
Himachal Pradesh Municipal (Amendment) Act, 2011

33 of 2011

[29 July 2011]

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Himachal Pradesh Municipal (Amendment) Act, 2011

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An Act Further to amend the Himachal Pradesh Municipal Act, 1994 (Act No. 13 of 1994). Be it enacted by the Legislative Assembly of Himachal Pradesh in the Sixty-second Year of the Republic of India as follows:-

1. Short Title And Commencement :-

(1) This Act may be called the Himachal Pradesh Municipal (Amendment) Act, 2011.

(2) It shall come into force on such date as the State Government may, by notification published in the Official Gazette, appoint.

2. Amendment Of Section 2 :-

In section 2 of the Himachal Pradesh Municipal Act, 1994 (hereinafter referred to as the principal Act):-

(a) Clause (1) shall be omitted.;

(b) After clause (6), the following new clause shall be inserted, namely:-

"(6-a). "cattle" means domestic animals and includes elephants, camels, buffaloes, cows, oxen, horses, mares, geldings, ponies, colts, fillies, mules, asses, pigs, rams, ewes, sheep, lambs, goats and kids;" and

(c) After clause (33), the following new clause shall be inserted, namely:-

"(33-a) ratable value shall mean:-

(a) In the case of land, the ratable value shall be based upon per square metre of the actual area of land multiplied by the unit area rate of tax and relevant factors prescribed for the particular zone and in the case of building, the ratable value shall be based upon per square metre of plinth area multiplied by unit area rate of tax and relevant factor prescribed for the particular zone;

(b) For levy of tax on lands and buildings, the entire municipal area shall be divided into different zones and each zone shall have relevant factors having different values;

(c) For the purpose of determination of unit area tax, there shall be five factors i.e (i) location (ii) occupancy (iii) age of building (iv) use of building and (v) type of structure. Each factor shall have different value for different zone as may be determined by the municipality, from time to time; and

(d) The mode for levy, calculation and assessment of tax as per provisions of this Act, which relates to the classification, usages of the buildings, or apportionment of buildings, or vacant land and open spaces forming part of the land and building shall be prescribed by bye-laws:

Provided that annual deduction of ten per cent on the ratable value of building shall be allowed on account of repair and maintenance expenses necessary for the maintenance of the building and a rebate of ten percent shall also be allowed on the amount of tax, in case the amount of tax specified in the bill is paid within fifteen days from the date of receipt of such bill, however, this rebate shall not be applicable in the case of defaulters who are in arrear of tax."

3. Amendment Of Section 34 :-

In section 34 of the principal Act, for the words and sign "State Government may, for all or any of the municipalities" the words and sign "municipality may" shall be substituted.

4. Amendment Of Section 57 :-

In section 57 of the principal Act:-

(a) For sub-section (4), the following sub-sections shall be substituted, namely:-

"(4) The Executive Officer or the Secretary, as the case may be, may, with the prior approval of the standing committee, constituted under section 49 of this Act, dispose of, by sale, lease or otherwise, any moveable or immovable properties belonging to the municipality, by public auction:

Provided that the mode and condition precedent to the transfer of immovable property, shall be governed by regulations or bye-laws made by the municipality.

(4-a) The Executive Officer or the Secretary, as the case may be, shall maintain a register giving therein the details of the immovable properties and prepare annual statement indicating the changes, if any, in the said inventory, in such manner as may be prescribed by bye-laws, and shall place the same before the municipality for consideration at the end of the year."; and

(b) In sub-section (5), after the words "Executive Officer", the words and signs "or the Secretary, as the case may be," shall be inserted.

5. Substitution Of Section 65 :-

For section 65 of the principal Act, the following shall be substituted, namely:-

"65. Rate of tax on lands and buildings:- (1) Save as otherwise provided in this Act, the unit area rate of tax on lands and buildings within the municipal area shall be between one per cent to twenty five per cent of the ratable value of land and building, as may be determined by the municipality from time to time:

Provided that the municipality may exempt wholly or partially or levy lower rate of tax on the lands and buildings or portion thereof, which is exclusively used for the purpose of public worship and the area of vacant lands and buildings or portion thereof, exclusively used for the purpose of public burial or as a cremation ground, or any other place used for the disposal of dead.

(2) Such other tax, at such rates, as the State Government may,

by notification, in each case direct:

Provided that no tax shall be imposed under sub-section (2) unless an opportunity has been given in the prescribed manner to the residents of the municipal area or to the affected parties to file objections and the objections, if any, thus received have been considered."

6. Substitution Of Section 66 :-

For section 66 of the principal Act, the following section shall be substituted, namely:-

"66. Fee, tolls and users charges:- The municipality may impose fee, tolls and user charges for the services provided by it at such rate and in such manner as may be determined by the municipality from time to time."

7. Amendment Of Section 69 :-

In section 69 of the principal Act, for sub-section (1), the following sub-section shall be substituted, namely:-

"(1) The tax on consumption of electricity at the rate of one paise for every unit of electricity consumed by any person with in the limits, of the municipal area shall be collected by the Himachal Pradesh State Electricity Board set up under the Electricity (Supply) Act, 1948, or by any other person, as the case may be, supplying electricity for consumption in municipal limits and paid to the municipality concerned."

8. Ommission Of Sections 70 And 71 :-

Sections 70 and 71 of the principal Act shall be omitted.

9. Amendment Of Section 79 :-

In section 79 of the principal Act, sub-section (2) shall be omitted.

10. Insertion Of New Section 150-A :-

After section 150 of the principal Act, the following new section shall be inserted, namely:-

"150-A. Registration of cattle and maintenance of record thereof:-
(1) Head of every family shall be responsible to give or cause to be given, either orally or in writing, the details of cattle owned by his

family to the municipality within a period one month from the commencement of the Himachal Pradesh Municipal (Amendment) Act, 2011, and thereafter, every time as and when any change in the number of cattle takes place by any reasons.

(2) On receipt of the details of cattle under sub-section (1), the municipality shall register cattle and shall maintain records thereof in such form as may be notified by the State Government:

Provided that the municipality may charge registration fee at such rate as may be fixed by the municipality.

(3) It shall be the duty of the municipality to assist the officials or persons engaged by Animal Husbandry Department for applying appropriate identification mark on each cattle and to maintain the record of identification.

(4) If any cattle with identification mark is found stray, the owner of the cattle shall be identified by the municipality from the record maintained by it and such owner shall be liable to a fine of five hundred rupees for the first offence and seven hundred rupees for subsequent offence which shall be imposed by the municipality.

(5) If the municipality fails in identifying such stray cattle due to tempering with identification mark or mutilation thereof, it shall report the matter to the In-charge of the nearest Animal Husbandry Dispensary who shall lodge the stray cattle to the nearest Goshala."

11. Amendment Of Section 202 :-

In section 202 of the principal Act, the words "and shall if so required by the State Government" shall be omitted.

12. Amendment Of Section 204 :-

In section 204 of the principal Act, in sub-section (1), the words "if so required by the State Government shall" shall be omitted.

13. Amendment Of Section 214 :-

In section 214 of the principal Act, the words and sign "and shall, if so required by the State Government" shall be omitted.

14. Amendment Of Section 216 :-

In section 216 of the principal Act, for the words "two hundred rupees" and "ten rupees", the words "five thousand rupees" and "one hundred rupees" shall respectively be substituted.

15. Substitution Of Section 217 :-

For section 217 of the principal Act, the following section shall be substituted, namely:-

"217. Supplemental provisions respecting bye-laws.-Any power to make bye-laws conferred by this Act is conferred subject to the condition that bye-laws being made after previous publication by the municipality, after having been published in the Official Gazette for inviting public objections:

Provided that State Government may cancel any such bye-law if found to be contrary to the provisions of this Act or the rules made thereunder and thereupon the bye-law shall cease to have effect."

16. Omission Of Sections 218 And 219 :-

Sections 218 and 219 of the principal Act, shall be omitted.

17. Amendment Of Section 220 :-

In section 220 of the principal Act, in sub-section (2), for the words "ten rupees", the words "fifty rupees" shall be substituted.