

Powers, Procedure, Offences and Penalties

357. Signature, conditions, duration, Suspension, revocation, etc., of licenses and written permissions. -

(1) Whenever it is provided in this Act or any bye-law made there under that a license or a written permission may be granted for any purpose, such license or written permission shall be signed by the Commissioner or by the officer empowered to grant the same under this Act or the bye-laws made there under or by any Corporation Officer authorized by the Commissioner or such officer in this behalf and shall specify in addition to any other matter required to be specified under any other provision of this Act or any provision of any bye-law made there under-

- (a) the date of the grant thereof;
- (b) the purpose and the period (if any) for which it is granted;
- (c) restrictions or conditions, if any, subject to which It is granted;
- (d) the name and' address of the person to whom it is granted; and
- (e) the fee, if any, paid for the license or written permission.

(2) Except as otherwise provided in this Act or any bye-law made there under, for every such license or written permission a fee may be charged at such rate as may from time to time be fixed by the Commissioner with the sanction of the Corporation and such fee shall be payable by the person to whom the license or written permission is granted.

(3) Save as otherwise provided in this Act or any bye-law made there under any license or written permission granted under this Act or any bye-law made there under may at any time be suspended or revoked by the Commissioner or by the officer by whom it was granted, if he is satisfied that it has been secured by the grantee through misrepresentation or fraud or if any of its restrictions or conditions has been infringed or evaded by the grantee, or if the grantee has been convicted for the contravention of any of the provisions of this Act or any bye-law made there under relating to any matter for which the license or permission has been granted: Provided that-

- (a) Before making any order of suspension or revocation reasonable opportunity should be afforded to the grantee of the license or the written permission to show cause why it should not be suspended or revoked;
- (b) every such order shall contain a brief statement of the reasons for the suspension or revocation of the license or the written permission.

(4) When any such license or written permission is suspended or revoked or when the period for which the same was granted has expired, the grantee shall, for all purposes of this Act or any bye-law made there under, be deemed to be without a license or written permission until such time as the order suspending or revoking the license or written permission is rescinded or until the license or written permission is renewed.

(5) Every grantee of any license or written permission granted under this Act shall at all reasonable times, while such license or written permission remains in force if so required by the Commissioner or the authority by whom it was granted, produce such license or written permission.

358. Power of entry and inspection, -

The Commissioner or any Corporation officer or other Corporation employee authorized by him in this behalf or empowered in this behalf by or under any provision of this Act, may enter into or upon any land or building with or without assistants and workmen-

- (a) for the purpose of ascertaining whether there is or has been on or in connection with the land or building any contravention of the provisions of this Act or any bye-law made there under;
- (b) for the purpose of ascertaining whether or not circumstances exist which would authorize or require the Commissioner, or any Corporation officer or employee authorized or empowered in this behalf to take any action or execute any work under this Act or any bye-law made there under:
- (c) for the purpose of taking any action or executing any work authorized or required by this Act or any bye-law made there under.
- (d) to make any inquiry, inspection, examination, measurement, valuation or survey authorized or required by or under this Act or necessary for the proper administration of this Act;
- (e) generally for the purpose of efficient discharge of the functions by any of the municipal authorities under this Act or any bye law made there under.

359. Power to enter land adjoining land in relation to any work. –

The Commissioner, or any person authorized by him in this behalf or empowered in this behalf by or under any provision of this Act, may enter on any land within thirty-five metres of any work authorized by or under this Act with or without assistant and workman for the purpose of depositing thereon any soil, gravel, stone or other materials or for obtaining access to such work or for any other purposes connected with the execution of the same.

(2) The person so authorized shall, before entering on any such land. State the purpose thereof, and shall, if so required by the owner or occupier thereof fence off so much of the land as may be required for such purpose.

(3) The person so authorized shall, in exercising any power conferred by this section, do as little damage as may be, and compensation shall be payable by the Corporation in accordance with bye-laws made in this behalf to the owner or occupier of land or to both for any such damage, whether permanent or temporary.

360. Breaking into building. –

(1) It shall be lawful for the Commissioner, or any person authorized by him in this behalf or empowered in this behalf by or, under any provision of this Act, to make any entry into any place, and to open or cause to be opened any door, gate or other barrier-

- (a) if he considers the opening thereof necessary for the purpose of such entry; and
- (b) if the owner or occupier is absent or being present refuses to open such door, gate or barrier.

(2) Before making any entry into any such place or opening or causing to be opened any such door, gate or other barrier, the Commissioner, or the person authorless or empowered in this behalf, shall call upon two or more respectable inhabitants of the locality in which the place to be entered into is situate, to witness the entry or opening and may issue an order in writing to them or any of them so to do.

(3) A report shall be made to the Corporation as soon as may be after any entry has been made into any place or any door, gate other barrier has been opened under this section.

361. Time of making entry. –

Save as otherwise provided in this Act or any bye-law made there under no entry authorized by or under this Act shall be made except between the hours of sunrise and sunset.

362. Consent ordinarily to be obtained. –

Save as otherwise provided in this Act or any bye-laws made there under no land or building shall be entered without the consent of the occupier, or if there is no occupier, of the owner thereof and no such entry shall be made without giving the said owner or occupier, as the case may be, not less than twenty-four hours within notice of the intention to make such entry:

Provided that no such notice shall be necessary if the place to be Inspected is a factory, workshop or trade premises or a place used for any of the purposes specified in Section 343 or a stable for horses or a shed for cattle or a latrine or urinal or a work under construction or for the purpose of ascertaining whether any animal intended for human food is slaughtered in that place in contravention of this Act or any bye-law made there under.

363. Regard to be had to social or religious usages. –

When any place used as a human dwelling is entered under this Act, due regard shall be paid to the social and religious customs and usages of the occupants of the place entered and no apartment in the actual occupancy of a female shall be entered or broken open until she has been informed that she is at liberty to withdraw and every reasonable facility has been afforded to her for withdrawing.

364. Prohibition of obstruction or molestation in execution of work. -

No person shall obstruct or molest any person authorized or empowered by or under this Act or any person with whom the Corporation or the Commissioner has lawfully contracted, in the execution of his duty or of anything which he is authorized or empowered or required to do by virtue or in consequence of any of the provisions of this Act or any bye-law made there under, or in fulfillment of his contract, as the case may be.

365. Public notices how to be made known. –

Every public notice given under this Act or any bye-law made there under shall be in writing under the signature of the Commissioner or of any Corporation Officer authorized by him in this behalf and shall be widely made known in the locality to be affected thereby, by affixing copies thereof in conspicuous public places within the said locality or

by publishing the same by beat of drum or by advertisement in local newspapers or by any two or more of these means and by any other means that the appropriate municipal authority may think fit.

366. Newspaper in which advertisement of notices to be published.

Whenever it is provided by this Act or any bye-law made there under that notice shall be given by advertisement in local newspapers or that a notification or information shall be published in local newspapers such notice, notification or information shall be inserted if practicable, in at least three newspapers in such languages as the Corporation may from time to time specify in this behalf:

Provided that if the Corporation publishes a municipal journal a publication in that journal shall be deemed to be a publication in a newspaper of the language in Which the said journal may be published.

367. Proof of consent, etc. of Commissioner Etc. –

Where under this act Or any rule, regulation or bye-law made there under the doing of, or the omission to do anything or the validity Of anything depends upon the approval, sanction, consent; concurrence, declaration, opinion or satisfaction Of the Commissioner or of any Corporation officer, a written document signed by the Commissioner or officer purporting to convey or set forth such approval, sanction, consent, concurrence, declaration, opinion or satisfaction, shall be sufficient evidence thereof.

368. Notices, etc. to fix reasonable time. –

Where any notice, bill order or requisition issued or made under this Act or any rule, regulation or bye law made there under requires anything to be done for the doing of which no time is fixed in this Act or the rule, regulation or bye law, the notice, bill, order or requisition shall specify a reasonable time for doing the same.

369. Signature on notices, etc., may be stamped. –

Every license, written permission, notice, bill, summons or order document which is required by this Act or any rule, regulation or bye-law made there under to bear the signature of the Commissioner or of any Corporation officer, shall be deemed to be properly signed if it bears a facsimile of the signature of the Commissioner or officer, as the case may be, stamped thereupon.

(2) Nothing in sub-section (1) shall be deemed to apply to a cheque drawn upon the Corporation Fund under Section 78 and such other classes of documents as may be prescribed

370. Notice etc. by whom to be served or issued. –

All notices, bill summons and other documents required by this Act or any rule, regulations or bye-laws made there under to be served upon or issued to, any person, shall be served or issued by municipal officers or other Corporation employees or by other persons authorized by the Commissioner.

371. Service of notices, etc. –

Every notice, bill, summons, order, requisition or other document required or authorized by this Act or any rules regulation or bye-law made there under to be served or issued by or on behalf of the Corporation or by the Commissioner or any Corporation officer, on any person shall, save as otherwise provided in this Act or such rule, regulation or bye-law, be deemed to be duly served-

(a) where the person to be served is a company, .if the document is addressed to the secretary of the company at its registered office or at its principal office or place of business and is either-

(i) Sent by registered post, or

(ii) delivered at the registered office or at the principal office or place of business of the company;

(b) Where the person to be served is a partnership, if the document is addressed to the partnership at its principal place of business, identifying it by the name or style under which its business is carried on, and is either

(i) Sent by registered post, or

(ii) delivered at the said place of business;

(c) where the person to be served is a public body, or a corporation, society or other body if the document is addressed to the secretary, treasurer or other head officer of that body, corporation or society at its principal office, and is either;

(i) Sent by registered post; or

(ii) delivered at that office;

(d) In any other case, if the document is addressed to the person to be served and –

(1) is given or tendered to him, or

(i) if such person cannot be found, is affixed on some conspicuous part of his last known place of residence or business, if within the city, or is given or tendered to some adult member of his family or is affixed on some conspicuous part of the land or building, if any, to which it relates, or

(i) is sent by registered post to that person.

(2) Any document which is required or authorized to be served on the owner or occupier of any land or building ma be addressed the owner or e occupier , as me case may be, of that land or building (naming that land or building) without further name or description, and shall be deemed to be duly served -

(a) if the document so addressed is sent or delivered in accordance with clause

(d) of sub-section (1); or

(b) if the document so addressed or a copy thereof so addressed, is delivered to some person on the land or building or, where there is no person on the land or building to whom it can be delivered, is as- fixed to some conspicuous part of the land or building.

(3) Where a document is served on a partnership in accordance with this section, the document shall be deemed to be served on each partner.

(4) For the purpose of enabling any document to be served on the owner of any premises the Commissioner may by notice in writing require the occupier of the premises to state the name and address of the owner thereof.

(5) Where the person on whom a document is to be served is a minor, the service upon his guardian or any adult member of his family shall be deemed to be service, upon the minor.

(6) Nothing in Section 369 and Section 370 and in this section shall apply to any summons issued under this Act by a Court.

(7) A servant is not a member of the family within the meaning of this section.

372. Service of bills for tax or notice of demand by ordinary post. -

Notwithstanding anything contained in Sections 370 and 371 a bill for any tax or a notice of demand may be served by sending it by ordinary post with a pre-paid letter under a certificate of posting addressed to the appropriate person specified in Section 371 at his last known place of residence or business and in proving the service of every bill or notice so sent it shall be sufficient to prove that the matter was properly addressed and posted under a certificate of posting.

373. Power in case of non-compliance with notice, etc. –

In the event of a non-compliance with the terms of any notice, order or requisition issued to any person under this Act or any rule, regulation or bye-law made there under, requiring such person to execute any work or to do any act it shall be lawful for the authority or officer at whose instance the notice, order or requisition has been issued, whether or not the person in default is liable to punishment of such default or has been prosecuted or sentenced to any punishment therefor, after giving notice in writing to such person, to take such action or such steps as may be necessary for the completion of the act or the work required to be done or executed by such person, to take such action or such steps as may be necessary for the completion of the act or the work required to be done or executed by such person and all the expenses incurred on such account shall be payable to the Commissioner or demand and/f not paid within ten days after such demand, shall be recoverable as an arrear of tax under this Act.

374. Liability of occupier to pay in default of owner. –

(1) If any notice, order or requisition has been issued to any person in respect of property of which he is the owner the authority or officer at whose instance such notice order or requisition has been issued may require the occupier of such property or of any part thereof to pay to him, instead of to the owner, any rent payable by him in respect of such property, as it falls due up to the amount recoverable from the owner under Section 373: Provided that if the occupier refuses to disclose the correct amount of the rent payable by him or the name or address of the person to whom it is payable, the authority or officer may recover from the occupier the whole amount recoverable under Section 373 as an arrear of tax under this Act.

(2) Any amount recovered from an occupier instead of from an owner under sub-section (1), shall, in the absence of any contract between the owner and the occupier to the contrary, be deemed to have been paid by the owner.

375. Execution of work by occupier in default of owner and deduction of expense from rent. –

Whenever the owner of any land or buildings fails to execute any work which he is required to execute under this Act or any bye-law made there under, the occupier, if any, of such land or building may, with the approval of the Commissioner, execute the said work and he shall, subject to any contract between the owner and occupier to the contrary, be entitled to recover from the owner the reasonable expenses incurred by him in the execution of the work and may deduct the amount thereof from the rent payable by him to the owner.

376. Relief to agents and trustees, -

(1) Where any person, by reason of his receiving rent of immovable property as a receiver, agent or trustee would be bound to discharge any obligation imposed by this Act, or any rule, bye-law, regulation or order made under it for the discharge of which money is required, he shall not be bound to discharge the obligation unless he has, or but for his own improper act or default might have had, funds in his hands belonging to the owner sufficient for the purpose.

(2) The burden of proving any fact entitling a receiver, agent or trustee to relief under, sub-section (1) shall lie upon him.

(3) Where any receiver, agent or trustee has claimed and established his right to relief under this section, the Commissioner may, by notice in writing, require him, to apply to the discharge of his obligations as aforesaid the first moneys which may come to his hands to behalf, or for the use, of the owner and on failure to comply with the notice, he shall be deemed to be personally liable to discharge the obligation.

377. General power to pay compensation. –

(1) In any case not otherwise provided for in this Act or in any bye-law made there under, the Commissioner, with the previous approval of the Corporation, may pay compensation to any person who sustains damage by reasons of the exercise of any of the powers vested by this Act or any bye-law in the Commissioner or in any Corporation officer or other Corporation employee.

378. Compensation to be paid by offenders for damage caused by them. -

(1) Any person who has been convicted of an offence against this Act or any bye-law made there under shall, notwithstanding any punishment to which he may have been sentenced for the said offence, be liable to pay such compensation for any damage to the property of the Corporation resulting from the said offence as the appropriate municipal authority may consider reasonable.

(2) In the event of a dispute regarding the amount of compensation payable under sub-

section (1) such amount shall, on application made to him be determined by the Magistrate before whom the said person was convicted of the said offence; and on non-payment of the amount of compensation so determined the same shall be recovered under a warrant from the said Magistrate as if it were a fine imposed by him on the person liable therefor.

379. Reference to the court of the District Judge in certain cases. -

If, when the Commissioner demands payments of any expenses referred to in Section 373 his right to demand the same of the amount or the demand is disputed within ten days after such demand, the Commissioner shall refer the case for determination to the court of the District Judge.

380. Application to court of District Judge in other cases. -

(1) Wherein any case not provided for by Section 379, the Corporation or the Commissioner or any Corporation Officer or other Corporation employee is required by this Act or by any bye-law made there under to pay any expenses or any compensation, the amount to be so paid and, if necessary, the appointment of the same, shall, in case of dispute be determined by the court of the District Judge on application having been made to it for this purpose at any time within one year from the date when such expenses or compensation first became claimable.

(2) If the amount of any expenses or compensation ascertained in accordance with subsection (1) is not paid by the person liable therefor on demand, it shall be recoverable as if the same were due under a decree passed by the court of the District Judge in an original suit tried by it.

381. Power to sue for expenses or compensation. –

Instead of proceeding in the manner aforesaid for the recovery of any expenses or compensation of which the amount due has been ascertained as herein before provided, or after such proceedings have been taken unsuccessfully or with only partial success, the sum due or the balance of the sum due, as the case may be recovered by a suit brought against the person liable for the same in any court of competent jurisdiction.

382. Mode of recovery of certain dues. –

In any case not expressly provided for in this Act or any bye-law made there under any sum due to the Corporation on account of any charges, costs, expenses, fees rates or rent or or/any other account under this Act or any such bye-law may be recoverable from any person from whom such sum is due as an arrear of tax under this Act: Provided that no proceedings for the recovery of any sum under this section shall be commenced after the expiry of three years from the date on which such sum become due.

383. Right of owner to apply to court of the District Judge in case of obstruction by occupier. -

(1) The owner of any land or building may if he is prevented by the occupier thereof from complying with any provision of this Act or any bye-law made there under or with any notice, order or requisition issued under such provision, apply to the court of the District

Judge; and where such application is made within any time that may be fixed for the compliance with such provision or notice, order or requisition the owner shall not be liable for his failure to comply with the provision or notice, order or requisition within the time so fixed.

(2) The court on receipt of such application, may make a written order requiring the occupier of the land or building to afford all reasonable facilities to the owner for complying with the said provision or notice, order or requisition any may also, if it thinks fit direct that the costs of such application and order be paid by the occupier.

(3) After eight days from the date of the order referred to in sub-section the occupier shall afford all such reasonable facilities to the owner for the purpose aforesaid as may be specified in the order and in the event for his continued refusal to do so, the owner shall be discharged during the continuance of such refusal from any liability which may have been otherwise Incurred by reason of his failure to comply with the said provisions or notice, order or requisition.

384. General powers and procedure of the court of District Judge.

The procedure provided in the Code of Civil Procedure, 1908, in regard to suits shall be followed, as far as it can be made applicable, in the disposal of applications, appeals or references that may be made to the court of the District Judge under this Act or any bye-law made there under.

385. Fees in proceeding before court of the District Judge. –

(1) The Government may, by notification in Official Gazette, prescribe what fee shall be paid -

(a) on any application, appeal or reference under this Act or any bye-law made there under to the court of the District Judge; and

(b) for the issue, in connection with any inquiry or proceedings before that court under this Act or such bye-law, of any summons or other process: Provided that the fee, if any prescribed under clause (a) shall not in cases in which the value of the claim or subject matter is capable of being estimated in money, exceed the fees liable for the time being under the provisions of the Court-fees Act, 1870, in cases in which the amount of the claim or subject matter is of a like amount.

(2) The Government may, be like notification, determine the person by whom the fee, if any, prescribed under clause (a) of sub-section (1), shall be payable.

(3) No application, appeal or reference shall be received by the court of the District Judge until the fee, if any, prescribed therefor under clause (a) of sub-section (1) has been paid: Provided that the court may in any case in which it thinks fit so to do -

(i) receive an application, appeal or reference made by or on behalf of a poor person, and
(ii) issue process on behalf of any such person, without payment or on part payment of the fees prescribed under this section.

386. Repayment of half fees on settlement before hearing. –

Whenever an application, appeal or reference made under this Act or any bye-law made there under to the court of the District Judge is settled by agreement between the parties before the hearing, half the amount of all fees paid up to that time shall be repaid by the court to the parties by whom the same have respectively been paid.

387. Power of the court of District Judge to delegate certain powers and to make rules. –

The court of the District Judge may -

- (a) delegate, either generally or specially, to the court of an additional district judge, power to receive applications, and reference under this Act or any rule, regulation or bye-law made there under, and to hear and determine such applications, and references;
- (b) with the approval of the Government, make rules nor inconsistent with this Act or any rule, regulation or bye-law made there under, providing for any matter connected with the exercise of the jurisdiction conferred upon the court by this Act which is not herein specifically provided for.

388. Punishment for certain offences. - Whoever -

(a) contravenes any provision of any of the sections, sub-sections, clauses, provisos or other provisions of this Act, mentioned in the first column of the Table in the Third Schedule; or (b) fails to comply with any order lawfully given to him or any requisition lawfully made upon him under any of the said sections, sub-sections, clauses, provisos or other provisions shall be punishable -

- (i) with fine which may extend to the amount, or with imprisonment for a term which may extend to the period, specified in that behalf in the third column of the said Table or with both; and
- (ii) in the case of a continuing contravention or failure: with an additional fine which may extend to the amount specified in the fourth column of that Table for every day during which such contravention or failure continues after conviction for the first such contravention or failure.

389. Punishment for acquiring share or interest in contract, etc. with Corporation. -

Any councilor who knowingly acquires directly or indirectly, any share or interest in any contract made with, or any work done for, the Corporation not being a share or interest such as under section 13 it is permissible for a Councilor to have without being thereby disqualified for being a Councilor or any Corporation officer or other Corporation employee who knowingly acquires, directly or indirectly, any share or interest in any contract made with, or any work done for, the Corporation, not being a share or interest such or under clause (1) of sub-section (1) of section 13 or sub-clauses (ii) and (iii) of clause (c) of sub-section (2) of that section it is permissible for a Councilor to have, without being thereby disqualified for being a Councilor, shall be deemed to have committed the offence made punishable under section 168 of the Indian Penal Code.

390. General. -

Whoever, in any case in which a penalty is not expressly provided by this Act, fails to comply with any notice, order or requisition issued under any provision thereof, or otherwise contravenes any of the provisions of this Act, shall be punishable without fine

which may extend to one hundred rupees, and in the case of a continuing failure of contravention with an additional fine which may extend to twenty rupees for every day after the first during which he has persisted in the failure or contravention.

391. Offences of companies.

(1) Where an offence under this Act has been committed by a company, every person who, at the time of offence was committed, was incharge of and was responsible to, the company for the conduct of the business of the company, as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this sub-section shall render any such person liable to any punishment provided in this Act if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1) where an offence under this Act has been committed by a company and it is proved that of- fence has been committed with the consent or connivance of or is attributable to any neglect on the part of, any director, manager secretary or other officer of the company, such director, manager secretary or other of ricer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly. Explanation.. For the purposes of this section, -

(a) "company" means a body corporate, and includes a firm or other association of individuals; and

(b) "director" in relation to a firm means a partner in the firm.

392, Police establishments.

(1) Every Corporation shall, unless relieved of this obligation by the Government, maintain a sufficient police establishment for police requirements within the City and for the performance of the duties imposed on it by this Act.

(2) The establishment maintained under sub-section (1) shall consist of part of the general police force under the Government within the meaning of section 2 of the Police Act, 1961 and shall consist of such number of officers and men who shall respectively receive such pay. Leave, allowances, gratuities and pensions as the Corporation may from time to time after consultation with the Inspector General of Police, and subject to the final decision of the Government direct.

(3) The Government may relieve any Corporation of the whole or part of the cost of the police establishment, and may enter into a contract with the Corporation on such terms as may be agreed on, that, in consideration of such relief, the corporation shall pay periodically a sum not exceeding the amount thereof, or undertake any services within the City to which the Corporation fund can properly be applied, and which are estimated to cost not more than the amount of the relief.

(4) When a Corporation has been relieved under this section of the whole or part of the

cost of the police establishment which it is required to maintain, the Government shall maintain such police establishment as it shall consider necessary, and the establishment so maintained shall consist of a part of the General Police Force under the Government within the meaning of section 2 of the Police Act, 1861.

(5) The Government may, notwithstanding anything contained in the Police Act, 1861, or in any other Act for the time being in force, define, subject to the provisions of this Act the duties which the officers and men of the police establishment may be required to perform.

393. Arrest of Offenders. –

(1) Any police officer in my arrest any person who commits in his view any offence against this Act or against any rule, regulation or bye-law made there under if -

- (a) the name and address of such person be unknown to him, and
- (b) such person on demand declines to give his name and address or gives a name and address which such officer has reason to believe to be false.

(2) No person so arrested shall be detained in custody after his true name and address are ascertained or, without the order of the nearest Magistrate, or a period longer than twenty-four hours from the time of arrest exclusive of the time necessary for the journey from the place of arrest to the court of such magistrate.

(3) It shall be the duty of all police officers to give immediate information to the Commissioner or any other appropriate Corporation officer of the commission of, or the attempt, to commit any offence against this Act or any rule, regulation or bye-law made there under and to assist all Corporation officers and other Corporation employees in the exercise of their lawful authority.

394. Power to institute etc., legal proceedings and obtain legal advice.

The Commissioner may -

- (a) take, or withdraws from, proceedings against any person who is charged with -
 - (i) any offence against this Act or any rule regulation of bye-law made there- under; or
 - ii) any offence which affects or is likely to affect any property or interest of e Corporation or the due administration of this Act; or
 - iii) committing any nuisance whatsoever;
- (b) contest or compromise any appeal against rateable value or assessment of any tax or rate;
- (c) take, or withdraw from or compromise, proceedings under sections 378, 379 and 380 for the recovery of expenses or compensation claimed to be due to the Corporation;
- (d) withdraw or compromise any claim for a sum not exceeding one thousand rupees against any person.
- (e) defend any suit or other legal proceeding brought against the Corporation or against the Commissioner or a Corporation officer or other Corporation employee in respect of anything done or omitted to be done by any one of them in his official capacity;
- (f) with the approval of the Corporation, admit or compromise any claim, suit or other legal proceeding brought against the Corporation or against the Commissioner or any Corporation officer or other Corporation employee in respect of anything done or omitted to be done as aforesaid;

(g) withdraw or compromise any claim against any person in respect of a penalty payable under contract entered into with such person by the Commissioner on behalf of the Corporation

(h) institute and prosecute any suit or other legal proceeding or with the approval of the Corporation withdraw from or compromise any suit or any claim for any sum not exceeding five hundred rupees which has been instituted or made in the name of the Corporation or of the Commissioner:

(1) obtain such legal advice and assistance as he from time to time thinks necessary- or expedient to obtain or as he may be required by the Corporation to obtain for any of the purposes mentioned in the foregoing clauses or for securing lawful exercise or discharge of any power or duty vesting in or imposed upon any municipal authority or any Corporation officer or other Corporation employee.

394 A. Prosecutions. –

Save as otherwise provided in this Act. No court shall try any offence punishable by or under this Act or any rule or any bye-law made there under, except on the complaint of. Or upon information received from the Commissioner. The Executive Officer. the Medical Officer of Health, the Municipal Engineer (Electricity) or any other officer of the Corporation authorized by it in this behalf,(Inserted by Punjab Act 12 of 1977).

394 B. Composition of offences. -

(1) The Commissioner, the Executive, Officer. the Medical Officer of Health, the Municipal Engineer (Electricity) or any other officer of the Corporation authorized by it in this behalf by a general or special order or a sub-committee of the Corporation appointed by it may, either before or after the institution of the proceedings compound any offence made punishable by or under this Act, or any rule or any bye-law made there under Provided that no offence shall be compoundable which is committed by [failure to comply with a notice, order or requisition issued by or on behalf of any of the municipal authorities specified in section 46 unless and until the same has been complied with so far as the compliance is possible.

(2) Where an offence has compounded, the offender, if in custody, shall be discharged and no further proceeding all be taken against him of the offence so compounded.

395. Protection of action of the Corporation, etc. –

No suit or prosecution shall be entertained in any court against the Corporation or against the Commissioner or against any Corporation officer or other corporation employee or against any person acting under the order or direction of the Corporation, the Commissioner or an Corporation officer or other Corporation employee, for anything which is in good faith done or intended to be done. Under this act or any rule.regulation or bye-law made there under.

396. Notice to be given of suits. -

(1.) No suit shall be instituted against the Corporation or against the Commissioner or

against any Corporation officer or other Corporation employee or against any person acting under the order or direction of the Corporation or the Commissioner or any Corporation officer or other Corporation employee in respect of any act done, or purporting to have been done, in pursuance of this Act or any rule, regulation or bye-law made there under, until the expiration of two months after notice in writing has been left at the Corporation office and, in the case of such officer, employee or person unless notice in writing has also been delivered to him or left at his office or place or residence, and unless such notice states explicitly the cause of action, the nature of the relief sought, the amount of compensation claimed, and the name and place of residence of the intending plaintiff, and unless the plaint contains a statement that such notice has been so left or delivered.

(2) No suit, such as is described in sub-section (1) shall, unless it is a suit for the recovery of immovable property or for a declaration of title thereto be instituted after the expiry of six months from the date on which the cause of action arises.

(3) Nothing in sub-section (1) shall be deemed to apply to a suit in which the only relief claimed is an injunction on which the object would be defeated by the giving of the notice or the postponement of the institution of the suit. **Powers, Procedure, Offences and Penalties**

357. Signature. Conditions, duration, Suspension, revocation, etc., of licenses and written permissions. -

(1) Whenever it is provided in this Act or any bye-law made there under that a license or a written permission may be granted for any purpose, such license or written permission shall be signed by the Commissioner or by the officer empowered to grant the same under this Act or the bye-laws made there under or by any Corporation Officer authorized by the Commissioner or such officer in this behalf and shall specify in addition to any other matter required to be specified under any other provision of this Act or any provision of any bye-law made there under-

- (a) the date of the grant thereof;
- (b) the purpose and the period (if any) for which it is granted;
- (c) restrictions or conditions, if any, subject to which it is granted;
- (d) the name and address of the person to whom it is granted; and
- (e) the fee, if any, paid for the license or written permission.

(2) Except as otherwise provided in this Act or any bye-law made there under, for every such license or written permission a fee may be charged at such rate as may from time to time be fixed by the Commissioner with the sanction of the Corporation and such fee shall be payable by the person to whom the license or written permission is granted.

(3) Save as otherwise provided in this Act or any bye-law made there under any license or written permission granted under this Act or any bye-law made there under may at any time be suspended or revoked by the Commissioner or by the officer by whom it was granted, if he is satisfied that it has been secured by the grantee through misrepresentation or fraud or if any of its restrictions or conditions has been infringed or evaded by the grantee, or if the grantee has been convicted for the contravention of any of

the provisions of this Act or any bye-law made there under relating to any matter for which the license or permission has been granted: Provided that-

(a) Before making any order of suspension or revocation reasonable opportunity should be afforded to the grantee of the license or the written permission to show cause why it should not be suspended or

revoked;

(b) every such order shall contain a brief statement of the reasons for the suspension or revocation of the license or the written permission.

(4) When any such license or written permission is suspended or revoked or when the period for which the same was granted has expired, the grantee shall, for all purposes of this Act or any bye-law made there under, be deemed to be without a license or written permission until such time as the order suspending or revoking the license or written permission is rescinded or until the license or written permission is renewed.

(5) Every grantee of any license or written permission granted under this Act shall at all reasonable times, while such license or written permission remains in force if so required by the Commissioner or the authority by whom it was granted, produce such license or written permission.

358. Power of entry and inspection, -

The Commissioner or any Corporation officer or other Corporation employee authorized by him in this behalf or empowered in this behalf by or under any provision of this Act, may enter into or upon any land or building with or without assistants and workmen-

(a) for the purpose of ascertaining whether there is or has been on or in connection with the land or building any contravention of the provisions of this Act or any bye-law made there under;

(b) for the purpose of ascertaining whether or not circumstances exist which would authorize or require the Commissioner, or any Corporation officer or employee authorized or empowered in this behalf to take any action or execute any work under this Act or any bye-law made there under:

(c) for the purpose of taking any action or executing any work authorized or required by this Act or any bye-law made there under.

(d) to make any inquiry, inspection, examination, measurement, valuation or survey authorized or required by or under this Act or necessary for the proper administration of this Act;

(e) generally for the purpose of efficient discharge of the functions by any of the municipal authorities under this Act or any bye law made there under.

359. Power to enter land adjoining land in relation to any work. –

The Commissioner, or any person authorized by him in this behalf or empowered in this behalf by or under any provision of this Act, may enter on any land within thirty-five metres of any work authorized by or under this Act with or without assistant and workman for the purpose of depositing thereon any soil, gravel, stone or other materials or for obtaining access to such work or for any other purposes connected with the execution of the same.

(2) The person so authorized shall, before entering on any such land. State the purpose thereof, and shall, if so required by the owner or occupier thereof fence off so much of the land as may be required for such purpose.

(3) The person so authorized shall, in exercising any power conferred by this section, do as little damage as may be, and compensation shall be payable by the Corporation in accordance with bye-laws made in this behalf to the owner or occupier of land or to both for any such damage, whether permanent or temporary.

360. Breaking into building. –

(1) It shall be lawful for the Commissioner, or any person authorized by him in this behalf or empowered in this 140 Powers, Procedure, Offences and Penalties behalf by or, under any provision of this Act, to make any entry into any place, and to open or cause to be opened any door, gate or other barrier-

- (a) if he considers the opening thereof necessary for the purpose of such entry; and
- (b) if the owner or occupier is absent or being present refuses to open such door, gate or barrier.

(2) Before making any entry into any such place or opening or causing to be opened any such door, gate or other barrier, the Commissioner, or the person authorless or empowered in this behalf, shall call upon two or more respectable inhabitants of the locality in which the place to be entered into is situate, to witness the entry or opening and may issue an order in writing to them or any of them so to do.

(3) A report shall be made to the Corporation as soon as may be after any entry has been made into any place or any door, gate other barrier has been opened under this section.

361. Time of making entry. –

Save as otherwise provided in this Act or any bye-law made there under no entry authorized by or under this Act shall be made except between the hours of sunrise and sunset.

362. Consent ordinarily to be obtained. –

Save as otherwise provided in this Act or any bye-laws made there under no land or building shall be entered without the consent of the occupier, or if there is no occupier, of the owner thereof and no such entry shall be made without giving the said owner or occupier, as the case may be, not less than twenty-four hours within notice of the intention to make such entry:

Provided that no such notice shall be necessary if the place to be Inspected is a factory, workshop or trade premises or a place used for any of the purposes specified in Section 343 or a stable for horses or a shed for cattle or a latrine or urinal or a work under construction or for the purpose of ascertaining whether any animal intended for human food is slaughtered in that place in contravention of this Act or any bye-law made there under

363. Regard to be had to social or religious usages. –

When any place used as a human dwelling is entered under this Act, due regard shall be paid to the social and religious customs and usages of the occupants of the place entered and no apartment in the actual occupancy of a female shall be entered or broken open until she has been informed that she is at liberty to withdraw and every reasonable facility has been afforded to her for withdrawing.

364. Prohibition of obstruction or molestation in execution of work. -

No person shall obstruct or molest any person authorized or empowered by or under this Act or any person with whom the Corporation or the Commissioner has lawfully contracted, in the execution of his duty or of anything which he is authorized or empowered or required to do by virtue or in consequence of any of the provisions of this Act or any bye-law made there under, or in fulfillment of his contract, as the case may be.

365. Public notices how to be made known. –

Every public notice given under this Act or any bye-law made there under shall be in writing under the signature of the Commissioner or of any Corporation Officer authorized by him in this behalf and shall be widely made known in the locality to be affected thereby, by affixing copies thereof in conspicuous public places within the said locality or by publishing the same by beat of drum or by advertisement in local newspapers or by any two or more of these means and by any other means that the appropriate municipal authority may think fit.

366. Newspaper in which advertisement of notices to be published.

Whenever it is provided by this Act or any bye-law made there under that notice shall be given by advertisement in local newspapers or that a notification or information shall be published in local newspapers such notice, notification or information shall be inserted if practicable, in at least three newspapers in such languages as the Corporation may from time to time specify in this behalf:

Provided that if the Corporation publishes a municipal journal a publication in that journal shall be deemed to be a publication in a newspaper of the language in which the said journal may be published.

367, Proof of consent, etc. of Commissioner etc. –

Where under this act Or any rule, regulation or bye-law made there under the doing of, or the omission to do anything or the validity Of anything depends upon the approval, sanction, consent; concurrence, declaration, opinion or satisfaction Of the Commissioner or of any Corporation officer, a written document signed by the Commissioner or officer purporting to convey or set forth such approval, sanction, consent, concurrence, declaration, opinion or satisfaction, shall be sufficient evidence thereof.

368. Notices, etc. to fix reasonable time. –

Where any notice, bill order or requisition issued or made under this Act or any rule, regulation or bye law made there under requires anything to be done for the doing of

which no time is fixed in this Act or the rule, regulation or bye law, the notice, bill, order or requisition shall specify a reasonable time for doing the same.

369. Signature on notices, etc., may be stamped. –

Every license, written permission, notice, bill, summons or order document which is required by this Act or any rule, regulation or bye-law made there under to bear the signature of the Commissioner or of any Corporation officer, shall be deemed to be properly signed if it bears a facsimile of the signature of the Commissioner or officer, as the case may be, stamped thereupon.

(2) Nothing in sub-section (1) shall be deemed to apply to a cheque drawn upon the Corporation Fund under Section 78 and such other classes of documents as may be prescribed

370. Notice etc. by whom to be served or issued. –

All notices, bill summons and other documents required by this Act or any rule, regulations or bye-laws made there under to be served upon or issued to, any person, shall be served or issued by municipal officers or other Corporation employees or by other persons authorized by the Commissioner.

371. Service of notices, etc. –

Every notice, bill, summons, order, requisition or other document required or authorized by this Act or any rules regulation or bye-law made there under to be served or issued by or on behalf of the Corporation or by the Commissioner or any Corporation officer, on any person shall, save as otherwise provided in this Act or such rule, regulation or bye-law, be deemed to be duly served-

(a) where the person to be served is a company, .if the document is addressed to the secretary of the company at its registered office or at its principal office or place of business and is either-

(i) Sent by registered post, or

(ii) delivered at the registered office or at the principal office or place of business of the company;

(b) Where the person to be served is a partnership, if the document is addressed to the partnership at its principal place of business, identifying it by the name or style under which its business is carried on, and is either

(i) Sent by registered post, or

(ii) delivered at the said place of business;

(c) where the person to be served is a public body, or a corporation, society or other body if the document is addressed to the secretary, treasurer or other head officer of that body, corporation or society at its principal office, and is either;

(i) Sent by registered post; or

(ii) delivered at that office;

(d) In any other case, if the document is addressed to the person to be served and -

(l) is given or tendered to him, or

(i) if such person cannot be found, is affixed on some conspicuous part of his last known place of residence or business, if within the city, or is given or tendered to some adult

member of his family or is affixed on some conspicuous part of the land or building, if any, to which it relates, or

(i) is sent by registered post to that person.

(2) Any document which is required or authorized to be served on the owner or occupier of any land or building may be addressed to the owner or the occupier, as the case may be, of that land or building (naming that land or building) without further name or description, and shall be deemed to be duly served -

(a) if the document so addressed is sent or delivered in accordance with clause

(d) of sub-section (1); or

(b) if the document so addressed or a copy thereof so addressed, is delivered to some person on the land or building or, where there is no person on the land or building to whom it can be delivered, is affixed to some conspicuous part of the land or building.

(3) Where a document is served on a partnership in accordance with this section, the document shall be deemed to be served on each partner.

(4) For the purpose of enabling any document to be served on the owner of any premises the Commissioner may by notice in writing require the occupier of the premises to state the name and address of the owner thereof.

(5) Where the person on whom a document is to be served is a minor, the service upon his guardian or any adult member of his family shall be deemed to be service, upon the minor.

(6) Nothing in Section 369 and Section 370 and in this section shall apply to any summons issued under this Act by a Court.

(7) A servant is not a member of the family within the meaning of this section.

372. Service of bills for tax or notice of demand by ordinary post. -

Notwithstanding anything contained in Sections 370 and 371 a bill for any tax or a notice of demand may be served by sending it by ordinary post with a pre-paid letter under a certificate of posting addressed to the appropriate person specified in Section 371 at his last known place of residence or business and in proving the service of every bill or notice so sent it shall be sufficient to prove that the matter was properly addressed and posted under a certificate of posting.

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

In the event of a non-compliance with the terms of any notice, order or requisition issued to any person under this Act or any rule, regulation or bye-law made there under, requiring such person to execute any work or to do any act it shall be lawful for the authority or officer at whose instance the notice, order or requisition has been issued, whether or not the person in default is liable to punishment of such default or has been prosecuted or sentenced to any punishment therefor, after giving notice in writing to such person, to take such action or such steps as may be necessary for the completion of the

act or the work required to be done or executed by such person, to take such action or such steps as may be necessary for the completion of the act or the work required to be done or executed by such person and all the expenses incurred on such account shall be payable to the Commissioner or demand and/f not paid within ten days after such demand, shall be recoverable as an arrear of tax under this Act.

374. Liability of occupier to pay in default of owner. –

(1) If any notice, order or requisition has been issued to any person in respect of property of which he is the owner the authority or officer at whose instance such notice order or requisition has been issued may require the occupier of such property or of any part thereof to pay to him, instead of to the owner, any rent payable by him in respect of such property, as it falls due up to the amount recoverable from the owner under Section 373: Provided that if the occupier refuses to disclose the correct amount of the rent payable by him or the name or address of the person to whom it is payable, the authority or officer may recover from the occupier the whole amount recoverable under Section 373 as an arrear of tax under this Act.

(2) Any amount recovered from an occupier instead of from an owner under sub-section (1), shall, in the absence of any contract between the owner and the occupier to the contrary, be deemed to have been paid by the owner.

375. Execution of work by occupier in default of owner and deduction of expense from rent. –

Whenever the owner of any land or buildings fails to execute any work which he is required to execute under this Act or any bye-law made there under, the occupier, if any, of such land or building may, with the approval of the Commissioner, execute the said work and he shall, subject to any contract between the owner and occupier to the contrary, be entitled to recover from the owner the reasonable expenses incurred by him in the execution of the work and may deduct the amount thereof from the rent payable by him to the owner.

376. Relief to agents and trustees, -

(1) Where any person, by reason of his receiving rent of immovable property as a receiver, agent or trustee would be bound to discharge any obligation imposed by this Act, or any rule, bye-law, regulation or order made under it for the discharge of which money is required, he shall not be bound to discharge the obligation unless he has, or but for his own improper act or default might have had, funds in his hands belonging to the owner sufficient for the purpose.

(2) The burden of proving any fact entitling a receiver, agent or trustee to relief under, sub-section (1) shall lie upon him.

(3) Where any receiver, agent or trustee has claimed and established his right to relief under this section, the Commissioner may, by notice in writing, require him, to apply to the discharge of his obligations as aforesaid the first moneys which may come to his

hands to behalf, or for the use, of the owner and on failure to comply with the notice, he shall be deemed to be personally liable to discharge the obligation.

377. General power to pay compensation. –

(1) In any case not otherwise provided for in this Act or in any bye-law made there under, the Commissioner, with the previous approval of the Corporation, may pay compensation to any person who sustains damage by reasons of the exercise of any of the powers vested by this Act or any bye-law in the Commissioner or in any Corporation officer or other Corporation employee.

378. Compensation to be paid by offenders for damage caused by them. -

(1) Any person who has been convicted of an offence against this Act or any bye-law made there under shall, notwithstanding any punishment to which he may have been sentenced for the said offence, be liable to pay such compensation for any damage to the property of the Corporation resulting from the said offence as the appropriate municipal authority may consider reasonable.

(2) In the event of a dispute regarding the amount of compensation payable under subsection (1) such amount shall, on application made to him; be determined by the Magistrate before whom the said person was convicted of the said offence; and on non-payment of the amount of compensation so determined the same shall be recovered under a warrant from the said Magistrate as if it were a fine imposed by him on the person liable therefor

379. Reference to the court of the District Judge in certain cases. -

If, when the Commissioner demands payments of any expenses referred to in Section 373 his right to demand the same or the demand is disputed within ten days after such demand, the Commissioner shall refer the case for determination to the court of the District Judge.

380. Application to court of District Judge in other cases. -

(1) Wherein any case not provided for by Section 379, the Corporation or the Commissioner or any Corporation Officer or other Corporation employee is required by this Act or by any bye-law made there under to pay any expenses or any compensation, the amount to be so paid and, if necessary, the appointment of the same, shall, in case of dispute be determined by the court of the District Judge on application having been made to it for this purpose at any time within one year from the date when such expenses or compensation first became claimable.

(2) If the amount of any expenses or compensation ascertained in accordance with subsection (1) is not paid by the person liable therefor on demand, it shall be recoverable as if the same were due under a decree passed by the court of the District Judge in an original suit tried by it.

381. Power to sue for expenses or compensation. –

Instead of proceeding in the manner aforesaid for the recovery of any expenses or compensation of which the amount due has been ascertained as herein before provided, or after such proceedings have been taken unsuccessfully or with only partial success, the sum due or the balance of the sum due, as the case may be recovered by a suit brought against the person liable for the same in any court of competent jurisdiction.

382. Mode of recovery of certain dues. -

In any case not expressly provided for in this Act or any bye-law made there under any sum due to the Corporation on account of any charges, costs, expenses, fees rates or rent or or/any other account under this Act or any such bye-law may be recoverable from any person from whom such sum is due as an arrear of tax under this Act: Provided that no proceedings for the recovery of any sum under this section shall be commenced after the expiry of three years from the date on which such sum become due.

383. Right of owner to apply to court of the District Judge in case of obstruction by occupier. -

(1) The owner of any land or building may if he is prevented by the occupier thereof from complying with any provision of this Act or any bye-law made there under or with any notice, order or requisition issued under such provision, apply to the court of the District Judge; and where such application is made within any time that may be fixed for the compliance with such provision or notice, order or requisition the owner shall not be liable for his failure to comply with the provision or notice, order or requisition within the time so fixed.

(2) The court on receipt of such application, may make a written order requiring the occupier of the land or building to afford all reasonable facilities to the owner for complying with the said provision or notice, order or requisition any may also, if it thinks fit direct that the costs of such application and order be paid by the occupier.

(3) After eight days from the date of the order referred to in sub-section the occupier shall afford all such reasonable facilities to the owner for the purpose aforesaid as may be specified in the order and in the event for his continued refusal to do so, the owner shall be discharged during the continuance of such refusal from any liability which may have been otherwise Incurred by reason of his failure to comply with the said provisions or notice, order or requisition.

384. General Powers and procedure of the court of District Judge.

The procedure provided in the Code of Civil Procedure, 1908, in regard to suits shall be followed, as far as it can be made applicable, in the disposal of applications, appeals or references that may be made to the court of the District Judge under this Act or any bye-law made there under.

385. Fees in proceeding before court of the District Judge. -

(1) The Government may, by notification in Official Gazette, prescribe what fee shall be paid -

(a) on any application, appeal or reference under this Act or any bye-law made there under to the court of the District Judge; and
(b) for the issue, in connection with any inquiry or proceedings before that court under this Act or such bye-law, of any summons or other process: Provided that the fee, if any prescribed under clause (a) shall not in cases in which the value of the claim or subject matter is capable of being estimated in money, exceed the fees liable for the time being under the provisions of the Court-fees Act, 1870, in cases in which the amount of the claim or subject matter is of a like amount.

(2) The Government may, by like notification, determine the person by whom the fee, if any, prescribed under clause (a) of sub-section (1), shall be payable.

(3) No application, appeal or reference shall be received by the court of the District Judge until the fee, if any, prescribed therefor under clause (a) of sub-section (1) has been paid: Provided that the court may in any case in which it thinks fit so to do -

(i) receive an application, appeal or reference made by or on behalf of a poor person, and
(ii) issue process on behalf of any such person, without payment or on part payment of the fees prescribed under this section.

386. Repayment of half fees on settlement before hearing. –

Whenever an application, appeal or reference made under this Act or any bye-law made there under to the court of the District Judge is settled by agreement between the parties before the hearing, half the amount of all fees paid up to that time shall be repaid by the court to the parties by whom the same have respectively been paid.

387. Power of the court of District Judge to delegate certain powers and to make rules. –

The court of the District Judge may -

(a) delegate, either generally or specially, to the court of an additional district judge, power to receive applications, and reference under this Act or any rule, regulation or bye-law made there under, and to hear and determine such applications, and references;
(b) with the approval of the Government, make rules not inconsistent with this Act or any rule, regulation or bye-law made there under, providing for any matter connected with the exercise of the jurisdiction conferred upon the court by this Act which is not herein specifically provided for.

388. Punishment for certain offences. - Whoever -

(a) contravenes any provision of any of the sections, sub-sections, clauses, provisos or other provisions of this Act, mentioned in the first column of the Table in the Third Schedule; or (b) fails to comply with any order lawfully given to him or any requisition lawfully made upon him under any of the said sections, sub-sections, clauses, provisos or other provisions shall be punishable -

(i) with fine which may extend to the amount, or with imprisonment for a term which may extend to the period, specified in that behalf in the third column of the said Table or with both and
(ii) in the case of a continuing contravention or failure: with an additional fine which may

extend to the amount specified in the fourth column of that Table for every day during which such contravention or failure continues after conviction for the first such contravention or failure.

389. Punishment for acquiring share or interest in contract, etc. with Corporation. -

Any Councilor who knowingly acquires directly or indirectly, any share or interest in any contract made with, or any work done for, the Corporation not being a share or interest such as under section 13 it is permissible for a Councilor to have without being thereby disqualified for being a Councilor or any Corporation officer or other Corporation employee who knowingly acquires, directly or indirectly, any share or interest in any contract made with, or any work done for, the Corporation, not being a share or interest such as under clause (1) of sub-section (1) of section 13 or sub-clauses (ii) and (iii) of clause (c) of sub-section (2) of that section it is permissible for a Councilor to have, without being thereby disqualified for being a Councilor, shall be deemed to have committed the offence made punishable under section 168 of the Indian Penal Code.

390. General. –

Whoever, in any case in which a penalty is not expressly provided by this Act, fails to comply with any notice, order or requisition issued under any provision thereof, or otherwise contravenes any of the provisions of this Act, shall be punishable without fine which may extend to one hundred rupees, and in the case of a continuing failure of contravention with an additional fine which may extend to twenty rupees for every day after the first during which he has persisted in the failure or contravention.

391. Offences of companies.

(1) Where an offence under this Act has been committed by a company, every person who, at the time of offence was committed, was incharge of and was responsible to, the company for the conduct of the business of the company, as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this sub-section shall render any such person liable to any punishment provided in this Act if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1) where an offence under this Act has been committed by a company and it is proved that offence has been committed with the consent or connivance of or is attributable to any neglect on the part of, any director, manager secretary or other officer of the company, such director, manager secretary or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly. Explanation.. For the purposes of this section, -

(a) "company" means a body corporate, and includes a firm or other association of individuals; and

(b) "director" in relation to a firm means a partner in the firm.

392. Police establishments.

(1) Every Corporation shall, unless relieved of this obligation by the Government, maintain a sufficient police establishment for police requirements within the City and for the performance of the duties imposed on it by this Act.

(2) The establishment maintained under sub-section (1) shall consist of part of the general police force under the Government within the meaning of section 2 of the Police Act, 1961 and shall consist of such number of officers and men who shall respectively receive such pay, leave, allowances, gratuities and pensions as the Corporation may from time to time after consultation with the Inspector General of Police, and subject to the final decision of the Government direct.

(3) The Government may relieve any Corporation of the whole or part of the cost of the police establishment, and may enter into a contract with the Corporation on such terms as may be agreed on, that, in consideration of such relief, the corporation shall pay periodically a sum not exceeding the amount thereof, or undertake any services within the City to which the Corporation fund can properly be applied, and which are estimated to cost not more than the amount of the relief.

(4) When a Corporation has been relieved under this section of the whole or part of the cost of the police establishment which it is required to maintain, the Government shall maintain such police establishment as it shall consider necessary, and the establishment so maintained shall consist of a part of the General Police Force under the Government within the meaning of section 2 of the Police Act, 1861.

(5) The Government may, notwithstanding anything contained in the Police Act, 1861, or in any other Act for the time being in force, define, subject to the provisions of this Act the duties which the officers and men of the police establishment may be required to perform.

393. Arrest of Offenders. –

(1) Any police officer in my arrest any person who commits in his view any offence against this Act or against any rule, regulation or bye-law made there under if -

(a) the name and address of such person be unknown to him, and

(b) such person on demand declines to give his name and address or gives a name and address which such officer has reason to believe to be false.

(2) No person so arrested shall be detained in custody after his true name and address are ascertained or, without the order of the nearest Magistrate, or a period longer than twenty-four hours from the time of arrest exclusive of the time necessary for the journey from the place of arrest to the court of such magistrate.

(3) It shall be the duty of all police officers to give immediate information to the Commissioner or any other appropriate Corporation officer of the commission of, or the attempt, to commit any offence against this Act or any rule, regulation or bye-law made

there under and to assist all Corporation officers and other Corporation employees in the exercise of their lawful authority.

394. Power to institute etc., legal proceedings and obtain legal advice.

The Commissioner may -

(a) take, or withdraws from, proceedings against any person who is charged with -
(i) any offence against this Act or any rule regulation of bye-law made there- under; or
ii) any offence which affects or is likely to affect any property or interest of e Corporation or the due administration of this Act; or

iii) committing any nuisance whatsoever;

(b) contest or compromise any appeal against rateable value or assessment of any tax or rate;

(c) take, or withdraw from or compromise, proceedings under sections 378, 379 and 380 for the recovery of expenses or compensation claimed to be due to the Corporation;

(d) withdraw or compromise any claim for a sum not exceeding one thousand rupees against any person.

(e) Defend any suit or other legal proceeding brought against the Corporation or against them. Commissioner or a Corporation officer or other Corporation employee in respect of anything done or omitted to be done by any one of them in his official capacity;

(f) with the approval of the Corporation, admit or compromise any claim, suit or other legal proceeding brought against the Corporation or against the Commissioner or any Corporation officer or other Corporation employee in respect of anything done or omitted to be done as aforesaid;

(g) withdraw or compromise any claim against any person in respect of a penalty payable under contract entered into with such person by the Commissioner on behalf of the Corporation

(h) institute and prosecute any suit or other legal proceeding or with the approval of the Corporation withdraw from or compromise any suit or any claim for any sum not exceeding five hundred rupees which has been instituted or made in the name of the Corporation or of the Commissioner:

(1) obtain such legal advice and assistance as he from time to time thinks necessary- or expedient to obtain or as he may be required by the Corporation to obtain for any of the purposes mentioned in the foregoing clauses or for securing lawful exercise or discharge of any power or duty vesting in or imposed upon any municipal authority or any Corporation officer or other Corporation employee.

394 A. Prosecutions. –

Save as otherwise provided in this Act. No court shall try any offence may punishable by or under this Act or any rule or any bye-law made there under, except on the complaint of. or upon information received from the Commissioner. The Executive Officer. the Medical Officer of Health, the Municipal Engineer (Electricity) or any other officer of the Corporation authorized by it in this behalf,(Inserted by Punjab Act 12 of 1977)

394-B. Composition of offences. -

(1) The Commissioner. The Executive, Officer. the Medical Officer of Health, the Municipal Engineer (Electricity) or any other officer of the Corporation authorized by it in this behalf by a general or special order or a sub-committee of the Corporation

appointed by it may, either before or after the institution of the proceedings compound any offence made punishable by or under this Act, or any rule or any bye-law made there under Provided that no offence shall be compoundable which is committed by [failure to comply with a notice, order or requisition issued by or on behalf of any of the municipal authorities specified in section 46 unless and until the same has been complied with so far as the compliance is possible.

(2) Where an offence has compounded, the offender, if in custody, shall be discharged and no further proceeding all be taken against him of the offence so compounded.

395. Protection of action of the Corporation, etc. –

suit or prosecution shall be entertained in any court against the Corporation or against the Commissioner or against any Corporation officer or other corporation employee or against any person acting under the order or direction of the Corporation, the Commissioner or an Corporation officer or other Corporation employee, for anything which is in good faith done or intended to be done. under this act or any rule. regulation or bye-law made there under.

396. Notice to be given of suits. -

(1.) No suit shall be instituted against the Corporation or against the Commissioner or against any Corporation officer or other Corporation employee or against any person acting under the order or direction of the Corporation or the Commissioner or any Corporation officer or other Corporation employee in respect of any act done, or purporting to have been done, in pursuance of this Act or any rule, regulation or bye-law made there under, until the expiration of two months after notice in writing has been left at the Corporation office and, in the case of such officer, employee or person unless notice in writing has also been delivered to him or left at his office or place or residence, and unless such notice states explicitly the cause of action, the nature of the relief sought, the amount of compensation claimed, and the name and place of residence of the intending plaintiff, and unless the plaint contains a statement that such notice has been so left or delivered.

(2) No suit, such as is described in sub-section (1) shall, unless it is a suit for the recovery of immovable property or for a declaration of title thereto be instituted after the expiry of six months from the date on which the cause of action arises.

(3) Nothing in sub-section (1) shall be deemed to apply to a suit in which the only relief claimed is an injunction on which the object would be defeated by the giving of the notice or the postponement of the institution of the suit.