Annexures
### Sample of Shimla Municipal Corporation Officials.

<table>
<thead>
<tr>
<th>Officials</th>
<th>Universe</th>
<th>Sample</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Class-I</strong></td>
<td>Eight Members</td>
<td>8</td>
</tr>
<tr>
<td>Commissioner, Assistant Commissioner, Legal Advisor cum Law Officer, Health Officer(M.C.)Shimla Sanitation, Municipal Engineer(Water Supply), Executive Engineer(Road), Executive Director(JNNRUM), Architect Planner.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

| Class-II | Seven Members | 7 |
| Assistant Engineer (Road and building), 3, S.D.O (Water supply), 2(S.D.O. (Market Superintendent), V.P.H.O. (Veterinary Public Health Officer), Secretary Tax Department. | |

| Class-III | Fifty members | 50 |
| Clerical-30, JE’s-20 | |

| Total | 65 |

**Source:** Municipal Corporation Office Shimla
## ANNEXURE-II

### Sample of Municipal Political leadership

<table>
<thead>
<tr>
<th>Sr. No</th>
<th>Name</th>
<th>Post</th>
<th>Ward No-Area</th>
<th>Total Sample</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Madhu Sood</td>
<td>Mayor</td>
<td>25. Kanlog</td>
<td></td>
</tr>
<tr>
<td>4.</td>
<td>Sanjeev Thakur</td>
<td>Councillor</td>
<td>2. Rulthu Bhatta</td>
<td></td>
</tr>
<tr>
<td>5.</td>
<td>Seema Chauhan</td>
<td>Councillor</td>
<td>3. Kaithu</td>
<td></td>
</tr>
<tr>
<td>6.</td>
<td>Pradeep Kashyap</td>
<td>Councillor</td>
<td>4. Annadale</td>
<td></td>
</tr>
<tr>
<td>7.</td>
<td>Dhani Ram Kashyap</td>
<td>Councillor</td>
<td>5. Summer-Hill</td>
<td></td>
</tr>
<tr>
<td>8.</td>
<td>Sagar Chand</td>
<td>Councillor</td>
<td>6. Tutu</td>
<td></td>
</tr>
<tr>
<td>10.</td>
<td>Anita Kumari</td>
<td>Councillor</td>
<td>8. Tutikandi</td>
<td></td>
</tr>
<tr>
<td>14.</td>
<td>Manju Sood</td>
<td>Councillor</td>
<td>12. Ram Bazzar</td>
<td></td>
</tr>
<tr>
<td>15.</td>
<td>Naveen Sood</td>
<td>Councillor</td>
<td>13. Lower Bazaar</td>
<td></td>
</tr>
<tr>
<td>17.</td>
<td>Narender Kataria</td>
<td>Councillor</td>
<td>15. Banmore</td>
<td></td>
</tr>
<tr>
<td>19.</td>
<td>Sanjay Kumar</td>
<td>Councillor</td>
<td>18. Dhalli</td>
<td></td>
</tr>
<tr>
<td>20.</td>
<td>Mahender Singh Chauhan</td>
<td>Councillor</td>
<td>19. Chamyana</td>
<td></td>
</tr>
<tr>
<td>23.</td>
<td>Surender Chauhan</td>
<td>Councillor</td>
<td>22. Chotta Shimla</td>
<td></td>
</tr>
<tr>
<td>24.</td>
<td>Kusum Lata Thakur</td>
<td>Councillor</td>
<td>23. Patiyog</td>
<td></td>
</tr>
<tr>
<td>25.</td>
<td>Dev Raj Sharma</td>
<td>Councillor</td>
<td>24. Khalini</td>
<td></td>
</tr>
<tr>
<td>26.</td>
<td>Rajesh Sharda</td>
<td>Nominated Councillor</td>
<td></td>
<td></td>
</tr>
<tr>
<td>27.</td>
<td>Jasvindra Singh</td>
<td>Nominated Councillor</td>
<td></td>
<td></td>
</tr>
<tr>
<td>28.</td>
<td>Anita Kashyap</td>
<td>Nominated Councillor</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Source: Municipal Corporation office Shimla
### ANNEXURE-III

#### Sample of Public

<table>
<thead>
<tr>
<th>Ward. No</th>
<th>Residents Selected from each ward</th>
<th>Total Sample</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>15</td>
<td></td>
</tr>
<tr>
<td>2.</td>
<td>15</td>
<td></td>
</tr>
<tr>
<td>3.</td>
<td>15</td>
<td></td>
</tr>
<tr>
<td>4.</td>
<td>15</td>
<td></td>
</tr>
<tr>
<td>5.</td>
<td>15</td>
<td></td>
</tr>
<tr>
<td>6.</td>
<td>15</td>
<td></td>
</tr>
<tr>
<td>7.</td>
<td>15</td>
<td></td>
</tr>
<tr>
<td>8.</td>
<td>15</td>
<td></td>
</tr>
<tr>
<td>9.</td>
<td>15</td>
<td></td>
</tr>
<tr>
<td>10.</td>
<td>15</td>
<td></td>
</tr>
<tr>
<td>11.</td>
<td>15</td>
<td></td>
</tr>
<tr>
<td>12.</td>
<td>15</td>
<td></td>
</tr>
<tr>
<td>13.</td>
<td>15</td>
<td></td>
</tr>
<tr>
<td>14.</td>
<td>15</td>
<td></td>
</tr>
<tr>
<td>15.</td>
<td>15</td>
<td></td>
</tr>
<tr>
<td>16.</td>
<td>15</td>
<td></td>
</tr>
<tr>
<td>17.</td>
<td>15</td>
<td></td>
</tr>
<tr>
<td>18.</td>
<td>15</td>
<td></td>
</tr>
<tr>
<td>19.</td>
<td>15</td>
<td></td>
</tr>
<tr>
<td>20.</td>
<td>15</td>
<td></td>
</tr>
<tr>
<td>21.</td>
<td>15</td>
<td></td>
</tr>
<tr>
<td>22.</td>
<td>15</td>
<td></td>
</tr>
<tr>
<td>23.</td>
<td>15</td>
<td></td>
</tr>
<tr>
<td>24.</td>
<td>15</td>
<td></td>
</tr>
<tr>
<td>25.</td>
<td>15</td>
<td></td>
</tr>
</tbody>
</table>

375

*Source: Municipal Corporation Office Shimla*
ANNEXURE-IV

SCHEDULE

SCHEDULE FOR MUNICIPAL OFFICIALS

SECTION – I  ADMINISTRATIVE SETUP

1. Do you feel that present structure of Municipal Corporation is adequate?
   a) To large extent
   b) To some extent
   c) No opinion
   d) Not to large extent
   e) Not to some extent

2. The appointments in the Municipal Corporation are made on the basis of?
   a) Merit
   b) Political Considerations
   c) Any other basis

3. Are you satisfied with the procedure of the recruitment system for various posts in the Municipal Corporation?
   a) Satisfied to large extent
   b) Satisfied to some extent
   c) No opinion
   d) Not satisfied
   e) Not satisfied to large extent
   f) Not satisfied to some extent
   if answer to above question is negative please specify the reason

4. Have you received any on job training in your Municipal Corporation?  
   Yes/No
   If yes, please indicate the type and duration of the training

5. Are you satisfied with the present in service training system for your cadre in Municipal Corporation
   If No, is it because of

IV
6. Do you think refresher courses/training are essential for efficient working?
   a) To large extent
   b) To some extent
   c) No opinion
   d) Not to large extent
   e) Not to some extent

7. Which type of promotion system is prevalent in your organizations?
   a) Merit
   b) Seniority
   c) Merit cum seniority
   d) Departmental exams for promotion
   e) Any other system

8. Are you satisfied with present promotion system by Municipal Corporation?
   Yes/No

9. Do you think your promotional opportunities are:
   a) Adequate
   b) Very few
   c) Nil

10. Are you in favor of making organizations changes in Municipal Corporation?
    Yes/No

If yes, mention the changes

   ____________________________________________
   ____________________________________________
   ____________________________________________
SECTION – II
FUNCTIONS AND POWERS OF MUNICIPAL CORPORATION

1. How would you rate the job performance of the state of Municipal Corporation?
   A) Adequate
   B) Inadequate
   c) Ineffective

2. Is there any difficulty in executing development functions by Municipal Corporation?
   Yes/No

3. How do you rate the progress achieved in exciting developmental works Municipal Corporation?
   a) 75% to 100% ( )
   b) 50% to 74% ( )
   c) 25% to 49% ( )
   d) Less than 25% ( )

4. Do you think that the performance of Municipal Corporation has improved after the 74th amendment?
   a) To large extent ( )
   b) To some extent ( )
   c) No opinion ( )
   d) Not to large extent ( )
   e) Not to some extent ( )

5. How important is it for the officials to consult the councilors?
   a) Very important ( )
   b) Important ( )
   c) Not important at all ( )

6. How often you pass on the demands of councilors to your superiors?
   Always/usually/moderately/rarely/never

7. Do you think that most of your suggestions are accepted and implemented?
   Frequently/sometimes/not at all.
8. Do you have sufficient powers to discharge your duty?
   a) To large extent ( )
   b) To some extent ( )
   c) No opinion ( )
   d) Not to large extent ( )
   e) Not to some extent ( )

9. What type of Bureaucratic Leadership style do you prefer?
   a) Autocratic ( )
   b) Participative ( )
   c) Laissez fairs ( )
   d) Democratic ( )

10. How frequently councilors brings the following problems to municipal officials

<table>
<thead>
<tr>
<th>Problem</th>
<th>Sometimes</th>
<th>Rarely</th>
<th>Never</th>
</tr>
</thead>
<tbody>
<tr>
<td>Regarding approval of loans</td>
<td>( )</td>
<td>( )</td>
<td>( )</td>
</tr>
<tr>
<td>Regarding development programs</td>
<td>( )</td>
<td>( )</td>
<td>( )</td>
</tr>
<tr>
<td>Regarding administrative delays</td>
<td>( )</td>
<td>( )</td>
<td>( )</td>
</tr>
<tr>
<td>For seeking guidance on admn. rules</td>
<td>( )</td>
<td>( )</td>
<td>( )</td>
</tr>
</tbody>
</table>

11. Do councilors interfere in your work?
   a) Frequently ( )
   b) Now and then ( )
   c) Never ( )

12. How many times you get the chance to give free and frank advice when some problems arise in your office?
   a) Every time ( )
   b) Sometime ( )
   c) Never ( )

13. Do you participate in formulation of plans/policies?
   a) Always ( )
   b) To some extent ( )
   c) Not at all ( )
SECTION – III FINANCE

1. Do you regard the budgetary system being practiced in Municipal Corporation as effective?
   a) To large extent ( )
   b) To some extent ( )
   c) No opinion ( )
   d) Not to large extent ( )
   e) Not to some extent ( )

   Please give reasons in support of your answer

2. Are the needs/problems/demands of citizens taken into account while making budget?
   a) To large extent ( )
   b) To some extent ( )
   c) No opinion ( )
   d) Not to large extent ( )
   e) Not to some extent ( )

3. Are you satisfied with the adequacy of financial resources of Municipal Corporation?
   a) To large extent ( )
   b) To some extent ( )
   c) No opinion ( )
   d) Not to large extent ( )
   e) Not to some extent ( )

4. In your opinion are the funds which are collected by the states as taxes and through other resources are allocated properly?
   Yes/No

5. Do you think that Municipal Corporation is not able to achieve its objective due to lack of finance?
   a) To large extent ( )
   b) To some extent ( )
   c) No opinion ( )
d) Not to large extent ( )
e) Not to some extent ( )

6. Is there any scope of increasing the municipal financial resources by imposing new taxes/fees etc?

Yes/No

If yes explain briefly

7. Do you think grants-in-aid, which are given by the state and central government are made available to municipal institutions at the time of need?

a) To large extent ( )
b) To some extent ( )
c) No opinion ( )
d) Not to large extent ( )
e) Not to some extent ( )

8. Do you think grants-in-aid which are given to the municipal Corporation for the development activities are

a) Quite sufficient ( )
b) Sufficient ( )
c) Not sufficient ( )

9. The grants-in-aid given by the state government for executing certain schemes sometimes remain wholly or partially unspent; specify the reason by ticking more than one alternative?

a. Delay in receiving grants ( )
b. Inadequate staff ( )
c. Procedural complexities ( )
d. Non availability of material ( )
e. Lapse on the part of contractors ( )

Any other
(Please specify) ________________________________

10. The state government allocators finances to your municipal corporation by way of:

a) Grants b) Loans c) Assigned Taxes

IX
11. What are your experiences of JNNURM?

12. What suggestions do you wish to make to improve the financial administration of Shimla Municipal Corporation?
ANNEXURE-V

SCHEDULE FOR COUNCILLORS

1. Name ________________________________

2. Sex  
   Male ( )  
   Female ( )

3. Age  
   25-35 ( )  
   35-55 ( )  
   55 & above ( )

4. Marital Status:  
   Single ( )  
   Married ( )  
   Widow ( )  
   Divorcee ( )

5. Religion  
   Hinduism ( )  
   Sikhism ( )  
   Islam ( )  
   Any Other ( )

6. Educational Qualification  
   a) No formal education ( )  
   b) Under Metric ( )  
   c) Metric/Higher Secondary ( )  
   d) Graduate ( )  
   e) Post Graduate ( )  
   f) Any other (please specify) ( )

7. Profession  
   a) Business ( )  
   b) Agriculture ( )  
   c) Independent Profession ( )  
   d) Housewife ( )  
   e) Any other ( )

8. Annual income (in Rs.) from all sources  
   a) Up to 36,000 ( )  
   b) Between 36,000-60,000 ( )  
   c) Between 60,000-75,000 ( )  
   d) Between 75,000-90,000 ( )  
   e) 90,000 and above ( )

9. Newspapers read by you  
   a) Regularly ( )  
   b) Occasionally ( )
c) Never

10. How long have you been associated with politics?
   5-10 years ( )
   10-15 years ( )
   15-20 years ( )
   20-25 years ( )
   25 & above ( )

11. Which political party do you belong to?
1. How many times have you fought elections of Shimla Municipal Corporation?
   a) Once ( )
   b) Twice ( )
   c) Thrice ( )
   d) More than that (please specify)

2. What has been your motive for fighting elections?
   a) As a leader for higher political ambitions ( )
   b) Welfare of your ward ( )
   c) People pressurized you to fight elections ( )
   d) Pressures from within your family ( )
   e) Any other ( )
   f) To carry your family legacy ( )

3. To what extent did the following contribute to your success in elections?
   a) Poor performance of the past incumbent ( )
   b) Corruption among the past incumbent ( )
   c) Your popularity among local people ( )
   d) Preference popularity among local people ( )
   e) Reputation of your family members ( )

4. Do you feel that
   a) 50% reservation for women in Municipal Corporation is a step in positive direction ( )
   b) Participation level of women councilors in municipal affairs is low ( )
   c) Women councilors are dependent upon their
husband/male relatives for carrying our duties as a councilor
d) Their work performance is affected by inexperience and lack of training
e) Reservation of seats for S.Cs and OBC’s is a positive step
f) Reservation is against merit principle
g) Reservation should be based on economic criteria and not caste and gender

5. Are you acquainted with municipal laws?
a) To large extent
b) To some extent
c) Not any extent

6. To what extent are you aware of the 74th Constitutional Amendment Act of 1992?
a) To large extent
b) To some extent
c) Not to any extent

7. How would you rate your relations with the Municipal Commissioner?
a) Good
b) Bad
c) Neutral

8. How do you rate your relations with other Municipal officials?
a) Good
b) Bad
c) Neutral

9. How far the following factors are hindrance in maintaining good relations with employees?

<table>
<thead>
<tr>
<th>Usually</th>
<th>Sometimes</th>
<th>Never</th>
</tr>
</thead>
<tbody>
<tr>
<td>Arrogance of the officials</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

XIV
10. What is the attitude of the officials towards the implementation of the proposals put forward by the councilors?

<table>
<thead>
<tr>
<th>Attitude</th>
<th>Usually</th>
<th>Rarely</th>
<th>Never</th>
</tr>
</thead>
<tbody>
<tr>
<td>Agree without obstruction</td>
<td>(       )</td>
<td>(   )</td>
<td>(    )</td>
</tr>
<tr>
<td>Plainly refuse</td>
<td>(       )</td>
<td>(   )</td>
<td>(    )</td>
</tr>
<tr>
<td>Unnecessary delay</td>
<td>(       )</td>
<td>(   )</td>
<td>(    )</td>
</tr>
<tr>
<td>Indifferent</td>
<td>(       )</td>
<td>(   )</td>
<td>(    )</td>
</tr>
</tbody>
</table>

11. What is your attitude towards your duties as a Councilor?

<table>
<thead>
<tr>
<th>Attitude</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Serious</td>
<td>( )</td>
</tr>
<tr>
<td>Casual</td>
<td>( )</td>
</tr>
<tr>
<td>Indifferent</td>
<td>( )</td>
</tr>
</tbody>
</table>

12. What is your mode of interaction with the people in your constituency?

<table>
<thead>
<tr>
<th>Mode of Interaction</th>
<th>Frequently</th>
<th>Sometime</th>
<th>Never</th>
</tr>
</thead>
<tbody>
<tr>
<td>A fixed time at your residence</td>
<td>(         )</td>
<td>(   )</td>
<td>(    )</td>
</tr>
<tr>
<td>Informal roadside meetings</td>
<td>(         )</td>
<td>(   )</td>
<td>(    )</td>
</tr>
<tr>
<td>Through periodic visits to your ward</td>
<td>(         )</td>
<td>(   )</td>
<td>(    )</td>
</tr>
<tr>
<td>At a social gathering</td>
<td>(         )</td>
<td>(   )</td>
<td>(    )</td>
</tr>
<tr>
<td>Any other</td>
<td>(         )</td>
<td>(   )</td>
<td>(    )</td>
</tr>
</tbody>
</table>

13. What are the main areas of people’s complaints?

<table>
<thead>
<tr>
<th>Complaint</th>
<th>Frequently</th>
<th>Sometime</th>
<th>Never</th>
</tr>
</thead>
<tbody>
<tr>
<td>Condition of roads</td>
<td>(         )</td>
<td>(   )</td>
<td>(    )</td>
</tr>
<tr>
<td>Drainage system</td>
<td>(         )</td>
<td>(   )</td>
<td>(    )</td>
</tr>
<tr>
<td>Garbage collection</td>
<td>(         )</td>
<td>(   )</td>
<td>(    )</td>
</tr>
<tr>
<td>Water supply</td>
<td>(         )</td>
<td>(   )</td>
<td>(    )</td>
</tr>
<tr>
<td>Behavior of municipal officials</td>
<td>(         )</td>
<td>(   )</td>
<td>(    )</td>
</tr>
<tr>
<td>Domestic problems</td>
<td>(         )</td>
<td>(   )</td>
<td>(    )</td>
</tr>
<tr>
<td>Maintenance of parks</td>
<td>(         )</td>
<td>(   )</td>
<td>(    )</td>
</tr>
</tbody>
</table>
14. How do people respond to their common problems?

<table>
<thead>
<tr>
<th></th>
<th>Frequently</th>
<th>Sometimes</th>
<th>Never</th>
</tr>
</thead>
<tbody>
<tr>
<td>a) They are indifferent</td>
<td>( )</td>
<td>( )</td>
<td>( )</td>
</tr>
<tr>
<td>b) They complain to the councilor and think that their job is over</td>
<td>( )</td>
<td>( )</td>
<td>( )</td>
</tr>
<tr>
<td>c) They are ready to cooperate with the cooperation to find a solution to the problem</td>
<td>( )</td>
<td>( )</td>
<td>( )</td>
</tr>
<tr>
<td>d) If the corporation is not in a position to solve their problem due to financial constraint, they are ready to share the expenses</td>
<td>( )</td>
<td>( )</td>
<td>( )</td>
</tr>
<tr>
<td>e) Any other (please specify)</td>
<td>( )</td>
<td>( )</td>
<td>( )</td>
</tr>
</tbody>
</table>

15. Is the ratio of the councilors to the population of city satisfactory?

<table>
<thead>
<tr>
<th></th>
<th>To large extent</th>
<th>To some extent</th>
<th>No opinion</th>
<th>Not to large extent</th>
<th>Not to some extent</th>
</tr>
</thead>
<tbody>
<tr>
<td>a) To large extent</td>
<td>( )</td>
<td>( )</td>
<td>( )</td>
<td>( )</td>
<td>( )</td>
</tr>
<tr>
<td>b) To some extent</td>
<td>( )</td>
<td>( )</td>
<td>( )</td>
<td>( )</td>
<td>( )</td>
</tr>
<tr>
<td>c) No opinion</td>
<td>( )</td>
<td>( )</td>
<td>( )</td>
<td>( )</td>
<td>( )</td>
</tr>
<tr>
<td>d) Not to large extent</td>
<td>( )</td>
<td>( )</td>
<td>( )</td>
<td>( )</td>
<td>( )</td>
</tr>
<tr>
<td>e) Not to some extent</td>
<td>( )</td>
<td>( )</td>
<td>( )</td>
<td>( )</td>
<td>( )</td>
</tr>
</tbody>
</table>

16. Are you satisfied with the demarcation/boundary of the wards?

<table>
<thead>
<tr>
<th></th>
<th>To large extent</th>
<th>To some extent</th>
<th>No opinion</th>
<th>Not to large extent</th>
<th>Not to some extent</th>
</tr>
</thead>
<tbody>
<tr>
<td>a) To large extent</td>
<td>( )</td>
<td>( )</td>
<td>( )</td>
<td>( )</td>
<td>( )</td>
</tr>
<tr>
<td>b) To some extent</td>
<td>( )</td>
<td>( )</td>
<td>( )</td>
<td>( )</td>
<td>( )</td>
</tr>
<tr>
<td>c) No opinion</td>
<td>( )</td>
<td>( )</td>
<td>( )</td>
<td>( )</td>
<td>( )</td>
</tr>
<tr>
<td>d) Not to large extent</td>
<td>( )</td>
<td>( )</td>
<td>( )</td>
<td>( )</td>
<td>( )</td>
</tr>
<tr>
<td>e) Not to some extent</td>
<td>( )</td>
<td>( )</td>
<td>( )</td>
<td>( )</td>
<td>( )</td>
</tr>
</tbody>
</table>

17. Do you favour privatization of civic services?

<table>
<thead>
<tr>
<th></th>
<th>To large extent</th>
<th>To some extent</th>
<th>No opinion</th>
<th>Not to large extent</th>
<th>Not to some extent</th>
</tr>
</thead>
<tbody>
<tr>
<td>a) To large extent</td>
<td>( )</td>
<td>( )</td>
<td>( )</td>
<td>( )</td>
<td>( )</td>
</tr>
<tr>
<td>b) To some extent</td>
<td>( )</td>
<td>( )</td>
<td>( )</td>
<td>( )</td>
<td>( )</td>
</tr>
<tr>
<td>c) No opinion</td>
<td>( )</td>
<td>( )</td>
<td>( )</td>
<td>( )</td>
<td>( )</td>
</tr>
<tr>
<td>d) Not to large extent</td>
<td>( )</td>
<td>( )</td>
<td>( )</td>
<td>( )</td>
<td>( )</td>
</tr>
<tr>
<td>e) Not to some extent</td>
<td>( )</td>
<td>( )</td>
<td>( )</td>
<td>( )</td>
<td>( )</td>
</tr>
</tbody>
</table>
18. What is the basis of allocation of various grants among the wards?

   a) Political affiliation of the councilor concerned
   b) Influential position of the concerned councilor
   c) Requirements of the ward
   d) Any other (please specify)

<table>
<thead>
<tr>
<th></th>
<th>Totally</th>
<th>Somewhat</th>
<th>Not at all</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

19. Are you in favour of apartment policy of Shimla Municipal Corporation?

   a) To large extent
   b) To some extent
   c) No opinion
   d) Not to large extent
   e) Not to some extent

<p>| | | | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

20. Whether you are in favour of New House Unit tax Policy of Municipal Corporation Shimla?

   a) Yes
   b) No

   If yes, write briefly

   If no, why

21. Are you in favour of direct election of Mayor/Deputy Mayor?

   a) Yes
   b) No
   c) No opinion

   If no Why?
   If yes Why?

22. Are you provided with:

   a) Separate room
   b) Separate Office
   c) Separate Computer
   d) Separate Internet
   e) Separate Telephone

XVII
23. Are committee meetings of your ward held regularly? 
Yes/No/No opinion

24. Do People attend committee meetings of ward regularly? 
Yes/No

25. Would you shy away from recommending the levying of taxes which would make you unpopular with the public or economic pressure groups?
   a) Yes 
   b) No 
   c) Cannot say

26. What are the problems faced by you while as councilor?

Give some suggestions to improve working of Shimla Municipal Corporation?
ANNEXURE-VI

SCHEDULE-III

SCHEDULE FOR CITIZENS

1. To what extent the municipal bureaucracy is concerned about the civic problems?
   a) To large extent ( )
   b) To some extent ( )
   c) No opinion ( )
   d) Not to large extent ( )
   e) Not to some extent ( )

2. Do you think that the councillors have a clear perception about their role?
   a) Fully clear ( )
   b) Considerably ( )
   c) Moderately ( )
   d) Slightly ( )
   e) Not at all ( )

3. How do you keep in touch with the councillors/officials of the Municipal Corporation?
   a) Through roadside meetings or chance encounters ( )
   b) Through fixed periodic rounds of the officials ( )
   c) Through association of festivals or formal events ( )
   d) Through social work ( )
   e) In meeting of ward committee ( )
   f) Any other please specify ____________________________

4. How often do you take help of the Municipal Councilors in getting your demands fulfilled by the officials?
   a) Very often ( )
   b) Sometimes ( )
   c) Rarely ( )

XIX
5. Rate the image of the Municipal Officials of the Municipal Corporation Shimla?
   a) Excellent ( )
   b) Good ( )
   c) Satisfactory ( )
   d) Normal ( )
   e) No opinion ( )

6. How do you rate the attitude of the officials towards citizen?
   a) Friendly ( )
   b) Co-operative ( )
   c) Indifferent ( )

7. How do you rate the attitude of the councillors towards citizens?
   a) Friendly ( )
   b) Co-operative ( )
   c) Indifferent ( )

8. How do the employees behave with the citizens when they approach for some work?
   a) Very sympathetic ( )
   b) Sympathetic ( )
   c) Rude ( )

9. Does the Municipal Staff properly attend the complaints about civic problems?
   a) Always ( )
   b) Sometimes ( )
   c) Rarely ( )
   d) Never ( )

10. In your locality are you satisfied with the

    | Fully Satisfied | Satisfied | Dissatisfied |
    |-----------------|-----------|--------------|
    | a) Sanitary condition ( ) | ( ) | ( ) |
    | b) Drainage system ( ) | ( ) | ( ) |
    | c) Sewerage system ( ) | ( ) | ( ) |
    | d) Lightening system ( ) | ( ) | ( ) |

XX
SERVICES

SANITATION
11. Whether Municipal Corporation Shimla door to door garbage collection by-Laws 2006 have proved effective in improving sanitation?
   a) To large extent (  )
   b) To some extent (  )
   c) No opinion (  )
   d) Not to large extent (  )
   e) Not to some extent (  )

12. Does the Municipal Staff visit your locality to inspect the sanitation system?
   a) Very often (  )
   b) Sometime (  )
   c) Rarely (  )
   d) Not at all (  )

Name the official who visits your locality and how many times in a month.

_________________________________________________________________
_________________________________________________________________

WATER

13. Whether the water connections are provided timely?
   a) To large extent
   b) To some extent
   c) No opinion
   d) Not to large extent
   e) Not to some extent

14. Do you feel that you are getting sufficient water supply?
   a) To large extent
   b) To some extent
   c) No opinion
   d) Not to large extent
   e) Not to some extent

15. Are you getting clean water facility?
   a) To large extent
b) To some extent  
c) No opinion  
d) Not to large extent  
e) Not to some extent  

16. How many hours you get water supply?  
a) 1 to 2 hours ( )  
b) 3 to 4 hours ( )  
c) Whole day ( )  
d) After one day gap ( )  

ROADS  

17. Where is your house situated?  
a) On the main road ( )  
b) On the link road ( )  
c) Not linked with road ( )  

18. How is the condition of roads in your locality?  
a) Highly satisfactory ( )  
b) Satisfactory ( )  
c) Not satisfactory ( )  

19. Are these roads repaired regularly?  
Yes/No  

20. Whether there is problem of stray dogs is in your locality or area?  
a) To large extent  
b) To some extent  
c) No opinion  
d) Not to large extent  
e) Not to some extent  
If yes, what action Municipal Corporation have taken
21. Do you find that the Municipal Corporation is by and large more accommodating to the political interference?
   a) To large extent
   b) To some extent
   c) No opinion
   d) Not to large extent
   e) Not to some extent

22. Do you think that for the approval of house plan the Municipal Corporation indulges in corrupt practices?
   a) To large extent
   b) To some extent
   c) No opinion
   d) Not to large extent
   e) Not to some extent

HEALTH

23. Are you getting any type of health facilities from the Municipal Corporation?
    Yes/No
    If ‘Yes’ write briefly ________________________________

24. Does ambulance reach your house?
    Yes/No

LIGHTING

25. Whether street lights are properly maintained in your area?
   a) To large extent
   b) To some extent
   c) No opinion
   d) Not to large extent
   e) Not to some extent

26. Where do you throw the waste material?
   a) In the dustbin ( )
   b) In the street ( )
c) In open ( )
d) Throw waste material in garbage dumps by Municipal Corporation. ( )
e) Scavengers collect garbage from their home. ( )

27. Does Municipal Corporation provide sanitary worker in your locality?
   Yes/No

28. How often sweepers clean your locality?
   a) Once a day ( )
   b) Once in week ( )
   c) Once in a month ( )
   d) He does not carries ( )
   e) Very irregular ( )

29. Are you satisfied with the drainage system in your locality?
   a) To large extent
   b) To some extent
   c) No opinion
   d) Not to large extent
   e) Not to some extent

30. What is the condition of sewerage system in your locality?
   a) Satisfied to large extent ( )
   b) Satisfied to some extent ( )
   c) No opinion ( )
   d) Not satisfied to large extent ( )
   e) Not satisfied to some extent ( )

31. Whether you are in favour of New House Unit Tax Policy of Municipal Corporation?
   If yes, write briefly ________________________________
   If not, why ________________________________

32. Whether Shimla Municipal Corporation provides birth or death registration?
   a) Immediately
   b) On demand
   c) After delay
d) After inconvenience / Harassment

e) On accepting gratification

33. What are your expectations from Shimla Municipal Corporation?


34. Give some suggestions to improve working of Shimla Municipal Corporation?


XXV
ANNEXURE-VII

THE HIMACHAL PRADESH APARTMENT AND PROPERTY TAX REGULATION ACT, 2005

AN ACT to regulate the promotion of the construction, sale, transfer and management of apartments on ownership basis, to regulate colonies and property transactions and to provide for registration of promoters and estate agents and Enforcement of obligations on promoters and estate agents and for matters Connected therewith or incidental thereto. BE it enacted by the Legislative Assembly of Himachal Pradesh in the Fifty-sixth Year of the Republic of India, as follows:-

CHAPTER I

PRELIMINARY

1. Short title and commencement. - (1) This Act may be called the Himachal Pradesh Apartment and Property Regulation Act, 2005.

(2) It shall be deemed to have come into force on the 19th day of July, 2005.

2. Definitions. - In this Act, unless the context otherwise requires,-

(a) “Advertisement” means any board, device, letter, model, notice, placard, and sign or representation in any manner whatsoever, wholly or in part, intended for Being announced or displayed so as to make it generally known;

(b) “Allottee” in relation to an apartment or plot, means the person to whom such Apartment or plot has been allotted, sold or otherwise transferred by the Promoter;

(c) “Apartment” whether called block, chamber, dwelling unit, flat, lot, premises, Suite, tenement, unit or by any other name, means a separate and self-contained part of any property, including one or more rooms or enclosed spaces, located on one or more floors, or, any part or parts thereof, in a building, or in a plot of land, used or intended to be used for residence, office, shop, showroom, or godown or for carrying on any business, industry, occupation, profession or trade, or for any other type of independent use ancillary to the purpose specified above and with a direct exit to a public street, road or highway or to a common area leading to such street, road, or
highway, and includes any garage or room whether or not adjacent to the building in which such apartment is located, provided by the promoter for the use by the allottee for parking any vehicle or, as the case may be, for the residence of any domestic servant

CHAPTER II

REGULATION OF PROMOTION, CONSTRUCTION, SALE, TRANSFER AND MANAGEMENT OF APARTMENTS, PLOTS AND PROPERTIES

3. **General liabilities of promoter.**—(1) notwithstanding anything contained in any other law for the time being in force, a promoter, who develops a colony or who constructs or intends to construct a building or apartments, shall, in all transactions with persons taking or intending to take a plot or an apartment on ownership basis, be liable to give or produce, or cause to be given or produced, the information and the documents mentioned hereinafter in this section.

4. **Issue of advertisement or prospectus.**—(1) No promoter shall issue an advertisement or prospectus, offering for sale any apartment or plot or inviting persons who intend to take such apartments or plots to make advances or deposits, unless,—

(a) The promoter holds a certificate of registration under sub-section (2) of section 19 and it is in force and has not been suspended or revoked and its number is mentioned in the advertisement or prospectus;

(b) A copy of the advertisement or prospectus is filed in the office of the competent authority before its issue or publication; and

(c) The promoter holds a valid license under sub-section (3) of section 5 of this Act for the colony or the building, as the case may be.

5. **Development of land into colony and construction of building.**—(1) Any promoter, who desires to develop a land into a colony or intends to construct a building, shall make an application in the prescribed form along with the
prescribed information and with the prescribed fee to the competent authority for grant of permission for the same and separate

Permission shall be required for each colony or building.

(2) On receipt of the application under sub-section (1), the competent authority, after making enquiry into the title to the land, extent and situation of the land, capacity of the promoter to develop the colony, layout of the colony, conformity of the development of the colony with the neighboring areas, plan of development works to be executed in the colony

And such other matters as it may deem fit, and after affording the applicant an opportunity of being heard and also taking into consideration the opinion of the prescribed authority, shall pass an order, in writing, recording reasons either granting or refusing to grant such permission.

(3) Where an order is passed granting permission under sub-section (2), the Competent authority shall grant a license in the prescribed form, after the promoter has furnished a bank guarantee or security by demand draft or fixed deposit equal to twenty five percent of the estimated cost of the development works certified by the competent authority and the promoter has undertaken to enter into an agreement in the prescribed form for carrying out completion of development works in accordance with the conditions of the license so granted.

6. **Agreement of sale.**-(1) notwithstanding anything contained in any other law for the time being in force, a promoter who intends to construct or constructs a building or apartments, all or some of which are to be taken or are taken on ownership basis, or who intends to offer for sale plots in a colony, shall, before he accepts any sum of money as advance payment or deposit, which shall not be more than twenty five per cent of the sales price, enter into a written agreement for sale with each of such persons who are to take or have taken such apartments or plots as the case may be, and the agreement shall be in the prescribed form together with prescribed documents provided that, if only a refundable application fee is collected from the applicant before draw of lots for allotment, such agreement shall be required only after such draw of lots.

XXVIII
(2) The promoter shall not cancel unilaterally the agreement of sale entered into under sub-section (1) and if he has sufficient cause to cancel it, he shall give due notice to the other parties to the agreement and tender a refund of the full amount collected together with interest at the rate of twelve percent per annum.

7. **Maintenance of accounts by promoters.** - The promoter shall maintain a separate account in any scheduled bank of sums taken by him from persons intending to take or who have taken apartments or plots, as advance, towards sale price or for any other purpose, or, deposit, including any sum so taken towards the share capital for the formation of a cooperative society or a company, or towards the charges (including ground rent, if any, Municipal or other local taxes, charges for water or electricity, revenue assessment, interest on mortgages or other encumbrances, if any, stamp duty and registration fee for the conveyance); and the promoter shall hold the said moneys for the purposes for which they were given and shall disburse the money for those purposes including for the construction of apartments and, in the case of colonies, for meeting the cost of development works, and shall on demand, in writing, by the competent authority make full and true disclosure of all transactions in respect of that account and shall not utilize except fifteen percent for any other purpose the amounts so collected for a particular purpose.

8. **Responsibility for payment of charges till transfer.** - A promoter shall, while he is in possession, and, where he collects from persons who have taken or are to take apartments or plots, sums for the payment of charges, even thereafter, pay all charges (including ground rent, municipal or other local taxes, charges for water or electricity, revenue assessment, interest on mortgages or other encumbrances, if any) until he transfers the property to the persons taking over the apartments or plots, where any promoter fails to pay all or any of the charges collected by him from the persons who have taken over or are to take over apartments or plots, before transferring the property to the persons taking over the apartments or plots, the promoter shall continue to be liable, even after the transfer of the property, to pay such charges and penal charges, if any, to the authority or person to whom they are payable and be
responsible for any legal proceedings which may be taken therefore by such authority or person.

9. **No alterations and rectification of defects.** - (1) after the plans and specifications of the building as approved by the authority which is required so to do under any law are disclosed or furnished to the person who agrees to take an apartment, the promoter shall,-

(i) Not make any alterations in the structures described therein in respect of such apartment, without the previous consent of that person; or

(ii) Not make any other alterations in or additions to the structure of the building or construct any additional structures, without the previous consent of all the persons who have agreed to take apartments in such building.

(2) Subject to the provisions of sub-section (1), the building shall be constructed and completed in accordance with the plans and specifications aforesaid; and if any defect in the building or material used, or if any unauthorized change in the construction is brought to the notice of the promoter within a period of one year from the date of handing over possession, it shall wherever possible be rectified by the promoter without further charge to the persons who have agreed to take the apartments, and in other cases such persons shall be entitled to receive reasonable compensation for such defects or change and where there is a dispute as regards any defect in the building or material used or any unauthorized change in the construction, or as to whether it is reasonably possible for the promoter to rectify any such defect or change, or as regards the amount of reasonable compensation payable in respect of any such defect or change which cannot be or is not rectified by the promoter, the matter shall, on payment of such fee as may be prescribed and within a period of three years from the date of handing over possession, be referred for decision to the competent authority and the competent authority shall, after giving an opportunity of being heard to the parties and after making further enquiry, if any, as it may deem fit, pass order, which shall be final.

10. **Refund of amount.** - If the promoter,-
(a) Fails to give possession, in accordance with the terms of his agreement, of a plot or an apartment duly completed by the date specified, or any further date agreed to by the parties; or

(b) For reasons beyond his control and of his agents, is unable to give possession of the plot or the apartment by the date specified, or the further agreed date, the promoter shall be liable on demand, but without prejudice to any other remedies to which he may be liable, to refund the amounts already received by him in respect of that plot or apartments with simple interest at the rate of twelve percent per annum from the date the promoter received the sums till the date the amounts and interest thereon is refunded, and the amounts and the interest shall be a charge on the land on which a plot is to be developed, or a building is or was to be constructed and the construction, if any, thereon shall be subject to any prior encumbrances.

11. **No mortgage without consent.** -(1) No promoter shall, after he executes an agreement to sell any apartment or plot, mortgage or create a charge on such apartment or the land or the plot, without the previous consent of the person who takes or agrees to take such apartment or plot, and if any such mortgage or charge is made or created without such previous consent, it shall not affect the right and interest of such person.

(2) If a promoter has executed an agreement of sale of an apartment or a plot with a person and has not yet received from him all the amounts agreed to be paid, the latter shall not mortgage or create a charge against such apartment or plot without the previous consent of the promoter:

Provided that the promoter shall not withhold consent if the mortgage or charge is for the purpose of obtaining finance for the payment of amounts due to the promoter.

12. **Completion and Occupation Certificate.**-(1) It shall be the responsibility of the Promoter,-

(i) In the case of apartments, to obtain from the authority required to do so under Any law completion and occupation certificates for the building and if a promoter, within a reasonable time, after the construction of the building, does
not apply for an occupation certificate from such authority, the allottee of an apartment may apply for an occupation certificate from the said authority; and (ii) In the case of a colony, to obtain completion certificate from the competent authority to the effect that the development works have been completed in all respects as per terms and conditions of the license granted to him under section 5.

(2) The authority referred to in sub-section (1) shall after satisfying itself about the agreement of sale between the promoter and the allottee, and the compliance of the building regulations and all other formalities, issue an occupation certificate.

13. Promoter to execute documents.- After the completion or occupation certificates obtained under section 12, the promoter shall submit a copy thereof to the competent authority and thereafter he shall take all necessary steps to complete his title and convey the exclusive ownership of the apartment or plot containing such particulars as may be prescribed and the undivided interest in the common areas and facilities appurtenant to such apartment or plot to the person in whose favour he has executed an agreement of sale of that apartment or plot, and execute a conveyance deed of apartment or plot containing such particulars as may be prescribed and all other relevant documents therefore in accordance with such agreement, within three months from the date of giving possession of the apartment or plot and also deliver all documents of title relating to the property which may be in his possession or power and the promoter shall not reserve any right in the property except to the extent of apartments or plots which he is taking up in his own name and apartments or plots which are meant for sale but are still unsold.

14. Enforcement of registration of conveyance.- (1) If the promoter without sufficient cause fails to execute the conveyance deed of apartment or plot and other relevant documents within three months in terms of the provisions of section 13, the person in possession of the apartment or plot in pursuance of the agreement of sale may make an application, in writing, in the prescribed form to the competent authority for a certificate to be produced before the
concerned registering officer for enforcing the registration of the transfer and on receipt of such application and after making such enquiry as may be necessary and satisfying itself that occupation or completion certificate has been obtained from the authority required to do so under any law and the person in possession has done what he was required to do under the agreement of sale, the competent authority shall issue a certificate to the registering officer that it is a fit case for enforcing registration of the conveyance deed and direct the person who has taken the apartment or plot to present the conveyance deed of apartment or plot though not executed by the promoter for unilateral execution of registration.

15. **Promoter's responsibility for essential Services.**-(1) No promoter and no person who is responsible for the management and maintenance of a building or apartments, shall without just and sufficient cause, either by himself or through any person, cut off, withhold, curtail or reduce, any essential supply or service enjoyed in respect of such apartment or plot by the person who has taken or agreed to take an apartment or plot or by any person in occupation thereof through or under him.

16. **Regulation of property.** - (1) A promoter who enters into a transaction for the transfer relating to a property shall,-

(a) Make full and true disclosure of the nature of his title to the property indicating clearly that his title to property has been duly certified by an Assistant Collector First Grade or Second Grade, as the case may be, after he has examined transactions concerning it in the previous ten years;

(b) Make full and true disclosure of all encumbrances on such property, including any right, title, interest or claim of any party in or over such property;

(c) In case the property is land held on lease, produce consent from the less or for the transaction;

(d) in case the property is land, subject to the provisions of the Urban Land (Ceiling and Regulation) Act, 1976 (33 of 1976); produce clearance from the competent authority under that Act;

XXXIII
(e) make full and true disclosure of any reservations, in the development plan framed under any law for the time being in force or restrictions on the use to which the property may be put and any liability to carry out any development works;

(f) Specify, in writing, the date by which possession of the property is to be handed over;

(g) make full and true disclosure of all charges, including ground rent, if any, municipal or other local taxes, revenue assessment, interest on any mortgage or other encumbrance, development charges or charges for maintenance and upkeep of roads, drainage, sewerage, water supply, electricity, lay out and constructed by the Government or any local authority.

(2) No person shall issue a prospectus or advertisement offering for sale any property; unless the prospectus or advertisement indicates the place and time the documents and certificates relating to the matters specified in sub-section (1) are available for inspection.

(3) The provisions of sub-sections (4) and (5) of section 4 shall apply mutatis mutandis for miss-statements in the prospectus or advertisement issued under sub-section (2) of this section.

(4) The provisions of sections 11, 13 and 14 shall apply mutatis mutandis to a transaction of property made under this section.

17. **General liabilities of allottee.**—

(1) Every allottee who has executed an agreement of sale to take an apartment or a plot under section 6 or any property under section 16 shall pay at the proper time and place, the price, the proportionate share of the municipal taxes, water and electricity charges, ground rent, if any, and other charges in accordance with the agreement of sale.

(2) Any person who has executed an agreement of sale of an apartment or plot or other property and who, without reasonable excuse, fails to comply with or contravenes the provisions of sub-section (1) shall, on conviction, be punished with fine which may extend to one per cent of the price of the apartment or plot or property, as the case may be, or one thousand rupees, whichever is greater.
18. **Restriction on structures in a colony.** - Every person, erecting or re-erecting any structure in a colony in respect whereof a license has been obtained under sub-section (3) of section 5, shall comply with such conditions regarding use of land, layout plan, zoning regulations, site coverage, height of building, set back lines, structural and sanitary requirements, architectural control, design of buildings and material to be used in erection thereof as may be prescribed.

**CHAPTER III**

**REGISTRATION OF PROMOTERS AND ESTATE AGENTS**

19. **Registration compulsory.** - (1) From such date as the State Government may, by notification in the Official Gazette specify, no person shall carry on the business of promoter or estate agent, or represent or hold himself out as carrying on such business, except under and in accordance with the terms and conditions of the certificate of registration granted under this Act.

(2) An application for registration under sub-section (1) as a promoter, or as an estate agent, as the case may be, shall be made along with a prescribed fee in the prescribed form to the competent authority, and the competent authority on receipt of the application may enter the name of the applicant in the register of promoter, or, in the register of estate agents, as the case may be, maintained under this Act in the prescribed form and grant a certificate of registration in the prescribed form to such person for the conduct of his business in accordance with the terms and conditions of the certificate of registration and the provisions of this Act and the rules made there under.

20. **Conditions for registration.** - Before registering and granting a certificate of registration to a promoter or, an estate agent under the provisions of section 19, the competent authority shall satisfy itself,-

(a) in the case, if the application is for registration as a promoter, that the promoter himself or one of his employees, or one of the partners of the firm or one of the directors of the company if the applicant is a firm or company, as the case may be, possesses the prescribed qualifications for conducting the business of a promoter;
(b) In the case, if the application is for registration as an estate agent, that the applicant possesses qualifications as may be prescribed;

(c) That the applicant furnishes to the competent authority, either a bank guarantee or a security, for such amount and in such manner as may be prescribed;

(d) That the applicant produces an income-tax clearance certificate from the income tax authorities; and

(e) That the applicant has not been convicted of an offence under this Act or under any law involving moral turpitude, or, if convicted, a period of five years has elapsed since his conviction.

21. **Term and renewal of registration.** - Every certificate of registration of a promoter or an estate agent under section 19 shall be valid for a period of five years and, on the expiry of such a period, it may be renewed for another period of five years by the competent authority, on an application along with the prescribed fee, made by the promoter or the estate agent in that behalf provided that the conditions referred to in section 20 continue to be fulfilled and the application has been made at least three months before the expiry of the certificate of registration.

22. **Refusal to grant or renew registration.** - If, after giving the applicant an opportunity of being heard, the competent authority refuses to grant or renew a certificate of registration, it shall record its reasons there for in writing and communicate the same to the applicant.

23. **Cancellation of certificate of registration.** - (1) A certificate of registration granted under section 19 shall be liable to be cancelled by the competent authority on the grounds mentioned in sub-section (2) and by an order made in writing recording the reasons for such cancellation.

(2) A certificate of registration is liable to be cancelled, if the promoter or estate agent, as the case may be,-

(a) Surrenders the certificate of registration as he does not wish to continue carrying on the business;
(b) Has applied to be adjudicated or has been adjudicated an insolvent or is an under charged insolvent;

(c) Has been adjudicated to be of unsound mind by a competent court;

(d) Has been convicted of an offence under this Act or under any law involving moral turpitude, if convicted, a period of five years has not elapsed since his conviction;

(e) Has contravened any of the terms or conditions of the certificate of registration or any of the provisions of this Act or the rules made there under.

24. Notice before cancellation. - (1) Before canceling a certificate of registration under section 23, the competent authority shall give notice to the promoter, or the estate agent, as the case may be, specifying the grounds and calling upon him to show-cause why the certificate of registration should not be cancelled.

(2) After considering the explanation, if any, offered by the promoter, or, the estate agent, as the case may be, the competent authority may cancel the certificate of registration, or pass such orders as it may deem fit.

(3) Notwithstanding anything contained in sub-sections (1) and (2), the competent authority may suspend the certificate of registration of a promoter or an estate agent, as the case may be, pending decision on the matter of cancellation of the certificate of registration.

(4) Where any certificate of registration is suspended or cancelled under this Act, no person shall be entitled to any compensation or the refund of any fee paid in respect thereof.

25. Carrying on business after cancellation.- When a certificate of registration is suspended or cancelled under the provisions of section 24 or when it expires and is not renewed, under the provisions of section 21, a promoter or estate agent, as the case may be, shall cease to carry on the business and any business or activity in furtherance of his business during the period of suspension or after the expiry or cancellation of the certificate of registration, shall be deemed to be carried on without any certificate of registration for the purpose of section 19 and shall be liable for all consequences thereof provided that, when decision is pending on an application for renewal of registration, no
such presumption shall be made, if business is carried on after the expiry of the period of registration of certificate.

26. **Maintenance of accounts and records.** - (1) Every promoter or estate agent shall maintain such accounts, registers and records in such form and manner as may be prescribed.

(2) The competent authority shall maintain such register as may be prescribed showing sufficient particulars of all cases in which license under section 5 or certificate of registration under this Chapter is granted or refused by him and the said register shall be available for inspection without charges by all interested persons and such persons shall be entitled to have extract there from on payment of fee as may be determined by competent authority.

27. **Audit.** - The promoter or estate agent shall get his accounts audited after the close of every financial year by a chartered accountant, and shall produce a statement of accounts duly certified and signed by such chartered accountant in the manner prescribed and it shall be verified during the audit that amounts collected for a particular purpose are not utilized for any other purpose.

28. **Returns.** - Every promoter or estate agent shall submit to the competent authority such periodical returns as may be prescribed.

29. **Inspection.** - For the purpose of satisfying itself, that the requirements of this Act and the rules made there under or the terms and conditions of the certificate of registration granted under this Chapter or license granted under section 5 of this Act of a promoter or an estate agent are duly complied with, the competent authority may inspect or cause to be inspected, at any time during business hours, any accounts or records of a promoter or an estate agent relating to such business.

**CHAPTER IV**

**MISCELLANEOUS PROVISIONS**

30. **Constitution of Development Fund.** - (1) Every promoter to whom a license has been granted under section 5 to develop a colony or who stands exempted or to whom exemption is granted under section 42 shall deposit service charges at the rate of rupees ten per square meter of the plotted area proposed
to be developed by him as residential, commercial or industrial (excluding the area used by the public for general purposes) into a colony in two equal installments, the first installment to be deposited within sixty days from the date of grant of license and the second installment to be deposited within six months from the date of grant of license and the promoter shall in turn be entitled to pass on the service charges so paid by him to the allotters.

31. **Appellate authority and appeals.**—(1) The State Government may, by notification in the Official Gazette, appoint an officer or an authority as appellate authority (herein after referred to as appellate authority) with the power to decide appeals against the orders of the competent authority:

32. **Revision.**—The State Government, either suo moto, or, on an application from any party aggrieved by any order within sixty days of the date of the communication to him of such order, may call for and examine the record of any proceedings disposed of by the competent authority, or the appellate authority, as the case may be, for the purpose of satisfying itself as to the correctness, legality or propriety of any proceedings and of any order passed therein, and may pass such order in relation thereto as it may deem fit provided that no order adverse to any person shall be passed without giving him an opportunity of being heard provided further that no application for revision shall be entertained when an appeal has been or could have been filed against such order.

33. **Bar of jurisdiction.**—No civil court shall have any jurisdiction to entertain or decide any question relating to matters arising under this Act or the rules made there under and every order passed by the competent authority subject to appeal, or, revision, every order passed by the appellate authority subject to revision, and every order passed by the State Government in revision shall be final and shall not be questioned in any court of law.

34. **Offences by persons or promoters or estate agents.**—(1) Any person or promoter or estate agent who, without reasonable cause, fails to comply with or contravenes the provisions of sections 3, 5, 6, 7 save as provided in subsection(2) of this section or section 13 shall, on conviction, be punished with imprisonment for a term which shall not be less than three months but which

XXXIX
may extend to three years, and with fine which shall not be less than ten thousand rupees but which may extend to one lakh rupees.

(2) Any promoter who contravenes the provisions of section 7 by misusing any amount advanced or deposited with him for any purpose other than the purposes mentioned in section 7, shall, on conviction, be punished with imprisonment for a term which shall not be less than six months but which may extend to five years, and with fine which shall not be less than twenty five thousand rupees but which may extend to two lakhs rupees or to the amount in respect of which the offence was committed, whichever is grater.

(3) Any person or promoter or estate agent who, without reasonable excuse, fails to comply with, or contravenes, any other provision of this Act or of any rule made there under, or does not pay the penalty imposed on him by the competent authority, shall, if no other penalty is expressly provided for the offence, be punished on conviction, with imprisonment for a term which shall not be less than three months but which may extend to two years, and with fine which shall not be less than ten thousand rupees but which may extend to fifty thousand rupees provided that imposition of penalty, conviction and fine shall not be deemed to regularize the unauthorized constructions, colonies and buildings, and the competent authority after giving a notice of 30 days and affording a reasonable opportunity of being heard, may demolish or remove such unauthorized constructions and expenses incurred in such demolition or removal shall be recovered from the owner of such building as arrears of land revenue.

(4) The fine imposed under sub-sections (1), (2) or (3) may be recovered as an arrears of land revenue and out of the fine so recovered, the Judicial Magistrate may award such amount as he deems fit to the person from whom the advance or deposit was obtained by the promoter or the estate agent, as the case may be.

35. **Duty of Police Officers.**—It shall be the duty of every police officer, -

(a) To communicate without delay to the competent authority or any other officer authorized in writing by him in this behalf, any information of which
he receives of a design to commit or of the commission of any offence against this Act or any rule made there under ; and

(b) To assist the competent authority or any other officer authorized in writing by him in this behalf, in the lawful exercise of any power vested in the competent authority or any other officer authorized in writing by him in this behalf under this Act or any rule made there under.

36. **Power to arrest.** - (1) A police officer not below the rank of Sub-Inspector shall arrest any person who commits, in his view, any offence against this Act or any rule made there under, if the name and address of such person be unknown to him and if such person, on demand, declines to give his name and address or give such name or address which such officer has reason to believe to be false.

(2) The person so arrested shall, without unavoidable delay be produced before the Judicial Magistrate authorized to try the offence for which the arrest has been made and no person so arrested shall be detained in custody for a period exceeding twenty four hours without any order from the Judicial Magistrate.

37. **Offences by companies.** - (1) If the person committing an offence under this Act is a company, the company as well as every person who at the time the offence was committed was in charge of, or, was responsible to the company for the conduct of business by the company, shall be liable to be proceeded against and punished accordingly:

38. **Prosecution and composition of offences.** - (1) No prosecution for any offence punishable under this Act shall be instituted except on a complaint made by the competent authority or any person authorized in this behalf by it.

(2) The competent authority may, either before or after the institution of the proceedings for prosecution, compound any offence punishable by or under this Act subject to such amount, such conditions and restrictions as may be prescribed.

(3) Where an offence has been compounded, the offender, if in custody, shall be released and no further proceedings shall be taken against him in respect of the offence compounded.
39. **Structure to be demolished in certain cases.** - (1) Without prejudice to the provisions of this Act, the competent authority may, by notice, call upon any person who has committed a breach of the provisions of section 18 to show cause why the structure should not be demolished and if such person fails to show cause to the satisfaction of the competent authority within a period of fifteen days, the competent authority may pass an order requiring him to demolish the structure within sixty days from the date of the order.

(2) If the order made under sub-section (1) is not complied with, within the period specified therein, the competent authority may itself take such measures as it may deem fit to give effect to the order and the cost of such measures shall, if not paid on demand being made to it, be recoverable from such person as arrear of land revenue.

40. **Indemnity.** - (1) No suit, prosecution or other legal proceedings shall lie against any officer or employee of the State Government or of the competent authority in respect of anything which is, in good faith, done or intended to be done in pursuance of this Act or the rules made there under.

41. **Delegation.** - The State Government may, by notification, delegate all or any of its powers under this Act, except the power to make rules, to any officer subordinate to it subject to such restrictions and conditions as may be specified in such notification.

42. **Exemption.** - (1) Save as provided in section 30, nothing in this Act shall apply if the promoter is, -

(a) A local authority or statutory body constituted for the development of land or housing; or

(b) A company or a body created for development of land or housing or promotion of industry wholly owned and controlled by the State Government or the Central Government.

(2) If the State Government is of the opinion that, the operation of any of the provisions of this Act, causes undue hardship, or circumstances exist which render it expedient to do so, it may exempt, by a general or special order, any class of persons or areas from all or any of the provisions of this Act, subject to such terms and conditions as it may impose.
43. **Power to make rules.** - (1) The State Government may, subject to the condition of previous publication, by notification in the Official Gazette, make rules for carrying into effect the provisions of this Act.