

BOMBAY ACT NO. LIX OF 1949¹

**THE BOMBAY PROVINCIAL MUNICIPAL
CORPORATIONS ACT, 1949**

[29th December, 1949.]

Adapted and modified by the Adaptation of Laws Order, 1950.

Amended by Bom. 42 of 1950

““““9 of 1951.

““““ 28 of 1951.

““““ 39 of 1951.

““““ 10 of 1953.²

““““ 18 of 1953.

““““ 57 of 1953.

““““8 of 1954.

““““19 of 1954.

““““45 of 1954.

““““58 of 1954.

““““34 of 1955.

““““19 of 1956.

““““22 of 1956.

““““24 of 1956.

Adapted and modified by the Bombay Adaptation of Laws (State and Concurrent Subjects) Order, 1956.

Amended by Bom. 5 of 1958.

““““ 65 of 1958.

““““ 80 of 1958.

““““ 53 of 1959.

““““ 56 of 1959.

Adapted and modified by the Gujarat Adaptation of Laws (State and Concurrent Subjects) Order, 1960.

Amended by Guj. 13 of 1961.

““ “ 16 of 1962.

““ “ 19 of 1964.

““ “ 26 of 1965.

““““5 of 1967.

““““8 of 1968.

““ “ 17 of 1968.

““““2 of 1969.

““ “ 5 of 1970.³

““ “ 16 of 1970.

““““5 of 1971.

““ “ . 6 of 1972.

““““3 of 1973.

““““2 of 1976.

¹ For Statement of Objects and Reasons, see bombay Government Gazette, 1949, Part V, Page 597.

² This Act shall be deemed to have come into force on the 20th day of November, 1951 [vide s. 1(2) of Bom. 10 of 1953.]

³ Please see sections 13 and 14 of Guj. 5 of 1970.

Amended by Presi. Act No. II of 1976.

Amended by Guj. 16 of 1977.

“ “ I of 1978. ⁴

“ “ I of 1979.

“ “ II of 1979.

“ “ 12 of 1979.

“ “ 13 of 1980. ⁵

“ “ I of 1981. ⁶

Amended by Guj., 28 of 1981.

“ “ “ 3 of 1984.

“ “ “ 18 of 1984.

“ “ “ 5 of 1986.

“ “ “ 19 of 1986. ⁷

“ “ “ 23 of 1986.

“ “ “ 21 of 1989.

“ “ “ 5 of 1990.

“ “ “ 16 of 1993

“ “ “ II of 1994

“ “ “ 3 of 1999

An Act to provide for the establishment of Municipal Corporation for certain cities in the Province of Bombay.

WHEREAS it is expedient to provide for the establishment of municipal corporations in ⁸ [the City of Ahmedabad] and certain other cities with a view to ensure a better municipal government of the said cities. It is hereby enacted as follows :-

⁴ For transitory provision please see section 4 of Guj. I of 1978.

⁵ Please see section 4 of Guj. 13 of 1980.

⁶

Please see section 4 of Guj. I of 1981.

⁷

For consequences on inclusion of certain areas in the City of Ahmedabad and for validation of recovery of taxes by Municipal Corporation of the City of Ahmedabad in the included area see Guj. 19 of 1986, ss. 4 and 5 respectively.

⁸

These words were substituted for the words "the cities of Ahmedabad and Poona" by the Gujarat Adaptation of Laws (State and Concurrent Subjects) Order, 1960.

CHAPTER -1 PRELIMINARY

1. (1) This Act may be called The Bombay Provincial Municipal Corporations Act, 1949.

⁹

**Short Title &
Commencement**

[(2) It extends to the whole of the State of Gujarat.]

(3) This section shall come into operation at once. The remaining provisions of the Act shall come into operation in the City of Ahmedabad and ¹⁰ [such other cities] on such dates as the State Government may by notification in the Official Gazette, specify in respect of each city. On the respective dates the said provisions shall apply to places outside the said cities in the manner, to the extent and for the purposes expressly provided therein.

2. In this Act, unless there be something repugnant in the subject or context,-

¹¹

[(1 A) "annual letting value" means, -

(i) in relation to any period prior to 1st April, 1970, the annual rent for which any building or land or premises, exclusive of furniture or machinery contained or situate therein or thereon, might, if the Bombay Rents, Hotel and Lodging House Rates Control Act, 1947 (Bom. LVII of 1947.) were not in force, reasonably be expected to let from year to year with reference to its use;

Definitions

(ii) in relation to any other period, the annual rent for which any building or land or premises, exclusive of furniture or machinery contained or situate therein or thereon, might reasonably be expected to let from year to year with reference to its use; and shall include all payments made or agreed to be made to the owner by person (other than the owner) occupying the building or land or premises on account of occupation, taxes, insurance or other charges incidental thereto :

Provided that, for the purpose of sub-clause (ii),-

(a) in respect of any building or land or premises the standard rent of which has been fixed under section 11 of the Bombay Rents, Hotel and Lodging House Rates Control Act, 1947, (Bom. LVII of 1947) the annual Rent thereof shall not exceed the annual amount of the standard rent so fixed;

¹²

[(aa) in respect of any building or land or premises, the standard rent of which is not fixed under section 11 of the Bombay Rents, Hotel and Lodging House Rates Control Act, 1947, (Born. LVII of 1947.) the annual rent received by the owner in respect of such building or land or premises shall, notwithstanding anything contained in any other law for the time being in force, be deemed to be the annual rent for which such building or land or premises might reasonably be expected to let from year to year with reference to its use;

⁹ Sub-section (2) was substituted for the original by Guj. 3 of 1973, s. 2.

¹⁰ These words were substituted for the words and brackets "the City of Poona and such other cities (outside Greater Bombay)" by the Gujarat Adaptation of Laws (State and Concurrent Subjects) Order, 1960.

¹¹

Clause (1A) was and was deemed always to have been inserted by Guj. 5 of 1970, s. 2 (1).

¹²

These clauses were inserted by Guj. 3 of 1984, s. 2.

(aaa) Clause (aa) shall not apply to a case where the annual rent received by the owner in respect of such building or land or premises is in the opinion of the Commissioner less than the annual rent for which such building or land or premises might, notwithstanding anything contained in any other law for the time being in force, reasonably be expected to let from year to year with reference to its use;]

(b) in the case of any land of a class not ordinarily let the annual rent of which cannot in the opinion of the Commissioner be easily estimated, the annual rent shall be deemed to be six per cent. of the estimated market value of the land at the time of assessment;

(c) in the case of any building of a class not ordinarily let, or in the case of any industrial or other premises of a class not ordinarily let, or in the case of a class of such premises the building or buildings in which are not ordinarily let, if the annual rent thereof cannot in the opinion of the Commissioner be easily estimated, the annual rent shall be deemed to be six per cent, of the total of the estimated market value, at the time of the assessment, of the land on which such building or buildings stand or. as the case may be, of the land which is comprised in such premises, and the estimated cost, at the time of the assessment, or erecting the building or, as the case may be, the building or buildings comprised in such premises;]

(1) "Appendix" means an Appendix to this Act;

(2) "appointed day" means with reference to any local area the day on which such area is constituted the City of Ahmedabad, ¹³ * * * or any other city, as the case may be, under section 3;

¹⁴

[(2A) "Approved co-operative bank" means such co-operative bank registered or, deemed to be registered under the ¹⁵ [Bombay Cooperative Societies Act, 1925, (Bom. VII of 1925.) as may be approved by the State Government by general or special order;]

(3) "bakery of bake- house" means any place in which bread, biscuits or confectionery are baked, cooked or prepared in any manner what so ever for the purposes of sale or profit;

(4) "budget grant" means the total sum entered on the expenditure side of a budget estimate under a major head as prescribed by rules and adopted by the corporation, and includes any sum by which such budget grant may be increased or reduced by a transfer from or to other heads in accordance with the provisions of this Act and rules:

(5) "building" includes a house, out- house, stable, shed, hut and other enclosure of structure whether of masonry, bricks, wood. mud, metal or any other material whatever, whether used as a human dwelling or otherwise, and also includes verandahs, fixed platforms, plinths, doorsteps, walls including compound walls and fencing and the like;

¹³The words "or the City of Poona' were omitted by the Gujarat Adaptation of Laws (State and Concurrent Subjects) Order, 1960.

¹⁴ Clause (2A) was inserted by Bom. 19 of 1954, s. 2.

¹⁵ See now the Gujarat Co-operative Societies Act, 1961 (Guj. X of 1962).

(6) "bye- law" means a bye- law made under section 458;

¹⁶

[(6-A) "Carpet area" means the floor area of a building excluding the area over which a wall whether outer or inner is erected]

(7) "cesspool" includes a settlement tank or other tank for the reception or disposal of foul matter from buildings;

¹⁷

[(7-A) "Chawl" means a building consisting of two or more tenements whether having common sanitary and other facilities or not and declared as such, by the common by notification in the official Gazette]

¹⁸

(8) "the city" means a larger urban area as specified under sub-cluse (2) of article 243 Q of the constitution of India and includes other local areas already declared to be a city prior to the commencement of the Bombay Provincial Municipal Corporation (Gujarat Second Amendment) Act. 1993 (Guj. 16 of 1993),]

¹⁹

[(8A) "Civil Appellate Court" means in the case of the City of Ahmedabad the High Court and in the case of any other City, the District Court having jurisdiction in the District in which the City is situated;]

(9) "the Commissioner" means the Municipal Commissioner for the City appointed under section 36 and includes an Acting Commissioner appointed under section 39;

(10) "the Corporation" means the Municipal Corporation of the City;

(11) "Councillor" means a person who is duly elected as a member of the Corporation under this Act;'

²⁰

[(IIA) "Criminal Appellate Court" means in the case of the City of Ahmedabad, the High Court and in the case of any other City, the Sessions Court having jurisdiction in the Sessions Division in which the City is situate;]

(12) "cubical contents" when used with reference to the measurement of a building means the space contained within the external surfaces of its walls and roof and the upper surface of the floor of its lowest storey or where the building consists of one storey only, the upper surface of its floor;

(13) "dairy" includes any farm. cattle-shed, milk store, milk shop or other place from which milk is supplied for sale or in which milk is for the purposes of sale of manufactured for into butter, ghee, cheese, curds or dried or condensed milk for sale and, in the case of a dairyman who does not occupy only place for the sale of milk, includes the place where he keeps the vessels used by him for the sale of milk but does not include a shop or other place in which milk is sold for consumption on the premises only;

(14) "dairyman" includes the keeper of a cow, buffalo, goat, ass or other animal, the milk of which is offered or intended to be offered for sale for human consumption, and any surveyor of milk and any

¹⁶This clause was inserted by Guj.3 of 1999 s.2(1)

¹⁷This clause was inserted by Guj.3 of 1999 s.2(2)

¹⁸

Clause (8) substituted by Guj.16 of 1993 s.2(1)

¹⁹

Clause (8A) substituted by Guj.8 of 1968 s.2(1)

²⁰

Clause (IIA) was inserted, GUJ.8 of 1968., s. (2). 2

occupier of a dairy;

(15) "dairy produce" includes milk, butter, ghee, curd, butter milk, cream, cheese and every product of milk;

(16) "dangerous disease" means cholera, plague, smallpox or any other epidemic or infectious disease by which the life of human beings is endangered and which the Corporation may from time to time by public notice declare to be a dangerous disease;

²¹

(17) "drain" includes a sewer, tunnel, pipe, ditch, gutter or channel and any cistern, flush-tank, septic tank or other device for carrying off or treating [sewage, trade effluent], offensive matter, polluted water, sullage, waste water, rain water or sub-soil water and any culvert, ventilation, shaft or pipe or other appliance or fitting connected therewith, and any ejectors, compressed air mains, sealed sewage mains and special machinery or apparatus for raising, collecting, expelling or removing [sewage, trade effluent] or offensive matter from any place;

(18) "eating house" means any premises to which the public or any section of the public are admitted and where any kind of food is prepared or supplied for consumption on the premises or elsewhere for the profit or gain of any person owning or having an interest in or managing such premises;

²²

[(18A) "election" means and includes entire election process commencing from the delimitation of constituencies to be known as wards and all stages culminating in to election of a councillor and it is always deemed to have meant and included entire election processes aforesaid]

(19) "essential services" means services in which any municipal officer, servant or other person is employed by or on behalf of the Corporation and which are specified in the rules;

(20) "factory" means a factory as defined in the Indian Factories Act, 1948; (LXIII of 1948).

(21) "filth" includes sewage, nightsoil and all offensive matter;

²³

[(21 A) "Finance Commission" means a Finance Commission constituted under article 243-1 of the Constitution of India.]

(22) "food" includes every article used for food or drink by man other than

drugs or water, and any article which ordinarily enters into or is used in the com-

position or preparation of human food, and also includes confectionery, flavouring

and colouring matters and species and condiments;

(23) "form" means a form appended to the rules;

(24) "frame building" means a building the external walls of which are constructed of timber framing or iron framing, and the stability of which depends on such framing;

21. These words were substituted for the word "sewage" by Guj. 19 of 1964, s. 2 (1).

22 Clause (18A) was inserted by Guj. 16 of 1993 s. 2 (2)

23 Clause (21A) was inserted by Guj.16 of 1993, s. 2 (3).

(25) "goods" includes animal;

²⁴

[(25A) "hotel" includes an eating house or any premises where the public or any section of the public are supplied for consumption meals, drinks or any eatables on payment price;]

(26) "house-drain" means any drain of, and used for the drainage, of one or more buildings or premises and made merely for the purpose of communicating therefrom with a municipal drain;

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

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

²⁵

[(28A) "industrial premises" means premises including the precincts thereof in any part of which a manufacturing process is being carried on or is ordinarily carried on.

Explanation: "manufacturing process" includes producing, making, extracting, altering, ornamenting, finishing or otherwise processing, treating or adapting any goods;]

(29) "the Judge" means ²⁶ [27 [in the City of Ahmedabad,] the Chief Judge of the Court of Small Causes or such other Judge of the Court as the Chief Judge may appoint in this behalf] and in any other City the Civil Judge (Senior Division) having jurisdiction in the City;

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

(31) "licensed plumber", "licensed surveyor", "licensed architect", "licensed engineer", "licensed structural designer" and "licensed clerk of works", respectively, means a person licensed by the Corporation as a plumber, surveyor, architect, engineer, structural designer or a clerk of works under this Act;

(32) "lodging house" means a building or part of a building where lodging with or without board or other service is provided for a monetary consideration;

(33) "market" includes any place where persons assemble for the sale of, or for the purpose of exposing for sale, live-stock or food for live-stock or meat, fish, fruit, vegetables, animals intended for human.

²⁴ Clause (21A) was inserted by Guj. 16 of 1993 s. 2 (3)

²⁵ Clause (2SA) was inserted by Gu. 8 of 1968, & 2 (4).

²⁶

These words were substituted for the words "in the Cities of Ahmedabad and Poona" by the Gujarat Adaptation or Laws (State and Concurrent Subjects) Order, 1960

²⁷

These words were substituted for the words "in the City of Ahmedabad the Judge of the Court of Small Causes" by Guj. 8 of 1968, s. 2 (S)

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 of 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 any other person;

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

²⁸

[(34A) "Metropolitan area" means an area as specified under clause (c) of article 243P of the constitution of India.

(34B) "Municipal area" means the territorial area of a Corporation as referred to in clause (d) of article 243P of the Constitution of India.]

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

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

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

(38) "municipal tax" means any impost levied under the provisions of this Act:

(39) "municipal water-works" means water-works belonging to or vesting in the Corporation;

(40) "nuisance" includes any act, omission place of thing which causes or is likely to cause injury, danger, annoyance or offence to the sense of sight, smell or hearing or which is or may be dangerous to life or injurious to health or property;

(41) "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 living in or otherwise using his land or building,

(c) a rent free tenant,

(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;

(42) "octroi" means a cess on the entry of goods into the limits of a city for consumption, use or sale therein;

(43) "offensive matter" includes animal carcasses, dung, dirt and putrid or putrifying substances other than sewage;

(44) "official year" means the year commencing on the first day of April;

(45) "owner" means-

(a) when used with reference to any premises, the person who receives the rent of the said premises, or who would be entitled to receive the rent thereof if the premises were let and includes-

(i) an agent or trustee who receives such rent on account of the owner,

(ii) an agent or trustee who receives the rent of, or is entrusted with

or concerned for, any premises devoted to religious or charitable purposes,

(iii) a receiver, sequestrator or manager appointed by any Court of competent jurisdiction to have the charge of, or to exercise the rights of an owner of, the said premises, and

(iv) a mortgagee- in-possession, and

(b) when used with reference to any animal, vehicle or boat, includes the person for the time being in charge of the animal, vehicle or boat;

²⁹

[(45A) "population" in relation to city means the population thereof as ascertained at last preceding census of which the relevant figures have been published.]

(46) "premises" includes messuages, buildings and lands of any tenure whether open or enclosed, whether built on or not and whether public or private;

³⁰

[46A) "private drain" means a drain which is not a municipal drain;]

(47) "private street" means a street which is not a public street;

(48) "privy" means a place set apart for defecating or urinating or both, together with the structure comprising such place, the receptacle therein for human excreta and the fittings and apparatus, if any, connected there with, and includes a closet of the dry type, an aqua privy, a latrine and a urinal;

(49) "property tax" means a tax on buildings and lands in the city;

(50) "public place" includes any public park or garden or any ground to which the public have or are permitted to have access;

(51) "public securities" means-

(a) securities of the Central Government or any ³¹ [State] Government,

(b) securities, stocks, debentures or shares the interest whereon has been guaranteed by the Central or the ³² [State] Government,

(c) debentures or other securities for money issued by or on behalf of any local authority in exercise of the powers conferred by any enactment for the time being in force in any part of ³³ [the territory of India],

(d) securities expressly authorized by any order which the [State] Government makes in this behalf;

(52) "public street" means any street-

(a) heretofore levelled, paved,metalled, channelled, sewerred or repaired out of municipal or other public fund, or

(b) which under the provisions of section 224 is declared to be, or under any other provision of this Act becomes, a public street;

(53) "rack-rent" means the amount of the annual rent for which the premises with reference to which the term is used might reasonably be expected to let from year to year ascertained for the purpose of fixing the rateable value of such premises :

²⁹ Clause (45A) was original inserted by Guj. I of 1981, s. 2. and substituted by Guj. 10 of 1993 s. 2 (5)

³⁰ Clause (46A) was inserted by Guj. 19 of 1964, s. 2 (2).

³¹

This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

³²

Same as 31

³³

This portion was substituted for the words "the Dominion of India", *ibid.*

³⁴[(54) "rateable value" means the value of any building or land fixed whether with reference to any given premises or otherwise, in accordance with the provisions of this Act and the rules for the purpose of assessment to property taxes;]

(55) "regulation" means a regulation made under section 465;

³⁶

[(55A) "relevant Small Cause Courts Act" means in the case of the City of Ahmedabad the Presidency Small Cause Courts Act, 1882 (XV of 1882) and in the case any other City, the Provincial Small Cause Act, 1887;[(IX of 1887)]

(56) (a) a person is deemed to "reside" in any dwelling which, or some portion of which he sometimes uses, whether interruptedly or not, as a sleeping apartment, and

(b) a person is not deemed to cease to "reside" in any such dwelling merely because he is absent from it or has elsewhere another dwelling 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;

(57) "rubbish" includes dust, ashes, broken bricks, mortar, broken glass, garden or stable refuse and refuse of any kind which is not offensive matter or sewage;

(58) "rules" includes rules in the Schedule and rules made under sections 454 and 456;

(59) "the Schedule" means the Schedule appended to this Act;

³⁷

(59A) "scheduled bank" means a bank included in the Second Schedule to the Reserve Bank of India Act, 1934: (II of 1934)]

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

(61) "special fund" means a fund constituted under section 91;

(62) "standing order" means an order made under section 466;

³⁸

[(62A) "State Election Commission" means a state Election commission referred to in article 243k of the constitution of India]

(63) "street" includes any highway and any causeway bridge arch road, lane, footway, sub-way, court, alley or riding path of passage, whether a thoroughfare or not, over which the public have a right of passage or access or have passed and had access uninterruptedly for a period of twenty years, and, when there is a footway as well as carriage way in any street, the said term includes both;

(64) "sweetmeat shop" means any premises or part of any premises used for the manufacture, treatment or storage for sale, or for the sale, wholesale or retail of any icecream, confections or sweetmeats whatsoever, for whomsoever intended, and by whatsoever name the same may be known, and whether the same be for consumption on or outside the premises;

(65) "theatre tax" means a tax on amusements or entertainments;

³⁴ Clause (54) was substituted for the original by Guj. 8 of 1968, s. 2 (6).

³⁵ Clause (54) was mid was deemed always to have been substituted by Guj. S of 1970, s. 2(2).

³⁶

Clause (55A) was inserted by Guj 8 of 1968. s.2(7).

³⁷

Clause (59A) was inserted by Bom. 10 of 1953. s.2.

³⁸

Clause (62A) was inserted by Guj 16 of 1993. s.2(b).

(66) "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 sewage;

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

(68) "trade refuse" means and includes the refuse of any trade, manufacture or business;

(69) "Transport Manager" means the Transport Manager of the Transport Undertaking appointed under section 40 and includes an acting Transport Manager appointed under section 41;

(70) "Transport Undertaking" means all undertakings acquired, organised, constructed, maintained, extended, managed or conducted by the Corporation for the purpose of providing mechanically propelled transport facilities for the conveyance of the public and includes all moveable and immovable property and rights vested or vesting in the Corporation for the purposes of every such undertaking;

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

³⁹

[(72) "water closet" means a closet used as a privy in which discharges are pushed in or carried off by water, and includes an acqua privy, gas plant, latrine attached with gas plant, a closet of type known as P.R.A.I. (Planning Research Action Institute) type, septic tank type, hand flush type, borehole type, clap trap type or any other type which the State Government may, be notification in the Official Gazette, specify:]

(73) "water connection" includes-

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

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

(74) "water-course" includes any river, stream, or channel whether natural or artificial:

(75) "water for domestic purposes" shall not include water for cattle, or for horses, or for washing vehicles, when the cattle, horses or vehicles are kept for sale or hire, or by a common carrier, and shall not include water for any trade, manufacture or business, or for building purposes, or for watering gardens, or for fountains or for any ornamental or mechanical purposes;

(76) "water-work" includes a lake, stream, spring, well, pump, reservoir, cistern, tank, duct, whether covered or open, sluice, mainpipe, culvert, engine, water truck, hydrant, stand-pipe, conduit, and machinery, land, building or thing for supplying or used for supplying water or for protecting sources of water supply.

³⁹ Clause (72) was substituted by Guj. I of 1979, s. 2.

⁴⁰Declaration of local area to be cities for purposes of the Act.

⁴¹ [3A. Consequences on alteration of limits of City.

(1) (a) Where by a notification ⁴² [clause (2) of article 243Q of constitution of India] any area is included within the limits of a City, all appointments, notifications, notices, taxes, orders, schemes, licences, permissions, rules, by- laws or forms made, issued, imposed or granted under this Act by the Corporation in respect of the City and in force within the City immediately before the area is included in the City, shall, notwithstanding anything contained in this Act or any other law for the time being in force, extend to and be in force in the area so included from the date on which the area is included in the City.

(b) Where there are in force in the area included in a City, any appointments, notifications, notices, taxes, orders, schemes, licences, permissions, rules, bye-laws or forms immediately before such area is included in the City either corresponding to or inconsistent with the appointments, notifications, notices, taxes, orders, schemes, licences, permissions, rules, byelaws or forms extended and brought into force by clause (a), such appointments, notifications, notices, taxes, orders, schemes, licences, permissions, rules, by- laws or forms shall stand superseded.

(2) Where by a notification ⁴³ [Clause (2) of article 243 Q of Constitution of India] any area is, excluded from the limits of a City, all appointments, notifications, notices taxes, orders, schemes, licences, permissions, rules, by- laws or forms made issued, imposed or granted under this Act by the Corporation in respect of the City and in force within its area immediately before the area is excluded from the City shall, notwithstanding anything contained in this Act or any other law for the time being in force, continue to be in force in the area so excluded until they are superseded or modified.

(3) Where by a notification ⁴⁴ [Clause (2) of article 245 Q of Constitution of India] the limits of any City are altered so as to-

(a) include any area therein, or

(b) exclude any area therefrom,

the State Government may, notwithstanding anything contained in this Act or any other law for the time being in force, by order published in the Official Gazette, provide for all or any of the following matters, namely :-

⁴⁵

[(i) in a case falling under clause (a), the interim increase in the number of councillors shall be filled by election of additional members from amongst such persons entitled to vote at such election from such area, as the State Government may determine and the term of such councilor shall be for the remainder of the during of the Corporation.

Consequences on Alteration of limits of city

⁴⁰Section-3 deleted by Guj. Iff of 1993 s. 3

⁴¹Section 3A was inserted with effect on and from the 1st April,-1986 by Guj. 19 of 1986, s. 2

⁴²

This words substituted for the words"under sub-section (30 of section -3 by Gujarat Act No.16 of 1993 s.4(1)

⁴³

This words was substituted for the words ""under sub-section (3) of section-3 by Guj. 16 of 1993 s. 4 (1)

⁴⁴

Same as 43

⁴⁵

In sub-section (3) for paragraphs (i), (ii) and (ii) paragraphs (i) (iii) substituted by Guj.16 of 1993s. 4 (2)

(ii) in a case falling under clause (b), the removal of councillors, who in the opinion of the State Government shall represent the area so excluded from the city]

(iii) the term for which the additional councilors appointed or elected under paragraph (i) shall hold office and the manner of holding election and filling casual vacancies of such councilors.

(iv) the transfer, in whole or in part, of the assets, rights and liabilities of the surrendering local authority (including the rights and liabilities under any contract made by it) to the absorbing local authority or to the State Government and the terms and conditions for such transfer;

(v) the substitution of any absorbing local authority for the surrendering local authority or the addition of any such absorbing local authority, as a party to any legal proceeding to which a surrendering local authority is a party and the transfer of any proceeding pending before a surrendering local authority or any authority or officers subordinate to it to the absorbing local authority or any authority or officer subordinate to it;

(vi) the transfer or re-employment of any employees of a surrendering local authority to or by the absorbing local authority or the termination of services of any employee of a surrendering local authority, and the terms and conditions applicable to such employee after such transfer or re-employment or termination;

(vii) the continuance within the area so included in, or excluded from, a City under clause (a) or (b) of all or any budget estimates, assessments, assessment list or, as the case may be, assessment book, valuations, measurements or divisions made or authenticated by, or in respect of, the surrendering local authority and in force within its area immediately before the notified day, until they are superseded or modified;

(viii) the removal of any difficulty which may arise on account of any change referred to in clauses (a) and (b),

(4) Where an order is made under sub-section (3) transferring the assets, rights and liabilities of a surrendering local authority, then by virtue of that order, such assets, rights and liabilities of such local authority shall vest in, and be the assets, rights and liabilities of, the absorbing local authority.

(5) The Corporation constituted for the City and functioning immediately before the alteration of the limits of the City shall, subject to the addition or exclusion of members under sub-section (3) and the other provisions of this section continue to function till the expiry of its term under this Act and on such expiry it shall be reconstituted in the manner provided in this Act.

Explanation 1. - In this section, unless the context otherwise requires-
(1) "absorbing local authority" means the local authority in the area under whose jurisdiction an area is included under 46 [clause (20) of article 243Q of constitution of India]

⁴⁶This words was substituted for the words "under sub-section 13 of section -3 by Guj.16 of 1993 s.4(1)

(2) "local authority" means the Corporation of a City, a municipality for a municipal borough, a nagar panchayat, or, as the case may be, a gram panchayat; and includes, where such Corporation, municipality or panchayat has been superseded or dissolved, the person or persons appointed to exercise the powers or to perform the functions of such Corporation, municipality or panchayat;

(3) "notified day" means the day on which the alteration of the limits of a City ⁴⁷ [* * *]takes effect

(4) "surrendering local authority" means the local authority from the area under whose jurisdiction any area is excluded ⁴⁸ [clause (2) of article 243 Q of the constitution of India]

Explanation II.- For the purposes of clause (2) of Explanation I, the person or committee appointed under section 264B of the Gujarat Municipalities Act, 1963(Guj. 34 of 1964.) for a notified area constituted under section 264A of that Act shall be deemed to be a municipality and the notified area or an area deemed to be a notified area under section 16 of the Gujarat Industrial Development Act, 1962, (Guj. XXIII of 1962.) shall be deemed to be a municipal borough.]

⁴⁷ This words "under section-3 " was deleted by Guj. 16 of 1993 s. 4(3)

⁴⁸ This words substituted for the words "under sub_section (30 of the section-3 by Guj. 16 of 1993 s.4(1)