly trades, or the purchase from the Municipality, of any articles, to a value in either case not exceeding five hundred (500) rupees, in the aggregate, in any year during the period of the contract or work;

(v) the occasional letting out on hire to the Municipality or hiring from the Municipality, of any article, for an amount not exceeding, in the aggregate, in any one year five hundred (500) rupees;

(d) an honorary Magistrate for the municipal town;

(e) already a member or Sarpanch of a Gram Panchayat or a member of a Mandal Praja Parishad or Zilla Praja Parishad constituted under the provisions of the Telangana Panchayat Raj Act, 2018 (Telangana Act 5 of 2018);

(f) already a member whose term of office, as such, will not expire before his fresh election can take effect, or has already been elected a member, whose term of office has not yet commenced;

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

(g) the employee or employer or the official subordinate or official superior of a member holding office on the said date;

(h) in arrears of any kind due by him otherwise than in a fiduciary capacity to the Municipality upto and inclusive of the previous year, in respect of which a bill or notice has been duly served upon him, and the time, if any, specified therein for payment, has expired; or

(i) dismissed from service of the Central Government, the State Government, any Municipality or any local authority, for misconduct.

3. Disqualification for failure to lodge Account of Election Expenses:

If the State Election Commission is satisfied that a person,-

(a) has failed to lodge an account of election expenses within the time limit prescribed and, in the manner, required by or under this Act, and

(b) has no good reason or justification for the failure, the State Election Commission shall, after following the procedure prescribed, by order published in the Telangana Gazette, declare him,

(i) to be ineligible for a period of three (3) years from the date of the said order to contest any election held for any office under this Act; and

(ii) to have ceased to hold office, in case he is elected.

4. Disqualification of Members:

(1) Subject to the provisions of section 13, a member shall cease to hold his office, if he,-

(a) is sentenced by a criminal court to such punishment and for such offence, as is described in sub-paragraph (1) of Paragraph 2;

(b) is elected to a ward/office reserved for Scheduled Castes or Scheduled Tribes or Backward Classes, and subsequently the Community Certificate, on the basis of which he is elected is cancelled, under section 5 of the Telangana (Scheduled Castes, Scheduled Tribes and Backward Classes) Regulation of Issue of Community Certificates Act, 1993 (Act 16 of 1993);

(c) becomes of unsound mind and stands so declared by a competent court;

(d) applies to be adjudicated, or is adjudicated, an insolvent;

(e) subject to the proviso to sub-paragraph (2)(c) of Paragraph 2, acquires any interest in any subsisting contract made with, or work being done for, the Municipality, except as a shareholder, other than a Director, in a company;

(f) is employed as a paid legal practitioner on behalf of the Municipality or legal practitioner against the Municipality;

(g) is appointed as an officer or servant under this Act, or as an honorary Magistrate for the municipal town;

(h) accepts employment under or becomes the official subordinate of any other member;

(i) ceases to reside for a period of more than six (6) months in the Municipality or within two kilometers from the outer limits there from;

(j) fails to pay arrears of any kind due by him, otherwise than in a fiduciary capacity, to the Municipality within three (3) months after a bill or notice has been served upon him under this Act, or where, in the case of any arrears, this Act does not require the service of any bill or notice, within three (3) months after a notice requiring payment of the arrears, which notice it shall be the duty of the Commissioner to serve at the earliest possible date, has been duly served upon him by the Commissioner;

(k) absents himself from the meetings of the Municipality for a period of three (3) consecutive months, reckoned from the date of the commencement of his term of office, or of the last meeting which he attended, or of his restoration to office as member under sub-paragraph (3), as the case may be, or if within the said period, less than three (3) ordinary meetings have been held absents himself from three consecutive ordinary meetings held after the said date:

Provided that in the case of a woman member, a period of not more than two (2) months at a time shall be excluded in reckoning the period of absence aforesaid if, for reasons of physical disability, due to advanced stage of pregnancy and of delivery, such member absents herself from meetings of the Municipality, after giving a written intimation to the Commissioner of the date from which she would be absent:

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

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

(2) Where a person ceases to be a member under sub-paragraph (1) (a) of Paragraph 4, he shall be restored to office for such portion of the period, for which he was elected, as may remain unexpired at the date of such restoration, if and when the sentence or order is annulled on appeal or revision, and any person elected to fill the vacancy in the interim shall, on such restoration, vacate office.

(3) Where a person ceases to be a member under sub-paragraph (1) (l) of Paragraph 4, the Commissioner shall, at once, intimate the fact, in writing, to such person and report the same to the Municipality at its next meeting. If such person applies for restoration to the Municipality on or before the date of its next meeting, or within fifteen (15) days of the receipt by him of such intimation; the Municipality may, at the meeting next after the receipt of such application, or *suo moto*, restore him to the office of the member:

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

V. NIRANJAN RAO,
Secretary to Government,
Legal Affairs, Legislative Affairs & Justice,
Law Department.