

# **THE TRIPURA MUNICIPAL ORDINANCE, 1994**

**PROMULGATED BY THE GOVERNOR OF TRIPURA**

**On May 27, 1994.**

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Government of Tripura  
Law Department

No. F. 10 (6)-Law/Log/94

Agartala, the 28th May, 1994.

NOTIFICATION

The following Ordinance promulgated by the Governor of Tripura on the 27th May, 1994 is hereby published for general information.

GOVERNMENT OF TRIPURA  
LAW DEPARTMENT

THE TRIPURA MUNICIPAL ORDINANCE, 1994

No. 1 of 1994

Promulgated by the Governor of Tripura in the Forty Fifth year of the Republic of India.

An Ordinance to consolidate the Laws relating to and to reorganise the Local Self Governments in the Municipal areas in conformity with provisions of the Constitution (Seventy forth) Amendment Act, 1992.

WHEREAS the Legislative Assembly is not in Session and the Governor is satisfied that circumstances exist which render it necessary for him to take immediate action ;

NOW, THEREFORE, in exercise of the powers conferred by Clause (1) of Article 213 of the Constitution the Governor is pleased to

Barcode 0022425

promulgate the following Ordinance :—

PART—I  
CHAPTER—I  
PRELIMINARY

1. Short title and commencement —(1) This Ordinance may be called the Tripura Municipal Ordinance, 1994.

(2) It extends to the whole of the State of Tripura except the areas under the Tripura Tribal Areas Autonomous District.

(3) It shall come into force on such date as may be appointed by the State Govt. by Notification in the official gazette and different dates may be appointed for different provisions or for different areas.

2. Definitions—

In this ordinance, unless there is anything repugnant in the subject or context—

(1) "Auditor" means an Auditor appointed under this Ordinance includes any officer authorised by him to perform all or any of the functions of an Auditor under this Ordinance.

(2) "Bridge" includes a culvert ;

(3) "building" means a structure constructed for whatsoever purpose or of whatsoever materials, and includes the foundation, plinth, wall, floor, roof, chimneys, fixed platform, verandah, balcony, cornice, or projection or part of a building or anything affixed thereto or any wall (other than boundary wall or less than three metres in height) enclosing or intended to enclose any large sign or outdoor display structure, but does not include a tent, samiana or tarpaulin shelter ;

(4) "building line" means the line up to which the main wall of a building abutting on a street or a projected public street may lawfully extend ;

(5) "bustee" means an area containing land occupied by, or for the purpose of, any collection of huts or other structures used or intended to be used for human habitation ;

Explanation:—If any question arise as to whether any particular area is or is not a "bustee" the Municipality shall decide the question and such decision shall be final;

(6) "Carriage" means any wheeled Vehicle, with springs or other appliances acting as springs, which is used for the conveyance of human beings or goods, and includes a min-rickshaw, a van-rickshaw and a cycle-rickshaw, but does not include a motor vehicle or bicycle or a tricycle or a perambulator or other form of vehicle designed for the conveyance of small children ;

(7) "cart" means any cart, hackery or wheeled vehicle with or without springs, which is not a carriage or a motor vehicle as defined in this section, and includes a handcart, a bicycle or a tricycle or a rickshaw, but does not include a trailer of a motor vehicle, a perambulator or other form of vehicle designed for the conveyance of small children;

(8) "Chairperson" or "Vice-Chairperson" means Chairperson or Vice Chairperson of a Municipal Council or a Nagar Committee ;

(9) "connected privy" means a privy which is directly connected with a sewer.

(10) "Council" means the Municipal Council Constituted under this Ordinance ;

(11) "cubical extent" with reference to the measurement of a building, means the space contained within the external surfaces of its walls and roof, and the upper surface of the floor of its lowest or only storey ;

(12) "dairy" includes any farm, cattle shed, cow-house, milk-store, milk-shop or other place—

(a) from which milk is supplied on or for sale, or

(b) in which milk is kept for the purposes of sale or used for manufacture or preparation for sale of—

(i) butter, or

(ii) ghee, or

(iii) Cheese, or

(iv) curds, or

(v) dried, sterilized, condensed or toned milk, but does not include—

(a) a shop or other place in which milk is sold for consumption on the premises only, or

(b) a shop or other place from which milk is sold or supplied in hermetically closed and unopened receptacles in the same original condition in which it was first received in such shop or other place;

(13) "District" means a Revenue District, or such area in the State as the State Govt. may constitute under any Law for the time in force;

(14) "dairyman" includes any occupier of a dairy, or any cow-keeper who trades in milk, or any wholesale or retail seller of milk ;

(15) "dangerous disease" mean—

(a) Cholera, Plague, small-pox, cerebro-Spinal meningitis, diphtheria, tuberculosis, leprosy, influenza, encaphalitis, poliomyelitis and syphilis ; and

- (b) any other epidemic, endemic or infectious disease which the State Government may, by notification, declare to be a dangerous disease for the purpose of this Ordinance ;
- (16) "District Council" means Tripura Tribal Area Autonomous District Council ;
- (17) "drain" includes a sewer, house-drain, a drain of any other description, a tunnel, a culvert, a ditch, a channel and any other device for carrying off sullage, sewage, offensive matter, polluted water, rain-water or subsoil water ;
- (18) "drug" means any substance used as medicine or in the composition or preparation of medicines, whether for internal or external use, but does not include a drug within the meaning of clauses (b) of Section 3 of the Drugs and Cosmetics Act, 1940 ;
- (19) "dwelling house" means a masonry building constructed used or adopted to be used wholly or principally for human habitation ;
- (20) "electoral roll" means the electoral roll prepared revised or corrected under this ordinance ;
- (21) "Election Commission" means the State Panchayat Election Commission referred to in Section 176 of the Tripura Panchayats Act, 1993 ;
- (22) "First General Election" means the General Election held for the first time for constitution of a Municipality after commencement of this Ordinance ;
- (23) "food" includes every article used for food or drink by man, other than drugs or water, and any article which ordinarily enters into or is used in the composition or preparation of human food, and also includes confectionery, flavouring and colouring matter spices and condiments ;
- (24) "footpath" or "footway" means pavement at the side of road for pedestrians ;
- (25) "General Election" means the election which may be held for constitution of a Municipality ;
- (26) "Governor" means the Governor of Tripura ;
- (27) "habitable room" means a room constructed or adopted for human habitation ;
- (28) "holding" means land held on title or agreement and surrounded by one set of boundaries ;

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



(29) "house-drain" means any drain of one or more premises used for the drainage of such premises ;

(30) "house-gully" means a passage or strip of land constructed, set apart or utilised for the purpose of serving as a drain or of affording access to a privy, urinal, cesspool or other receptacle for filthy or polluted matter to municipal employees or to persons employed in the cleansing thereof or in the removal of such matter therefrom, and includes the air space above such passage or land ;

(31) "hut" means any building, no substantial part of which excluding the walls upto a height of fifty centimetres above the floor or or floor-level, is constructed of masonry, reinforced concrete, steel iron or other metal ;

(32) "infectious disease or communicable disease" means any disease which may be transmitted from one person to another and declared as such by the State Government by Notification ;

(33) "inhabited room" means a room in which some person passes the night or which is used as a living room and includes a room with respect to which there is a reasonable presumption (until the contrary is shown) that some person passes the night therein or that it is used a living room

(34) "land" includes benefits arising out of land and things attached to the earth ;

(35) "market" includes any place, by whatever name called where persons assemble for the sale of meat, fish, fruit, vegetables, live stock or any other article of food of a perishable nature, or any other article for which there is a collection of shops or warehouses or stalls, declared and licensed by the Municipality as a market ;

(36) "masonry building" means any building other than a hut, and includes any structure, a substantial part of which is made of masonry, reinforced concrete steel, iron or other metal ;

(37) "Mayor" or "Deputy Mayor" means Mayor or Deputy Mayor or Deputy Mayor a Municipal Corporation ;

(38) "milk" includes cream, skimmed milk, separated milk and condensed, sterilized, desiccated or toned or milk ;

(39) "misbranded drug" or "misbranded food" means all drugs or article of food which enter into the composition of drug or food, the package or mark or label of which bears any statement, design or device regarding such drugs or articles of food or the ingredients or substances

contained therein which may be false or may mislead in any particular thereof and a drug or an article of food shall also be deemed to be misbranded if it is offered for sale under the name of another drug or another article of food ;

(40) "municipal area" means an area constituted under this ordinance as larger urban Municipal area, or a Smaller urban Municipal area or transitional Municipal area or a part thereof ,

41. "municipal drain" means a drain vested in the Municipality ,

(42) "municipal market" means a market belonging to or maintained by the Municipality ;

(43) "municipal slaughter house" means a slaughter house belonging to or maintained by the municipality.

(44) "Municipality" means a Nagar Panchayat, a Municipal Council or a Municipal Corporation constituted under this ordinance ;

(45) "Member" means a member of a Municipality ;

(46) "new building" means

(a) any building constructed or in the process of construction after the commencement of this Ordinance ;

(b) any building which having collapsed or having been demolished or burnt down for more than one-half of its cubical extent, is reconstructed wholly or partially after the commencement of this Ordinance, whether the extensions of the reconstructed building are the same as the original building or not ;

(c) any hut which is converted into a masonry building after the commencement of this Ordinance ;

(d) any building originally constructed for human habitation which is converted into a place for human habitation after the commencement of this Ordinance ;

Explanation—Sub-Clause (b) applied where more than one half of the cubical extent of any building has collapsed or been demolished or burnt down at the same time or at different times ;

(47) "notification" means a notification published in the Official Gazette ;

(48) "nuisance" includes any act, Commission, 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 ;

(49) "occupier" includes any person for the time being paying or liable to pay to the owner the rent or fee or contractual payment or adjustment of rent or fee or any portion thereof or damages on account of the occupation of any land or building and also includes a rent free tenant ;

Provided that the owner living in or otherwise using his own land or building shall be deemed to be the occupier thereof ;

(50) "offensive matter" means kitchen or stable refuse, dung, dirt, putrid or putrefying substance and filth of any kind which is not included in "sewage" ;

(51) "Official Gazette" means the Tripura Gazette ;

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

(53) "Population" means the population as ascertained at the last preceding Census of which the relevant figures have been published.

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

(a) the garden, ground and out-house, if any appertaining hereto ; and

(b) any fittings or fixtures affixed to a building or part of a building or hut or part of a hut or the more beneficial enjoyment thereof ;

(55) "prescribed" means prescribed by rules made under this ordinance ;

(56) "private drain" means any drain which is not a municipal drain as defined in this section ;

(57) "private street" means any street, road, lane, gully, alley, passage or square which is not a public street as defined in this section, and includes any passage securing access to three or more premises belonging to the same or different owners ;

(58) "public building" means a building constructed, used or adopted to be used—

(a) as a place of public worship or a School, College or other place of institution (not being a dwelling house so used) or as a hospital, nursing home, maternity home, factory, work



house, public theatre, public cinema, public hall, public concert-room, public lecture room, public library or public exhibition-room or as a public place of assembly ; or

(b) as a hotel, eating-house, lodging house, home hostel, refuge or shelter ; or

(c) for any other public purpose ;

(59) "public street" means any street, road, lane, gully, alley, passage, pathway, square or court—yard whether a throughfare or not, over which the public have a right of way, and includes—

(a) the access or approach to a public ferry ;

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

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

(d) the passage connecting to public streets, and

(e) the drains attached to any such street, public bridge or causeway, and where there is no drain attached to any such street, shall be deemed to include also, unless the contrary is shown, all land up to the boundary wall, all hedge pillar of the premises, if any abutting on the street, or if a street alignment has been fixed, then up to such alignment ;

(60) "political party" means a political party which has been recognised by the Election Commission of India as a National Party or as a State Party of this State ;

(61) "Qualifying date" in relation to the preparation or revision of each election roll means the first day of January of the year in which it is so prepared or revised ;

(62) "ratepayer" means a person liable to pay any rate, tax or fee under this ordinance ;

(63) "registered medical practitioner" means a medical practitioner registered under any law for the time being in force ;

(64) "regulations" means regulations made by the Municipality under this Ordinance ;

(65) "rubbish" means dust, ashes, broken bricks, mortar, broken glass and refuse of any kind which is not offensive matter ;

(66) "rules" means the rules made under this ordinance ;

(67) "service privy" means a fixed privy which is cleansed by hand daily or periodically, but does not include a moveable commode ;

(68) " swage " means night soil and other contents of privies, urinals, cesspools or drains, and includes trade effluents and discharges from manufacturies of all kinds;

(69) " slaughter house " means any plaecer used for the slaugh to for cattle, sheep, goats, kids or pigs or hens, fowls, chicken, ducks, turkeys or any other eatable birds for the purpose of selling the flesh thereof as meat ;

(70) " state " means the State of Tripura ;

(71) " State Government " means the State Government of Tripura ;

(72) " section " means section of this Ordinance ;

(73) " State Legislature " means the State Legislature of Tripura

(74) " street " means a public or private street ;

(75) " street alignment " means the line dividing the land comprised in, and forming part of a street for the adjoining land ;

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

(77) " year " means a financial year begining on the first day of April.

## PART—II

## THE MUNICIPAL AREAS

## CHAPTER—II

## Constitution of Municipal Areas

## 3. Declaration of intention to constitute a municipal area.—

Whenever the Governor is satisfied that any smaller or larger urban area or a transitional area, that is to say, an area in transition from a rural area to an urban area,—

- (i) contains a population of not less than five lakhs in such larger urban area or not less than fifty thousand in such smaller urban area or less than fifty thousand in such transitional area ;
- (ii) has a density of population of not less than five hundred inhabitants per square kilometre of area ;
- (iii) has an occupational pattern in which more than one half of the adult population are chiefly engaged in pursuit other than agriculture,

and if such area is constituted a municipal area the revenue generated for local administration and other municipal income are likely to be adequate for discharge of municipal functions under this Ordinance, he may, by notification declare the intention to constitute such area as larger urban municipal area, or as the case may be, a smaller urban municipal area or a transitional municipal area :

Provided that notwithstanding anything contained herein the Governor may by public notification re-specify a larger urban area, as smaller urban area or a transitional area having regard to the population, density of population of the area, revenue generated for local administration, percentage of employment in non-agricultural activities, the economic importance of the area and such other factors as he may deem fit.

## 4. Publication of declaration.—

- (1) The notification about the constitution of a municipal area shall be published in the Official Gazettee and in at least two leading newspapers, one of which shall be in vernacular intelligible to the inhabitants of the local area concerned.
- (2) A copy of the notification shall also be pasted up in a conspicuous place in the office of the District Magistrate and in such other public place as the State Government may direct.

- (3) A public proclamation about the constitution of a municipal area shall be made either by beating of drum through the local area concerned or through any other publicity media.

5. Consideration of objection.—

Any inhabitant of the larger or a smaller urban area or the transitional area in respect of which the notification has been published under section 4 may, if he objects to anything contained in the notification, submit his objection in writing to the State Government within one month from the date of publication in the Official Gazette, and the State Government shall take his objection into consideration.

6. Constitution of Municipal area.—

On the expiry of one month from the date of publication of the notification in the Official Gazette and after consideration of all or any of the objections which may be submitted, the State Government may, by notification constitute such area notified under Section 3 or a part of it as large urban municipal area, or as the case may be, a smaller urban municipal area or as transitional municipal area.

7. Power to abolish or alter the limits of a municipal area.

After consultation with the municipality concerned (if it has already been established) the State Government may, by similar notification, and following the same procedure laid down for constitution of municipal area

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

8. Powers to include certain dwelling house, manufactory, etc, within a particular municipal area.

Where a dwelling house, manufactory, warehouse, or place of industry or business is situated within the limits of two or more adjacent municipal areas, the State Government may, notwithstanding anything contained in this Ordinance, by notification declare within which of those municipal areas such dwelling-house, manufactory, warehouse, or place of industry or business shall be deemed to be included for the purposes of this Ordinance.

9. Power to exempt municipal area from operation if any provision of the Ordinance.

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

(2) While the exemption, as aforesaid, remains in force, the State Government may make rules with respect to any matter within the purview of this Ordinance for the municipal area or municipal areas so exempted.

### CHAPTER—III CONSTITUTION, COMPOSITION ETC. OF THE MUNICIPALITIES

10. Constitution of the Municipalities —

(1) There shall be constituted—

- (a) a Nagar Panchayat for a transitional municipal area ;
- (b) a Municipal Council for a smaller urban municipal area ; and
- (c) a Municipal Corporation for a larger urban municipal area

in the manner hereinafter provided ;

Provided that a Municipal Corporation under this clause may not be constituted in such urban area or a part thereof as the Governor may, having regard to the size of the area and the municipal services being provided or proposed to be provided by an industrial establishment in that area and such other factors as he may deem fit, by public notification specify to be an industrial township.

- (2) A Nagar Panchayat, a Municipal Council or a Municipal Corporation shall be the authority of the municipal government in the respective municipal area.
- (3) The municipal authorities charged with the responsibility of carrying out the provisions of this Ordinance shall be as follows —
- (i) in the case of larger urban municipal area—
    - (a) the municipal corporation
    - (b) the mayor-in-council
    - (c) the mayor
  - (ii) in the case of smaller urban municipal area—
    - (a) the municipal council
    - (b) the chairperson-in council
    - (c) the chairperson and
  - (iii) in the case of transitional municipal area—
    - (a) the Nagar Panchayat
    - (b) the chairperson-in-Nagar Committee
    - (c) the chairperson.
- (4) Every Municipality shall be a body corporate with the perpetual succession and a common seal, and may, by the name of the Municipality of the respective area by reference to which the Municipality is known, sue and be sued.
- (5) Subject to the provisions of this Ordinance, the Municipality shall be entitled to acquire, held and dispose of properties.

#### 11. Composition of Municipalities.—

- (1) Save as provided in clause (2) all the seats in a Municipality shall be filled by persons chosen by direct election from the territorial constituencies in the Municipal area.
- (2) Each Municipality may consist of—
- (a) The members elected under sub-section (1) ;
  - (b) The persons having special knowledge or experience in Municipal Administration as may be nominated by the Governor :

Provided that the number of such persons shall not exceed—

- (i) in the case of a Municipal Corporation, five ;
- (ii) in the case of a Municipal Council, three ; and
- (iii) in the case of a Nagar Panchayat, ; two

- (c) (i) In the case of a municipal Corporation and a Municipal Council, the member of the House of the people and the members of the Legislative Assembly of the State representing constituencies which comprise wholly or partly the Municipal area
- (ii) In the case of a Nagar Panchayat, the members of the Legislative Assembly of the State representing constituencies which comprise wholly or partly the municipal area; and
- (d) The Chairpersons of the ward Committees and such other Committees, if any, constituted under this Ordinance and decided by the State Government;

Provided that the members referred to in clause (b) and (c) shall not have the right to vote in the meeting of the municipality.

#### CHAPTER--IV

#### Constitution and Composition of Municipal Committees.

#### 12. Total number of seats for direct election in Municipalities and Municipal Constituencies—

- (i) The total number of seats in every Municipality, to be filled by persons chosen by direct election from Municipal Constituencies, and the number of seats, if any, to be reserved for the Scheduled Castes and for the Scheduled Tribes of the Municipality including the number of seats to be reserved for women shall be as the State Government may determine by notification ;

Provided that one seat may be allotted for population or not less than eight hundred, in larger or smaller Urban Municipal area and not less than such population as the State Government may determine for transitional Municipal area.

- (2) Every Municipal Constituency referred to in sub-section (1) shall be a single member constituency.
- (3) The number of seats to be filled by direct election in every Municipality shall be—
- (a) in the case of a Corporation, not less than twenty and not more than forty,

- (b) in the case of a Municipal Council, not less than fifteen and not more than twentyfive, and
- (c) in the case of a Nager Panchayat, not less than five and not more than fifteen.
- (4) (i) For the purpose of election to the Municipality, every Municipal area shall be divided by such authority and in such manner as may be prescribed, into such number of territorial constituencies as may be determined under sub-section (1) to be known as wards having regard to the population, dwelling pattern, geographical condition and economic condition of the area included in each constituency;

Provided that the ratio of population of each constituency shall, as far as practicable, be the same throughout the Municipal area.

- (ii) Nothing in sub-section (1) shall affect the existing number of members of a Municipality until the first general election under this Ordinance is held.

#### 13. Constitution and Composition of Wards Committees etc.—

- (1) There may be constituted Wards Committees, consisting of one or more wards, within the territorial area of a Municipality having a population of three lakhs or more.
- (2) The composition and the territorial area of a Wards Committee and the manner in which the seats in a Wards Committee shall be filled, shall be such as may be prescribed.
- (3) Where a Wards Committee consists of—
  - a) one ward, the members representing that ward in the Municipality : or
  - b) two or more ward, the members representing such wards in the Municipality shall elect one of them to be the Chairperson of that Committee.
- (4) The Governor may by notification constitute one or more committees in addition to the Wards committees. The composition and function of such committees shall be such as may be prescribed.

#### 14. Formation of Special Committee.—

- (1) The Municipality may, from time to time, appoint a Special Committee consisting of such number of members of the Municipality as it may consider necessary, to perform such specified functions, or conduct such enquiries, or



or undertake such studies including reports thereon, as may be contained in a resolution in this behalf.

- (2) Any person who is not a member but possesses special qualification useful for the purpose of a committee as aforesaid may be associated therewith as its member.
- (3) The manner of transaction of business in a special committee shall be such as may be laid down by the Municipality.

15. Constitution of Joint Committee.—

- (1) The State Government may, if it considers necessary so to do, constitute a Joint Committee for more than one Municipality, or for one or more Municipalities with other local authority or authorities for any purpose in which they are jointly interested or for delegating to in any power or function which calls for joint action.
- (2) The Joint Committee shall consist of the following members, namely :—
  - (i) two nominees of each constituent municipality or other local authority,
  - (ii) one nominee of each of the concerned departments of the State Government or of the concerned local authorities,
  - (iii) such expert or experts of the State Govt. may nominate.
- (3) The procedure of transaction of business by a Joint Committee shall be such as may be prescribed.

16. Constitution of Standing Committee.—

- (1) Each Municipality shall have the following Standing Committees, namely :—
  - (a) Finance Committee ;
  - (b) Public Health Committee ; and
  - (c) Public Works Committee ;
- (2) Each Standing Committee shall consist of the following members, namely :—
  - (a) (i) in the case of a Municipal Corporation, six members ;
  - (ii) in the case of Municipal Council, four members ; and

- (iii) in the case of Nagar Panchayat, three members to be elected in the prescribed manner by the members of the Municipality from amongst themselves ; and
- (b) such number of persons, not more than four, being officers of the State Government, having requisite expertise for development of Municipality services and their maintenance, as may be nominated by the State Government ;

Provided that the persons, nominated by the State Government shall not have the right to vote at a meeting of the Standing Committee :

- (3) The Chairperson of the Municipality shall be the ex-officio President of the Finance Committee.
- (4) The President of each Standing Committee other than the Finance Committee shall be appointed by the Chairperson from amongst the members of such Committee :

Provided that if the Vice- Chairperson of the Municipality is a member of the Committee, he shall be the ex-officio President of the Committee if the Chairperson is not in the Committee.

- (5) If the President is for any reason unable to act or absent in any sitting, the Chairperson may appoint another member to act as President.
- (6) If the Chairperson himself is the President of the Committee and is absent from any sitting the Committee shall elect another member from the members present as President for that sitting only.
- (7) The term of the office of a member of a standing Committee shall be two and a half years :

Provided that the Committee shall hold office until a new Committee is constituted.

- (8) No member of a Municipality except the Chairperson shall be a member of more than two Standing Committees.
- (9) The State Government may make rules providing for the removal of a member of a Standing Committee ;

Provided that a member may resign at any time by writing under his hand and addressed to the Chairperson of the Municipality ;

#### 17. Powers, functions and duties of Standing Committee :—

- (1) Each Standing Committee shall perform such functions, exercise such powers and discharge such duties as may be prescribed or as may be assigned to it by the Municipality.

- (2) The Municipal Secretary or such other officer as may be appointed by the Chairperson shall be the ex-officio Secretary of the Standing Committees.
- (3) The proceeding of every Standing Committee shall in the form of a report be presented to the Chairperson by the President or by any member of the Committee authorised by it and shall be subject to confirmation, modification or rejection by the Municipality.

## CHAPTER — V

### Reservation of Seats

#### 18. Reservation of Seats. —

- (1) Seats shall be reserved for the Scheduled Castes and the Scheduled Tribes in every Municipality and the number of seats so reserved shall bear, as nearly as may be, the same proportion to the total number of seats to be filled by direct election in that Municipality as the population of the Scheduled Castes in the Municipal area or of the Scheduled Tribes in the Municipal area bears to the total population of that area and such seats may be allotted by rotation to different constituencies in the Municipality having Scheduled Castes or Scheduled Tribes population.
- (2) Not less than one - third of the total number of seats reserved under clause (1) shall be reserved for women belonging to the Scheduled Castes, as the case may be, the Scheduled Tribes.
- (3) Not less than one - third (including the number of seats reserved for women belonging to the Scheduled Castes and the Scheduled Tribes) of the total number of seats to be filled by direct election in every Municipality shall be reserved for women.
- (4) Seats shall be reserved in the office of the Chairperson of Municipality for the Scheduled Castes and the Scheduled Tribes and the number of offices so reserved in the state shall bear, as nearly as may be, the same proportion to the total number of such offices as the population of the Scheduled Castes in the State or of the Scheduled Tribes in the State bears to the total population of the State.

- (5) Not less than one-third of the total number of offices of Chairperson of Municipality, including the number of seats reserved for the Scheduled Castes and the Scheduled Tribes, shall be reserved for women in such manner as may be prescribed.
- (6) The number of offices reserved under sub-sections (4) and (5) shall be allotted by rotation to different Municipality in such manner as may be prescribed.
- (7) The reservation of seats under clause (1), (2) and the reservation of offices of Chairperson (other than the reservation for women) under clause (4) shall cease to have effect on the expiration of the period specified in Article 334.

#### CHAPTER — VI

##### Duration, Dissolution etc. of Municipality

##### 19. Duration of Municipalities etc. —

- (1) Every Municipality, unless sooner dissolved shall continue for five years from the date appointed for its first meeting and no longer and the expiration of the said period of five years shall operate as a dissolution of the Municipality.
- (2) No amendment of any law for the time being in force shall have the effect of causing dissolution of a Municipality at any level, which is functioning immediately before such amendment, till the expiration of its duration specified in clause (1).
- (3) An election to constitute a Municipality shall be completed, —
  - (a) before the expiry of its duration specified in clause (1);
  - (b) before the expiration of period of a period of six months from the date of its dissolution :

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 election under this clause for constituting the Municipality for such period.

- (4) A Municipality constituted upon the dissolution of a Municipality before the expiration of its duration shall continue only for the remainder of the period for which the dissolved Municipality would have continued under clause (1) had it not been so dissolved.

## 20. Dissolution of Municipalities.—

- (1) If in the opinion of the State Government any Municipalities —
  - (a) has shown its incompetence to perform, or has persistently made default in the performance of the duties imposed on it by or under the Ordinance or any other law, or
  - (b) has failed to carry out or implement the direction given by the State Government under this Ordinance, or
  - (c) has exceeded or abused its power, it may by order, to be published in the official Gazette, stating the reasons therefor, dissolve the Municipality and direct that it be reconstituted within such period not exceeding six months as may be specified in the order.
- (2) The State Government shall, before making any order under sub-section (1) give the Municipality an opportunity of being heard.
- (3) Every order made under sub-section (1) shall be laid before the State Legislature as soon as it may be after it is made.

## 21. Consequences of dissolution.—

- (1) When an order of dissolution has been passed under sub-section (1) of Section-20 then with effect from the date of the order—
  - (a) all members of the Municipality shall vacate their offices ;
  - (c) all the powers, duties and functions which under the provisions of this Ordinance or any rules or orders made thereunder or any law for the time being in force, may be exercised, discharged or performed by any Municipal authority shall be exercised, discharged or performed by such authority or persons may be appointed by the State Government in this behalf.
- (2) On the reconstitution of the Municipality the authority or person appointed under clause (b) of sub-section (1) shall cease to function.

PART—III  
MUNICIPAL AUTHORITIES

CHAPTER—VII  
NAGAR PANCHAYAT

22. Nagar Panchayat :—

- (1) The members elected in a general election of a Municipality of a transitional municipal area and other members mentioned in sub-section (2) of Section 11 shall constitute the Nagar Panchayat of that area.
- (2) The Nagar Panchayat shall hold office for a period of five years from the date of its first meeting after the general election at which a quorum is present unless dissolved or superseded earlier :

Provided that the Nagar Panchayat, if not dissolved or superseded shall continue in office till the next Nagar Panchayat assumes office.

23. Nagar Committee.—

- (1) There shall be a Nagar Committee consisting of the Chairperson, the Vice-Chairperson and other members not exceeding three.
  - (2) The Vice-Chairperson and other members referred to in sub-section (1) shall be nominated by the Chairperson from amongst the members of the Nagar Panchayat as soon as possible after he enters into his office and shall assume office after taking such oath of secrecy as may be prescribed.
  - (3) All executive powers of the Municipality of transitional municipal area shall vest in the Chairperson-in-Nagar Committee.
  - (4) The manner of transaction of business of the Chairperson-in-Nagar Committee shall be such as may be prescribed.
  - (5) The Chairperson-in-Nagar Committee shall be collectively responsible to the Municipality that is to say, the Nagar Panchayat.
- (24) Chairperson —

- (1) The Chairperson of the Nagar Panchayat shall be the executive head of the municipality and the municipal administration of the transitional municipal area shall be under his control.

- (2) The Chairperson shall allocate the business among the members of the Nagar Committee.
- (3) The Chairperson shall preside over the meetings of the Nagar Committee as well as the Nagar Panchayat.
- (4) The Chairperson may transact any business or make any order authorised by any law for the time being in force unless it is otherwise expressly provided in such .

Provided that the Chairperson shall not act in opposition to or in contravention of any decision of the Municipal Council.

25. Election of Chairperson. —

- (1) The elected members of the Nagar Panchayat shall elect, in accordance with such procedure as may be prescribed, one of its members to be the Chairperson who shall assume office forthwith.
- (2) If the elected members of the Nagar Panchayat fail to elect a Chairperson in the manner prescribed the State Government shall appoint by name one of such elected members to be the Chairperson.
- (3) In the case of any casual vacancy in the office of the Chairperson caused by death, resignation, removal or otherwise, the elected members shall, in accordance with such procedure as may be prescribed, elect one of the elected members to fill up the vacancy.

26. Term of office of the Chairperson.—

- (1) The Chairperson shall cease to hold office as such if he cease to be a member of the Nagar Panchayat.
- (2) The Chairperson may at any time by giving a notice in writing to the Vice-Chairperson or if there is no Vice-Chairperson, to the Nagar Panchayat, resign his office and the procedure for acceptance or otherwise of the resignation shall be such as may be prescribed.
- (3) The Chairperson may be removed from office by a resolution carried by a majority of the total elected number of members of the Nagar Panchayat at a special meeting to be called for this purpose in the manner prescribed upon a requisition made in writing by not less than one third of the total member of elected members of the Nagar Panchayat and the procedure for conduct of business in the special meeting shall be such as may be prescribed :

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

- (4) Notwithstanding anything contained in this section, the Chairperson of a Nagar Panchayat whose office becomes vacant under any of the provisions of this section shall continue to hold office as Chairperson until his successor enters upon his office.

27. Vice Chairperson.—

- (1) The Vice-Chairperson shall, in the absence of the Chairperson, preside over the meeting of the Nagar Committee as well as Nagar Panchayat.
- (2) The Vice-Chairperson shall, during the absence of the Chairperson for any reason whatsoever, discharge all the duties and exercise all the powers of the Chairperson unless otherwise expressly directed by the Chairperson.
- (3) The Vice-Chairperson shall, at any time, perform such other duties or exercise such other powers as may be delegated to him under the provisions of this Ordinance.

28. Other members of the Nagar Committee.—

The other members of the Nagar Committee shall exercise such powers and perform such functions as may be assigned to them from time to time by the Chairperson.

29. Term of office of the Vice-Chairperson and other members of the Nagar Committee.—

The Vice-Chairperson or any other member of the Nagar Committee shall hold office until—

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



**CHAPTER—VIII**

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**MUNICIPAL COUNCIL**

**30. Municipal Council.—**

- (1) The members elected in a general election of a municipality of a Smaller Urban Municipal area and the other members mentioned in Sub-Section (2) of Section 11 shall constitute the Municipal Council of that area.
- (2) The Council shall hold office for a period of five years from the date of its first meeting after the general election at which a quorum is present unless dissolved or superseded earlier :

Provided that the Council if not dissolved or superseded shall continue in office till the next Council assumes office.

**31. Chairperson-in-Council—**

- (1) There shall be a Chairperson-in-Council consisting of the Chairperson, the Vice-Chairperson and other members not exceeding five.
- (2) The Vice-Chairperson and other members referred to in Sub-Section (1) shall be nominated by the Chairperson from amongst the members as soon as possible after he enters upon office and shall assume office after taking such oath of secrecy as may be prescribed.
- (3) All executive powers of the Municipality of a Smaller Urban Municipal area shall vest in the Chairperson-in-Council.
- (4) The manner of transaction of business of the Chairperson-in-Council shall be such as may be prescribed.
- (5) The Chairperson-in-Council shall be collectively responsible to the Municipality, that is to say the Municipal Council.

**32. Chairperson.—**

- (1) The Chairperson of the Municipal Council shall be the executive head of the Municipality and the municipal administration shall be under his control.
- (2) The Chairperson shall allocate the business among the members of the Chairperson-in-Council.

- (3) The Chairperson shall preside over the meetings of the Chairperson-in-Council as well as the Municipal Council.
- (4) The Chairperson may transact any business or make any order authorised by any law for the time being in force, unless it is otherwise expressly provided in such :

Provided that the Chairperson shall not act in opposition to or in contravention of any decision of the Municipal Council.

### 33. Election of Chairperson.—

- (1) The elected members of the Municipal Council shall elect, in accordance with such procedure as may be prescribed, one of its members to be the Chairperson who shall assume office forthwith.
- (2) If the elected members of the Municipal Council fail to elect a Chairperson in the manner prescribed, the State Government shall appoint by name one of such elected members to be the Chairperson.
- (3) In the case of any casual vacancy in the office of the Chairperson caused by death, resignation, removal or otherwise, the elected members shall, in accordance with such procedure as may be prescribed, elect one of the elected members to fill up the vacancy.

### 34. Terms of office of Chairperson.—

- (1) The Chairperson shall cease to hold office as such if he ceases to be a member of the Municipal Council.
- (2) The Chairperson may, at any time, by giving a notice in writing to the Vice-Chairperson or if there is no Vice-Chairperson, to the Council, resign his office, and the procedure for acceptance or otherwise of the resignation shall be such as may be prescribed.
- (3) The Chairperson may be removed from office by a resolution carried by a majority of the total elected number of members of the Municipal Council at a special meeting to be called for this purpose in the manner prescribed upon a requisition made in writing by not less than one third of the total number of elected members of the Council and the procedure for conduct of business in the special meeting shall be such as may be prescribed :

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

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

35. Vice Chairperson.—

- (1) The Vice-Chairperson, shall, in the absence of the Chairperson, preside over the meetings of the Chairperson-in-Council as well as the Municipal Council.
- (2) The Vice-chairperson shall, during the absence of the Chairperson for any reason whatsoever discharge all the duties and exercise all the powers of the Chairperson unless otherwise expressly directed by the Chairperson.
- (3) The Vice-Chairperson shall, at any time, perform such other duty or exercise such other powers as may be delegated to him under the provisions of this Ordinance.

36. Members of Chairperson-in-Council.—

The members of the Chairperson-in-Council shall exercise such powers and perform such functions as may be assigned to them from time to time by the Chairperson.

37. Term of office of the Vice-Chairperson and other members of the Chairperson-in-Council.—

The Vice-Chairperson or any other member of the Chairperson-in-Council shall hold office until.

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

## CHAPTER—IX

## MUNICIPAL CORPORATION

## 38. Municipal Corporation.—

- (1) The members elected in a general election of a Municipality of a larger urban Municipal area and other members mentioned in Sub-Section (2) of Section 11 shall constitute the Municipal Corporation of that area.
- (2) A Municipal Corporation shall hold office for a period of five years from the date of its first meeting after the general election at which a quorum is present unless dissolved or superseded earlier :

Provided that the Municipal Corporation, if not dissolved or superseded, shall continue in office till the next corporation assumes office.

## 39. Mayor-in-Council.—

- (1) There shall be a Mayor-in-Council consisting of the Mayor, the Deputy Mayor and other members not exceeding ten.
- (2) The Deputy Mayor and other members of the Mayor-in-Council shall be nominated by the Mayor from amongst the members of the Municipal Corporation as soon as possible after he enter into his office and shall assume office after taking such oath of secrecy as may be prescribed.
- (3) All executive powers of a Municipality of a Larger Urban Municipal area that is to say, the Municipal Corporation, shall vest in the Mayor-in-Council.
- (4) The manner of transaction of business of the Mayor-in-Council shall be such as may be prescribed.
- (5) The Mayor-in-Council shall be collectively responsible to the Municipality, that is to say, the Municipal Corporation.
- (6) All executive actions of the Mayor-in-Council shall be expressed to be taken in the name of the Corporation.

## 40. Mayor.—

- (1) The Mayor of a Municipal Corporation shall be the executive head of the Municipality and the Municipal administration of the Larger Urban Municipal area shall be under his control.

- (2) The Mayor shall exercise such powers and discharge such functions as are conferred on him by or under this Ordinance.
- (3) The Mayor shall, for convenient transaction of the business of the Corporation, allocate among the members of the Mayor-in-council such business and in such manner as he thinks fit.
- (4) The Mayor shall preside over meetings of the Mayor-in-Council and the Municipal Corporation which shall meet at such place and at such time as the Mayor may direct.
- (5) The matters for discussion at a meeting of the Mayor-in-Council shall be prepared under the direction of the Mayor and shall be circulated to the members of the Mayor-in-Council in such manner as the Mayor may determine.

41. Exercise of powers by the Mayor in anticipation of the Mayor-in-Council approval.—

- (1) In any case in which it is provided in this Ordinance or the rules or the regulations made thereunder or in any other law in force for the time being that the Mayor shall take action subject to the approval, sanction, consent or concurrence of the Mayor-in-Council, the Mayor-in-Council may authorise the Mayor in writing to take action in anticipation of such approval, sanction, consent or concurrence, subject to such conditions, if any, as may be specified by the Mayor-in-Council.
- (2) Whenever the Mayor takes any action under Sub-Section (1), he shall inform the Mayor-in-Council of such action forthwith.

42. Powers of the Mayor in emergency.—

If the Mayor is satisfied that an emergency has been arisen and is of the opinion that the immediate execution of any work or the doing of any act, which ordinarily requires the approval, sanction, consent or concurrence of the Corporation or the Mayor-in-Council, is necessary for the maintenance of services or safety of the public or for the prevention of extensive damage to any property of the Corporation, he may direct the execution of such work or the doing of such act without such approval, sanction, consent or concurrence and, in such case, he may direct that the expenses for such execution or doing shall be paid from the Municipal Fund :

Provided that the Mayor shall report forthwith to the Corporation or to the Mayor-in-Council, as the case may be, the action taken under this section and the reasons thereof.

43. The Deputy Mayor to act as Mayor or to discharge his functions during casual vacancies in the office, or during the absence of Mayor.—

- (1) In the event of the occurrence of any vacancy in the office of the Mayor by reason of this death, the Deputy Mayor shall act as Mayor until the date on which a new Mayor elected in accordance with the provisions of this Ordinance to fill such vacancy enters upon his office.
- (2) When the Mayor is unable to discharge his functions owing to absence, illness or any other cause, the Deputy Mayor shall discharge his function until the date on which the Mayor resumes his duties.
- (3) Subject to the other provisions of this Ordinance the Deputy Mayor shall, while acting as, or discharging the functions of the Mayor under this section have all the powers of the Mayor.

44. Election of Mayor.—

The elected members of the Corporation shall elect from amongst themselves at the first meeting of the Corporation after a general election one member to be the Mayor and so often as a vacancy in the office of the Mayor occurs by reason of death, resignation, removal or otherwise and within one month of the occurrence of such vacancy, one member to be the Mayor, who shall assume office forthwith.

45. Term of office of Mayor.—

(1) A Mayor—

- (a) shall cease to hold office as such forthwith if he ceases to be a member of the Corporation ;
- (b) may, at any time, by giving notice in writing to the Corporation, resign his office and such resignation shall take effect from such date as may be specified in the notice or, if no such date is specified, from the date of its receipt by the Corporation ;
- (c) may be removed from office by a resolution carried by a majority of the total number of elected members of the Corporation at a special meeting of the Corporation called for this purpose upon a requisition made in writing by not less than one-third of the elected members of the Corporation.

Provided that no such resolution shall be moved before the expiry of six months from the date of assumption of office by a Mayor ;

Provided further that if such resolution is not carried by a majority of the total number of elected members of the Corporation, no further resolution for the removal of the Mayor shall be moved before the expiry of a period of six months from the date on which the former resolution was moved.

- (2) Notwithstanding the provisions of sub section (1) the Mayor whose office becomes vacant by reason of the provisions of sub-section (1), shall continue to hold office as such until his successor, elected under the provisions of this Chapter, enters upon his office.

46. Term of office of Deputy Mayor and other members of Mayor-in-Council.—

A member of the Mayor-in-Council other than the Mayor shall hold office until—

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

47. Other members of the Mayor-in Council.—

The other members of the Mayor-in-Council shall exercise such powers and perform such functions as may be assigned to them from time to time by the Mayor.

48. Municipal Accounts Committee of the Municipal Corporation.—

- (1) A Municipal Corporation shall, at its first meeting in each year or as soon as may be at any meeting subsequent thereto, constitute a Municipal Accounts Committee.
- (2) The Municipal Accounts Committee shall consist of—
  - (a) such number of persons, not being less than five and more than seven, as the Corporation may determine, to be elected by the members of the Corporation from

amongst themselves in accordance with the system of proportional representation by means of the single transferable vote and the voting at such election shall be by secret ballot. The members of the Mayor-in-Council shall not be eligible for such election ; and

- (b) such number of persons, not being the members, officers or employees of the Corporation and not exceeding two in number, having knowledge and experience in financial matters, as may be nominated by the Corporation.
- (3) The members of the Municipal Accounts Committee shall elect from amongst themselves one member to be its Chairman.
  - (4) Subject to the other provisions of this Ordinance the members of the Municipal Accounts Committee shall hold office until a new committee is constituted.
  - (5) The manner of submission of resignation by the Chairman or by other member, and the manner of filling up of a casual vacancy in the office of a member, of the Municipal Accounts Committee shall be such as may be prescribed.
  - (6) Subject to the provisions of this Ordinance and the rules and the regulations made thereunder, it shall be the duty of the Municipal Accounts Committee—
    - (a) to examine the accounts of the Corporation showing the appropriation of sums granted by the Corporation for its expenditure and the annual financial accounts of the Corporation ;
    - (b) to examine and scrutinize the report on the accounts of the Corporation by the auditors and to satisfy itself that the moneys shown in the accounts as having been disbursed were available for, and applicable to, the services or purposes to which they were applied or charged and that the expenditure was incurred in accordance with the authority governing the same ;
    - (c) to submit report to the Corporation every year and from time to time on such examination and scrutiny ;
    - (d) to consider the report of the auditors in cases where the Corporation requires them to conduct a special audit of any receipt or expenditure of the Corporation



or to examine the accounts of stores and stocks of the Corporation or to check the inventory of the properties of the Corporation including its land holdings and buildings ; and

- (e) to discharge such other functions as may be prescribed.
- (7) The Municipal Accounts Committee may call for any book or document if, in its opinion, such book or document is necessary for its work and may send for such officers of the Corporation as it may consider necessary for explaining any matter in connection with its work.
- (8) The manner of transaction of business of the Municipal Accounts Committee shall be such as may be determined by the Corporation by regulations :

Provided that the persons nominated under clause (b) of sub-section (2) shall have no right of voting at the meeting of the Municipal Accounts Committee.

**PART-IV**  
**CHAPTER-X**  
**ELECTION**

**49. Holding of general election. :—**

- (1) The first general election of the Municipality of a municipal area newly constituted shall be held at such time as the State Government may prescribe.
- (2) The general election in a municipal area to constitute the Municipality shall be held before the expiration of the term of office of the existing body on such date as the State Government may fix for the purpose.
- (3) Each ward of a municipal area shall elect a member during the general election in accordance with the provisions of this Ordinance and the rules made thereunder.
- (4) Notwithstanding anything contained in this section, there shall be no bar to the constitution of a Municipality after a general election on account of election not being held in a ward or in a number of wards not exceeding one-fourth of the total number of wards constituting the municipal area

**50. Appointment of election authorities. :—**

The State Government shall, by notification, appoint an election authority for every municipal area for the purpose of this Ordinance, and may also appoint such number of assistant election authorities as the State Government may think fit to perform such functions of the election authority under this ordinance or the rules made thereunder as the election authority may delegate in this behalf, and an assistant election authority shall, while performing such functions, be deemed to be an authority for the purposes of this ordinance ;

Provided that notwithstanding anything contained in this ordinance, the election authority and the assistant election authorities shall, in the exercise of their powers and discharge of their functions under this ordinance, be subject to the superintendence, direction and control of the State Election Commission, referred to in article 243 K of the constitution.

**51. Electoral roll for a municipal area. —**

- (1) For every municipal area, there shall be an electoral roll showing the names of the persons qualified to vote.

- (2) The electoral roll for every municipal area shall be divided into several parts, one for each ward of a municipal area.
- (3) The electoral roll for a municipal area shall be prepared, revised or corrected by the election authority in accordance with such rules as may be made by the State Government in this behalf.

Provided that there shall be a preliminary publication of such electoral roll after preparation or revision to be followed by final publication after hearing of objections in the manner prescribed.

- (4) Notwithstanding anything contained elsewhere in this ordinance, the electoral roll for the time being in force for the election members of the Tripura Legislative Assembly, so far as it relates to the area comprised in a Municipal area, may be adopted as the electoral roll for that municipal area for the purposes of preliminary publication.

52. Condition for registration as a voter :—

- (1) Every persons who —
  - (a) is not less than 18 years of age on the qualifying date, and
  - (b) is ordinarily resident in a municipal area, shall be entitled to be registered in the electoral roll for the municipal area,
- (2) No person shall be entitled to be registered in the electoral roll for any municipal area in more than one place.
- (3) No person shall be entitled to be registered in the electoral roll for any municipal area if his name has already been registered as a voter in the electoral roll of any other municipal area, municipal corporation or panchayat area.

Explanation I. — The expression “qualifying date” shall mean such date as the State Government may by notification specify for the purposes of this Ordinance.

Explanation II.— The expression “ordinarily resident” shall have the same meaning assigned to it in section 20 of the Representation of the people Act, 1950.

(53) Disqualification for registration in an electoral roll.—

The disqualifications for registration in an electoral roll for a municipal area shall be the same as provided in section 16 of the Representation of the people Act, 1950.

## (54) Appeal —

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

## (55) Offences in respect of electoral roll —

- (1) Every person who by claiming a qualification, which he knows that he does not possess, to vote at a municipal election or by using a false document or by a false declaration or by any other deceitful means, procures or attempts to procure the improper entry of his name, whether of himself or of any other person, in the electoral roll or the improper omission of any name therefrom, shall be punished with imprisonment for a term which may extend to one year or with fine which may extend to two thousand rupees or with both.
- (2) Every municipal officer or employee or polling officer or who wilfully makes or procures or attempts to make or procure any improper entry in the electoral roll or any improper omission therefrom shall be punished with imprisonment for a term which may extend to one year or with fine which may extend to two thousand rupees or with both.

## (56) Right to vote.—

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

Provided that no person shall vote at an election of members of a Municipal area if he—

- (a) has been adjudged to be of unsound mind, or
- (b) has voluntarily acquired the citizenship of a foreign State, or
- (c) has been sentenced by a criminal court for an electoral offence punishable under this Ordinance or has been

disqualified under any other law for the time being in force from exercising any electoral right on account of corrupt practices in connection with an election, and six years have not elapsed from the date of such sentence or disqualification ;

Provided that the disqualification under this clause may at any time be removed by the State Government if it thinks fit.

57. Qualification for election as a Member of Municipality—

No person whose name is not included in the electoral roll for the election of members of a Municipal area, shall be qualified to be elected a member of that Municipal area.

58. General Disqualification for Membership of a Municipality.—

- (1) A person shall be disqualified for being chosen as and for being a member of a Municipality, if
- (a) he is so disqualified by or under any law for the time being in force for the purpose of election to the Legislature of the State ;
  - (b) he has, directly or indirectly by himself or by his partner or employer or any employees, any share or interest in any contract or employment with, by, or on behalf of, the Municipality ; or
  - (c) he is in the service of, or received remuneration from, the Central or the State Government or the Municipality ; or
  - (d) has been elected to, or appointed under, any other Municipal or any Municipality Corporation or any Gram Panchayat or panchayat Samiti or Zilla Parishad or the Council ;

Provided that notwithstanding anything contained in clause (1), no person shall be deemed to be disqualified thereunder by reason only of his having a share or interest in—

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

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

- (2) If any person is or has been convicted by a criminal court of an offence, punishable with imprisonment, for a period of not less than two years, such person shall not be eligible for election or appointment as a member for five years from the date of expiration of the sentence.
- (3) If any question arises as to whether any person or any member has become subject to any of the disqualifications mentioned in sub-section (1) and sub-section (2) the question shall be referred for decision to such authority and in such manner as may be notified by the State Government from time to time.

59. Election of ineligible persons and disqualifications subsequently incurred :—

- (1) Where a person elected to be a member was not eligible for such election on account of any disqualification referred to in section 57 or where a person incurs such disqualification subsequent to his election as Councillor, the election of such person shall be void upon the State Government making a declaration to that effect ;

Provided that no such declaration shall be made if the question of such disqualification was raised in an election petition presented under this Chapter.

- (2) No act done by a member as aforesaid while remaining in office, shall be invalid on account of his election being declared void subsequently.
- (3) The casual vacancy arising out of any election being declared void under this section shall be filled up in accordance with the provision of this Ordinance.

60. Voting,—

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

Provided that—

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

61. Corrupt practices.—

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

62. Penal provision for corrupt practices:—

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

63. Prosecution and appeal,—

(1) No Magistrate other than a Judicial Magistrate of the first class shall take cognizance of any offence under this Chapter.—

(a) except on the complaint of a person whose name is on the electoral roll ;

(b) unless such complaint has been made with fourteen days of—

(i) the date of declaration of the result of any election to which the offence relates, or

(ii) the date on which the offence is alleged to have been committed; and

(c) in the case of an offence of corrupt practice, unless the person complaining shall have deposited one hundred rupees :

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

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

64. Orders of disqualification :—

Every person convicted of an offence under this Chapter or of an electoral offence under any other law made applicable by the State Government for the purposes of this Ordinance, shall be disqualified from voting or from being elected in any election to which this Ordinance applies and from holding any office under this Ordinance for such period, not being less than three years or more than six years from the date of his conviction, as the Court may be order determine.

### 65. Election petition and procedure —

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

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

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

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

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

### 66. Setting aside of election —

If the District Judge, after holding such inquiry as deems fit in respect of an election petition, is satisfied that —

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



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

67. Scrutiny of votes and declaration or confirmation or result.

- (1) If the election petition is confined to the question of validity of votes cast or counting, the District Judge shall after such scrutiny and computation of votes as may be deemed necessary, declare the result.
- (2) If there be only two candidates contesting the election in dispute and the election petition contains a claim by one of the candidates for declaring him elected, the District Judge may, while deciding upon the election petition, declare such candidate duly elected.
- (3) If after computation, there be an equality of votes, among two or more candidates, the District Judge shall select one among them by drawing lots.
- (4) If the District Judge is satisfied that no ground exists for setting aside the election or modifying the results thereof, he shall confirm the election.

68. Bar to jurisdiction of Courts.—

Save as provided in the Chapter, no Court shall entertain any application in any form whatsoever for adjudication of any matter relating to election to a Municipality.

69. Fresh election when an election is set aside.—

If an election is set aside by the District Judge, a date shall forthwith be fixed and necessary steps shall be taken for holding a fresh election for filling up the vacancy, as though it has been a casual vacancy.

70. Saving of acts done by a Councillor before his election is set aside,—

Where a candidate, who has been elected to be a member, is declared by the District Judge to have not been duly elected, no act done by him by virtue of the office of member before such declaration, shall be invalidated by reason of such declaration.

71. Power of State Government to remove disqualifications or modify terms thereof.—

Notwithstanding anything contained elsewhere in this Chapter, the State Government may, for reasons to be recorded in writing, remove any

disqualification imposed on a candidate from contesting an election a Municipality if, in its opinion, the offence does not involve moral turpitude, or may reduce the term of disqualification in any case whatsoever.

## CHAPTER XI

### The Municipality and the Municipal Establishment.

#### 72. Oath of allegiance to be taken by Councillors.—

- (1) Notwithstanding anything contained in the Indian Oaths Act, 1873, every person who is elected or appointed to be a member shall, before taking his seat, make and subscribe before the Chairperson the Vice-Chairperson the District Magistrate, the Magistrate-in-charge of the sub-division in which the municipal area is situated or an officer of the State Government authorised in this behalf by the District Magistrate an oath or affirmation of his allegiance to the Constitution of India in the following form :—

“I, A. B., having been elected a member of the municipal area of—, (appointed) do swear in the name of God (or solemnly affirm) that I will bear true faith and allegiance to the Constitution of India as by law established, and that I will faithfully discharge the duties upon which I am about to enter”.

- (2) Any person who, having been elected or appointed a member, fails to make and subscribe, within three months of the date on which his term of office commences, the oath or affirmation under sub-section (1), shall cease to hold his office and his seat shall be deemed to have become vacant ;

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

#### 73. Meeting of the Corporation etc.—

- (1) The Municipal corporation, the Municipal Council or the Nagar Panchayat shall meet not less than one in every months for the transaction of business :

Provided that if there is no business to be transacted at any monthly meeting, the Mayor or chairperson shall give notice of the fact to members.

- (2) The Chairperson shall, upon a requisition in writing by not less than one-third of the members, convene a meeting of the respective body,

- (4) in the sphere of administration—
- (a) survey of buildings and lands and preparation and maintenance from time to time of survey maps and plans of the town and other records relating to survey ;
  - (b) removal of unauthorised encroachment on, or obstruction and projections in or upon, streets, bridges and other public places ;
  - (c) recurring or removal of dangerous buildings and places .
  - (d) registration of births and deaths ;
  - (e) providing boundary marks for the municipal area ;
  - (f) drawing up an Annual Administration Report on the activities and performances of the Municipality ;
  - (g) compilation and maintenance of records and statistics relating to the administrative functions of the Municipality ;
  - (h) maintenance and development of all properties vested in or entrusted with the management of the Municipality ;
  - (i) checking the construction of unauthorised buildings and pulling down unlawful constructions ;
  - (j) ensuring the stoppage of wastage of water supply and other civil facilities ;
  - (k) protecting public properties in general and civic properties in particular ;
  - (l) abatement of pollutions of all kinds ;
  - (m) preventive measures against fire and assistance to fire extinction ;
  - (n) providing for adequate training facilities for the municipal employees and equipping and motivating them for public service.
  - (o) observance of occasions of national importance ;

85. Discretion functions of the Municipality.—

A Municipality may, at its discretion, provide, either wholly or partly, out of the municipal property and fund, for the following matters within the limits of the Municipal area—

- (1) in the sphere of public works—
  - (a) giving relief to, and establishing and maintaining, in time of famine or scarcity, relief works for, destitute persons within the limits of the municipal area ;

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

- (2) The Municipality may also provide for pension, gratuity, provident fund, intensive, reward or penalty for its officer and employees in accordance with such rules as may be prescribed.

77. Power to declare essential services in Municipality. —

The State Government may after consultation with the Municipality declare any cadre or classes of Municipal officers and employees to be in an essential service and upon such declaration no employee or such cadre or class shall withdraw from his duties without the permission of the Mayor or the Chairperson and, in no case without giving prior notice of clear thirty days to the Mayor or the Chairperson of his intention so to do.

78. Creation, Abolition and Recruitment. —

- (1) The power to create or to abolish any post or class of post of officers and employees in a Municipality shall vest in the State Government.
- (2) Recruitment to the post of officers and employees shall be made through the local employment exchange or through any other method as may be notified by the State Government from time to time.

79. Placement of Staff of State Government at the disposal of a Municipality. —

- (1) The State Government may place at the disposal of the Municipality the services of such Officers and employees of the State Government on such terms and conditions as it may deem fit,

Provided that the State Government shall have disciplinary control over such Officers and employees :

Provided further that the State Government may recall any such officers or employees at any time without showing any reason to the Municipality.

- (2) The Municipality shall avail of the services of such Officers or employees who are placed at its disposal under subsection (1).

80. Technical assistance. —

- (1) The State Government may require the Municipality to avail of the Services of Engineers of the public works Department, Power, Minor Irrigation and Flood Control of the State Government in all matters in which the State Government considers such services necessary.

- (2) The power of the State Government under sub-section (1) shall include the power to post a technical Officer namely, an engineer, architect, or town planner, with or without supporting staff, for a Municipality or a group of Municipalities who shall discharge his functions in such manner as the State Government may direct.

81. Training and Research.—

- (1) The State Government may require the Municipality to participate in such training and research programmes as may be organised by the Government from time to time in aid of municipal functionaries and personnel.
- (2) It shall be obligatory on the part of the Municipality to furnish such papers, reports, documents, information, data and statistics as may be called for by the Government from time to time for the purpose.

82. Transfer of staff.—

Notwithstanding anything contained in this Act or any other Law for the time being in force the State Government may after consultation with the Municipality transfer any Officer or employees from one Municipality to another in the interest of the public and the Municipal Administration.

83. Appointment of Pay Review Committee.—

Notwithstanding anything contained elsewhere in this ordinance, the State Government may if it considers necessary for the purpose of rationalising the scale of pay and other conditions of service in respect of all or any category of Municipal Officers and employees appoint a pay Review Committee and the decision of the State Government upon the recommendation of such Committee shall be binding on all.

## CHAPTER—XII

### Power and Function.

84. Obligatory functions.—It shall be the obligatory duty of every Municipality to make reasonable and adequate provision for the following matters within the territorial limits of the municipal area and the financial means at its disposal—

- (1) In the sphere of public works.—
- (a) providing by itself or by an agency, means for supply of water for domestic, industrial & commercial purpose ;

- (b) construction, maintenance and cleansing of sewers and sewerage and drainage works ;
  - (c) construction, maintenance and cleansing of public latrines, urinals and similar conveniences ;
  - (d) Construction, maintenance, alteration and improvement of public streets and street furniture, bridges and culverts, fly-overs, sub-ways, cause-ways and the like :
  - (e) naming of streets and numbering of premises ;
  - (f) lighting of public streets and other public places ;
  - (g) planting and care of trees on road-side and elsewhere ;
  - (h) construction and maintenance of municipal markets and slaughter houses and the regulation of all markets and slaughter houses ;
  - (i) maintenance of all monuments vested in the Municipality.
- (2) In the sphere of public health and sanitation :—
- (a) collection, removal and disposal of solid wastes including filth, rubbish and other obnoxious or polluted matters ;
  - (b) disposal of solid and liquid wastes consistent with efforts to cause recovery and re-use of all that can be salvaged ;
  - (c) reclamation of unhealthy localities, removal of noxious vegetation and abatement of all nuisances ;
  - (d) regulating and abating offensive and dangerous trades or practices ;
  - (e) cleansing of public streets and other public places ;
  - (f) ensuring the wholesomeness of water supplied for drinking and domestic purposes ;
  - (g) maintenance of all public tanks and regulating the re-excavation, repair and up-keep of all private tanks, wells and other sources of water supply on such terms and conditions as the Municipality may deem proper ;
  - (h) provide for places for the disposal of the dead and the regulation and maintenance of such places ;
  - (i) measures for preventing and checking the spread of dangerous diseases ;

- (j) immunisation including public vaccination and inoculation ;
  - (k) removal and disposal of the unclaimed dead bodies and carcasses of all dead animals ;
  - (l) abatement of nuisances from birds and animals including dog menance ;
  - (m) conversion of all service privies into sanitary latrines and providing adequate facilities for sanitation so that open defecation may be completely done away with ;
- (3) in the sphere of town planning and development :—
- (a) devising Urban and town planning within the limits of the municipal area in accordance with the laws relating to town planning for the time being in force ;
  - (b) planned development of the boarders of the Municipal area in accordance with the laws applicable for the purposes ;
  - (c) improvement of bustees ;
  - (d) control of regular lines of streets ;
  - (e) control of all building operations and regulation of building uses ;
  - (f) co-ordination of all overground rights enjoyed by service agencies ;
  - (g) co-ordination of activities of agencies relating to laying and maintenance of underground pipe-lines, tubes, cables and the like ;
  - (h) laying out and maintenance of public parks, squares, gardens or recreation areas ;
  - (i) re-development of congested areas for providing better living conditions ;
  - (j) planned development of new areas for human settlement ;
  - (k) preservation of monuments and places of historical, artistic and other importances ;
  - (l) measures for beautification of the township by setting up fountains and statues, providing recreational areas, improving river banks, landscaping and the like ;

- (4) in the sphere of administration—
- (a) survey of buildings and lands and preparation and maintenance from time to time of survey maps and plans of the town and other records relating to survey ;
  - (b) removal of unauthorised encroachment on, or obstruction and projections in or upon, streets, bridges and other public places ;
  - (c) recurring or removal of dangerous buildings and places .
  - (d) registration of births and deaths ;
  - (e) providing boundary marks for the municipal area ;
  - (f) drawing up an Annual Administration Report on the activities and performances of the Municipality ;
  - (g) compilation and maintenance of records and statistics relating to the administrative functions of the Municipality ;
  - (h) maintenance and development of all properties vested in or entrusted with the management of the Municipality ;
  - (i) checking the construction of unauthorised buildings and pulling down unlawful constructions ;
  - (j) ensuring the stoppage of wastage of water supply and other civil facilities ;
  - (k) protecting public properties in general and civic properties in particular ;
  - (l) abatement of pollutions of all kinds ;
  - (m) preventive measures against fire and assistance to fire extinction ;
  - (n) providing for adequate training facilities for the municipal employees and equipping and motivating them for public service.
  - (o) observance of occasions of national importance ;

85. Discretion functions of the Municipality.—

A Municipality may, at its discretion, provide, either wholly or partly, out of the municipal property and fund, for the following matters within the limits of the Municipal area—

- (1) in the sphere of public works—
  - (a) giving relief to, and establishing and maintaining, in time of famine or scarcity, relief works for, destitute persons within the limits of the municipal area ;



- (b) construction or maintenance of, or providing or giving aids for, passengers, shades, libraries, museums, community halls, offices go-downs, shopsmarkets, dharmashalas, rest houses, sports, complex, place of entertainment, swimming pools public wash houses and bathing places and homes for the disabled and destitute and other public buildings designed for convenience of the community ;
  - (c) construction and maintenance of old age homes and orphanages, home care of the sick, orphan, destitute and aged people ;
  - (d) construction or maintenance of, or providing aids to hospitals, dispensaries, asylums, rescue homes, maternity houses, and child welfare centres ;
  - (e) construction, purchase, organisation, maintenance, extension and management of mechanically propelled transport facilities for the conveyance of the public ;
  - (f) construction, maintenance, repair and purchase of any works for the supply of electrical energy or gas ;
  - (g) construction of dwelling for the inhabitants, specially low cost dwellings for the socially backward classes of citizens ;
  - (h) providing accommodation for all classes of employees of the Municipality ;
- (2) in the sphere of education,
- (a) establishing and maintaining pre-primary schools such as balwadies and creches ;
  - (b) promotion of civic education, adult education, social education, non-formal education and the like ;
  - (c) promotion of cultural activities including music, physical education, sports and theatres ;
  - (d) advancement of science and technology in the way of life ;
  - (e) advancement of civic consciousness of public health and general welfare by organising discourses, seminars and conferences ;
  - (f) publication of municipal journals, periodicals and souvenirs, purchase of books and subscriptions to journal, magazines and newspapers ;

- (3) in the sphere of public health and sanitation.
- (a) construction and maintenance of cattle pounds ;
  - (b) provision for unfiltered water supply for non-domestic uses ;
  - (c) promotion of the use of bio-gas and other non-conventional energy sources ;
  - (d) provision of sewage treatment and preparation of compost manures from sewage and other refuse ;
  - (e) abatement of smoke nuisances ;
  - (f) setting up of milk dairies or farms (but not) chakals for supply, distribution and processing of milk or milk products for the benefits of the people ;
  - (g) ambulance service for carrying patients ;
- (4) in the sphere of administration.
- (a) civic reception to persons of distinction and paying homage on death to persons of repute ;
  - (b) instalation of statues, portraits and pictures in appropriate manner ;
  - (c) organisation and management of fairs and exhibitions ;
  - (d) organisation, establishment and maintenance of art galleries and botanical or zoological collections ;
  - (e) construction and maintenance of garages and sheds and stands for vehicles ;
  - (f) measures for eradication of addiction of all kinds like liquers and drugs ;
  - (g) organising voluntary labour and co-ordinating the activities and voluntary agencies for community welfare ;
- (5) in the sphere of development ;
- (a) encouraging formation of co-operative societies and in particular, housing co-operative societies, and assistance to such co-operative societies in construction of residential buildings ;

- (b) providing shelter for the homeless ;
  - (c) undertaking manufacturing of building materials and their distribution at fair price ;
  - (d) reclamation of waste lands and promotion of social forestry ;
  - (e) establishing and maintaining nurseries for plants, vegetables and trees and promotion of greenery through mass participation ;
  - (f) organisation of flower-shows and promotion of flower-growing as a civic culture ;
  - (g) promotion of agriculture, pisciculture, horticulture, poultry and improvement of cattle breed ;
  - (h) assistance to smallscale and cottage and craft industries,
  - (i) programmes for liberation and rehabilitation of scavengers and their families ;
  - (j) income generation activities, particularly for the women belonging to the socially backward classes of citizens ,
  - (k) collection of statistics and data significant to the community ;
  - (l) integration of the development plans, and scheme of the town with the district or regional development plan, if any ;
- (6) generally, taking all measures not specified in the foregoing provisions of this section, which are likely to promote public safety, health, convenience, education or welfare of the community.

**86. Transfer of functions of State Government, —**

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

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

- (a) town and country planning,
- (b) urban development,
- (c) water supply and sanitation,
- (d) transport system including regulation of traffic terminus,
- (e) employment schemes and programme,
- (f) health and family welfare,
- (g) relief and social welfare including social security schemes and programmes,
- (h) public work including road construction and housing,
- (i) cottage and small scale industries, business and services including programme for skill development,
- (j) education including primary education adult education, vocational educations, social education, non-formal education, audiovisual education and library services,
- (k) food and supplies including rationing and distribution,
- (l) civil defence,
- (m) fire protection and fire fighting,
- (n) sports and youth services,
- (o) welfare of Schedules Castes and Schedules Tribes,
- (p) environmental safety and improvement,
- (q) social forestry and plantation programme.

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

87. Power to transfer any functions of Municipality to any organisation.

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

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

**PART V**  
**FINANCE**  
**CHAPTER XIII**  
**Municipal Fund.**

**88. Municipal Fund :—**

There shall be constituted for each Municipality a fund to be called **Municipal Fund** to be the Municipality in trust for the purpose of this Ordinance and all moneys realised or realisable under this Ordinance and all moneys otherwise received by the Municipality shall be credited thereto.

**89. Custody of Municipal Fund :—**

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

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

**90. Application of Municipal fund :—**

- (1) All moneys credited to the Municipal Fund from time to time shall be applied for payment of all sums, charges and costs necessary for carrying out the purposes of this ordinance and the rules and regulations made thereunder or for payment of all sums payable out of the Municipal Fund under any other law for the time being in force.
- (2) No payment of any sum shall namely be made out of the Municipal Fund unless such expenditure is covered by a current budget grant and a sufficient balance of such budget grant is available for this purpose.
- (3) Whenever any sum is paid for the purposes not covered by the budget grant, the matter shall forthwith be brought before the Municipality shall take such action under the provisions of this Ordinance as may appear to it to be feasible and expedient for covering the amount of such payments.

**91. Exclusive use of fund for a particular purpose :—**

Notwithstanding anything contained elsewhere in this Ordinance, the State Government may require a Municipality to earmark a particular portion of the Municipal Fund or a particular grant or a part thereof or any item of receipt

under any head or any percentage there of, any other law for the time being in force or any part thereof, to be utilised exclusively for any specified purpose, and shall be mandatory on the part of the Municipality to follow the same. The State Government may also formulate separate sets of rules for observance by different groups of municipalities in this regard.

92. Financial assistance from the State Government.—

- (1) The State Government may, from time to time, give grants or financial assistance to a Municipality with or without direction as to the manner in which the sum shall be applied.
- (2) The State Government may also lay down a pattern for distribution of such grants or assistance which may include the conditions of release of grants and classification of municipalities for this purpose.

93. Loan.—

- (1) A Municipality may, with the prior permission of the State Government, obtain loan from any public financial institution or any nationalised bank or such other lending institution as the State Government may, approve in this behalf, and the Government may, if it considers so necessary, stand as the guarantor for payment.
- (2) The State Government may advance from the public funds or stand as guarantor for funds from any financial institution on the security of the Municipal Fund and, in the case of joint scheme, on the security of the Municipal Fund and the fund of other local authorities, if any, to provide for the cost of installation or maintenance relating to any project or scheme for civic services and such advance shall be recoverable under relevant loan for the time being force.
- (3) The State Government may require the Municipality to observe such financial discipline in the matter of debt servicing, including creation of sinking fund, as the State Government may think fit and, in doing so, the State Government may prescribe different sets of rules for observance by different groups of Municipalities.

94. Power to incur expenditure beyond the limits of a Municipality.

Notwithstanding anything contained elsewhere in this chapter, the Municipality may, with the approval of the State Government, authorise

expenditure to be incurred beyond the limits of a municipal area for creation of physical assets outside the limits of such area as for maintenance thereof for a carrying out the purposes of this Ordinance.

#### CHAPTER—XIV

##### Municipal Property.

###### 95. Power to acquire and hold property.—

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

###### 96. Vesting of property.—

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

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

(k) all stray animals not belonging to any private persons.

97. Acquisition of property by a Municipality by agreement exchange, lease grant etc.—

- (1) A Municipality may on such terms and conditions as may be approved by it acquire by agreement—
  - (a) any immoveable property,
  - (b) any easement affecting immoveable property,
- (2) A Municipality may also acquire a property by exchange on such terms and conditions as may be approved by it.
- (3) A Municipality may also hire or take on lease immoveable property on such terms and conditions as may be approved by it from time to time.
- (4) A Municipality may receive, any grant or dedication by way of a road or byway whether in the form of any income or any moveable or immoveable property by which any obligatory or discretionary function of the Municipality may be benefited.
- (5) It shall be lawful for Municipality to be the beneficiary of any trust created under the Charitable and Religious Trusts Act, 1920, or the Indian Trusts Act, 1812.

98. Compulsory acquisition of land.—

- (1) When any land, whether within or outside the limits of a municipal area is required for any public purpose under this Ordinance, it may request the appropriate authority to proceed to acquire it under the Land Acquisition Act, 1894 or any other law for the time being in force.
- (2) The Municipality shall be bound to pay to the such authority the cost including all charges in connection with the acquisition of the land under the Land Acquisition Act, 1894 or any other law for the time being in force, as the case may be.

99. Special provisions for acquisition of lands adjoining streets.—

Whenever the Municipality makes a request for acquisition of land for the purpose of providing a new street or for widening or improving an existing street, it shall be lawful for Municipality to supply for the acquisition of such additional land immediately adjoining the land to be occupied by such new street or existing street as is required for the sites of building to be created on either side of the street, and such additional land shall be deemed to be required for the purposes of this Ordinance.



## 100. Disposal of property—

The property belonging to Municipality may be disposed of in the manner provided in his section, namely—

- (a) the municipality may, in its discretion, dispose of, by sale, lease or otherwise, any movable property belonging to the Municipality

Provided that the State Government may by rules prescribe the value which, if it increase during the process of sale, shall require the prior sanction of the State Government.

- (b) the Municipality may, for valuable considerate let out hire, give in lease, or sell or otherwise transfer, any immovable property belonging to the Municipality for carrying out the purposes of this Ordinance :

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

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

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

## 101. Inventory of properties of the Municipality.

- (1) The Chairperson shall maintain an inventory of the movable and immovable properties of the Municipality in such form and in such manner as may be prescribed.
- (2) The Chairperson shall, in the case of the inventory of an immovable property, prepare an annual statement along with references therein and place the same before the Municipality.
- (3) Such statement shall be included as an appendix to the annual administration report of the Municipality.

## CHAPTER XV

## Budget, Accounts and Audit.

## 102. Annual Budget Estimate of a Municipality.

- (1) The Budget estimates of Municipality for a year shall be

prepared in the prescribed form and presented before a meeting of the Municipality, specially convened for the purpose, not later than the tenth day of March every year:

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

- (2) The budget estimate for the ensuing year shall be adopted after discussion by the Municipality within two weeks of presentation,
- (3) A copy of the budget estimate adopted by the Municipality shall be sent to the State Government.
- (4) A revised budget for the current year shall be framed in the prescribed form during the middle of the year and presented before the Municipality for adoption after the first day of October, but not later than the thirty-first day of December, each year.
- (5) Notwithstanding anything contained in the foregoing provisions of this section, the State Government may, on the prayer of a Municipality, direct that the budget estimate, or the revised budget estimate, of a Municipality may be presented or adopted at a later date for reasons to be recorded in writing.

#### 103. Power to alter budget grants.

- (1) A Municipality may, from time to time during the year.
  - (a) increase or reduce the amount of any budget grant under any head :
  - (b) make additional provision in the budget to meet any special or unforeseen requirement arising during the same year,
  - (c) transfer any amount or portion of any amount of the budget grant under any head to the account of the budget grant under any other head,
- (2) Every addition or alteration made in the budget grant under sub-section (1) for any year shall be deemed to be included in the budget estimate finally adopted for that year.

#### 104. Annual financial statement.

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

## 105. Balance-sheet.—

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

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

(3) A copy of the balance-sheet shall be given to the Director of Urban Development.

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

## 106. Audit of Accounts and appointment of Auditor.—

(1) The Municipal accounts shall be examined and audited by an Auditor appointed in that behalf by the State Government.

(2) The State Government shall, by rules, make provision with respect to the maintenance of accounts of the Municipalities and auditing of such accounts, including the powers of the Auditor.

## 107. Audit Report.—

The Auditor shall submit the audit report to the Chairperson of the Municipality and a copy thereof to the State Government.

## 108. Municipality to remedy the defects upon audit report.—

(1) The Municipality shall forthwith remedy any defect or irregularity that may be pointed out by the Auditor in his audit report and shall report to the State Government.

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

## 109. Power of the State Government to enforce an order upon audit report.—

If an order made by the State Government under this Chapter is not complied with, it shall be lawful for the State Government to take such step as it thinks fit to secure the compliance of the order.

## 110. Special audit.—

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

### 111. Internal Audit—

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

### 112. Municipal Accounts Committee of Municipal Council and Nagar Panchayat—

(1) A Municipal Council or a Nagar Panchayat shall, at its first meeting in each year or as soon as may be at any meeting subsequent thereto, constitute a Municipal Accounts Committee.

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

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

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

(5) Subject to the provisions of this ordinance and the rules and the bye-laws made thereunder, it shall be the duty of the Municipal Accounts Committee—

- (a) to examine the accounts of the Municipality;
- (b) to examine and scrutinise the report on the accounts of the Municipality by the Auditor appointed under this Chapter;
- (c) to examine and scrutinise the report of special audit, if any;
- (d) to examine and scrutinise the report of physical verification of stock, if any;
- (e) to submit report to the Municipality every year and from time to time on such examination and scrutiny;
- (f) to discharge such other functions as may be entrusted to it by the Municipality;

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

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

CHAPTER—XVI  
MISCELLANEOUS

113. Finance Commission.—

The Finance Commission constituted under Article 243-1 of the constitution read with section 230 of the Tripura Panchayats Act, 1993 shall also review the financial position of the Municipalities and make recommendations in the manner and according to the provisions of Article 243 of the Constitution.

114. Powers, authority and responsibility of Municipalities etc.—

(1) Every municipality, for the purpose of making development and social justice in the respective municipal area, shall prepare plans in consultation with the District Planning Committee, and obtain approval of the State Government before implementation of the same.

(2) In addition to the performance of functions and implementation of the schemes, as may be entrusted to it, a municipality shall also be responsible for implementation of the following matters, namely :—

- (a) Urban planning including town planning.
- (b) Regulation of land-use and construction of buildings.
- (c) Planning for economic and social development.
- (d) Roads and bridges.
- (e) Water supply for domestic, industrial and commercial purposes.
- (f) Public health, sanitation conservancy and solid waste management.
- (g) Fire services.
- (h) Urban forestry, protection of the environment and promotion of ecological aspects.
- (i) Safeguarding the interests of weaker sections of society, including the handicapped and mentally retarded.
- (j) Slum improvement and upgradation.
- (k) Urban poverty alleviation.
- (l) Provision of urban amenities and facilities such as parks, gardens, playgrounds.
- (m) Promotion of cultural, educational and aesthetic aspects.
- (n) Burials and burial grounds; cremation grounds and electric crematoriums.
- (o) Cattle ponds; prevention of cruelty to animals.
- (p) Vital statistics including registration of births and deaths.
- (q) Public amenities including street lighting, parking lots, bus stops and public conveniences.
- (d) Regulation of slaughter houses and tanneries.

115. District Planning Committee.—

(1) There shall be District Planning Committee for each district to consolidate the plans prepared by the panchayats and the municipalities in the district and to prepare draft development plan for the district as a whole.

(2) A District Planning Committee shall consist of not less than ten and not more than twenty members, as may be decided by the State Government. Out of the members so decided, four-fifth members shall be elected from amongst the elected members of the Zila Parishad and the Municipalities in the district in a meeting to be presided over by a person authorised and in such manner as may be directed by State Government. Remaining one-fifth members shall be nominated by the State Government:

Provided that the number of members to be filled from the Municipalities and Zila Parishad shall be in proportion to the ratio between the population of the rural areas and of the urban areas of the district.

(3) The Chairperson of a District Planning Committee shall be appointed by the State Government from amongst the elected members.

(4) Every District Planning Committee shall, in preparing the draft development plan,—

(a) have regard to—

(i) matters of common interest between the Panchayats and the Municipalities including the spatial planning, sharing of water and other physical and natural resources, the integrated development of infrastructural and environmental conservation:

(ii) the extent and type of variable resources whether financial or otherwise:

(b) consult such institutions and organisations as the Governor may, by order, specify.

(5) The Chairperson of every District Planning Committee shall forward the development plan, as recommended by such committee, to the Government of the State.

116. Application of the provisions of Bengal Municipality Act, 1932—

(1) All the provisions of Bengal Municipality Act, 1932 as in force in the State (hereinafter referred to as the existing Act) immediately before promulgation of this Ordinance which are not inconsistent with the provisions of this Ordinance shall continue to remain in force as if they are the provisions made under this Ordinance.

(2) All the Rules, Regulations, Orders, bye-laws and Notifications, if any, made, issued or published under the existing Act, shall be deemed to have been made, issued or published under the corresponding provision of this Ordinance ;

(3) All Municipal authorities, officers and other employees appointed under the existing Act exercising powers immediately before promulgation of this Ordinance, shall be deemed to have been appointed and exercising powers under this Ordinance ;

(4) All taxes, duties, tolls and fees, if any, liable to be paid under the existing Act or under the Rules, Regulations or byelaws or Orders made thereunder, shall be deemed to be so liable under this Ordinance till any revision or modification is made by the competent authority under the provisions of this Ordinance.

117. Removal of difficulties—

If any difficulty arises in giving effect to the provisions of this Ordinance, the State Government may, as occasion may require, by order published in the official Gazette, not inconsistent with the provisions of this Ordinance, do or cause to be done anything which may be necessary for removal of the difficulty.

ROMESH BHANDARI  
GOVERNOR OF TRIPURA.  
27 May 1994.

P. K. SARKAR  
S. R. & Secretary (Law)  
Government of Tripura.