

## Preliminary

### 1. Short title, extent and commencement.

- (1) This Act may be called the Punjab Municipal Corporation Act, 1976.
- (2) It extends to the whole of the State of Punjab excluding the Cantonment areas therein.
- (3) It shall come in force at once. **2. Definitions:-** In this Act, unless the context otherwise requires.
  - (1) "Appointed. day" with reference to a City means the day on which notification is published under sub-section (1) or sub-section (2) of section 3, as the case may be;
  - (2) "budget-grant" means the total sum entered on the expenditure side of a budget estimate under a major head and adopted by the Corporation and includes any sum by which such budget-grant may be increased or reduced by transfer from or to other heads in accordance with the provisions of this Act and the regulations made there under;
  - (3) "building" means a shop, house, out-house, stable, latrine, urinal, shed, hut, wall or any other structure, whether of masonry, bricks, wood, mud, metal or other material and includes a well but does not include any portable shelter;
  - (4) "bye-law" means a bye-law made under this Act, by notification in the Official Gazette;
  - (5) "casual vacancy" means a vacancy occurring otherwise than by efflux of time in the office of a councillor or in any other elective office;
  - (6) "City" shall mean a larger urban area and shall include any other areas declared to be a City under this Act before the commencement of the Punjab Municipal Corporation (Amendment) Act, 1994. (Substituted by Act 2 of 1994)
  - (7) "Commissioner" means the Commissioner of the Corporation;
  - (8) "corrupt practice" means any of the practices specified in section 25;
  - (9) "dangerous disease" means:-
    - (a) cholera, plague, chicken-pox, small-pox, tuberculosis, leprosy, enteric fever, cerebrospinal meningitis and diphtheria; and
    - (b) any other epidemic, endemic or infectious disease which the Commissioner may, by notification in the Official Gazette, declare to be dangerous disease for the purposes of this Act;
  - (10) "Director" means the Director of Local Government, Punjab;
  - (10a) "District Planning Committee" means a Committee constituted under Article 243 ZD of the Constitution of India. (Added by Act of 1994)
  - (11) "District Judge" means the District Judge having jurisdiction in the City;

- (12) "Divisional Commissioner" means the Commissioner of the Division in which the City is situated .and Includes any other officer in the super time scale of the Indian Administrative Service appointed by the Government to perform all or any of the functions of the Divisional Commissioner under this Act;
- (13) "drain" includes a sewer, a house drain, a drain of any other description. a tunnel, a culvert, a ditch, a channel and any other device for carrying of sewage, offensive matter, polluted water, waste water, rain water or subsoil water;
- ( 14) "election" means and includes the entire election process commencing on and from the date of notification calling for election of Councillors and 2 ending with the date of declaration and notification of results thereof (. Added by Act2 of 1994)
- (15) "entertainment" Includes any exhibition, performance, amusement, game or sport to which persons are ordinarily admitted on payment;
- (16) "factory" means a factory as defined in the Factories Act, 1948;
- (17) "fifth" includes offensive matter and sewage;
- (18) "goods" includes animals:
- (19) "Government" means the Government of the State of Punjab;
- (20) "house-gully" or "service passage" means a passage or strip of land constructed, set apart or utilised for the purpose of serving as or carrying a drain or affording access to a latrine, urinal, cesspool or other receptacle for or other polluted matter, by Corporation employees or other persons employed in the cleaning thereof or in the removal of such matter therefrom;
- (21) "hut" means any building which is constructed principally of wood, bamboo, mud, leaves, grass, cloth or thatch and includes any structure of whatever material made which the Corporation may declare to be a hut for the purposes of this Act:
- (22) "land" includes benefits to arise out of land, things attached to the earth or permanently fastened to anything attached to the earth and rights created by law over any street;
- (22-a) "larger urban area" means such area as the Government may, having regard to the population of the area, the density of the population therein, the revenue generated for local administration, the .percentage of employment in non-agricultural activities, the economic importance or such other factors as he may deem fit, specify by a notification in .the Official Gazette.( Added by Act 2 of 1994)
- (23) "licensed architect", "licensed draftsman", "licensed engineer", "licensed plumber", licensed surveyor" and "licensed town planner" means respectively a person licensed

under the provisions of this Act as an architect, draftsman, engineer, plumber, surveyor and town planner;

(24) "market" includes any place where persons assemble for the sale of or for the purpose of exposing for sale, meat, fish, fruits, vegetables, animals intended for human food or any other articles of human food whatsoever, with or without the consent of the owner of such place notwithstanding that there may be no common regulation for the concourse of buyers and sellers and whether or not any control is exercised over the business of, or the persons frequenting the market by the owner of the place or by any other person;

(25) "member" in relation to the Corporation means a councillor thereof;

(25-a) "Municipality" means an institution of self government constituted under Article 243 of the Constitution of India;

(25-b) "Municipal area" means the territorial area of a Municipality as may be notified by the Government;

(25-c) "Metropolitan area" means an area having a population of ten lakh or more, comprised in one or more districts and consisting of two or more Municipalities or Panchayats or Other contiguous areas specified by the Government by a notification, to be a Metropolitan Area for the purposes of this Act;

(25-d) "Metropolitan Planning Committee" means a Committee constituted Art 243 ZE of the Constitution of India.( Added by Act 2 of 1994)

(26) "municipal drain" means a drain vested in the Corporation;

(27) "municipal market" means a market vested in or managed by the Corporation;

(28) "municipal slaughter house" means a slaughter house vested in or managed by the Corporation;

(29) "municipal water works" means water works vested in the Corporation;

(30) "Nationalised Bank" means a bank specified in column 2 of the First Schedule to the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970;

(31) "nuisance" includes any act, omission, place, animal 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;

(32) "occupier" includes :-

- (a) any person who for the time being is paying or is liable to pay to the owner the rent or any portion of the rent of the land or building in respect of which such rent is paid or is payable;
- (b) an owner in occupation of, or otherwise Using his land or building;
- (c) a rent free tenant of any land or building;
- (d) a licensee in occupation of any land or building; and
- (e) any person who is liable to pay to the owner damages for the use and occupation of any land or building;

(b)

(33) "offensive matter" includes animal carcasses, kitchen or stable refuse, dung, dirt and putrid or putrefying substances, other than sewage;

(34) "Official Gazette" means the Official Gazette of the State of Punjab;

(35) "owner" includes a person who for the time being is receiving or is entitled to receive, the rent of any land or building whether on his own account or on account of himself and others or as an agent, trustee, guardian or receiver for any other person who should so receive the rent or been tilted to receive it if the land or building or part thereof were let to a tenant;

1. (35-a) "population" means the population as ascertained at the last preceding Census, of which the relevant figures have been published;( Added by Act 2 of 1994.)

(36) "premises" means any land or building or part of a building and includes-

- (a) the garden, ground and out-houses, if any, appurtenant to a building or part of a building; and
- (b) any fitting affixed to a building or part of a building for the more beneficial enjoyment thereof;

(b)

(37) "prescribed" means prescribed by rules made under this Act;

(38) "private street" means any street, which is not a public street and includes any passage securing access to two or more places belonging to the same or different owners;

(39) "private market" means a market which is not a municipal market;

(40) "private slaughter house" means a slaughter house which is not a municipal slaughter house;

(41) "public place" means any place which is open to the use and enjoyment of the public, whether it is actually used or enjoyed by the public or not;

(42) "public securities" means any securities of the Central Government or a State

Government or any securities guaranteed by the Central Government or a State Government or any securities issued under this Act;

(43) "public street" means any street which vests in the Corporation as a public street or the soil below the surface of which vests in the Corporation or which under the provisions of this Act becomes or is declared to be a public street;

(44) "railway administration" has the meaning assigned to it in the Indian Railways Act, 1890;

(45) "rate payer" means a person liable to pay any rate, tax, cess or licence fee under this Act;

(46) "rateable value" means the value of any land or building fixed in accordance with the provisions of this Act and the bye-laws made thereunder for the purpose of assessment of property taxes;

(47) "regulation" means a regulation made by the Corporation under this Act, by notification in the Official Gazette;

(48) "reside"-

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

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

(b)

(49) "rubbish" includes ashes, broken bricks, broken glass, dust, malba, mortar and refuse of any kind which is not filth;

(50) "rule" means a rule made by the Government under this Act, by notification in the Official Gazette;

(51 ) "rural areas" means the area of the City which immediately before their inclusion within the limits of the City are situated within the local limits of a Gram Panchayat established under the Punjab Gram Panchayats Act, 1952, but shall not include such portion thereof as may, by virtue of a notification under section 42 l, cease to be included in the rural areas as herein defined;

(52)"Scheduled Caste means any of the Scheduled Castes specified in Part X of the Schedule to the Constitution (Scheduled Castes) Order, 1950;

(53) "sewage" means night-soil and other contents of latrines, urinals, cesspools or

drains, and polluted water from sinks, bathrooms, stables, cattle sheds and other like places, and includes trade effluents and discharges from manufactories of all kinds;

(54) "shed" means a slight or temporary structure for shade or shelter;

(55) "slaughter house means any place ordinarily used for the slaughter of animals for the purpose of selling the flesh thereof for human consumption;

[(55-a) "State Election Commission" means all Election Commission constituted by the Government of Punjab under Article 243 K and 243 ZA of the Constitution of India; (Added by Act 2 of 1994)

(56) "street" shall mean any road, footway, square, court, alley, gully or passage, accessible, whether permanently or temporarily to the public and whether a thoroughfare or not; and shall include every vacant space, notwithstanding that it may be private property and partly or wholly obstructed by any gate, post, chain or other barrier, if houses, shops or other buildings abut thereon, and it is used by any persons as means of access to or from any public place or thoroughfare, whether such persons be occupier of such

buildings or not, but shall include any part of such space which the occupier of any such building has right at all hours to prevent all other persons from using as aforesaid and shall include also the drains or gutters therein, or on either side, and the land, whether covered or not by any pavement, verandah or other erection, upto the boundary of any abutting property not accessible to the public;

(57) "trade effluent" means any liquid either with or without particles of matter in suspension therein, which is wholly or in part produced in the course of any trade or industry carried on at trade premises, and in relation to any trade premises means any such liquid as aforesaid which is so produced in the course of any trade or industry carried on at those premises, but does not include domestic sewerage;

(58) "trade premises" means any premises used or intended to be used for carrying on any trade or industry;

(59) "trade refuse" means the refuse of any trade or industry;

(60) "urban areas" means the areas of the City which are not rural areas;

(61) "vehicle" includes a carriage, cart, van, dray, truck, hand-cart, bicycle, tricycle, cycle-rickshaw, auto rickshaw, motor vehicle and every wheeled conveyance which is used or is capable of being used on a street;

(62) "ward" means a municipal ward provided by order made under section 5 of the purpose of election of Councillors;

[(62-a.) "Wards Committee" means a Committee constituted by the Government (Added by Act 2 of 1994.)

(63) "water course" includes any river, stream or Channel whether natural or artificial;

(64) "water works" includes all lakes, tanks, streams, cisterns, springs, pumps, wells, reservoirs, aqueducts, water trucks, sluices, main pipes, culverts, hydrants, stand-pipes and conduits and all lands, buildings, machinery, bridges and things used for, or intended for the purpose of, supplying water;

(65) "workshop" means any premises (including the precincts thereof ) other than a factory, wherein any industrial process is carried and;

(66) "year" means a year commencing on the 1st day of April.

### **3. (1) Specification of an area to be a Larger Urban Area and constitution of Corporation therefor :-**

The Government may, having regard to the population of the area, the density of the population therein, the revenue generated for local administration, the percentage of employment in non-agricultural activities, the economic importance or such other factors, as it may deem fit, specify, by notification, in the Official Gazette, any area to be a larger urban area for the purposes of this Act:

Provided that no military cantonment or any part thereof shall be included in such larger urban area:

Provided further that a Corporation may not be constituted for such a larger urban area or part thereof as the Government may, having regard to the size of the area and Municipal Services being provided or proposed to be provided by an industrial establishment in that

(2) Where an area is specified as a larger urban area under sub-section ( 1 ), the Government shall, by a notification in the Official Gazette, constitute a Corporation for such area. (3) Where any area, which is within the jurisdiction of any other local authority is specified as a larger urban area or is included in any other larger urban area. the Government may pass such orders as it may deem fit, as to the transfer to the Corporation for such larger urban area, or dispose other wise of, the assets and institutions of any such local authority in that area and as to discharge of the liabilities, if any, of such local authority relating to such assets or institutions.

(4) Where any area is excluded from a larger urban area and included in any other local authority, the Government may pass such orders as it may deem fit, as to the transfer of such local authority or disposal otherwise, of the assets or Institutions of such Corporation in that area and as to the discharge of the liabilities, if any, of such Corporation relating to such assets and institutions.

(5) The local areas which has been constituted as a City immediately before the commencement of the Punjab Municipal Corporation (Amendment) Act, 1994, shall be deemed to have been specified as larger urban area under sub-section ( 1 ) and Corporation constituted for those areas shall be deemed to have been duly constituted under sub-section (2).

(6) The Government may, from time to time, after consultation with the Corporation, by previous publication of a notification in the Official Gazette, alter the limits of any larger urban area.

(7) When the limits of any larger urban area are altered so as to include therein any area, the provisions of this Act and, except as the Government may otherwise by notification direct, all rules, bye-laws, notifications, orders, directions, powers, made, issued or conferred and al/taxes and fees imposed under this Act and in force throughout the larger urban area shall apply to such area.( Substituted by Act 2 of 1994.)