

Miscellaneous

408. Delegation. –

(1) The Government may, by notification, delegate all or any of its powers under this Act, except the power to make rules, to any officer not below the rank of an Extra Assistant Commissioner subject to such restrictions and conditions as may be specified in the notification.

(2) The Commissioner may by order direct that any power conferred or any duty imposed on him by or under this Act shall, in such circumstances and under such conditions, if any, as may be specified in the order, be exercised and performed also by any Corporation Officer or other Corporation employee specified in the order.

409. Validity of notices and other documents. –

No notice, order, requisition, license, permission in writing or any other document issued under this Act shall be invalid merely by reason of defect of form.

410. Admissibility of document or entry as evidence. –

A copy of any receipt, application, plan, notice, order or other document or of any entry in a register in the possession of any municipal authority shall, if duly certified by the legal keeper thereof or other person authorized by the Commissioner in this behalf, be admissible in evidence of the existence of the document or entry and shall be admitted as evidence of the matters and transaction therein recorded in every case where, and to the same extent to which, the original document or entry would, if produced, have been admissible to prove such matters and transactions.

411. Evidence of Corporation Officer or employee. –

No Corporation officer or other Corporation employee shall, in any legal proceedings to which the Corporation is not a party, be required to produce any register or document the contents of which can be proved, under section 410 by a certified copy, or to appear as a witness to prove any matter or transaction recorded therein save by order of the court made for Special cause.

412. Prohibition against obstruction of May or any Municipal authority etc. –

No person shall obstruct or molest the Corporation or the Commissioner, the Mayor or any of the Deputy Mayors, any Councilor or any person employed by the Corporation or any person with whom the Commissioner has entered into a contract on behalf of the Corporation, in the performance of their duty or of anything which they are empowered or required to do by virtue or in consequence of any provision of this Act or of any rule regulation or bye-law made there under.

413. Prohibition against removal of mark. –

No person shall remove any mark set up for the purpose of indicating any level or direction incidental to the execution of any work authorized by this Act or of any rule or bye-law made there under.

414. Prohibition against removal or obliteration of notice. –

No person shall, without authority in that behalf remove, destroy, deface or otherwise obliterate any notice exhibited by or under orders of the Corporation or any municipal authority or any Corporation officer or other Corporation employee specified by the Commissioner in this behalf.

415. Prohibition against unauthorized dealing with public places or materials. –

No person shall, without authority in that behalf, remove earth, sand or other material or deposit any matter or make any encroachment from, in, or any land vested in the Corporation or in any way obstruct the same.

416. Liability of Councilors. –

(1) Every person shall be liable for the loss, waste or misapplication of any money or other property belonging to a Corporation, if such loss, waste or misapplication is reported by the Examiner, Local Fund Accounts, Punjab to be a direct consequence of his neglect or misconduct in the performance of his duties as a councilor; and he may after being given an opportunity, by notice served in the manner provided for the service of summonses in the Code of Civil Procedure, 1908, to show cause by written or oral representation why he should not be required to make good the loss, be surcharged with the value of such property or the amount of such money by the Divisional Commissioner, and if the amount is not paid within fourteen days from the expiry of the period of appeal prescribed by sub-section (2) the Collector at the request of the Divisional Commissioner shall proceed forthwith to recover the amount as if it were an arrear of land revenue, and have it credited to the Corporation Fund,

(2) The person against whom an order under sub-section (1) is made may within thirty days of the date of communication of the order appeal to the Government who shall appoint an officer to hear the appeal; and the appellate authority shall have the power of confirming, modifying or disallowing the surcharge:

Provided that no person shall under this section be called upon to show cause after the expiry of a period of four years from the occurrence of such loss, waste or misapplication or after the expiry of one year from the time of his ceasing to be a councilor:

Provided further that nothing in this section shall be deemed to debar the aggrieved party from seeking a remedy in a Civil Court against an order made under sub-section (1).

417. Councilors and Corporation Officer and employees to be public servants. -

Every Councilor, the Commissioner, and every Corporation Officer and other Corporation employees shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code, and in the definition of "Legal remuneration" in section 161 of that Code the word "Government" shall for the purpose of this section, be deemed to include the Corporation.

418. Annual administration report. –

(1) As soon as may be after the 1st day of April, in every year and not later than such date as may be fixed by the Government in this behalf, the Corporation shall submit to the

Government a detailed report of the municipal government of the City during the preceding year in such form as the Government may direct.

(2) The Commissioner shall prepare such report and the Corporation shall consider it and forward the same to the Government with its resolution thereon, if any.

(3) Copies of the report shall be kept for sale at the Corporation office.

419. Other laws not to be disregarded. –

Save as provided in this Act nothing contained in this Act shall be construed as authorizing the disregard by the Corporation or the Commissioner or any Corporation officer or other Corporation employee of any law for the time being in force.

420. Construction of references. –

Save as expressly provided in this Act and unless the context otherwise requires, after the establishment of the Corporation any reference in any enactment, rule, bye-law, order, scheme. Notification or other instrument having the force of law, to any local authority having jurisdiction in the City or any part thereof shall, unless the context or subject otherwise requires, be construed as reference to the Corporation.

421. Special provisions as to rural areas. –

Notwithstanding anything contained in the foregoing provisions of this Act,

(a) the Corporation with the previous approval of the Government may, by notification in the Official Gazette, declare that any portion of the rural areas shall cease to be included therein and upon the issue of such notification that portion shall be included in and form part of the urban areas;

(b) the Corporation with the previous approval of the Government may, by notification in the Official Gazette.

(i) exempt the rural areas or any portion thereof from such of the provisions of this Act as it deems fit;

(ii) levy taxes, rates, fees and other charges in the rural area or any portion thereof at rates lower than those at which such taxes, rates, fees and other charges are levied in the urban areas or exempt such areas or portion from any such tax, rate. Fee or other charge.

422. Government's power to suspend any resolution or order of Corporation. -

If the Government is of the opinion that the execution of any , resolution or order of the Corporation or of any other Municipal authority or employee subordinate thereto or the doing of any act which is about to be done or is being done by or on behalf of the Corporation is in contravention of or in excess of the powers conferred by this Act or of any other law for the time being in force or is likely to lead to breach of the peace or to cause injury or annoyance to the public or to any class or body of persons, the Government may, by order in writing, suspend the execution of such resolution or order, or prohibit the doing of any such act.

423. Governments power to annul or modify illegal proceedings. -

The Government may by written order, annul or omit from the records any proceedings of the Corporation which it considers not to be in conformity with this Act, or any rules or bye-laws made there under and may do all things necessary to secure such conformity: Provided that, unless in the opinion of the Government the immediate making of such order is necessary, it shall before making an order under this section, give the Corporation an opportunity of showing cause why such an order should not be made

424. Government's power to withdraw area of any City from operation of Act. –

(1) The Government may, by notification, withdraw from the operation of this Act the area of any City constituted there under:

Provided that no such notification shall be issued unless the same has been published for inviting objections and the objections, if any, have been duly considered.

(2) When a notification is issued under this section in relation to any City, this Act, all notifications, rules, regulations, bye-laws, orders, directions and powers issued, made or conferred under this Act, shall cease to apply to the said area; the balance of the Corporation Fund and all other property at the time of the issue of the notification vested in the Corporation shall vest in the Government and the liabilities of the Corporation shall stand transferred to the Government **Miscellaneous.**

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