

## **THE BRUHAT BENGALURU MAHANAGARA PALIKE BILL, 2020**

A Bill to provide for an independent legislation for the purposes of improving decentralization, integration of public participation at various levels of municipal governance and to ensure efficient decision making by the Bruhat Bengaluru Mahanagara Palike.

Whereas, the City of Bengaluru is a major centre of economic activity with a large and growing population with seven hundred and fourteen square kilometers of area under the jurisdiction of the Bruhat Bengaluru Mahanagara Palike.

Whereas, the Bruhat Bengaluru Mahanagara Palike has been established and governed under the provisions of the Karnataka Municipal Corporation Act, 1976 (Karnataka Act 25 of 1976).

Whereas, the provisions of the Karnataka Municipal Corporation Act, 1976 (Karnataka Act 25 of 1976) are inadequate in administrative and structural matters to govern Bengaluru as it provides for limited flexibility and is a common legislation catering to nine smaller Municipal Corporations in the State of Karnataka.

Be it enacted by the Karnataka State Legislature in the seventy first year of the Republic of India, as follows:-

### **CHAPTER I**

#### **PRELIMINARY**

**1. Short title and commencement.**-(1) This Act may be called the Bruhat Bengaluru Mahanagara Palike Act, 2020.

(2) The provisions of the Act shall come into force on such date as the State Government may, by notification, appoint on this behalf.

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

(1) “**Annual Financial Statement**” shall mean the statement published by the Corporation under section 104;

(2) “**Area Sabha**” shall mean, in relation to an Area, a body of all the persons who are registered as voters in the electoral rolls pertaining to any polling station of that Area;

(3) “**Area**” shall mean an area, determined in the manner specified in Section ;

(4) **“Association”** shall mean an association of body of persons, a trust, society, association or organization registered under Karnataka Societies Registration Act, 1960 (Karnataka Act 17 of 1960) or not;

(5) **“Backward Classes”** means such class or classes of citizens as may be classified and notified by the Government from time to time for the purposes of reservation of seats in the Corporation;

(6) **“Bio-medical waste”** shall mean any waste generated during diagnosis, treatment, immunization or any health services of human beings or animals or in research activities pertaining thereto;

(7) **“Corporation”** shall mean the Bruhat Bengaluru Mahanagara Palike established under the Karnataka Municipal Corporation Act, 1976 (Karnataka Act 25 of 1976) which shall be deemed to be a corporation created and continue to function in accordance with this Act;

(8) **“Bye-law”** means a bye-law framed by the Corporation under this Act;

(9) **“Chairperson”** means such person who shall be the head of the committee or commission or other such bodies provided for under this Act;

(10) **“Civil Society”** shall mean any person, association of persons, non-governmental organisation established, constituted or registered under any law for the time being in force and working for social welfare, and shall include any community based organisation, professional institution, civic, health, educational, social or cultural body and such other association or body as the Corporation may decide;

(11) **“Completion Certificate”** shall mean a certificate granted by the Corporation upon completion of construction of a building in accordance with the provisions of this Act;

(12) **“Complimentary Connection”** shall mean and includes providing a connection for cable television or connection to direct to home service free of any payment or at a reduced rate;

(13) **“Complimentary Ticket”** means and includes any ticket which provides an entry into a ticket-based entertainment free of any payment or at a reduced rate;

(14) **“Comprehensive Debt Limitation Policy”** shall mean the policy prepared by the Corporation to guide any decision taken by it while raising debt;

(15) **“Corporation”** means the Bruhath Bengaluru Mahanagara Palike established under the Karnataka municipal corporations Act 1976 (Karnataka Act 14 of 1976);

(16) **“Corporation Administrator”** shall mean any officer appointed by the State Government to exercise the powers and perform the functions and discharge duties conferred or imposed on the corporation by or under this Act;

(17) **“Corporation Fund”** shall mean the consolidated fund of the Corporation subject to the control of the Corporation in accordance with such conditions prescribed under this Act;

(18) **“Dangerous diseases”** shall mean any epidemic, endemic, or infectious disease notified as a dangerous disease by the Government under this Act;

(19) **“Election”** shall mean an election to fill any vacancy in the office of a Councillor;

(20) **“Entertainment”** shall mean and include any event or provision of service which involves a performance, presentation, production or staging of any act and for the viewing of which any person or body of persons may be required to purchase a ticket to enter such an event or purchase a connection to view such a service;

(21) **“Government”** means the Government of Karnataka;

(22) **“Market”** includes any place, by whatever name called, where persons assemble for the sale of meat, fish, fruit, vegetables, livestock, or any other article of food of a perishable nature, or any other article for which there is a collection of shops or warehouses or stalls, declared and licensed by the Corporation as a market;

(23) **“Medium term fiscal plan”** means the fiscal plan prepared by the Corporation for a period of five years;

(24) **“Non ticket-based entertainment”** means and includes any entertainment which does not require the purchase of a ticket to enter the place of non-ticket-based entertainment;

(25) **“Nuisance”** shall include any act, omission, place or thing, which causes or is likely to cause injury, danger, annoyance, or offence to the sense of sight, smell or hearing, disturbance to rest or sleep, or which is or may be dangerous to life, or injurious to health or property;

(26) **“Occupier”** shall include 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 payable, an owner in occupation or otherwise using the building or land, a rent-free tenant, licensee occupying any land or building, any person who is liable to pay the owner damages for the use or occupation of any land or building;

(27) **“Owner”** shall include a person who, for the time being, is receiving or is entitled to receive the amount of lease or the rent of any land or building whether on her own account or as an agent, trustee, guardian or receiver for any other person or who should so receive the amount of lease or the rent or be entitled to receive it if the land or building or part thereof were let to a lessee or a tenant on lease or rent;

(28) **“Political Party”** means a political party registered under section 29A of the Representation of the People Act, 1951 (Central Act 43 of 1951);

(29) **“Polling stations”** means those stations set up by the State Election Commission to enable those persons on the electoral roll to cast their vote;

(30) **“Prescribed”** means prescribed by rules made under this Act;

(31) **“Presiding Officer”** means such an officer appointed by the State Election Commission to preside over one or more polling stations;

(32) **“Property tax”** means the tax levied by the Corporation on buildings or vacant lands or both;

(33) **“Resident welfare association”** means a voluntary association of residents registered under any law in force;

(34) **“Rules”** means the rules made under this Act;

(35) **“Schedule”** means a Schedule appended to this Act;

(36) **“Scheduled Castes”** means those castes, races or tribes or parts of or groups within castes, races or tribes notified under Article 341 of the Constitution of India;

(37) **“Scheduled Tribes”** means those tribes or tribal communities or parts of or groups within castes, races, tribes or tribal communities notified under Article 342 of the Constitution of India;

(38) **“Self-help group”** means a group of twenty or more people from a homogeneous class who come together for addressing their common problems;

(39) **“Sinking fund”** means a fund formed by periodically setting aside money for the gradual repayment of a debt or replacement of a wasting asset;

(40) **“Specified”** means the Bye laws made by the Corporation under this Act;

(41) **“Slum level federation”** means an association of twenty or more self-help groups formed by residents of urban slum areas.

(42) **“Standing Committee”** means the Standing Committee referred to under section 45;

(43) **“State Election Commission”** means the State Election Commission referred to in Article 243-ZA of the Constitution of India.

(44) **“Street”** means a public street or a private street, and includes any highway and any causeway, bridge, road, lane, foot-way, subway or riding path or passage 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 foot-way as well as a carriage way in any street, the said term includes both;

(45) **“Ticket based entertainment”** means and includes any entertainment, which requires the purchase of a ticket to enter the place of ticket based entertainment;

(46) **“Tribunal”** means the Karnataka Appellate Tribunal;

(47) **“Ward Committee”** means the ward committee established under section 48;

(48) **“Ward development plan”** means the development plan prepared by the Ward Committee for the allotment of budget to it by the Corporation;

(49) **“Ward Sabha”** means a Ward Sabha referred to under section \_\_\_\_;

(50) **“Wards”** means such areas within the zones of the Corporation determined by the State Government under \_\_\_\_;

(51) **“Waste Management”** means and includes collection, segregation, storage, transportation, processing and disposal of municipal solid waste;

(52) **“Zonal Commissioner”** means the Zonal Commissioner referred to under section 3;

(53) **“Zones of the Corporation”** means such areas within the Corporation earmarked by the State Government under \_\_\_\_

## **CHAPTER II**

### **CORPORATION AUTHORITIES**

**3. Corporation Authorities.**-The following shall be the Authorities of the Corporation who shall carry out the provisions of the Act, namely:-

- (a) the Bruhat Bengaluru Mahanagara Palike (BBMP)
- (b) the Mayor
- (c) the Chief Commissioner
- (d) the Zonal Commissioner
- (e) the Zonal Committees
- (f) the Standing Committees
- (g) the Ward Committees

## CHAPTER III

### CONSTITUTION OF THE CORPORATION

#### **4. Establishment of Bruhat Bengaluru Mahanagara Palike.-** (1)

The Bruhat Bengaluru Mahanagara Palike established under the provisions of the Karnataka Municipal Corporation Act, 1976 (Karnataka Act 14 of 1977) shall be deemed to have been established under the provisions of this Act.

(2) The Governor having regard to,-

(a) population of any area within the reasonable proximity of Bengaluru;

(b) the density of population of such area;

(c) the revenue generated by existing local administration of such area;

(d) the percentage of employment in non-agricultural activities in such area;

(e) the economic importance of such area; and

(f) such other factors as may be prescribed or required to be considered from time to time.

include such areas to be within or exclude such areas from the jurisdiction of the Bruhat Bengaluru Mahanagara Palike by notification in the Official Gazette.

(3) No such area shall be included within the jurisdiction of Bruhat Bengaluru Mahanagara Palike unless the population is less than five lakhs and, the density of population in such area is not less than three thousand/five thousand inhabitants for every one square kilometer of area revenue generated by the existing local administration should not be less ten crores, the percentage of population employed in non-agricultural activities should not be less than fifty percent.

(4) No such notification shall be issued unless a draft thereof is published in the official Gazette for the information of all persons likely to be affected thereby inviting objections and suggestions within one month from the date of publication and is referred to any local authority affected by such notification for expressing its views within one month from the date of publication.

(5) When any area is included to be within the jurisdiction of the Bruhat Bengaluru Mahanagara Palike, the provisions of this Act shall apply to such area from the date of its inclusion.

(6) The Corporation shall be a body corporate with the name aforesaid having perpetual succession and a common seal with power, subject to the provisions of this Act, to acquire, hold and dispose of property and may by the said name sue and be sued.

**5 Erection and maintenance of boundary marks.-** It shall be the duty of the corporation to cause at its own cost to be erected or set up and thereafter maintain at its own cost substantial boundary marks of such description and in such position as shall be approved by the Deputy Commissioner of the revenue district having jurisdiction, defining the limits or the altered limits, as the case may be, of the city which is subject to its authority

**6. Duration of the Corporation.-**The Corporation, shall continue for five years from the date appointed for its first meeting unless dissolved earlier.

**7. Appointment of Corporation Administrator.-** (1) An election to constitute the Corporation shall be completed before the expiration of a period of six months from the date of its dissolution.

(2) When the Corporation is dissolved, the Government shall, by notification, appoint an administrator, for such period as may be specified in the notification and may, by the said notification, either curtail or extend the period of such appointment, as may be necessary.

(3) Notwithstanding anything contained in this Act, on the appointment of an Administrator under this section, during the period of such appointment, the corporation and all authorities working under the Corporation charged with carrying out the provisions of this Act or any other law, shall cease to exercise any powers and perform and discharge any duties or functions conferred or imposed on them by or under this Act or any other law, and all such powers shall be exercised and all such duties and functions shall be performed and discharged by the Administrator or by other officers Authorised by the Administrator.

(4) The Administrator appointed under this Act shall be paid out of the corporation funds such monthly salary and allowances as Government may from time to time, by order, determine and the corporation shall make such



contribution towards the leave allowances, pension and provident fund of the officer as may be required by the conditions of service under the Government, to be paid by him or for him, as the case may be.

(5) From the date of dissolution of the corporation, the Administrator shall in the discharge of his functions be guided by such directions in matters of policy involving public interest as the Government may by order specify; and if any question arises whether a direction relates to a matter of policy involving public interest, the decision of the Government shall be final.

**8. Delimitation of Wards.-** (1) For the purposes of election of councilors, Bangalore shall be divided into wards in such manner that the population of each of the wards shall, as far as practicable, be the same throughout Bangalore.

**Explanation:-** For the purpose of this section population means the population of the city ascertained by preceding census of which relevant figures have been published.

(2) The State Government shall by order determine,-

(a) the wards into which the Corporation shall, for the purpose of its elections, be divided not more than two hundred and twenty five;

(b) the extent of each ward;

(c) the number of seats, if any, reserved for members of the Scheduled Castes or, as the case may be, Scheduled Tribes and for women members of such castes and tribes and for members of the Backward Classes and women members thereof; and

(d) the number of wards for women candidates.

(3) Only one Councillor shall be elected for each ward and election shall be by secret ballot.

(4) A person whose name has been included in the electoral roll, as prepared by the State Election Commission of a ward shall be entitled to vote in an election to that ward.

(5) No delimitation of wards or change of wards for the purpose of reservation shall be made in the Corporation after its constitution except for the purpose of general election to that Corporation and no such delimitation or change of wards shall, in any manner, affect the existing Corporation.

**9. Constitution of the Corporation.-** (1) The Corporation shall consist of such number of elected Councilors representing each ward determined by the Government under sub-section (2) of section 7.

(2) The Corporation shall nominate such members from the residents of the city and such nominated members shall not exceed fifteen percent of the Councillors:-

- (i) who are persons having special knowledge and experience in municipal administration or matters relating to health, town planning or education; or
- (ii) who are social workers;

Provided that, the persons referred to in clause (b) shall not have right to vote in the meetings of the Corporation.

(3) Members of House of people whose constituencies are within the area of the Corporation and Members of Council of States who are registered as voters in the Corporation.

(4) Members of Legislative Assembly whose constituencies are within the area of the Corporation and Members of Legislative Council who are registered as voters in the Corporation.

Provided that, the total number of wards reserved for the Scheduled Castes and Scheduled Tribes shall not exceed twenty five percentage of wards.

(5) Such number of seats which shall as nearly as may be, one third of the total number of seats to be filled by direct election in a corporation shall be reserved for persons belonging to the Backward Classes:

Provided that, the number of seats so reserved for the Backward Classes under this sub-section shall be so determined, that the total number of seats reserved for the Scheduled Castes and Schedule Tribes under sub-section(3) and the Backward Classes under this sub-section shall not exceed fifty per cent of the total number of seats in the Corporation.

(6) Not more than fifty percent of the seats reserved for each category of persons belonging to the Scheduled Castes, the Scheduled Tribes and Backward Classes and those of the non-reserved seats to be filled by direct election in a corporation shall be reserved for women.

(7) The Councilors referred to in of sub-section (1) shall be elected in the manner provided in this Act.

(8) Nothing contained in sub-sections (5) and (6) shall be deemed to prevent the members of the Scheduled Castes, Scheduled Tribes, Backward Classes or women from standing for election to the non-reserved seats.

(9) Notwithstanding anything contained in this Act, where two thirds of the total number of councillors required to be elected have been elected, the Corporation shall be deemed to have been duly constituted under this Act.

**10. Oath of allegiance to be taken by councillors.-** (1) Notwithstanding anything contained in the Oaths Act, 1969 (Central Act 44 of 1969) every person who is elected to be a councillor shall, before taking his seat, make at a meeting of the corporation, an oath or affirmation of his allegiance to the Constitution in the following form namely:-

"I.A.B., having been elected a councilor of this corporation do Swear in the name of God / solemnly affirm that I will bear true faith and allegiance to the Constitution of India, and that I will faithfully discharge the duty upon which I am about to enter".

(2) Any person who having been elected to be a councillor fails to make, within three months of the date on which his term of office commences or at one of the first three meetings held after the said date, whichever is later the oath or affirmation laid down in subsection (1) shall cease to hold his office and his seat shall be deemed to have become vacant.

(3) Any person who has been elected to be a councillor shall not take his seat at a meeting of the corporation or do any act as such councillor unless he has made the oath or affirmation as laid down in sub-section (1).

(4) Notwithstanding anything contained in sub-section (3), a Mayor or Deputy Mayor or the chairman or a member of a standing-committee, who has not made the oath or affirmation as a councillor shall not be entitled to act as such Mayor, Deputy Mayor, Chairman or member.

**11. Declaration of assets etc.-** (1) Every councillor referred to in clause (a) of sub-section (1) of section 7 shall, not later than one month after the commencement of his term of office and in the same month of each succeeding year, file with the Mayor a declaration of all assets owned by him and any member of his family. Such declaration shall form part of the corporation records.

**12. Term of office of Councilors.-** (1) The term of office of the Councilors shall be five years.

(2) The term of office of the Councilors shall commence on the date appointed for the first meeting of the corporation.

(3) If any casual vacancy occurs it shall be filled, as soon as may be, by the election of a person thereto. The person so elected shall hold office only so long as the person in whose place he is elected would have held had the vacancy not occurred:

Provided that no election to fill a casual vacancy shall be held if the vacancy occurs within four months before the expiry by efflux of time of the term of office of the councillors.

**13. Division of Corporation into Zones.-** (1) The Government shall upon consultation with the Corporation, issue a notification dividing its area into various Zones.

(2) The State Government shall establish a zonal demarcation commission with representation from the Corporation, Government and such eminent members of the public to recommend to the Government, as per such terms of reference, the demarcation of zones and the basis thereof.

(3) Prior to the publication of any notification in the official gazette under this Section, the Municipal Corporation shall publish the draft of such notification which shall seek the opinion of the public for a period of thirty days from the date of such notification.

(4) The number of zones created by the Corporation shall not exceed fifteen.

## **CHAPTER IV**

### **ELECTIONS**

**14. Election to the Municipal Corporation.-** (1) A general election shall be held for the purpose of constitution of a new municipal corporation before the expiration of the duration of the existing municipal corporation or on dissolution.

(2) The superintendence and the conduct of election of Councilors shall be vested in the State Election Commission.

(3) The officer designed by the State Election Commission shall maintain a list of voters for each ward of such municipal area.

(4) An election to constitute a corporation shall be completed before the expiry of its duration.

(5) The date of such an election shall be fixed by the State Election Commission in consultation with the Government.

**15. Electoral rolls.**-For every ward, there shall be an electoral roll which shall be prepared, revised, modified, updated and published in accordance with the provisions of this Act and under the superintendence, direction and control of State Election Commission.

**16. Electoral Registration Officer.**- (1) An Electoral Registration Officer shall prepare and renew the voters list with respect to each ward of a Municipality, in such manner as may be prescribed and he shall be an officer of the Government or a local authority designated or nominated as such by the State Election Commission in consultation with the Government.

(2) The Electoral Registration Officer may, subject to such restriction as may be prescribed, depute competent teachers including those of aided schools or Government employees or employees of local authorities, to prepare and revise the voters list of the wards.

(3) The State Election Commission may designate one or more persons as Assistant Electoral Registration Officers to assist the Electoral Registration Officer in the discharge of his functions.

(4) Each Assistant Electoral Registration Officer shall, subject to the control of the Electoral Registration Officer, be competent to discharge all or any of the functions of the Electoral Registration Officer.

**17. Provision of polling stations.**- The District Election Officer shall, with the previous approval of the State Election Commission, provide sufficient number of polling stations for every Ward within the area of his jurisdiction, and shall publish in such manner as the State Election Commission may direct, a list showing the polling stations so provided and the polling areas or group of voters for which they have respectively been provided.

**18. Appointment of Presiding Officers for polling stations.-**

(1) The State Election Commission shall appoint a Presiding Officer for each polling station and such Polling Officer or officers as it thinks necessary.

Provided that, if a Polling Officer is absent from the polling station, the Presiding Officer may appoint any person who is present at the polling station other than a person who has been employed by or on behalf of, or has been otherwise working for, a candidate in or in relation to the election, to be the Presiding Officer during the absence of the former officer, and inform the election commission accordingly.

(2) A Polling Officer shall, if so, directed by the Presiding Officer, perform all or any of the functions of a Presiding Officer under this Act or any rules or orders made thereunder.

**19. Qualifications for being a Councillor.-** Every person whose name is in the electoral roll for any of the wards of the municipal area shall, unless disqualified under this Act or any other law for the time being in force, shall be qualified to be elected at the election for that ward or any other ward of the municipal area and every person whose name is not in such list shall not be qualified to be elected, at the election for any ward of the municipal area.

**20. Disqualifications of being a Councillor.-** (1) A person shall be disqualified in the following circumstances for being chosen as a Councillor if he:-

(a) if he has been sentenced by a criminal court to imprisonment for an offence punishable with imprisonment for a term not less than two years: provided that,-

(i) the offence is one which involves moral turpitude and  
(ii) such sentence has not been reversed or quashed or the offence not pardoned; or

(b) is so disqualified under any provision of the Constitution or by or under any law for the time being in force relating to elections to the State Legislative Assembly; or

(c) if he holds any office of profit under the Government of India or the Government of any State specified in the first schedule to the Constitution of India, or under any local or other authority subject to the control of any of the said Governments other than such offices as are declared by rules made under this Act not to disqualify the holder; or

(d) if he has been dismissed from service under a local authority or from Government service; or

(e) if, having been a legal practitioner, he has been dismissed or suspended from practice by order of a competent authority, the disqualification in the latter case being operative during the period of such suspension; or

(f) if he is of unsound mind and stands so declared by a competent court; or

(g) if he is an undischarged insolvent; or

(h) if he is not a citizen of India or has voluntarily acquired the citizenship of a foreign State; or

(i) if he is so disqualified by any law for the time being in force for the purposes of election to the State Legislature:

Provided that, no person shall be disqualified on the ground that he is less than twenty five years if he has attained the age of twenty one years.

(j) If he has, directly or indirectly, by himself or his partner, any share or interest in any work done by order of the Corporation, or in any contract or employment with or under, or by or on behalf of the Corporation.

(k) If he fails to file Accounts of election expenses intime.

(2) If any councillor during the term for which he has been elected,-  
(a) becomes subject to any disqualification specified in sub-section (1), or

(b) votes or takes part as a councillor in the discussions of any matter,-

(i) in which he has conflict of interest; or

(ii) in which he is engaged at the time in any proceeding against the Corporation; or

(c) absents himself from the meetings of the Corporation during three consecutive months except with the leave of the Corporation

Provided that, no such leave shall be granted in case of absence from the meetings of the Corporation during a period exceeding six consecutive months.

Provided further that, when an application is made by a councillor to the Corporation for leave to absent himself and the corporation fails to inform the applicant of its decision on the application within a period of seven days from the date of the application, the leave applied for shall be deemed to have been granted by the Corporation. The Chief Commissioner may, either suo motu or on a report made to him, after such enquiry as he deems fit, by order, decide, whether the seat of the person concerned has become vacant or not. As far as may be, such order shall be made within seven days from the date of receipt of the report or where action is taken suo motu, within thirty days from the initiation thereof.

(3) Any person aggrieved by the decision of the Chief Commissioner under sub-section (2) may, within a period of thirty days from the date of such decision, appeal to the Government and the orders passed by the Government on such appeal shall be final.

Provided that, no order shall be passed under sub-sections (2) and (3) against any councillor without giving him a reasonable opportunity of being heard.

**21. Equality of votes.-** If there is equality of votes between two or more candidates, the officer appointed on behalf of the state election commission shall decide by drawing lots which candidate shall be deemed to have been elected.

**22. Publication of results.-** The names of persons elected and nominated as councillors, Mayor or Deputy Mayor of the Municipal Corporation shall be published in the Official Gazette.

**23. Election Petition.-** (1) No election of a councillor shall be called in question except by an election petition presented for adjudication to the District Court having jurisdiction, within thirty days from the date of the publication of the result of election under section 50.

(2) An election petition may be presented on one or more of the grounds specified in section 52,-

- (a) by any candidate at such election; or
- (b) by any voter of the ward concerned

(3) Every election petition shall be tried as expeditiously as possible and endeavour shall be made to conclude the trial within six months from the date of presentation of the election petition under sub-section (1).



Provided that, where the petitioner alleges any corrupt practice, the petition shall also be accompanied by an affidavit in the prescribed form in support of the allegation of such corrupt practice and the particulars thereof.

**24. Grounds for declaring elections to be void.-** (1) The court shall declare the election of the returned candidate to be void, if the court is of opinion, -

(a) that on the date of his election a returned candidate was not qualified or was disqualified, to be chosen as a councillor under this Act, or

(b) that any corrupt practice has been committed by a returned candidate or his election agent or by any other person with the consent of a returned candidate or his election agent, or

(c) that any nomination has been improperly rejected.

(d) that the result of the election, in so far as it concerns a returned candidate, has been materially affected,-

(i) by the improper acceptance of any nomination; or

(ii) by any corrupt practice committed in the interests of the returned candidate by an agent other than his election agent; or

(iii) by the improper reception, refusal or rejection of any vote or the reception of any vote which is void; or

(iv) by any non-compliance with the provisions of this Act or of any rules or orders made thereunder, the court shall declare the election of the returned candidate to be void.

(2) If in the opinion of the court, a returned candidate has been guilty, by a person other than his election agent, of any corrupt practice, but the court is satisfied,-

(a) that no such corrupt practice was committed at the election by the candidate or his election agent and every such corrupt practice was committed contrary to the orders and without the consent of the candidate or his election agent

(b) that the candidate and his election agent took all reasonable means for preventing the commission of corrupt practices at the election; and

(c) that in all other respects the election was free from any corrupt practice on the part of the candidate or any of his agents,

then the court may decide that the election of the returned candidate is not void

**25. Decision of the Court.-** (1) At the conclusion of the trial of an election petition, the court shall make an order,-

(a) dismissing the election petition; or

(b) declaring the election of all or any of the returned candidates to be void; or

(c) declaring the election of all or any of the returned candidates to be void and the petitioner or any other candidate to have been duly elected.

(2) If any person who has filed an election petition has, in addition to calling in question the election of the returned candidate, claimed a declaration that he himself or any other candidate has been duly elected and the court is of opinion,-

(a) that in fact the petitioner or such other candidate received a majority of the valid votes; or

(b) that but for the votes obtained by the returned candidate by corrupt practices the petitioner or such other candidate would have obtained a majority of the valid votes, the court shall, after declaring the election of the returned candidate to be void, declare the petitioner or such other candidate as the case may be, to have been duly elected.

(3) If during the trial of an election petition it appears that there is an equality of votes between any candidates at the election and that the addition of a vote would entitle any of those candidates to be declared elected, then, the court shall decide between them by lot and proceed as if the one on whom the lot falls had received an additional vote.

**26. Appeal.-** An appeal shall lie to the High Court from an order of the District Court under section 53 within a period of thirty days from the date of the order of the court excluding the time required for obtaining a copy of the order:

Provided that, the High Court may entertain an appeal after the expiry of the said period of thirty days if it is satisfied that the appellant had sufficient cause for not preferring the appeal within the said period.

**27. Corrupt Practices.-** The following shall be deemed to be corrupt practices for the purposes of this Act, namely:-

(1) 'bribery' as defined in clause (1) of section 123 of the Representation of the Peoples Act, 1951 (Central Act 43 of 1951) for the time being in force;

(2) 'under influence' as defined in clause (2) of the said section for the time being in force;

(3) the appeal by a candidate or his agent or by any other person with the consent of a candidate or his election agent to vote or refrain from voting for any person on the ground of his religion, race, caste, community or language or the use of, or appeal to religious symbols or the use of or appeal to, national symbols, such as the national flag or the national emblem, for the furtherance of the prospects of the election of that candidate or for prejudicially affecting the election of any candidate;

(4) the promotion of, or attempt to promote, feelings of enmity or hatred between different classes of the citizens of India on grounds of religion, race, caste, community or language, by a candidate or his agent or any other person with the consent of a candidate or his election agent for the furtherance of the prospects of the election of that candidate or for prejudicially affecting the election of any candidate;

(5) the publication by a candidate or his agent or by any other person with the consent of a candidate or his election agent of any statement of fact which is false, and which he either believes to be false or does not believe to be true, in relation to the personal character or conduct of any candidate, or in relation to the candidature or withdrawal of any candidate, being a statement reasonably calculated to prejudice the prospects of that candidate's election;

(6) the obtaining or procuring or abetting or attempting to obtain or procure by a candidate or his agent or, by any other person with the consent of a candidate or his election agent, any assistance (other than the giving of vote) for the furtherance of the prospects of that candidate's election, from any person in the service of the Government or the service of the corporation;

(7) any other practice which the Government may by rules specify to be a corrupt practice.

**28. Promoting enmity between classes in connection with election.-** Any person who in connection with an election under this Act promotes or attempts to promote on grounds of religion, race, caste, community or language, feelings of enmity or hatred between different classes of the citizens of India shall, on conviction, be punished with imprisonment for a term which may extend to three years, or with fine, or with both.

**29. Prohibition of public meetings two days before preceding the election day and on the election day.-** (1) No person shall convene, hold or attend any public meeting within any ward within forty

eight hours before the date of commencement of the poll or on the date or dates on which a poll is taken for an election in that ward.

(2) Any person who contravenes the provisions of sub-section (1) shall, on conviction, be punished with fine which may extend to two hundred and fifty rupees.

**30. Disturbances at election meetings.-** (1) Any person who at a public meeting to which this section applies acts, or incites others to act, in a disorderly manner for the purpose of preventing the transaction of the business for which the meeting was called shall, on conviction, be punished with fine which may extend to one lakh rupees.

(2) This section applies to any public meeting in connection with corporation elections held in any ward between the date of the issue of a notification fixing the date of the poll to elect a councillor or councillors and the date on which the election is held.

(3) If any police officer reasonably suspects any person of committing an offence under sub-section (1), he may, if requested so to do by the chairman of the meeting, require that person to declare to him immediately his name and address and, if that person refuses or fails so to declare his name and address, or if the police officer reasonably suspects him of giving a false name or address, the police officer may arrest him without warrant

**31. Restrictions on the printing of pamphlets, poster and others.-** (1) No person shall print or publish or cause to be printed or published, any election pamphlet or poster which does not bear on its face the names and addresses of the printer and the publisher thereof.

(2) No person shall print or cause to be printed any election pamphlet or poster unless a declaration as to the identity of the publisher thereof, signed by him and attested by two persons to whom he is personally known, is delivered by him to the printer in duplicate.

(3) Any person who contravenes any of the provisions of sub-section (1) or subsection (2) shall, on conviction be punished with imprisonment for a term which may extend to six months or with fine which may extend to one lakh rupees or with both.

**32. Maintenance of secrecy of voting.-** (1) Every officer, clerk, agent or other person who performs any duty in connection with the

recording or counting of votes at an election under this Act shall maintain and aid in maintaining, the secrecy of the voting and shall not, except for some purpose authorised by or under any law, communicate to any person any information calculate to violate such secrecy.

(2) Any person who contravenes the provisions of sub-section (1) shall, on conviction, be punished with imprisonment for a term which may extend to three months or with fine or with both

**33. Prohibition of canvassing in or near polling stations.-**

(1) No person shall, on the date or dates on which a poll is taken at any polling station, commit any of the following acts within the polling station or in any public or private place within a distance of one hundred meters of the polling station, namely:-

- (a) canvassing for votes;
- (b) soliciting the vote of any voter; or
- (c) persuading any voter not to vote for any particular candidate; or
- (d) persuading any voter not to vote at election; or
- (e) exhibiting any notice or sign (other than an official notice) relating to the election

(2) Any person who contravenes the provisions of sub-section (1) shall, on conviction, be punished with fine which may extend to one lakh rupees

(3) An offence punishable under this section shall be cognizable.

**34. Penalty for disorderly conduct in or near polling stations.-** (1) No person shall, on the date or dates on which a poll is taken at any polling station,-

(a) use or operate within or at the entrance of the polling station or in any public or private place in the neighbourhood thereof, any apparatus for amplifying or reproducing the human voice, such as a megaphone or a loudspeaker; or

(b) shout or otherwise act in a disorderly manner, within or at the entrance of the polling station or in any public or private place in the neighbourhood thereof, so as to cause annoyance to any person visiting the polling station for the poll, or so as to interfere with the work of the officers and other person on duty at the polling station.

(2) Any person who contravenes or willfully aids or abets the contravention of the provisions of sub-section (1) shall, on conviction, be punished with imprisonment for a term which any extend to three months, or with fine, or with both.

(3) If the presiding officer of a polling station has reason to believe that any person is committing or has committed an offence punishable under this section, he may direct any police officer to arrest such person and thereupon the police officer shall arrest him. Any police officer may make such steps and use such force as may be reasonably necessary for preventing any contravention of the provisions of sub-section (1), and may seize any apparatus used for such contravention.

**35. Right to vote.-** Every person whose name is in the electoral roll shall, unless disqualified under any law for the time being in force, be qualified to vote at the election of a councilor for the division to which such roll pertains.

**36. Account of election expenses and maximum thereof.-** (1) Every candidate at an election under this Act shall either by himself or by his election agent keep a separate and correct account of all expenditure in connection with the election incurred or authorised by him or by his election agent between the date on which he has been nominated and the date of declaration of the result thereof, both dates inclusive.

(2) Any expenditure incurred or authorised in connection with the election of the candidate under this Act by a political party or by any other association or body or persons or by any individual (other than the candidate or his election agent) shall not be deemed to be the expenditure in connection with the election incurred or authorised by the candidate or by his election agent for the purpose of sub-section (1).

Explanation 1: For the purpose of this sub-section “political party” shall have the same meaning as in the Election Symbols (Reservation and Allotment) Order, 1968 for the time being in force.

Explanation 2: For the removal of doubts, it is hereby declared that any expenditure incurred in respect of any arrangement made, facilities provided or any other act or thing done by any person in the service of the Government or the service of the corporation in the discharge or purported discharge of his official duty for, or to, or in relation to, any candidate or his election agent or any other person acting with the consent of the candidate or his election agent (whether by reason of the office held by the candidate or for any other reason) shall not be deemed to be expenditure in connection with the election incurred or authorised by a candidate or by his election agent for the purpose of this section.

(3) The account shall contain such particulars as may be prescribed.

(4) The total of the said expenditure shall not exceed such amount as may be prescribed.

**37. Lodging of account with the returning officer.-** Every contesting candidate at the election under this Act shall, within thirty days from the date of election of the returned candidate or, if there are more than one returned candidate at the election and the dates of the election are different, the later of those two dates lodge with the Returning Officer appointed at an election under this Act, an account of his election expenses which shall be a true copy of the account kept by him or by his election agent

**38. Failure to lodge an account of election expenses.-** If the State Election Commission is satisfied that any person,-

(a) has failed to lodge an account of election expenses within the time and in the manner required by or under this Act; and

(b) has no good reason or justification for the failure;

The State Election Commission shall by order published in the official Gazette declare him to be disqualified and any such person shall be disqualified for a period of three years from the date of the order.

**39. Voting machines at elections.-** Notwithstanding anything contained in this Act or the rules made thereunder, the giving or recording of votes by voting machines may be adopted in such constituency or constituencies as the State Election Commission may having regard to the circumstances of each case specify.

Explanation.- For the purpose of this section 'voting machine' means any machine or apparatus whether operated electronically or otherwise used for giving or recording of votes and any reference to a ballot box or ballot paper in this Act or the rules made thereunder shall, save as otherwise provided, construed as including a reference to such voting machine wherever such voting machine is used in any election.

**40. Prohibition of simultaneous membership.-** (1) If a person is elected for more than one division, he shall, within three days from the date of the last of such elections, by notice in writing signed by him and delivered to the Commissioner intimate the division from which he chooses to serve and the choice shall be final.

(2) If the candidate does not make the choice referred to in sub-section (1), the Commissioner shall determine by lot and notify the division from which such candidate shall serve.

(3) The said person shall be deemed to have been elected only for the seat from the division so chosen or notified, as the case may be, and the vacancies thereby arising in respect of the other seat or seats shall be filled by fresh election.

## **CHAPTER 6**

### **MAYOR, DEPUTY MAYOR, CHIEF COMMISSIONER, ZONAL COMMISSIONER, ZONAL COMMITTEE, STANDING COMMITTEE, WARD COMMITTEE, AREA SABHA**

**41. Mayor and Deputy Mayor.-** The elected members of the Corporation shall in the first meeting of the Corporation elect one of its members to be the Mayor and another member to be the Deputy Mayor of the Corporation. In an event of a vacancy in the office of either the Mayor or the Deputy Mayor, the Corporation shall within one month of such a vacancy fill up these positions.

**42. Term of office of the Mayor and Deputy Mayor.-** The Mayor or the Deputy Mayor shall hold office for a period of five years from the date of his election and shall continue in office till his successor is elected.

**43. Discharge of functions of the Mayor.-** (1) The Mayor shall discharge all functions as has been assigned to him by the Corporation and this Act.

(2) When the office of the Mayor is vacant, the Deputy Mayor shall act as a Mayor and perform such functions as have been assigned to him until such time that a Mayor has been appointed.

**44. Resignation of Mayor and Deputy Mayor.-** (1) The Mayor and Deputy Mayor may, by writing addressed to the Deputy Mayor and Mayor respectively resign his office.

(2) Such a resignation delivered under sub section (1) shall take effect from the date on which it is delivered.

**45. Chief Commissioner.-** (1) The Chief Commissioner shall be appointed by the Government in consultation with the Mayor.



(2) The Chief Commissioner shall be an officer not below the rank of Additional Chief Secretary.

(3) The Chief Commissioner shall hold office for a period of two years subject to the pleasure of the Government and may be transferred by the Government, as may be required for the effective administration of the Corporation.

(4) The transfer of the Chief Commissioner, specified under sub section (3) shall take place only after due consultation of the Corporation and reasons shall be recorded for such transfer.

(5) The Chief Commissioner may be removed from office by the Government, upon the recommendation of the Corporation on the following grounds, namely,-

- (a) Proved to be guilty of misconduct and neglect; and
- (b) Incapacity to perform duties assigned to him.

**46. Powers and Functions of the Chief Commissioner.-** The Chief Commissioner shall perform the following functions, namely,-

(1) Supervise and direct the Zonal Commissioner on such matters as necessary under the Act.

(2) Coordinate between the Mayor, Deputy Mayor, Council and the Zonal Committee for all matters necessary.

(3) Decide on certain inter-zonal matters may be referred to him by the Zonal Commissioner.

(4) Undertake such other functions as may be required by him to do so under this Act or upon the direction of the Mayor or the Government.

**47. Salary and Allowances of the Chief Commissioner.-** The Chief Commissioner shall be paid out of the Corporation Fund such monthly salary and allowances, if any, as may from time to time be fixed by the State Government and shall also be given such facilities in relation to residential accommodation, conveyance and such other facilities as may be fixed by the Government.

**48. Appointment of officiating Chief Commissioner in case of death, resignation or removal of Commissioner.-** If any vacancy occurs in the office of the Chief Commissioner on account of death, resignation or removal, the State Government may appoint another person to take the role of the acting commissioner in his place for a term not

exceeding .... months, pending the appointment of a new Chief commissioner.

**49. Zonal Commissioner.-** (1) A Zonal commissioner shall be appointed by the Government, in consultation with the Corporation, for each zone notified by it and shall be a person not below the rank of Principal Secretary.

(2) The Zonal Commissioner shall stand removed by the Government whenever the Corporation so resolves by a majority of not less than two-thirds of the of the total membership of the council.

**50. Salary and Conditions of the Zonal Commissioner.-** The Zonal Commissioner shall be paid out of the Municipal Fund of the state such monthly salary and such monthly allowances, if any, as may from time to time be fixed by the State Government and shall also be given such facilities in relation to residential accommodation, conveyance and such other facilities as may be fixed by the Government.

**51. Powers and Functions of the Zonal Commissioner.-**The Zonal Commissioner shall perform the following function, namely:-

(a) Zonal Commissioner shall be the nodal authority for carrying out the civic administration on those matters specified under this Act for the zone under his jurisdiction;

(b) The Zonal Commissioner shall supervise, direct and coordinate the ward committees and the area sabhas on such matters as specified under this Act; and

(c) Zonal Commissioner shall undertake functions as directed by the Chief Commissioner or Mayor from time to time.

**52. Establishment of Zonal Committees.-** (1) Each Zone of a Municipal Corporation shall have a Zonal Committee consisting of the following members:

(a) the Zonal Commissioner, who shall be chairperson of the Zonal Committee;

(b) all the Councillors elected from the wards within the Zone;

(c) an Engineer who is incharge of the particular zone- Member;

(d) one person who is an expert in waste management nominated by Government; and

(e) one person who is an expert in urban governance nominated by Government.

(2) The State Government shall by way of Rules specify the qualifications, appointment process, and honorarium of the expert members of the zonal committee.

(3) The Zonal Commissioner shall call for a meeting of the zonal committee at least once a month and the minutes of every zonal committee meeting shall be recorded, submitted to the Chief Commissioner and published on such mediums as may be specified within fifteen days from the date of such meeting.

(4) The quorum for a zonal committee meeting shall be six.

**53. Powers and Functions of the Zonal Committee.-** (1) The Zonal Committee shall,-

(a) Supervise the implementation of any project or scheme of the Corporation which cuts across the boundaries of multiple wards but is within the boundaries of the Zone;

(b) Issue directions to the respective ward engineer or such other officers of the Corporation for the implementation of any project or scheme;

(c) Approve fresh infrastructure projects on management of waste, improvement of public streets, improvement of public spaces including parks and improvement of the aesthetics of the zone up to such amounts as may be specified and beyond such amount recommend to the Corporation of such projects;

(d) Recommend to the Corporation any amendments to the bye-laws of the Corporation;

(e) Take up discussion on those matters recommended by the ward committees and issue directions to the ward committees to undertake such functions;

(f) Organize public engagement activities to improve civic awareness; and

(g) subject to the general supervision and control of the Corporation, discharge such functions as the Corporation may, from time to time, determine by regulations.

(2) Any project approved by the zonal committee shall follow such applicable law and procedure. All decisions in the Zonal Committee shall, as far as possible, be arrived at through consensus and where consensus is not possible, the decision shall be taken by the majority of the members present and voting.

**54. Establishment of Standing Committees.-** (1) There shall be the following Standing Committees for the Corporation,-

- (a) Standing Committees for taxation and finance;
- (b) Standing Committees for public health;
- (c) Standing Committees on infrastructure;
- (d) Standing Committees on waste;
- (e) Standing Committee for appeals;
- (f) Standing Committee for establishment and administrative reforms;
- (g) Standing Committee for markets.
- (h) Town Planning
- (i) Ward level Public works
- (j) Education
- (k) Social Justice
- (l) Horticulture

(2) Each Standing Committee shall consist of fifteen councillors who shall be elected by the Council.

(3) Each Standing Committee shall have a chairperson who shall be appointed by the members of such standing committee on its first meeting.

(4) The duration of the Standing Committee shall be one year.

(5) The Mayor and Deputy Mayor shall be the ex-officio members of all the standing committees.

**55. Powers and Functions of the Standing Committee.- (1)**

Subject to the provisions of the Act and the rules made thereunder, the powers and functions of the Standing Committee shall be as follows:-

(a) The Standing Committee for taxation, finance and appeals shall deal with all matters relating to finance, taxation and appeal and all matters not specifically assigned to any other Standing Committee;

(b) The standing committee for public health shall deal with all matters relating to public health;

(c) The Standing Committee on infrastructure shall deal with all matters relating to infrastructure;

(d) The Standing Committee on waste shall deal with all matters relating to waste;

(e) The Standing Committee for appeals shall hear all appeals required under the Act;

(f) The Standing Committee for establishment and administrative reforms shall deal with all matters relating to establishment and administrative reforms; and

(g) The Standing Committee for markets shall deal with all matters relating to the markets.

**56. Constitution of the Ward Committee.-** There shall be a Ward Committee for each Ward of the Corporation.

**57. Composition of the Ward Committee.-** (1) Each Ward Committee shall consist of the following, namely, –

(a) the Councillor representing the Ward, who shall be the Chairperson of the Ward Committee; and

(b) a maximum of twenty members to be nominated by the Corporation, out of which, –

(c) The Ward Committee shall consist of the following, namely:-

(i) the Councillor of the Corporation representing the Ward, shall be the Chairperson of the Ward Committee;

(ii) ten other members to be nominated by the Corporation; out of which, there shall be,-

(a) at least two members belonging to the Scheduled Castes and the Scheduled Tribes;

(b) at least three women members; and

(c) at least two members representing residents Associations, whatever name called satisfying all conditions mentioned below, namely:-

(i) its registered office shall be located with in the jurisdiction of that ward;

(ii) it shall represent majority of residents, or civic groups, or commercial groups or industrial groups;

(iii) it shall have been actively engaged in its activities for not less than three years; and

(iv) it shall be a registered Association by whatever name called, comprising of individuals who serve in a fiduciary capacity;

Provided that, half of the persons to be nominated to the Ward Committee shall be women and at least one fourth of the members nominated to the Ward Committee shall belong to Scheduled Castes and/ or Scheduled Tribes.

(2) All Area Sabha representatives falling within the jurisdiction of the ward shall be invitees to the meetings of the Ward Committee but shall not have the right to vote.

(3) Officers of the Bangalore Development Authority and the Bengaluru Water Supply and Sewerage Board who are responsible for the maintenance of services within the concerned ward shall be ex-officio

members of the Ward Committees Police Officers incharge of the ward BESCO Officer situated in the ward and shall attend the meetings of the Ward Committees as may be required but shall not have the right to vote.

(4) A person shall be disqualified for being nominated as a member of the Ward Committee or to continue as such member, if under the provisions of the Act, for the time being in force, she would be disqualified for being elected as a Councillor of a Municipal Corporation.

(5) The term of office of the Ward Committee shall be co-terminus with the term of office of the Municipal Corporation.

**58. Procedure for nomination as a member of the Ward Committee.-** The Zonal Commissioner or an officer authorized by the Zonal Commissioner shall, within thirty days of the completion of the municipal election shall nominate members to the wards committee.

**59. Meeting of the Ward Committee.-** (1) The Ward Committee shall meet at least once in a month for discharging the duties and performing the functions as are assigned to it under the Act, from time to time.

(2) An officer of appropriate rank shall be designated by the Zonal Commissioner of the respective zone to act as Secretary for each Ward Committee, who shall also be a member of the ward committee, to provide administrative assistance to it.

(3) All minutes of the proceedings of the meeting of the Ward Committee shall be recorded by the Secretary and a copy of the same shall be forwarded to the Corporation.

(4) The meeting of the Ward Committee shall be convened by the Secretary of the Ward Committee in consultation with Chairperson.

(5) No meeting of the ward committee shall be held on a public holiday and on the day on which a meeting of the Corporation is scheduled to be held.

(6) No meeting shall be held unless notice of the day and time when the meeting is to be held and of the agenda has been given at least five days before the day of the meeting.

(7) The quorum for the meetings shall be one third of members.

(8) Efforts should be made to take decisions of the Ward Committee meetings on the basis of simple majority.

(9) No act or proceedings undertaken under this Act by the Ward Committee shall be invalid merely on the ground of any vacancy in it.

(10) The Zonal Commissioner or her nominee, shall be entitled to take part in the meetings and deliberations of the Ward Committee but shall not have the right to vote.

(11) The Chairperson of the Ward Committee may request the representatives of concerned departments of the Corporation as special invitees to participate in the meetings.

(12) The Chairperson, or in her absence, a member chosen, by the members present, from among themselves, shall preside over the meeting.

(13) The manner of conduct of business at the meetings of the Ward Committee shall be such as may be prescribed.

**60. Functions of the Ward Committee.-** (1) The Ward Committee shall discharge the following functions, namely:-

- (a) prepare and submit Ward Development Scheme to the corporation for allotment of funds;
- (b) ensure proper utilization of the funds allotted under ward development scheme in the ward.
- (c) approve the list of beneficiaries for beneficiary oriented schemes of the Corporation submitted by Area Sabhas falling under that ward;
- (d) scrutinize list of ineligible beneficiaries submitted by the Area Sabhas and submit it to the Corporation;
- (e) supervise all programmes and schemes being implemented by the Corporation in the ward;
- (f) ensure timely collection of taxes, fees and other sums due to the Corporation;
- (g) ensure water supply maintenance in the ward and finalize location of new public taps and public wells;
- (h) ensure sewerage system maintenance in the ward;
- (i) ensure proper solid waste management and sanitation work in the ward and finalize location of new public sanitation units;
- (j) ensure maintenance of street lighting in the ward and finalize location of new street lights;
- (k) ensure maintenance of parks, open spaces, greening of area in the ward;
- (l) ensure afforestation, and implementation of rain water harvesting schemes;

(m) mobilize voluntary labour and donation by way of goods or money for implementation of Ward Development Scheme and various programmes and schemes of Corporation;

(n) inform the Corporation regarding any encroachment of land belonging to the Corporation;

(o) perform such other functions as may be assigned to it by the Corporation as per its bye-laws.

(2) The procedure to be adopted by the Ward Committee in the transaction of its business shall be as may be prescribed in the rules.

(3) The recommendations of the ward committee shall be advisory in nature.

**61. Allocation of Funds.-** (1) The Zonal Committee shall allocate such amounts out of the budget earmarked for the particular zone to the ward committees for maintenance of services like water supply, sanitation, drains, street lights, parks, markets among others in the ward.

(2) Allocation and utilisation of funds to and by the ward committees for maintenance of civic services shall be in the manner prescribed by the Government and the ward committee shall be required to furnish a utilization report to the zonal committee in such time period and such formats as may be prescribed.

**62. Appointment of sub-committees.-** The Ward Committee may, from time to time, appoint sub committees as it may think fit and may refer to such sub-committees for opinion or enquiry on any matter relating to the functions entrusted to the Ward Committee.

**63. Determination of Areas.-** The State Government shall, by order, determine ,–

- a) the areas into which each ward shall be divided; and
- b) As far as possible, the territories representing two or more but not exceeding five contiguous polling stations may be determined as an area.

**64. Constitution of Area Sabhas.-** Each ward shall be divided into such number of areas and there shall be an Area Sabha for each such area with all the electors in the jurisdiction of the area.

**65. Representatives of the Area Sabha.-**(1) There shall be an Area Sabha Representative for each area to be nominated by the Zonal Committees from the representatives of the civil society in the manner as may be prescribed.



(2) The qualifications and disqualifications prescribed for getting elected as member of Corporation and for holding the office as Member of Corporation under the relevant provisions of the Act shall apply mutatis mutandis for the representative of the Area Sabha.

(3) The Area Sabha representative shall be a member of that Area Sabha.

(4) The term of the representative of the Area Sabha shall be ordinarily co-terminus with that of the Municipal Corporation concerned.

**66. Meetings of the Area Sabha.**-(1)The Area Sabha shall meet at least once a month.

(2) The Area Sabha Representative shall preside over the meeting of the Area Sabha.

(3) An officer of appropriate rank shall be designated by the Zonal Commissioner to act as a nodal officer for each Area Sabha and who shall provide all administrative assistance to the Area Sabha Representative in conducting meetings of the Area Sabha.

(4) The nodal officer shall be the convener of the Area Sabha meetings and shall convene the meeting in consultation with the Area Sabha Representative.

(5) All minutes of the proceedings of the meeting shall be recorded by the nodal officer and a copy of the same shall be forwarded by her to the Ward Committee.

(6) All decisions in the Area Sabha shall be as far as possible be arrived at through a consensus of all the members present. Where consensus is not possible, the decision shall be taken by the majority of the members present.

**67. Functions of the Area Sabha.**-An Area Sabha shall perform and discharge the following functions and duties, namely, -

(a) to generate proposals and determine the priority of schemes and development programmes to be implemented in the Area Sabha and forward the same to Ward Committee for inclusion in the development plan of the Ward Committee;

(b) to identify the most eligible persons for beneficiary-oriented schemes on the basis of criteria fixed by the Government and prepare the list of beneficiaries in order of priority and forward the same to Ward Committee for inclusion in the development plan of the Ward Committee;

(c) to verify the eligibility of persons getting various kinds of welfare assistance from Government such as pensions and subsidies;

(d) to get information from the officials concerned as to the services they will render and the works proposed to be executed in the area in the upcoming quarter after the meeting of the Ward Committee;

(e) to seek information from the Ward Committee of follow up action taken on the decisions concerning the jurisdiction of the area;

(f) to identify the deficiencies in water supply, street lighting and sanitation arrangements in the jurisdiction of the Area Sabha and to suggest the remedial measures to the Ward Committee;

(g) to suggest the location of street lights, public taps, public wells, public toilets to the Ward Committee; and

(h) to assist in the activities of public health centres in the area; and to perform such other functions as may be prescribed.

## **CHAPTER VII POWERS AND FUNCTIONS OF THE CORPORATION**

**68. General powers of the Corporation.**-(1) Subject to the provisions of this Act and the rules, regulations and bye-laws made thereunder the municipal government of Bengaluru shall vest in the Corporation.

(2) Without prejudice to the generality of the provisions of sub-section (1), it shall be the duty of the Corporation to exercise such powers, perform such functions and discharge such duties prescribed by and under this Act.

**69. Powers and Functions of the Corporation.**-(1) The Municipal Corporation shall have the power and responsibility to prepare and implement schemes for urban development and social justice in relation to the matters enumerated in the First Schedule, subject to the provisions of this Act and the provisions of the other Acts, rules and such other provisions as may be prescribed in this behalf:

Provided that, it shall be the duty of the Municipal Corporation to render necessary services to the inhabitants of the municipal area in respect of the matters enumerated as core functions in the First Schedule;

(2) The Municipal Corporation shall have such powers, authority and responsibilities, as prescribed, to enable it to function as an institution of self-government in respect of the matters entrusted to it.

(3) The annual budget allocation, in respect of the subjects provided in the First Schedule, by the Government shall be wholly allotted to the respective Municipal Corporation.

(4) The Municipal Corporation shall manage institutions and administer the schemes allocated to it, subject to the guidelines and technical directions from the Government and in accordance with the State and National policies.

(5) Where any development scheme, project or plan involves selection of beneficiaries, the criterion for the eligibility and priority for such selection shall be determined by the Municipal Corporation subject to the terms and conditions of such scheme, project or plan and such criteria shall be published in the prescribed manner and shall be intimated to the Ward Committee concerned.

**70. Additional Functions assigned by Government.**-(1)The Corporation may, subject to the underwriting of the costs by, and approval of, the Central Government or the State Government, as the case may be, undertake any function belonging to the functional domain of the Central Government or the State Government as the case may be, and such functions may include primary education, curative health, urban transport, supply of energy, fire prevention and fire safety and urban poverty alleviation.

(2) The Corporation may also, subject to the orders of the State Government, undertake such or all functions related to,–

(a) Urban development including development of commercial infrastructure;

(b) Public welfare including community relations; and

(c) Such other functions as may be assigned.

**71. First charge on Municipal Fund.**-(1)The core functions of the corporation shall constitute the first charge on the municipal fund.

(2) Subject to the satisfactory performance of the core functions and the availability of municipal funds the Corporation, undertake or perform, or promote the performance of any of the general functions or sector-wise functions referred in the First Schedule

## **CHAPTER 8**

### **PROPERTIES OF THE CORPORATION**

**72. Properties of the corporation.**-(1)The following properties shall belong to the corporation unless specifically owned and controlled by government:

(a) All public parks, playground and open spaces reserved for ventilation; and

(b) All public lamps, lamp post apparatus connected therewith appertaining thereto, all gates, markets, slaughterhouses, manure and refuge depots and public buildings of every description.

(2) All properties specified under this section and not specifically owned and controlled by the government under the section shall belong to the corporation and be subject to such direction, management and control of the corporation.

**73. Disposal of properties by the corporation.**-(1)Subject to the provisions of this Act, the Chief Commissioner may dispose of by sale any immovable property of the corporation with prior approval of the state Government or enter into such lease for the utilization of any right over such produce or benefit emerging from such immovable property.

(2) The Chief Commissioner may dispose of by sale any immovable property of the corporation with prior sanction of the State Government.

(3) Any sale of immovable property by the Chief Commissioner shall be by way of public auction, the procedure of which shall be prescribed.

(4) The Chief Commissioner may lease such immovable properties of the corporation for a term not exceeding fifteen years with the previous sanction of the standing committee on

(5) If the term of any lease sought to be entered by the corporation is between fifteen and thirty years, the commissioner may enter into such lease agreement with the prior approval of the Mayor.

(6) If any lease agreement exceeds thirty years, the corporation may enter into such lease agreement with prior approval of the government.

(7) No sale or lease shall be undertaken by the corporation without seeking the view of the concerned zonal committee.

(8) The corporation shall specify such conditions for sale and lease, which shall be the basis for any approval that may be accorded by the standing committee or the mayor under the section.

**74. Acquisition of the properties by the corporation.**-(1)The Chief Commissioner if on behalf of the corporation seeks to acquire any immovable property, the Chief Commissioner may do so provided such intent of acquisition is approved by the mayor.

(2) Any acquisition that may be undertaken as per sub section (1) shall be in accordance with the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013

**75. Properties of the Government managed by corporation.**-(1)The government may transfer any land or property belonging to itself to the corporation for its management upon such terms and conditions that the government may determine from time to time.

(2) In the event that the government is of the opinion that its properties are not being managed satisfactorily by the corporation or it has contravened such prescribed terms and conditions of management, the government may transfer such properties to itself.

**76. Power of government to manage corporation properties.**-(1)If the corporation is unable to manage any immovable property belonging to itself, the Chief Commissioner may, with the prior approval of the mayor, request the government to manage such properties.

(2) The government, if it is of the opinion that the corporation has failed to manage any property belonging to itself, shall have the power to issue directions to the corporation to transfer such properties to the government.

(3) No immovable property shall be transferred by the corporation either under sub section (1) or sub section (2) without seeking the opinion of the concerned zonal committee.

**77. Power of Corporation to manage private properties.**-The corporation may, upon the request of such private persons, companies, trusts, societies and any other association, maintain such properties belonging to them on such conditions as may be prescribed from time to time.

**78. Maintenance of the property register.**-(1)The Chief Commissioner shall maintain a property register of the corporation, which shall consist of a list of immovable properties under the ownership, control or management of the corporation, location and such other details as may be specified.

(2) The zonal commissioner shall maintain a property register of the concerned zone, comprising details of such immovable property and update such list periodically and convey to the Chief Commissioner that such update may be carried out in the property register of the corporation.

(3) The corporation may, in accordance with such by law or rules applicable, appoint such officers for each zone for carrying out day to day administration, management and such other responsibilities required for the efficient management of the immovable property of the corporation.

(4) The corporation shall undertake a survey of list of immovable properties under its ownership, management or control every fifth year from the date of notification of this act in the official gazette and publish such survey in the public domain in a manner as may be specified.

## **CHAPTER 9**

### **CONTRACTS**

**79. Power of corporation to enter into contracts.**-(1)The corporation may enter into any contract and perform any obligation specified under the contract for the purposes of carrying out into effect provisions of this act.

(2) Subject to such conditions, the following provisions shall apply to every contract entered into by the corporation.

(a) Every contract concerning the affairs of a particular zone shall be made on behalf of the corporation by Zonal Commissioners for amounts not exceeding two crores;

(b) Every contract concerning the affairs of the entire corporation, pertaining to the affairs of a particular zone exceeding the amount two crores and pertaining to such affairs, which overlaps two or more zones, shall be made on behalf of the corporation by the Chief Commissioner;

(c) No contract shall be entered into by the Zonal Commissioner without the prior approval of the zonal committee;

(d) No contract shall be entered into by the Chief Commissioner without the prior approval of the mayor; and

(e) No contract shall be entered by the corporation without following such procedure as may be prescribed, the provisions of the Karnataka Transparency and Public Procurement Act 1999 [Karnataka Act 29 of 2000], if applicable, and without the approval of the relevant municipal authority specified under this Chapter.

(3) The procedure prescribed under this section shall apply if the corporation chooses to amend the terms of the contract or vary the price of such contract.

(4) The corporation shall make available a common seal, which shall be affixed on every contract entered into by the Chief Commissioner or Zonal Commissioner on behalf of the corporation.

(5) No contract executed otherwise than as provided under this section shall be binding on the corporation.

**80. Invitation of Tenders.**-All tenders received by the corporation shall be processed in accordance with the procedure prescribed and the Karnataka Transparency and Public Procurement Act 1999 [Karnataka Act 29 of 2000].

**81. Preparation of model tender document.**-The corporation shall prepare a model tender document, which shall identify key terms of each tender and such a model tender shall be followed by all municipal authorities prior to the commissioning of any work.

**82. Maintenance of database.**-(1)The Chief Commissioner and the Zonal Commissioner shall maintain a register of contracts entered into by the corporation in such formats as may be prescribed.

(2) The contract register maintained under subsection (1) shall be made available in public domain, in such format prescribed, and updated periodically.

## **CHAPTER 10**

### **TAXES**

**83. Taxes which may be imposed.**-(1) Subject to general and specific orders of the government, a corporation shall impose the following taxes at rates not exceeding those specified in the Act:.

(a) A tax on buildings or vacant land or both situated in the jurisdiction of the corporation.

(b) A tax on profession, trades, callings and employments.

(c) A tax on entertainments.

(d) A duty on certain transfers of property in the form of additional stamp duty.

(e) Any other taxes which may be assigned by law for the assessment and collection by the Corporation.

(2) The corporation shall, by way of resolution passed at a general meeting of the council, determine the classes of person or properties or entities which shall be assessed for tax and the rate of such tax.

(3) The Corporation may, at any time for sufficient reason, suspend, modify or abolish any existing tax.

Provided that, the Government may, by notification, require the Corporation to impose any tax specified in the notification as may be imposed under Section 103 in such manner and to such extent as the Government considers fit.

(4) Every resolution passed by the council under subsection (2) shall be published in the public domain for the notice of all concerned.

**84. Levy of cesses.**-The corporation may, in addition to the tax levied under this act, levy and collect the following cesses,-

(a) Infrastructure cess at such rate as notified by the Government, which may be prescribed on every motor vehicle suitable for the use on roads within the city and different rates will be prescribed in different classes of motor vehicles;

(b) Solid waste management cess at such rate as notified by the Government, on every owner or occupier of land or building or both in the city



for the purpose of collection, transportation and disposal of solid waste and different rates may be prescribed in different classes of lands or buildings or in different areas;

(c) Levy Urban Transport Cess at such rate as notified by the Government;

(d) All monies collected in form of cess shall be credited to a separate head of account and shall be known as the respective cess fund;

(e) The cess levied under subsection (1) shall be assessed and collected as may be prescribed; and

(f) Notwithstanding anything contained in [redacted], any person aggrieved by the levy and assessment of cess under the section may, within thirty days from the receipt of the order of the assessment, may appeal against such order before the tribunal.

**85. Description and class of tax on buildings or land or**

**both.**-(1) A tax on buildings or land or both shall be levied by the Corporation, by way of a resolution, at such rates not exceeding, **Twenty five percent of the taxable annual value,-**

- (a) **for residential buildings,-**
- (b) **for commercial buildings**
- (c) **for vacant land**

(2) The rate of tax on buildings or land or both determined by the Corporation by resolution under sub section (1) shall be liable for revision every three years and may be increased by fifteen percent every third year

(3) The tax on buildings or vacant land or both shall be paid by the owners of such property. The tax on buildings or vacant lands or both shall be subject to the prior payment of the land revenue, if any, due thereon to the Government as a first charge upon the said buildings or vacant lands or both and upon the movable property, if any, found within or upon such buildings or lands and belonging to the person liable to such tax.

(4) The tax on buildings or vacant land or both shall be based on the unit area value of such building or vacant land and such unit area value shall be those notified by the property tax board from time to time.

(5) The total tax payable by an owner or occupier of a building or vacant land or both shall be calculated by multiplying the corresponding unit area value with the total built up area of building or vacant land or both for ten months, minus depreciation at such rate as maybe prescribed on the age of the building.

(6) Notwithstanding anything contained in this act, a concession in payment of tax on building or vacant land or both, wherein any such socially or ecologically beneficial scheme, as may be identified for the purposes of this section by the corporation or the State Government, is being implemented, may be given to such extent of ----- per centum of the tax payable in respect thereof as the Corporation may determine.

**Explanation.-**For the purposes of this section, “ecologically beneficial scheme” includes rain water harvesting system, vermi composting, use of solar energy and other non-conventional sources of energy, recycling and reuse of waste water, or any other scheme for promoting environment friendly and ecologically beneficial building construction or the like as the Corporation or the State Government may identify.

(7) The Chief Commissioner of the corporation with prior sanction of the mayor in lieu of tax under sub section (1), fix any lump sum amount as annual tax, irrespective of the unit area value notified by the property tax board for such properties.

(a) A built-up area having less than 300 sq. ft. in a slum area declared as such by the Karnataka Slum Clearance Board under the Karnataka Slum Areas(Improvement and Clearance) Act, 1973 (Karnataka Act 33 of 1974) or Chief Commissioner of the corporation.

(b) An area used for parking within a non-residential building and being charged for its use by the owner or the occupier of any other class of building or structure as deemed fit by the Chief Commissioner.

(8) Tax levied under sub section (1) shall also be levied on those buildings or vacant land or both which are unlawful.

**Explanation.-** Unlawful buildings or vacant land shall mean those which are not constructed in accordance with the applicable building bye-laws and have not received layout approval from the appropriate authority.

(9) Any rate of tax payable by unlawful buildings or vacant land or both shall be two times the tax rates determined under sub section (1) of this Act.

Providedthat, levy and collection of tax under this sub-section shall not confer any right to regularize the violation of the building bye-laws by such buildings and the violation of layout approval process by such sites.

(10) The tax payable by the owners of such buildings or vacant land or both, whether lawful or not, shall be reduced by fifty percent in respect of self-occupied buildings used for residential purposes and such class of self-occupied non-residential buildings as may notified by the Corporation from time to time.

(11) The Corporation shall provide each person who pays property tax an acknowledgement or Khata for the payment of such tax, and such acknowledgement or Khata provided shall be distinct for lawful and unlawful buildings or vacant land and the format of such acknowledgement or Khata shall be prescribed from time to time under the Rules.

(12) The Chief Commissioner shall maintain a record, in such format as may be prescribed, which shall contain the details of the lawful buildings or vacant lands and unlawful buildings or vacant lands which have been taxed under this section.

(13) For the purposes of maintenance of records under sub section (12), the Chief Commissioner may issue such directions to the zonal commissioner as required and also direct the maintenance of such records by each zonal committee.

**86. Payment of property tax.**-(1)The owner of the building or vacant land or both under [REDACTED], shall pay the tax either in one instalment or in two equal instalments, within such time periods as notified by the corporation from time to time.

(2) The corporation shall have the power to extend such notified time period under sub section (1) and waive such penalty payable due to delayed payment.

(3) Any person owner of the building or vacant land or both who is required to pay tax shall submit a self-assessed return, in such format as may be prescribed, within those time periods notified under sub section (1) to the Chief Commissioner or to such officer or agency authorized by him in this behalf.

(4) In order to facilitate the filing of return by an owner or occupier, the corporation shall issue such guidelines for the ease of calculation of the payable tax and the Chief Commissioner shall direct zonal commissioners of the corporation to establish such help centres within the zonal committee as may be necessary.

(5) Every return filed by a person primarily liable to pay tax shall be deemed to have been assessed to pay such tax except in cases where the Chief Commissioner or his authorized officer may undertake random scrutiny of returns filed in a manner as may be prescribed.

Provided that, the Chief Commissioner or his authorized officer *suo moto* or otherwise has reason to believe that there is evasion of tax by the person liable to pay tax, he may cause inspection of such building or vacant land and assess the tax.

(6) For the purpose of random scrutiny of the return filed or in cases where returns are not filed as required under sub section (3) in respect of any buildings or lands or both, the Chief Commissioner or any person authorized by him in this behalf may enter, inspect, surveyor measure any land or building after giving notice to the owner.

(7) The ownershall be bound to furnish necessary information required and based on such inspection and information collected, he shall assess the property and send a copy of the order of assessment to the owner or occupier concerned and such entry into and upon any building or vacant land shall be made between sunrise and sunset.

(8) If the occupier of the property refuses to allow the authorised officer to enter to inspect the premises, the officer after giving reasonable opportunity shall record the refusal and shall proceed to assess the property to the best of his judgement,

Providedthat, in the case of buildings used as human dwelling due regard shall be paid to the social and religious customs of the occupiers and no apartment in the actual occupancy of a woman shall be entered until she has been informed that she is at liberty to withdraw and every reasonable facility has been afforded to her for withdrawing.

(9) Upon random scrutiny, if the authorized officer has reasons to believe that any return furnished, which is deemed as assessed, is incorrect or has been under -assessed resulting in evasion of property tax, the Chief Commissioner may

(a) on the basis of information available on record and after physical inspection, proceed to re-assess the property, in the manner provided under this section;

(b) if the tax-reassessed is more than 5 percent than the tax remitted along with the returns, the concerned person shall be liable to pay, at 24 percent interest per annum, twice the amount of the evaded tax.

(c) if upon inspection and re-assessment, as made under this section by the Chief Commissioner or the authorized officer, shall issue a notice of re-assessment to the taxpayer demanding that the tax shall be paid within thirty days of the service of the notice and after giving the taxpayer the opportunity to show cause in writing;

10) Any person who is aggrieved by the re-assessment order passed by the Chief Commissioner or any other officer authorized by him, such person may file an appeal before the Taxation standing Committee in accordance with Section \_\_\_\_\_

**87. Demand for the payment of tax and recovery of taxes.-**

(1) If the tax including the penalty payable under this chapter is not paid after it has become due, the Corporation may cause to be served upon the person liable for the payment of the same, a notice of demand in such form as may be prescribed.

(2) If a person seeks to appeal against the demand notice issued by the Chief Commissioner or any person authorized by him, such person may file an appeal before the Taxation standing Committee challenging such appeal in accordance with Section \_\_\_\_\_

(3) Any person seeking to file an appeal under Sub-Section (2) shall deposit fifty percent of the demanded amount with the Taxation standing Committee.

(4) If the person to whom a notice of demand has been served under sub section (1) does not pay the tax within thirty days from the service of such demand, in the absence of any stay issued by Taxation standing Committee or any court on the demand notice, the Chief Commissioner may recover by distraint under his warrant and sale of the such movable property of the defaulter or if the defaulter is the occupier of the building by distress and sale of any movable property which may be found in or on such building or land, the amount due on account of tax together with the warrant fee and distraint fee and with such further sums as will satisfy the probable charges, that will be incurred in connection with the detention and of the sale of property so distrained.

(5) If, for any reason the distraint, or a sufficient distraint of the defaulter's property cannot be effected, the Chief Commissioner may prosecute the defaulter before a Magistrate.

(6) The State Government shall prescribe the procedure for recovery of immovable properties and its sale.

**88. Obligation of transferor and transferee to give notice of transfer.-**(1) Whenever the title of any person primarily liable for the payment of the tax on any premises to or over such premises is transferred, the person whose title is transferred and the person to whom the same is transferred shall, within three months after the execution of the instrument of transfer or after its registration, if it be registered or after

the transfer is effected, if no instrument be executed, give notice of such transfer to the Chief Commissioner in such format as may be prescribed.

(2) In the event of the death of any person primarily liable as aforesaid, the person to whom the title of the deceased shall be transferred as heir or otherwise shall give notice of such transfer to the Chief Commissioner within one year from the death of the deceased.

(3) Whenever such transfer comes to the knowledge of the Chief Commissioner or authorised officer through such notice, the name of the transferee shall be entered in the property tax register.

(4) Every person who makes a transfer as aforesaid without giving such notice to the Chief Commissioner shall, in addition to any other liability which he may incur through such neglect, continue to be liable for the payment of the property tax assessed on the premises transferred until he gives notice or until the transfer shall have been recorded in the corporation registers, but nothing in this section shall be held to affect:

- (a) The liability of the transferee for the payment of the said tax, or
- (b) The prior charge of the corporation

(5) Where the Chief Commissioner, either *suomotu* or otherwise, after such enquiry as he considers necessary, is satisfied that any transfer of title under section 114 was recorded in the Corporation register by fraud or suppression of facts or by furnishing false, incorrect or incomplete material, may within a period of three years from the date of such recording of transfer of title, reopen the case and pass such order with respect thereto as he thinks fit.

Provided that, no such order shall be made except after giving the person likely to be affected thereby a reasonable opportunity of being heard.

(6) Notwithstanding anything contained in this Act, in respect of any building or land belonging to the City of Mysore Improvement Trust Board, the Bangalore Development Authority or the Karnataka Housing Board or any local authority the possession of which has been delivered to any person in pursuance of any grant, allotment or lease by the Board or local authority concerned, the transfer of title of any person primarily liable to the payment of property tax shall not be recorded in the corporation registers without consulting the Board or local authority concerned.

**89. Chief Commissioner's power to call for information and to enter upon premises and to condone omission to give notice.-** (1) For the purpose of assessing the property tax, the Chief Commissioner may, by

notice, call upon the owner or occupier of any building or land to furnish him within thirty days after the service of the notice where the notice is served upon the Government, a railway administration or a company and within fourteen days after such service in other cases, with returns of the rent payable for the building or land, the cost of erecting the building, and the measurements of the land and with such other information as the Commissioner may require and every owner or occupier upon whom any such notice is served shall be bound to comply with it and to make a true return to the best of his knowledge or belief.

(2) For the purpose aforesaid the Chief Commissioner may enter, inspect, survey and measure any building or land after giving twenty-four hour's notice to the owner or occupier.

(3) The Chief Commissioner may, at his discretion condone omissions to give notice under this Act, giving his reasons in writing for every such condonations

**90. Recovery of surcharges and charges how made.-** (1) Every sum certified by the auditor to be due from any person shall be paid by such person into the treasury or bank in which the funds of the corporation are lodged, within one month from the receipt by him of the decision of the Commissioner, unless within that time such person has applied to the court or to the Government as provided in this Act.

(2) The said sum, if not paid, or if an application has been made to the court or to the Government against the decision of the auditor as provided in this Act such sum as the court or the Government shall declare to be due, shall be recoverable, on an application made by the Chief Commissioner to the court, in the same manner as an amount decreed by the court in favour of the Chief Commissioner.

**91. Levy of entertainment tax.-**(1)Entertainment tax shall be levied and collected by the Corporation over any ticket based entertainment, non-ticket based entertainment and televised entertainment, in accordance with the Act.

Provided that, the entertainment tax on televised entertainment shall be collected by the Corporation within the BBMP area.

(2) The rate of entertainment tax leviable for any ticket-based entertainment, non-ticket based entertainment and televised entertainment shall be determined by the Corporation by way of resolution.

**92. Levy of entertainment tax on complimentary ticket and connections.-** (1) There shall be an entertainment tax levied by and paid to the Corporation on every complimentary ticket issued by the proprietors of entertainment who possess a valid license to host ticket based entertainment or who own or manage the place of ticket based entertainment and the tax on such complimentary ticket shall be paid on the actual value of ticket or as per the value as determined by the Chief Commissioner from time to time.

(2) There shall be an entertainment tax levied by and paid to the Corporation on every complimentary connection provided by the proprietors of entertainment who possess a valid license under such applicable laws to provide cable television service or direct to home service and the tax on such complimentary connection shall be paid on the actual value of ticket or as per the value determined by the Chief Commissioner.

**93. Exemption from payment of entertainment tax for performing any duty inside the place of entertainment.-**No persons, other than those who have a duty to perform inside the place of ticket based entertainment or upon whom a duty has been imposed under this Act, may be admitted to any ticket based entertainment without a ticket or pass.

Provided that, such persons who have a duty to perform inside the place of ticket based entertainment shall be distinguished from those persons who have entered the place of ticket-based entertainment through purchased ticket or a complimentary ticket.

Provided also that, such persons shall be distinguished by way of special pass indicating the purpose of the entry or the entry of such person shall be permitted upon the approval of the Chief Commissioner.

**94. Furnishing security amount.-**(1)The Chief Commissioner may, if he deems fit, mandate the furnishing of an amount by way of security form to the proprietor of entertainment as an advance for the payment of entertainment tax.

(2) The method of calculating the security amount required to be furnished under sub section (1) shall be provided for under the Rules.



**95. Payment of taxes and filing of self-assessed returns for the payment of entertainment tax.**- (1) Every proprietor of entertainment shall submit such returns to the Chief Commissioner within such periods of time as prescribed under the Rules.

(2) The details to be provided in the returns under sub section (1) by each type of proprietor of entertainment shall be prescribed under the Rules.

**96. Failure to submit returns or provide adequate details in the return.**-(1) If the Chief Commissioner believes or has reasonable cause to believe that the proprietor of entertainment has not furnished all the details in the returns or if the Chief Commissioner is of the reasonable belief that the details in the re-assessed returns are untrue or the tax due under **section \_** has been underpaid, the Chief Commissioner shall issue an order of re-assessment against such proprietor.

(2) If the proprietor of entertainment has failed to submit returns under section \_\_, the Chief Commissioner shall have the power to issue an order of re-assessment against such proprietor.

(3) If the Chief Commissioner believes or has reasonable cause to believe that the complimentary ticket issued by the proprietor of entertainment under sub \_\_\_\_ does not reflect the true value of the ticket, the Chief Commissioner shall have the power to assess the value of the complimentary ticket and the criteria for which may be provided for under the Rules.

Provided that, upon the assessment of the value of the complimentary ticket, the Chief Commissioner shall issue an order to the proprietor of entertainment to submit the revised returns which shall reflect the value of complimentary ticket as assessed by the Chief Commissioner.

Provided also that, the revised returns shall be filed within fifteen days of the receipt of the order.

(4) If the Chief Commissioner believes or has reasonable cause to believe that the complimentary connection issued by the proprietor of entertainment under \_\_\_\_ does not reflect the true value of the ticket, the Chief Commissioner shall have the power to assess the value of the complimentary ticket and the criteria for which may be provided for under the Rules.

Provided that, upon the assessment of the value of the complimentary ticket, the Chief Commissioner shall issue an order to the proprietor of entertainment to submit the revised return which

shall reflect the value of complimentary ticket as assessed by the Chief Commissioner

Provided also that the revised returns shall be filed within fifteen days of the receipt of the order.

(5) The Chief Commissioner shall, for the purposes of sub section (1), sub section (2) and sub section (3), have the power to enter the place of such entertainment and inspect the surroundings and relevant documents.

(6) For the purposes of sub section (1), the Chief Commissioner shall have the power to search and seize any books, records, accounts, registers, tickets and portions thereof and any article so seized shall be retained by Chief Commissioner for not more than fifteen days from the date of seizure.

(7) The Chief Commissioner, if necessary, may take copies, or cause copies to be taken, of any books, records, accounts, registers, tickets and portions thereof.

(8) If the Chief Commissioner, upon inspection, is satisfied that the proprietor of entertainment has not furnished all the details required under Section 9, the Chief Commissioner shall issue a show cause notice and shall provide an opportunity to be heard to such proprietor of entertainment and may levy a fine as prescribed under the rules.

**97. Appeal.**-Any person aggrieved by the order of re-assessment by the Chief Commissioner may appeal before the tribunal.

**98. Recovery of entertainment tax.**-(1) Where the person has failed to file returns under section 9 and the requisite entertainment tax has been unpaid, the Chief Commissioner shall, make a demand for the payment of entertainment tax due which shall be paid within fifteen days from the date of receipt of the order.

(2) Any person against whom a demand for payment of taxes has been issued may challenge such demand before the tribunal in accordance with

\_\_\_\_\_  
(3) If the person fails to pay tax within the time period provided for under sub section (1) and sub section (2), the tribunal may order the recovery of the tax by the Corporation as arrears of land revenue.

**99. Punishment for non-payment of entertainment tax.**-(1) If the proprietor of entertainment fails to pay tax under \_\_\_\_ of the Act within such time period provided under the Rules, such proprietor shall

be liable to pay a fine of up to two times the tax payable or be sentenced to imprisonment of up to one year or both.

(2) The Chief Commissioner, for the purpose of sub section (1), shall have the power to file a criminal complaint against such proprietor.

**100. Punishment for willful suppression of information in the returns.**-(1) If the proprietor of entertainment willfully suppresses information in the returns under \_\_\_\_\_ and such information, in the opinion of the Chief Commissioner, is material to the calculation of entertainment tax, such proprietor shall be liable to pay a fine of up-to one and a half times the differential amount or imprisonment of six months or both.

(2) The Chief Commissioner, for the purpose of sub section (1), shall have the power to file a criminal complaint against such proprietor.

**101. Duty on transfer of immovable properties.**-(1)The duty on transfer of immovable property shall be levied in the form of a surcharge at the rate of two percent of the duty imposed by the Karnataka Stamp Act, 1957, on instruments of sale, gift, mortgage, exchange or lease in perpetuity of all immovable property situated within the limits of a Corporation.

(2) The Government shall remit the surcharge collected by it every month and upon failure to remit such amounts beyond six months, the Government shall transfer such amounts with an interest of twelve percent.

**102. Provisions applicable on the introduction of transfer duty.**-(1)Section 28 of the Karnataka Stamp Act, 1957 shall be read, as if it specifically required the particulars to be set forth separately in respect of property situated within and outside the limits of the Corporation.

(2) Section 64 of the same Act shall be read as if it referred to the corporation as well as the Government.

**103. Appeal before the Karnataka Appellate Tribunal.**-(1)Any person aggrieved by the order of re-assessment, demand for payment of tax or cess or any other order passed by Chief Commissioner or any officer duly authorized by him on matters provided for under Chapter \_\_\_ may file an appeal before the tribunal in such manner as may be provided for under the Karnataka Appellate Tribunal Act, 1976 (Karnataka Act NO.10 of 1976)

(2) Any person seeking to file an appeal shall do so within thirty days from the date of receipt of order or demand.

## CHAPTER 11

### FINANCE, ACCOUNTS AND AUDIT

**104. Corporation Fund.**-(1) There shall be a fund, called the Corporation Fund, which shall be held by the Corporation in trust for the purposes of this Act, and all monies realized or realisable under this Act and all monies otherwise received by the Corporation shall be credited thereto.

(2) The receipts and expenditures of the Corporation shall be kept under such heads of accounts, in such manner and in such form, as may be prescribed.

(3) Every head of account specified under sub section (2) shall be split into a revenue account and a capital account and all items of receipts and expenditures shall be kept appropriately under such revenue account or capital account, as the case may be.

(4) The Corporation shall prepare and maintain books of accounts using the double entry accrual system of bookkeeping, in accordance with the accounting standards recommended by the Institute of Chartered Accountants of India, and in such manner as may be prescribed.

**105. Application of the Corporation Fund.**-(1) The moneys credited to the Corporation fund from time to time shall be applied for payment of all sums, charges and costs necessary for carrying out the purposes of this Act and the rules and the bye-laws made thereunder and for payment of all sums payable out of the Corporation Fund in accordance with Karnataka Local Fund Authorities Fiscal Responsibility Act or any other law for the time being in force in the manner prescribed.

(2) The State Government shall prescribe the procedure for the application of Corporation fund, accounting practices, publication of the financial documents and such other processes for efficient financial management.

**106. Preparation of the corporation budget.**-(1) Every zonal committee shall submit a budget estimate to the Mayor which shall comprise of the required budgetary support for the implementation of the existing schemes, list of capital

expenses, required manpower and such other expenses for the purposes of effective implementation of this Act within a particular zone.

(2) No zonal committee shall submit a budget estimate to the mayor without consulting with the ward committees and considering its recommendations.

(3) The ward committees shall prior to making its recommendations to the zonal committees organize such public consultations as necessary.

(4) The format and process for submission of zonal committee budgets estimate shall be as specified.

(5) The Mayor shall prepare a budget estimate for the Corporation upon considering the budget estimates from all the zonal committees.

(6) The budget estimate shall state the following,-

(a) The receipts and payments for the previous financial years and expected receipts and payments for the upcoming financial year;

(b) Compliance to the medium term fiscal plan;

(c) Rates at which various taxes, surcharges, cess and fees that shall be levied by the Corporation for the immediately succeeding financial year; and

(d) The amount of money to be raised as a loan amount of money allocated to each zonal committee and the basis for the utilization of such amounts.

(7) The budget estimate shall be prepared, presented and adopted in such form and in such manner and shall provide for such matters as may be prescribed.

**107. Power of Corporation to alter budget grant.**-A Corporation may from time to time, for specific reasons to be explained in writing, during the financial year,-

(a) Increase the amount of any budget grant under any head;

(b) Make an additional budget grant for the purpose of meeting any special or unforeseen requirement arising during the said year;

(c) Transfer the amount of any budget grant or portion thereof under one head to the amount of budget grant under any other head; and

(d) Reduce the amount of the budget grant under any head.

**108. Preparation of a medium-term fiscal plan.**-(1)The Mayor in consultation with the Chief Commissioner, Standing Committee on Finances and Taxes

and Zonal Committees prepare a medium term fiscal plan for the Corporation in a manner as may be prescribed.

(2) The medium-term fiscal plan prepared under Sub-Section (1) shall contain the receipts and payments projections for three years, assumptions underlying projections and evaluation of performance against targets set in the previous budget estimates.

**109. Comprehensive Debt Limitation Policy.**-(1)The Corporation shall frame a Comprehensive Debt Limitation Policy applicable in the case of loans, including short term loans, to be raised by the Corporations and laying down the general principles governing the raising of loans by the Corporation having regard to its financial capacity.

(2) Corporation may borrow by way of loan or any other form of credit provided such loan or credit is permitted under the Comprehensive Debt Limitation Policy.

**110. Mandatory compliance.**-(1)The budget estimate prepared by the Corporation shall be in compliance with the medium term fiscal plan, comprehensive debt limitation policy prepared and those orders issued by Government from time to time.

(2) The Government may direct the Corporation to prepare the budget estimate afresh, if it is of the opinion that the budget estimate approved by the council is not in compliance with the medium-term fiscal plan and comprehensive debt limitation policy.

(3) No direction under Sub-Section (2) shall be without providing the Corporation an opportunity of being heard.

**111. Establishment of Sinking Fund.**-(1)The Corporation shall establish a Sinking Fund in respect of each loan raised under this Chapter for the repayment of moneys borrowed and shall, every year pay into such Sinking Fund such sum as shall be sufficient for the repayment, within the period fixed for the loan, of the moneys borrowed.

(2) If at any time the sum standing at the credit of a Sinking Fund established under this Act for repayment of any loan is of such amount that if allowed to accumulate at the rate of interest sanctioned, the Chief Commissioner with the prior approval of the Mayor discontinue the further payment towards such a fund.

**112. Investment of amount at the credit of Sinking Fund.-**

(1) All moneys paid into a Sinking Fund shall, as soon as possible, be invested by the Corporation in accordance with the investment policy applicable to any public enterprise laid down by the Government

(2) All sums received in respect of any investment under sub-section (1) shall, as soon as possible, after their receipt, be paid into the Sinking Fund and shall be invested in the manner laid down in that sub-section.

(3) Moneys standing at the credit of two or more Sinking Funds may, at the discretion of the Municipality, be invested together as a common fund, and it shall not be necessary for the Corporation to allocate the securities held in such investments to the several Sinking Funds.

(4) Subject to the provisions of sub-section (1), any investment made under this section may, from time to time, be varied or transposed.

**113. Appointment of Chief Financial Officer.-**(1)The

Corporation shall appoint a Chief Financial Officer who shall guide the Corporation on all financial matters and perform such duties as allocated by the Mayor or the Chief Commissioner from time to time.

(2) The Chief Financial Officer shall be of such rank and designation as may be specified by the Government.

**114. Annual Financial statement.-**(1)The Chief Commissioner,

within two months of the close of a financial year, cause to be prepared an annual financial statement containing an income and expenditure account, cash flow statement and receipts and payments account for the preceding financial year in respect of the accounts of the Corporation, and a balance sheet as of the last day of the preceding financial year, along with schedules to the above and notes to accounts including significant accounting policies including details of contingent liabilities and any other such information as may be useful in understanding the financial statements clearly.

(2) The form of the financial statement and the balance sheet, and the manner in which the financial statement and the balance sheet shall be prepared in a manner such as may be prescribed.

**115. Audit of financial statement.-**(1)The financial statements

prepared by Chief Commissioner shall be audited by an Auditor, who shall be a Chartered Accountant holding a certificate of practice under the

Chartered Accountants Act, 1949 and empanelled with the Accountant General of Karnataka, within four months from the end of the financial year.

(2) The Chief Commissioner shall place the audited financial statement and the report of the Auditor and his/her comments before the Municipal Accounts Committee, which after examination, shall place them before the Corporation with comments, if any.

(3) The Chief Commissioner shall, after adoption of the financial statement, balance sheet and report of the Auditor, if any, by the Corporation, forward the same to the State Government together with a report of the action taken thereon by the Corporation.

## **CHAPTER 12**

### **STREETS**

**116. Vesting of Public streets in the Corporation.**-(1)All streets within the city which are or at any time become public streets, and the pavements, stones and other materials thereof, shall vest in the Corporation.

(2) All public streets vesting in the Corporation shall be under the control of the Zonal Commissioner of the respective zone and shall be maintained; controlled and regulated by him in accordance with the bye-laws that are made in this behalf and upon any such instructions issued by the Chief Commissioner.

**116. Powers of Zonal Commissioner in respect of public streets.**-(1)The Zonal Commissioner shall, from time to time, either suo moto or upon the request of the Ward Committee cause all public streets vested in the Corporation to be levelled and repaired; he may also from time to time widen, extend or otherwise improve any such street for the safety of pedestrians.

(2) The Zonal Commissioner may also, at any time, close the whole or any part of a public street vested in the respective zone.

Provided that, before doing so, the Corporation shall by notice publish in the manner specified by bye-laws give reasonable opportunity to the residents likely to be affected by such closure to make suggestions or objections with respect to such closure and shall consider all such suggestions or objections which may be made within ..... from the date of the publication of the said notice.



**117. Powers of Chief Commissioner in respect of public streets.-** (1) The Chief Commissioner shall have the power to issue directions to the Zonal commissioner from time to time, as may be necessary.

(2) The Chief Commissioner shall have the power to take decisions in matters pertaining to streets that overlap two or more zones.

**118. Power to make new public streets.-**(1)The Zonal Commissioner may at any time with the previous sanction of the Chief Commissioner,-

(a) lay out and make new public streets;  
(b) construct bridges and sub-ways;  
(c) turn or divert any existing public street;  
(d) widen, open, extend or otherwise improve any public street; and  
(e) lay down and determine the position and direction of a street or streets in any part of Bangalore notwithstanding that no proposal for the erection of any building in the vicinity has been received.

(2) The Bangalore Development Authority shall assist the Municipal Corporation in carrying out its functions.

**119. Minimum width of new public streets.-**The Chief Commissioner shall, from time to time, specify the minimum width of different public streets according to the nature of the traffic likely to be carried thereon, and the streets with which they join at one or both ends, the localities in which they are situated and other similar considerations.

**120. Power to prohibit use of public streets for certain kind of traffic.-**

(1) The Zonal Commissioner may prohibit vehicular traffic in any public street or any portion thereof so as to prevent danger, obstruction or inconvenience to the public or to ensure quietness in any locality.

(2) The Zonal Commissioner shall seek assistance from police to regulate traffic in streets as stipulated under Section 69 of the Karnataka Police Act, 1963.

**121. Owner's obligation when dealing with land as building sites.-**If the owner of any land utilizes, sells, leases out or otherwise disposes off any part of the land for the construction of buildings, he shall lay down and make a street or streets giving access to the plots and connecting them to an existing public or private street.

**122. Making of new private streets.**-(1) Any person intending to layout or make a new private street must send to the Commissioner a written application with plans and sections showing the following particulars, namely:-

- (a) the intended level, direction and width of the street;
- (b) the street alignment and the building line; and
- (c) the arrangements to be made for levelling, paving, metalling, flagging, channelling, sewerage, draining, conserving and lighting the street.

(2) The provisions of this Act and of any rules or bye-laws made thereunder as to the level and width of public streets and the height of buildings abutting thereon shall apply also in the case of streets referred to in sub-section (1) and all the particulars referred to in that sub-section shall be subject to approval by the zonal committee.

(3) Within sixty days after the receipt of any application under sub-section (1) the zonal committee shall either sanction the making of street on such conditions as it may think fit or disallow it or ask for further information with respect to it.

- (4) Such sanction may be refused,-
- (a) if the proposed street would conflict with any arrangements which have been made or which are in the opinion of the standing committee likely to be made, for carrying out any general scheme of street improvement;
  - (b) if the proposed street does not conform to the provision of the Act, the rules and bye laws referred to in sub-section (2); or
  - (c) if the proposed street is not designed so as to connect at one end with a street which is already open.

(5) No person shall layout or make any new private street without or otherwise than in conformity with the order of the zonal committee. If further information is asked for, no steps shall be taken to lay out or make the street until orders have been passed upon receipt of such information:

Provided that, the passing of such orders shall not in any case be delayed for more than sixty days after the zonal committee has received all the information which it considers necessary to enable it to deal finally with the said application.

(6) If the zonal committee does not refuse sanction within sixty days from the receipt of the application under sub-section (1) or from the receipt of all the information asked for under sub-section (5), such sanction shall be deemed to have been given and the applicant may proceed to make the street,

but not so as to contravene any of the provisions of this Act or the rules or bye-laws made under this Act.

**123. Alteration or demolition of street made in breach of section 120.-**

(1) If any person lays out or marks any street referred to in section 120 without or otherwise than in conformity with the orders of the standing committee the Zonal Commissioner, may, whether or not the offender be prosecuted under this Act, by notice require the offender to,-

(a) show sufficient cause, by a written statement signed by him and sent to the Zonal Commissioner on or before such day as may be specified in the notice why such street should not be altered to the satisfaction of the Zonal Commissioner, or is such alteration be impracticable, why such street should not be demolished; or

(b) appear before the Zonal Commissioner either personally or by duly authorised agent on such day at such time and place as may be specified in the notice, and show cause as aforesaid.

(2) If any person on whom such notice is served fails to show sufficient cause to the satisfaction of the Zonal Commissioner why such street should not be so altered or demolished, the Zonal Commissioner may pass an order directing the alteration or demolition of such street.

(3) If such work is not carried out within the time specified in the notice, the Zonal Commissioner may, if he thinks fit, execute it and the expenses incurred shall be paid by the owner referred to in sub-section (1) in such proportions as may be settled by the Zonal Commissioner.

**124. Right of owners to require streets to be declared public.-**If the Zonal commissioner carries out work in accordance with section 8, he, with the requisition of majority of the owners can declare such a street to be a public street and thereupon the street shall vest in the Corporation.

**125. Prohibition of projections upon streets.-** (1) No person shall erect projections in any way that can obstruct or cause inconvenience to the public.

(2) In an event the person erects such projections, he shall be required by the Zonal Commissioner to remove such projections, failing which appropriate action may be taken against him.

(3) It shall be the duty of the Corporation to implement the provisions of the rules or byelaws prescribed thereunder.

**126. Prohibition of structures or fixtures which cause obstruction in streets.**-No person shall, except with the permission of the Zonal Commissioner, erect or set up any wall, fence, rail, post, step, booth or other structure whether fixed or movable or whether of a permanent or temporary nature, or any fixture in or upon any street or upon or over any open channel, drain, well or tank in any street so as to form an obstruction to, or an encroachment upon, or a projection over, or to occupy any portion of such street, channel, drain, well or tank.

**127. Removal of encroachments.**- (1) The Zonal Commissioner may, by notice, require the owner or occupier of any premises to remove or alter any projection. Encroachment or obstruction other than a door, gate, bar or ground floor window situated against or in front of such premises and in or over any street.

(2) Where the Zonal Commissioner is satisfied that any road or public street including footpath, if any, thereof belonging to the Municipal Corporation or vested in it or otherwise is encroached upon by any person in any form, either temporarily or permanently so as to cause obstruction or hindrance or inconvenience to traffic and users of the street, the Zonal Commissioner may summarily evict such encroachments.

(3) Pursuant to directing such a person to leave, and the person fails to leave, the Zonal Commissioner may file a criminal complaint against such a person.

**128. Precautions during repair of streets.**-(1)The Zonal Commissioner shall, so far as is practicable during the construction or repair of any public street vested in the Corporation-

(a) cause the same to be fenced and guarded;

(b) take proper precautions against accident by protecting the adjoining buildings;

(2) The Zonal Commissioner shall cause such street to be sufficiently lighted or guarded during night while under construction or repair.

(3) The Zonal Commissioner shall, as far as practicable, cause the said work to be completed at the earliest and without causing inconvenience to the public.

**129. Streets not to be opened or broken up and building materials not to be deposited thereon without permission.-** (1) No person or agency other than the Zonal Commissioner or a municipal employee shall, without the written permission of the Zonal Commissioner who shall give such permission upon the consultation of the Zonal Committee,

(a) open, break up, displace, take up or make any alteration in to any material that is forming part of any street; or

(b) deposit any building materials in any street

(2) The Zonal Commissioner may, without notice, cause to be removed any of the things referred to in sub section (1) which has been deposited or set up in any street without the permission specified in that sub-section.

**130. Right to receive compensation owing to any defect in public street.-** (1) When a person dies as a result of an accident which occurred due to a defect on a public street, whether such person was commuting by motor vehicle or any vehicle or was a pedestrian on a public street, his immediate family or dependents shall have the right, jointly and severally, to claim compensation from the Corporation. .

(2) Any person who suffers an injury as a result of an accident which occurred due to a defect on a public street, while commuting by motor vehicle or any vehicle, or as a pedestrian on a public street shall have the right to claim compensation from the Corporation.

(3) The procedure for determination and payment of compensation shall be done in accordance with rules or bylaws prescribed thereunder.

**131. Naming of Public streets.-** (1) The Chief Commissioner, with the sanction of the Mayor may, with the sanction of the Corporation, determine the name by which any street or public place vested in the Corporation shall be known and may, at any time, alter the name of such a street;

Provided that, before such naming or renaming, the opinion of the Ward Committees concerned shall be taken into consideration.

(2) No person shall, without lawful authority, destroy, remove, pull down, deface or in any way injure or alter any such name put up or paint any name put up or painted by order of the Zonal Commissioner.

(3) The Zonal Commissioner shall cause to be put up or painted in English and Kannada on a conspicuous part of some building, wall or place, at or near each end, corner or entrance the name of every public street.

**132. Numbering of Buildings.-**(1) The Zonal Commissioner shall cause a number to be affixed to the side or outer door of any building or to some place at the entrance of the premises.

(2) No person shall, without lawful authority, destroy, pull down or deface any such number.

(3) Where a number has been affixed under (1), the owner of the building shall be bound to maintain such number and to replace it if removed or defaced and if he fails to do so, the Zonal Commissioner may by notice require him to replace it.

**133. Provision for lighting of Public Streets.-** (1) The Municipal Corporation shall cause the public streets to be lighted and for that purpose shall provide such street lights as may be necessary.

(2) The Zonal Commissioner shall take measures for lighting in a suitable manner all such public streets and public places.

(3) The Zonal Commissioner shall procure, erect and maintain such number of street lights, lamps, lamp posts and other accessories as may be necessary for the said purpose.

**134. Prohibition of removal,of street lights.-** (1) No person shall, without lawful authority, take away or wilfully or negligently break or throw down or damage,-

(a) any street lights, lamp or lamp post set up in any public street or any public place; and

(b) any electric wire for lighting such street light or lamp;

(2) No person shall willfully or negligently extinguish the light of any street light or lamp set up in any public street or any public place.

(3) If any person wilfully or through negligence or accident breaks, or causes any damage to, any of the things described in sub-section (1), he shall in addition to any penalty to which he may be subjected under this Act, pay the expenses of repairing the damage so done by him.

## CHAPTER 13

### REGULATION OF BUILDINGS

**135. Building bye-laws.**-(1)With the approval of the Government the Corporation may make bye-laws,-

- (a) For the regulation or restriction of the use of sites or buildings; and
- (b) For the regulation or restriction of building.

(2) Without prejudice to the generality of the power conferred by clause (b) of sub-section (1) bye-laws may provide for the following,-

(a) Information and plans required to be submitted to the Corporation by any person seeking to construct a building within the jurisdiction of the Corporation.

(b) The type of site where the buildings may be constructed and the permitted technical standards for such construction.

(c) List of locations around which certain types of constructions may be prohibited.

(d) Height of building sought to be constructed, whether absolute or relative to the width of the street

(e) Level and width of foundation of the building sought to be constructed, level of lowest floor and stability of structure

(f) Provision of sufficient open space, external or internal and adequate means of ventilation within the building.

(g) Provision for secondary means of access for the removal of waste from the building

(h) Materials and methods of construction of external and party walls, roofs and floors within the building

(i) Position, materials and methods of construction of hearts, smoke escapes, chimneys, staircases, privies, drains, cesspools within or outside the building

(j) Paving of yards within the site where the building is sought to be constructed

(k) Restrictions on the use of inflammable materials within the buildings in accordance other relevant regulations.

(l) Provision of lifts within the building

(m) Fire protection requirement within the building in accordance with the fire plan

(n) Minimum plantation required within a building

- (o) Installation of rain water harvesting systems within the building;
- and
- (p) Minimum quality of materials to be used during construction of buildings.

**136. Prohibition of construction without sanction.**-No person shall construct any building or any structure of a permanent nature or execute any of the work relating to the construction of building including addition, alteration or modification of an existing within the jurisdiction of the Corporation save and except in accordance with building bye-laws issued under Section \_\_\_\_\_ and upon the sanction of the Corporation to undertake such construction.

**137. Procedure for grant of sanction of building plan.**-(1) If any person intends to construct or reconstruct a building, he shall by way of an application as prescribed apply to the Zonal Commissioner for permission with such documents as may be prescribed to undertake such construction or re-construction.

(2) Upon receipt of the application under Sub-Section (1) the Zonal Commissioner shall verify if the application conforms to the building bye-laws and grant permission to undertake construction OR if the application does not confirm to the building bye-laws reject such applications.

(3) The Corporation shall prescribe the conditions for the approval or rejection of building bye-laws.

(4) While verifying an application sub-section (1) the Zonal Commissioner may seek for such information necessary to process the application from officers of the ward committees.

(5) The zonal commissioner may if necessary refer any application received under sub-section (1) to the Chief Commissioner who shall determine in such application in consultation with the mayor or any other appropriate municipal authority in accordance with the Act.

(6) The Zonal Commissioner shall process any application received under sub-section (1) within such time periods as may be prescribed and in the event of the zonal commissioner not communicating the decision on such application within the prescribed time period the application shall be deemed to be approved.



Provided that, deemed approval shall not be accorded to those applications referred to the Chief Commissioner under Sub-Section (4).

(7) Any approval for a building plan issued under this Section shall be valid for a duration of five years upon which the person shall apply for permission afresh.

(8) Any person who constructs in the absence of a sanctioned building plan shall be required to pay such penalty as may be prescribed and apply for sanction of the building plan in accordance with this Chapter.

(9) Any person who constructs a building not in accordance with the sanctioned building plan, the Zonal Commissioner may direct such persons to undertake such modification or alteration of the building to ensure conformity to the sanctioned building plan

(10) The Zonal Commissioner or such officers authorized by him may undertake such random physical scrutiny of buildings as necessary for the purposes of enforcing the provisions of this Act.

(11) Notwithstanding anything contained in this Section the Zonal Commissioner shall have the power to order for the stoppage of any construction which in his opinions endangers the human life.

**138. Grant of completion certificate.**-(1) Every person who has constructed a building in accordance with the provisions of this Chapter shall apply for a completion certificate to the Zonal Commissioner within one month from the date of completion of such construction.

(2) Any application for completion certificate shall be certified by an empanelled architect who shall certify that the building has been constructed in accordance with the sanctioned building plan.

Provided that, if an empanelled architect certifies a building which is not in conformity with the building bye-laws, the Corporation may upon hearing the concerned architect levy such penalty as may be prescribed.

(3) The Zonal Commissioner upon receiving an application for grant of completion certificate may grant the completion certificate or the Corporation may undertake such physical inspection of the building, as necessary, and grant or reject the application for completion certificate.

(4) No person shall occupy the building in the absence of a completion certificate.

**139. Appeal against the decisions of the zonal commissioner.**-(1)Any person aggrieved by the decision of the Zonal Commissioner under this Section shall, within thirty days from the date of receipt of such decision, appeal to the concerned Standing Committee whose decision shall be final.

(2) The Standing Committee shall decide any matters referred to it under Sub-Section (1) within sixty days.

## **CHAPTER 14**

### **NUISANCE**

**140. Prohibition of nuisance.**-(1)No person shall commit any nuisance in any public street or public place, or

(a) unauthorizedly affix upon any building, monument, post, wall, fence, tree or any other public place, any bill, notice or other document, or

(b) unauthorizedly deface, or write upon, or otherwise mark on a building, monument, post, wall, fence, tree or any other public place,

(c) carry rubbish, filth or other polluted and obnoxious matter along any route in contravention of any prohibition made in this behalf by the Zonal Commissioner by notice, or

(d) bury or cremate or otherwise dispose of any corpse at a place not licensed for the purpose, or

(e) quarry, blast, cut timber or carry on building operations causing, or likely to cause danger to persons passing by, or dwelling or working, in the neighbourhood,

(f) disturb public peace or order in violation of sound pollution control order, if any, or

(g) cause pollution of air in violation of an air pollution control order, if any, or

(h) cause obstruction to the movement of vehicular or pedestrian traffic without permission from the competent authority.

(2) Where the Zonal Commissioner or the officer authorised in this behalf, is of the opinion that there is a nuisance as per sub-section (1) on any land or building she may, by notice, in writing, require the person by whose act, default or sufferance the nuisance arises or continues or all of the owners,

lessees or occupiers of such land or building to remove or abate the nuisance by taking such measures, in such manner, and within such period, as may be specified in the notice in accordance, wherever applicable, with the provision of the Karnataka Open Places(Prevention of Disfigurement) Act, 1981

(3) Where the Zonal Commissioner or the officer authorised in this behalf, is of the opinion that immediate, removal of any nuisance as per subsection(1) continuing on any land or building in contravention of the provisions of this Act is necessary, she may, for reasons to be recorded in writing, cause such nuisance to be removed forthwith in accordance, wherever applicable, with the provision of the Karnataka Open Places(Prevention of Disfigurement) Act, 1981.

(4) Any person or group of persons who fails to comply with any order under this section shall be liable to a penalty as prescribed or in accordance wherever applicable, with the provision of the Karnataka Open Places(Prevention of Disfigurement) Act, 1981..

**141. Control of pollution and polluter pays principle.-**

(1)Subject to the provisions of any law relating to air, water or noise pollution, for the time being in force and in accordance with any notification by the State Government in that behalf, the Corporation may function as a competent authority for the enforcement of such law.

(2) The Corporation may, by regulation, provide for recovery of charges and imposition of penalty on those persons who are directly responsible for causing pollution of any kind referred to in this chapter.

## **CHAPTER 15**

### **PUBLIC HEALTH**

**142. Duties of the Corporation with respect to public health.-**It shall be the duty of the Corporation, or any other agency authorized by it in this behalf, to take adequate measures on the subject of public health including inspection, supervision, regulation, and control of premises to ensure proper sanitation,prevent the spread of dangerous diseases and undertake such measures necessary to maintain the necessary standards of public health..

**143. Corporation's power to order or undertake sanitation of buildings or sites.**-(1)Subject to such regulations as may be made in this

behalf, the Zonal Commissioner or any other officer authorised in this behalf may, either on her own or through any other agency or officer authorized by her in this behalf –

(a) cause any building or other premises to be inspected for the purpose of ascertaining the sanitary conditions thereof,

(b) require the owner or the occupier of any land or building or any part thereof to cleanse it, if it appears necessary so to do for reasons of sanitation,

(c) issue such order as she deems necessary for the improvement of any unsanitary premises which are likely to cause risk of disease to the inmates of such premises or to the inhabitants of the neighbourhood or are, for any reason, likely to endanger community health or safety,

(d) by notice, prohibit the owner or the occupier from the use of any building, or any room in a building, which appears to her to be unfit for human habitation, as dwelling,

(e) direct the filling up of any well, pool, ditch, tank, pond, pit or undrained ground, cistern, or reservoir of any waste or stagnant water, which appears to her to be, or likely to become, injurious to health or offensive to the neighbourhood,

(f) by notice, require the owner or person having control over any private water course, spring, tank, well or other place the water of which is used for drinking, bathing or washing clothes to keep the same in good repair, to cleanse it in such manner to protect it from pollution,

(g) by notice, direct the owner or occupier to cleanse of any building or land, which appears to her, or likely to become, which if left unattended would be injurious to public health. njurious to health or offensive to the neighbourhood.

(2) Where the Zonal Commissioner or the officer authorised in this behalf, is of the opinion that there is a threat to health or safety on any land or building, she may, by notice, in writing, require the person by whose act, default or sufferance said threat arises or continues or all of the owners, lessees or occupiers of such land or building to remove or abate the same by taking such measures, in such manner, and within such period, as may be specified in the notice.

(3) If immediate action is necessary, the Commissioner may herself before giving such notice or before the period of notice expires secure, take such measures, as she thinks fit to prevent the threat to health or safety, and the cost of so doing shall be recoverable from the owner or occupier of the building or land in the manner provided in section \_\_\_\_.

**144. Power to Notify Dangerous Diseases.**-(1)On notification of the Corporation of the existence of any dangerous disease in any public or private dwelling in the municipal area, the Zonal Commissioner may undertake such measures as necessary for the prevention of the dangerous disease

(2) The Zonal Commissioner, or any officer authorised in this behalf, if it appears reasonable to her inspect any place in which any dangerous disease is reported or suspected to exist and take such measures as she may think fit to prevent the spread of such disease beyond such place.

(3) In the event of prevalence of a dangerous disease within a municipal area, the Zonal Commissioner may, by notice, require the owner or occupier of any building or site used for the purpose of public entertainment to be closed for such period as it may deem necessary.

## **CHAPTER 16**

### **DISASTER MANAGEMENT**

**145. Management of disasters.**-(1)As far as possible, the Corporation shall, assist the concerned authorities of the Central Government or the State Government established for the prevention or management of any natural calamity in such manner as it may be directed to do so.

(2) Subject any Act of the State Legislature or the Parliament, the Corporation shall undertake all measures necessary while performing its regulatory and supervisory functions under this Act to mitigate any risk of natural or technological calamity

(3) The Corporation shall prepare a Fire Hazard Response and Mitigation Plan every year as prescribed by the State Government through a consultative process and publish the Plan in the Official Gazette.

## **CHAPTER 17**

### **WASTE MANAGEMENT**

**146. Duty of the Municipal Corporation in handling solid waste.**-(1)It shall be the duty of the Municipal Corporation, either through

an agency or through its own to implement the provisions of the Solid Waste Management Rules, 2016 to regulate the management and handling of municipal solid waste and for the development of any infrastructure for collection, storage, transportation, processing and disposal of such solid wastes.

(2) The Municipal Corporation shall also prepare a solid waste management plan in accordance with the policy of the state and implement this strategy.

(3) The Municipal Corporation shall also train waste pickers and collectors on solid waste management.

(4) The Municipal Corporation shall also involve communities in waste management and shall promote home composting and other such processes at the community level.

(5) The Municipal Corporation shall create public awareness through information about the need for ensuring proper waste management.

**147. Entrustment of management and handling of solid wastes and billing and collection of charges.**-Notwithstanding anything contained elsewhere in this Act, for the purposes of management and handling of municipal solid wastes and for development of infrastructure, if any, for collection, storage, transportation, processing and disposal of such solid wastes, a charge shall be levied, and payment thereof shall be made, at such rate as the municipal corporation may fix, from time to time.

Provided that, the charge as aforesaid shall, as far as practicable, be such as shall cover the costs on account of management and handling of municipal solid wastes and development of infrastructure, if any, for collection, storage, transportation, processing and disposal thereof.

**148. Identification of places for disposal and final disposal of solid waste.**-The municipal corporation may, either on its own or through any other agency, cause the solid wastes to be disposed of at such place or places within or outside the municipal area, and in such manner, as it considers suitable.

Provided that the solid wastes shall not be finally disposed of in any manner which the State Government may think fit to disallow.

**149. Duty of owners and occupiers of premises to store solid wastes at the source of the generation.**-It shall be the duty of the owners and the occupiers of all lands and building in the municipal area. –

- (1) to have the premises swept and cleaned on a regular basis;
- (2) to provide for separate receptacles or disposal bags for the storage of
  - (a) organic and bio-degradable wastes,
  - (b) recyclable or non-bio-degradable wastes, and
  - (c) domestic hazardous wastes so as to ensure that these different types of wastes do not get mixed;
  - (d) to keep such receptacles in good condition and order; and
  - (e) to cause all such wastes, including rubbish, any noxious or offensive matter, night soil, filth, trade refuse, dung, bones, ashes, carcasses of dead animals, bio-medical wastes and other polluted and obnoxious matters to be collected from their respective premises and to be deposited in community bins or receptacles at such times and in such places as the Zonal Commissioner may, by notice, specify.

**150. Duty of the corporation for handling different types of waste.-**

- (1) Bio-medical waste:

It shall be the duty of the Municipal Corporation, through an agency or by itself to implement the provisions of the rules prescribed under this Act.
- (2) E-waste:

It shall be the duty of the Municipal Corporation, through an agency to implement the provisions of the rules prescribed under this Act.
- (3) Plastic waste:

It shall be the duty of the Municipal Corporation to implement the provisions of the of the rules prescribed under this Act.

**151. Responsibilities of commercial waste generators.-** (1)  
The Waste Generators such as Street Vendors shall segregate the Solid Waste generated during the course of its activity such as food waste, disposable plates, cups, cans, wrappers, coconut shells, leftover food, vegetables, fruits and similar items.

- (2) Every Occupier of any Premises who generates poultry, fish and slaughter waste as a result of any commercial activity, shall store such waste separately in a closed and hygienic condition and such waste shall not be mixed with any other category of Solid Waste.

**152. Functions of the Ward Committee.-** (1) The Ward Committee shall organize collection of municipal solid wastes through any of the methods, like community bin collection, house-to-house collection, and collection on regular pre-informed times and schedules;

(2) The Ward Committee shall devise collection of wastes from slums and squatter areas or other localities including hotels, restaurants, office complexes and commercial areas;

(3) The Ward Committee shall remove at regular intervals all solid wastes so collected under clause (1) and clause (2) for disposal on daily basis, and

(4) The Ward Committee shall arrange for making use of biodegradable wastes from slaughterhouses, meat and fish markets, and fruits and vegetable markets in an environmentally acceptable manner.

(5) The Ward Committee shall also ensure that solid waste is collected from public spaces such as parks, markets, roads, streets, gardens and similar areas that fall within the respective ward.

**153. Duties of Ward Committees with regards to waste management.-**

(1) The Ward Committees established under this Act shall work with the Municipal Corporation for proper solid waste management and sanitation work in the ward.

(2) The Ward Committees will prepare Ward action plan which shall take into account consideration the Ward requirement, budgetary allocations, infrastructure requirement while aligning it with the Ward Micro Plan and other policies of the Corporation.

(3) The Ward Committee shall assess the type and quantity of Solid Waste generated in the Ward, existing processing capacity, plans for additional processing and facilities.

(4) The requirements and targets identified in the Ward action plan shall be monitored regularly by the Ward Committee.

(5) In accordance with the Ward Action Plan, the Ward Committees shall assess the type and quantity of waste generated, manner of waste



collection and waste processing and such other facilities that may help in proper waste management in their respective wards.

(6) The Ward Plan shall also take into consideration the various categories of waste, collection points and vehicles for waste collection and such other information as is required for the implementation of the Solid Waste Management Rules, 2016.

(7) Such a plan shall be regularly monitored and reviewed under the aegis of the Zonal Commissioner and he may appoint such other officers on his behalf to carry out the said review.

(8) The Zonal Commissioner or the officer appointed on his behalf shall have the authority to inspect and shall prepare a report in this regard which is to be reviewed by the Corporation. For the purpose of inspection, the officer shall have the right to enter any place, at all reasonable times, for the purposes of complying with the Ward Action Plan.

(9) The Ward Committee shall deliberate on the action taken by the Corporation and take necessary steps that are required to comply with the recommendations set out in such report.

(10) The Ward Committee shall formulate a committee that shall comprise of concerned citizens in each ward to survey and provide regular reports for monitoring cleanliness, collection of solid waste and to participate in the organisation of cleanliness drives or awareness campaigns in their Ward.

(11) There shall be periodic meetings of the said committee with the Ward committee to ensure the implementation of redressal of issues highlighted in the reports prepared by the Waste Management Committee.

**154. Ward Micro Plan.**-(1) The Corporation shall create a solid waste management plan for every block in a Ward and ensure its implementation along with the Ward Committee. The Ward Micro Plan shall contain the collection times for different categories of Solid Waste, details of the collection vehicles and points, Block-wise map of the Ward, roads/streets for street sweeping, manpower and other information required for effective implementation of the solid waste management as may be considered appropriate by Corporation.

(2) The Zonal Committee shall committee shall conduct regular checks in various parts of the Wards and other places of collection,

transportation, processing and disposal of Solid Waste within its territorial limits to supervise compliance of various provisions of SWM Rules and this Act.

(3) The Corporation may authorize officers who shall monitor and review the implementation of the Ward micro plan and prepare Ward action report on a monthly basis for onward submission to the Zonal Commissioner of the Corporation.

(4) Such an officer shall have the right to enter, at all reasonable times,, with such assistance as he considers necessary, any place for the purpose of ,-

(a) performing any of the functions entrusted to him by the Corporation or

(b) determine compliance of the provisions of this Act.

(5) The Corporation shall publicise the manner of segregation through the media, signs, advertisement, leaflets, announcement on radio and televisions, newspapers and through any other appropriate means, so that all citizens are made aware about the duties of citizens and the Corporation in relation to segregation, recycling, littering, nuisance, penalties and fines.

**155. Grievance Redressal.-** (1) The Corporation shall address public grievance redressal through a system for registering complaints regarding non-collection of Solid Waste and other violations of this Act.

(2) The Corporation shall ensure that each grievance is redressed in a timely and efficient manner bearing in mind the type of grievance, inconvenience cause to public and the remedial action proposed to be taken.

**156. Training and public awareness.-**The Corporation shall undertake training to educate its staff, informal waste pickers/collectors on collecting and transporting of Solid Waste in a segregated manner and processing the Solid Waste in a manner set out in the SWM Rules and under this Act.

**157. Reduction of waste by the Corporation.-**The Corporation shall make efforts to minimise and reduce the generation of Solid Waste by discouraging the production, sale and consumption of products containing unnecessary packaging material, disposable products through awareness programs and provision of incentives.

**158. Penalties.-** (1) Whosoever contravenes or fails to comply with any of the provisions of the Waste Management Rules shall be punished with a fine as determined by such applicable rules or byelaws. the Municipal Corporation.

(2) The Municipal Corporation shall also take appropriate action including the imposition of penalties initiation of disciplinary action against those employees who fail to discharge their functions in accordance with the Act or through any Rules or Byelaws that may be issued for this purpose.

**159. Waste generated during public gatherings.-**(1) Every person who organizes an event or gathering of more than 100 people at any licensed place shall ensure the segregation of solid waste in a manner as prescribed.

(2) Each person shall also ensure that cleanliness of the area after the event where the Solid waste is segregated, collected and processed in accordance with the law as prescribed.

(3) The procedure for managing waste generated during public gatherings shall be prescribed by byelaws thereunder.

## **CHAPTER 18**

### **URBAN HERITAGE**

**160. Protection, Conservation and Maintenance of Urban Heritage.-**

(1) The Corporation shall be responsible –

(a) To conserve or preserve heritage buildings or sites and heritage areas of historical, architectural, cultural, environmental or ecological significance or sites of scenic beauty that they are not adversely affected by any new development within the jurisdiction of the Corporation.

(b) To enhance the elements of urban design and built character including landscape of the city

(c) To provide the guidelines with regard to demolition, protection, conservation or re-building of and alterations or additions to the existing building those are to be designated and conserved in heritage areas.

(2)The Corporation shall issue regulations or bye-laws for the implementation of this chapter in accordance with those orders, rules,

regulations, bye-laws or guidelines issued by the Central Government or the State Government from time to time.

**161. Preparation of List of Heritage Sites Including Heritage Buildings, Heritage Precincts and Listed Natural Features Areas.**-(1)The Chief Commissioner shall prepare and supplement a list of heritage sites including Heritage Buildings, Heritage Precincts and listed Natural Features Areas on the advice of the Heritage Conservation Committee.

(2) Before being finalized, objections and suggestions of the public are to be invited and considered.

(3) The list may be supplemented from time to time by the Chief Commissioner upon the recommendations of the Government. When a building or group of buildings or natural feature areas are listed it would mean, unless otherwise indicated, that the entire property including its entire compound / plot boundary along with all the subsidiary structures and artefacts, within the compound/ plot boundary, shall form part of the list.

**162. Incentives for Heritage Buildings.**-The Corporation may provide incentives to the owners or occupiers of heritage buildings included in the Heritage Conservation List, in such manner as may be prescribed, which may include provision financial support, exemption from property tax, and such other incentive as may be deemed necessary to assist in the preservation of heritage buildings in the existing state, and to preserve its heritage state with due repairs:

Provided that, if the heritage building is not maintained suitably or if the heritage value of the building is spoiled in any manner, the incentives may be revoked and such penalties may be levied, as prescribed.

**163. Appointment of a Heritage Conservation Committee.**-(1)The State Government shall constitute a Heritage Conservation Committee endowing it with such powers and functions as may be prescribed.

(2) The Commissioner, on the advice of the Heritage Conservation Committee, shall frame appropriate regulations for the protection, conservation and maintenance of heritage buildings and sites in the city.

(3) The Heritage Conservation Committee shall comprise of:

	Chief Commissioner	Chairpers on
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	In-charge, Architecture, State PWD	Member
	Structural Engineer having experience of ten years in the field and membership of the Institution of Engineers, India	Member
	Architect having ten years of experience	Member
	Urban Designer	Member
	Conservation Architect having five years of experience	Member
	Environmentalist having in-depth knowledge and ten years' experience in the field	Member
	Historian having in-depth knowledge and ten years' experience in the field	Member
	Natural historian having in-depth knowledge and 10 years' experience in the field	Member
	Representative, State Archaeological Department	Member
	Chief Town Planner, State Town & Country Planning Department	Member-Secretary

(4) The Committee shall have the powers to co-opt up to three additional members who may have related experience.

(5) The working of the Committee shall be as prescribed.

(6) The tenure of the Chairperson and Members of the Committee, other than any official representation, shall be three years.

**164. Listing of Heritage Buildings and Sites.**-(1)The Heritage Buildings and Heritage Precincts listed shall be graded into categories as laid down in Schedule II.

(2) Any modification, repair, change in facade, interior or exterior, that could alter the character of the building or site or precinct shall be made to the extent permitted in Schedule II and in accordance to any orders, rules, regulations, bye-laws or guidelines issued to this effect.

**165. Functions of the Heritage Conservation Committee.**-The Heritage Conservation Committee shall carry out the following functions –

(a) To undertake identification and listing of heritage buildings and precincts which need to be notified as and recommend the same to the Corporation for inclusion.

(b) To recommend to the Corporation whether development permission should be granted to the Heritage Buildings;

(c) To evaluate the cost of repairs to be given to the owners for conservation or maintenance of a listed building;

(d) To approve special designs and guidelines for notified buildings and control of height and essential façade characteristics of the buildings and suggest suitable designs and adopting new materials for replacements keeping the old form intact to the extent possible;

(e) To frame special regulations for Heritage Buildings and Heritage Precincts and furnish the same to the Corporation;

(f) To undertake such actions as may be necessary for the physical conservation and restoration of urban heritage buildings and sites in the city;

(g) To undertake such programs and projects for generating awareness about heritage including educational programs, identification and listing of heritage resources, conducting heritage walks, organizing lectures, seminars and conferences dedicated to heritage in the city.

**166. Ownership not affected.**-(1)Being listed as a heritage building requires the usage of the building to be in harmony with the conditions prescribed for based on its Grade and does not impose any restriction on the sale or purchase of such a building and does not require permission from the Corporation or Heritage Conservation Committee.

(2) However, the Corporation shall have the first right of refusal over sale of any listed heritage building.

## **CHAPTER 19**

### **LICENSES AND FEES**

**167. Aspects of granting license.**-(1)The Zonal Commissioner shall have the power to grant license in matters pertaining to the following subjects:

(a) Establishment and operation of Markets either wholesale or retail;

(b) Establishment and operation of Trade Establishments;

(c) Establishment and operation of Slaughterhouses;

- (d) Establishment and operation of Restaurants;
- (e) Establishment and operation of Industries;
- (f) Establishment and operation of Commercial undertakings;
- (g) Establishment and operation of Corporate Offices;
- (h) Establishment of Service apartments, paying guest accommodation;
- (i) Establishment and operation of Shared office and living spaces;
- (j) Establishment and operation of Hospitals and nursing homes;
- (k) Establishment and operation of Resthouses;
- (l) Establishment and operation of Theatres, fairs, circuses and places of public amusement;
- (m) Establishment and operation of Milk Trade;
- (n) Keeping of animals and birds;
- (o) Establishment of Stables, cattlesheds and cowhouses;
- (p) Providing for Places for burial of the dead;
- (q) Establishment of Foodtrucks or any cart stands;
- (r) Erection of Advertisements in public places

(2) The manner of procuring license for matter pertaining to subjects specified under sub section (1) shall be provided for under the Rules or Byelaws.

**168. Exemption of the government from procuring license.-**

The State Government or the Central Government shall not be required to procure a license from the Corporation in respect of any place in the occupation or under the control of or any property belonging to such Government.

**169. Licenses and written permission to specify conditions on which they are granted.-**

(1) Whenever it is provided in this Act that a licence or a written permission may be given for any purpose, such licence or written permission shall specify the period for which and the restrictions and conditions subject to which, the same is granted, and shall be given under the signature of the Zonal Commissioner or of a municipal officer empowered to grant the same for that particular zone.

(2) For every such license or written permission granted, a fee may be charged at such rate as shall be fixed by the Corporation

(3) The manner of fixation shall be provided for under rules or byelaws under the Act.

(4) The fee fixed by the Zonal Commissioner shall be distinct for each zone and shall depend on factors such as the location and commercial reach.

(5) Any license or written permission granted under this Act may be suspended or revoked by the Zonal Commissioner, if any of its restrictions or conditions are infringed or evaded by the person to whom the same has been granted or if the said person is convicted of an infringement of any of the provisions of this Act or of any bye-law made hereunder in any matter to which such licence or permission relates.

(6) If any premises are used in contravention of the terms of the license granted or is being used even after the license has been suspended or revoked by the Zonal Commissioner, the Zonal Commissioner may at any time by written notice require that the same shall be discontinued by the person so using it.

(7) Every application for a license or permission shall be addressed to the Zonal Commissioner.

**170. Power of the Zonal Commissioner to stop use of premises used in contravention of licenses.**-If the Zonal Commissioner is of the opinion that any eating House, lodging house, hotel, boarding house, tea shop, coffee house, cafe, restaurant, refreshment room or other place where the public are admitted for repose or for consumption of any food or drink or where food is sold or prepared for sale or any theatre, circus, cinema house, dancing hall or similar other place of public resort, recreation or amusement is kept open without a licence or otherwise than in conformity with the terms of a licence granted in respect thereof, he may stop the use of any such premises for any such purpose for a specified period by such means as he may consider necessary

**171. Inspection of places where sale is carried out.**-The Zonal Commissioner shall make provision for the constant and vigilant inspection of animals, carcasses, meat, poultry, flesh, fish, fruit, vegetables, corn, bread, flour, milk, ghee, butter, oil and any other articles exposed or hawked about for sale or deposited in or brought to any place for the purpose of sale or preparation for sale.

**172. Power of the Zonal Commissioner for the purposes of inspection.**-

The Zonal Commissioner or any person authorized by him in writing for the purpose may, without notice, enter any slaughter house or any place where animals, poultry or fish intended for food are exposed for sale or where articles of food are being manufactured or exposed for sale at any time



by day or night when the slaughter, exposure for sale or manufacture is being carried on and inspect the same and any utensil or vessel used for manufacturing, preparing or containing any such article.

## **CHAPTER 20**

### **POWER REGARDING RULES AND BYELAWS**

**173. Power of the government to make rules.**-(1)The Government may, by notification make rules for carrying out all or any of the purposes of this Act.

(2) Every rule made under this section or any other provisions of this Act shall immediately after it is made, be laid before each House of the State Legislature while it is in session for a total period of thirty days which may be comprised in one session or in two or more successive sessions and if before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall from the date on which the modification or annulment is notified by the Government in the Official Gazette have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

(3) Subject to the provisions of this Act, the Government may, by notification in the gazette, make rules, which may include the following,-

(a) conditions on which property may be acquired by the Municipal Corporation or on which property vested in or belonging to the Municipal Corporation may be transferred by sale, mortgage, lease, exchange or otherwise;

(b) the preparation of plans and estimates for works which are to be partly or wholly constructed at the expense of the Municipal Corporation and the power of the municipal authorities or Government officers to record professional or administrative sanction to estimates;

(c) the estimate of receipts and expenditure, returns, statements and reports to be submitted by Municipal Corporations;

(d) the moving of resolutions at the meeting of the Council;

(e) the form of registers and returns of births and deaths, the manner in which the registers shall be maintained, the dates on which returns shall be filed and the officer before whom returns shall be submitted;

(f) the powers of auditors inspecting and superintending officers and officers authorized to hold inquiries to summon and examine witnesses and to compel the production of documents and all other matters connected, with audit, inspection and superintendence.

(g) registration of marriages at the instance of the parties concerned containing such particulars as may be prescribed and issuance of certificates thereof on application after realizing the prescribed fees for such certificates;

(h) preparation of development plans for the municipal area, its approval and implementation;

(i) functions of Ward Committees and Ward Sabhas; and

(j) Right to information of the people on matters of municipal administration and duties.

**174. Power to make Byelaws.**-(1) Subject to the provisions of this Act, the rules and regulations, the Corporation may make Bye-laws with respect to the following, -

(2) for all matters expressly required or allowed by this Act to be provided for by Byelaws.

(3) for the due performance by all officers and employees of the corporation of the duties assigned to them;

(4) any matter relating to the proceedings of the Corporation;

(5) for the regulation of the time and mode of collecting the taxes under this Act;

(6) for regulating the construction and maintenance of drains or pipes, privies, urinals, washing places, drainage works belonging to the corporation or other persons;

(7) for regulating all matters connected to the use of water;

(8) for regulating the management, maintenance, control and use of houses intended for the poorer sections of the community vesting in the Corporation;

(9) for maintaining suitable means of access to buildings and preventing encroachment thereon;

(10) for regulating sanitation, the destruction of rodents and other preventive and remedial measures against mosquitoes, flies and other insect pests;

(11) for facilitating and securing complete and accurate registration of births and deaths;

(12) for protection of the property of the corporation;

(13) for regulating the holding of fairs and industrial exhibitions in the City;

(14) for regulating the measures to be taken in the event of the outbreak of any disease among animals which is communicable to man and the supply of information which will facilitate the taking of such measures;

(15) for the maintenance of sufficient open space to secure a free circulation of air and for the adequate ventilation of buildings;

(16) for the control and supervision of public and private cart-stands, for the regulation of their use and for the levy of fees therein;

(17) for the regulation and licensing of foodtrucks

(18) for the inspection of milch-cattle and the regulation of the ventilation, lighting, cleaning drainage and water-supply of dairies and cattle-sheds in the occupation of persons following the trade of dairyman or milk-seller

(19) for enforcing the cleanliness of milk-stores and milk-shops and vessels and utensils used by the keepers thereof or by hawkers for containing or measuring milk or preparing any milk product and for enforcing the cleanliness of persons employed in the milk trade;

(20) for prescribing the qualifications and experience of architects, engineers, structural designers and plumbers;

(21) for the regulation of the use of public streets, and the closing thereof or part thereof;

(22) for the regulation of the laying of any cable including Optical Fibre Cables and imposing the conditions thereof and levying of such fees;

(23) for the regulation of the use of parks, gardens and other places that come under the Corporation;

(24) For the regulation and licensing of hotels, lodging houses, boarding houses, theatres, fairs, choultries, rest houses, restaurants, eating houses, cafes, refreshment rooms, coffee houses and any premises which is utilized by the public for consumption of any food or drink or any place where any food or drink is sold;

(25) For the regulation and licensing of industries, commercial undertakings and corporate offices;

(26) For the regulation and licensing of paying guests accommodation and service apartments;

(27) For the regulation and licensing of shared office and living spaces;

(28) For the regulation and licensing of hospitals and nursing homes;

(29) for the sanitary control and supervision of factories and places used for any of the purposes and of any trade or manufacture carried on therein

(30) (a) for the regulation of burial and burning and other places for the burial of corpses;

(b) for the levy of fees for the use of such burial and burning grounds and crematoria as are maintained by the Corporation;

(c) for the verification of deaths and the cause of death;

(31) (a) for the inspection of public and private markets and shops and other places therein;

(b) for the regulation of their use and the control of their sanitary condition.

(32) (a) for the control and supervision of slaughter houses and of places used for skinning and cutting up of carcasses;

(b) for the control and supervision of the methods of slaughtering;

(c) for the control and supervision of butchers carrying on business in the city or at any slaughter-house outside the city provided or licensed by the corporation;

(d) controlling and regulating the sanitary condition of markets and slaughter-houses and preventing the exercise of cruelty therein.

(33) for the prevention of dangerous diseases of men or animals;

(34) for the enforcement of compulsory vaccination;

(35) for the prevention of out-breaks of fire;

(36) for the prohibition and regulation of advertisements;

(37) for the registration of marriages;

**175. Sanction of bye-laws by Government.**-No bye-law made by the corporation under this Act shall have any validity unless and until it is sanctioned by the Government.

Provided that, if the sanction is not accorded within **one** month the bye-laws shall be deemed to have been sanctioned.

**176. Conditions precedent to making of bye-laws.**-The power to make bye laws under this Act is subject to the conditions, -

- (1) that a draft of the proposed bye-law is published in the Official Gazette and in the local newspapers;
- (2) that the draft shall not further proceed until after the expiration of a period of thirty days from the publication thereof in the Official Gazette or of such longer period as the corporation may appoint;
- (3) that for at least thirty days, during such period a printed copy of the draft shall be kept at the corporation office for public inspection and all persons are permitted to peruse the same at any reasonable time free of charge;

**177. Power of Government to make rules in lieu of bye-laws.**- (1) If, in respect of any of the matters specified in section (6), the corporation has failed to make any bye-laws or if the bye-laws made by it are not, in its opinion adequate, the Government may make rules providing for such matters to such extent as it may think fit.

(2) Rules made under this section, may add to, alter, or cancel any bye-law made by the corporation.

(3) Before making any rule under this section, the Government shall give the corporation an opportunity of showing cause against the making thereof.

**178. Publication of rules, regulations and bye-laws.**-(1)When any rule or bye-law has been made under this Act, such rule or bye-law shall be published in the Official Gazette in English and in Kannada.

(2) A bye-law shall come into operation three months after it has been published as aforesaid.

(3) The Commissioner shall cause all rules and bye-laws in force to be printed in the said languages, and shall cause printed copies thereof to be sold to any applicant on payment of a fixed price.

(4) The Commissioner shall advertise in the local newspapers that copies of rules and bye-laws are for sale and specify the place where and the person from whom and the price at which, they are obtainable.

(5) Regulations made under this Act shall be published in such manner as the corporation may determine.

**179. Exhibition of rules, bye-laws and regulations.**-(1)Printed copies of byelaws and of rules and regulations shall be hung up in some conspicuous part of the corporation office.

(2) No corporation officer or servant shall prevent any person from inspecting at any reasonable time copies so exhibited.

(3) No person shall, without lawful authority, destroy, pull-down, injure or deface any copies exhibited as above or any board to which the copies have been affixed.

**180. Savings of previous rules, bye-laws and continuation of legal proceedings.**-(1)Any rules or byelaws made by the state government or the corporation respectively in exercise of the powers under the Karnataka Municipal Corporations Act, 1976 shall continue to be in force unless expressly repealed or replaced by the competent authority under this Act.

(2) Notwithstanding anything in this Act, all proceedings initiated under the Karnataka Municipal Corporations Act, 1976 by and against BBMP shall continue to remain valid.

**181. Sanction for prosecution of Mayor, Deputy Mayor, etc.**- When the Mayor or Deputy Mayor, or any councillor or the Commissioner or any officer of

Government working in the corporation on deputation is accused of any offence alleged to have been committed by him while acting or purporting to act in the discharging of his official duty, no magistrate shall take cognizance of such offence except with the previous sanction of the Government.

**182. Cognizance of offences.-** All offences against this Act, or against any rule, bye-law, regulation or order made under it, whether committed within or outside the city, shall be cognizable by a first class magistrate having jurisdiction in the city; and such first class magistrate shall not be deemed to be incapable of taking cognizance of any such offence or of any offence against any enactment hereby repealed, by reason only of his being liable to pay any corporation rate or other tax or of his being benefited by the corporation fund to the credit of which any fine imposed by him will be payable.

**183. Corporation security force.-** (1) There shall be constituted and maintained a force to be called the corporation security force,-

(i) for the better protection and security of the property owned by the corporation;

(ii) for aiding the officers of the corporation in the detection and investigation of any matter relating to leakage of revenue or any tax payable to the corporation;

(iii) for effective communication and obtaining of any information regarding any design to commit or the commission of any offence by any person under this Act, any rule, bye-law or regulation or order made under it.

(2) The corporation security force shall consist of such number of supervisory officers and members as may be determined by the corporation and shall be appointed by the Commissioner in accordance with such rules as may be prescribed.

(3) The Commissioner shall exercise powers of superintendence and control over the corporation security force and matters relating to recruitment and conditions of service, the conduct and discipline of the members of the security force shall be governed by such rules as may be prescribed.



**184. Payment of compensation.-** (1) Whenever in pursuance of section \_\_\_\_\_, the requisitioning authority requisitions any premises, the Corporation concerned shall pay to the persons interested compensation, the amount of which shall be determined by the requisitioning authority by taking into consideration the following factors that is to say:-

(i) the rent payable in respect of the premises, or if not rent is so payable, the rent payable for similar premises in the locality;

(ii) if in consequence of the requisitioning of premises, the person interested is compelled to change his residence or place of business, the reasonable expenses, if any, incidental to such change:

Provided that, when any person interested being aggrieved by the amount of compensation so determined makes an application to the requisitioning authority within thirty days of the order under sub-section (1) the matter shall be referred by the requisitioning authority to the Civil Judge having jurisdiction in the locality and the amount of compensation to be paid shall be such as the Civil Judge may determine.

Explanation.- In this sub-section, the expression "person interested" means the person who was in the actual possession of the premises requisitioned immediately before the requisitioning or where no person was in such actual possession, the owner of such premises.

(3) Whenever in pursuance of section 468A, the requisitioning authority requisitions any vehicle, vessel or animal the Corporation shall pay to the owner thereof compensation, the amount of which shall be determined by the requisitioning authority on the basis of fares or rates prevailing in the locality for the hire of such vehicle, vessel or animal: Provided that where the owner of such vehicle, vessel or animal being aggrieved by the amount of compensation so determined, makes an application within thirty days to the requisitioning authority, the matter shall be referred to the Civil Judge having Jurisdiction in the locality and the amount of compensation to be paid shall be such as the Civil Judge may determine:

Provided further that where immediately before the requisitioning the vehicle or vessel was by virtue of a hire purchase agreement in the

possession of a person other than the owner the amount determined under this sub-section as the total compensation shall be apportioned between that person and the owner in such manner as they may agree upon and in default of agreement in such manner as an arbitrator appointed by the requisitioning authority in this behalf may decide.

**185. Penalty for unauthorised use of corporation property.-** Whoever dishonestly misappropriates or converts to his own use any corporation property or puts into improper or unauthorised use such property shall, on conviction, be punished with imprisonment which may extend to three months or with fine which may extend to five thousand rupees or with both.

**186. Penalty for leaving vehicle or animal in dangerous position in public street.-** (1) No person in charge of a vehicle or animal shall cause or allow the vehicle or animal to remain at rest on any public street or public place in such a position or in such a condition or in such circumstances as to cause or is likely to cause danger, obstruction or undue in-convenience or nuisance to other users of the public street and no person in charge of a vehicle or animal shall allow any vehicle or animal to stand in a public street or public place unless it is under adequate control.

(2) Whoever contravenes sub-section (1) shall on conviction be punished with fine which may extend to one thousand rupees.

**187. Compounding of offence.-** Any officer authorized by the Commissioner not below the rank of Group-B officer may accept, in the prescribed manner, from any person who has committed or is reasonably suspected of having committed an offence punishable under this Act such sum of money not exceeding the penalty amount specified in this Act or any sum of money as may be prescribed, by way of composition of the offence which such person has committed or is reasonably suspected of having committed and on the payment of such sum of money to the

authorized officer such person, if in custody, shall be set at liberty and no further proceedings shall be taken against such person with reference to the same act.

**188. Power to give retrospective effect to certain bye-laws and penalties for breaches of bye-laws.-**

(1) Bye-laws with regard to the drainage of, and supply of water to, buildings and water-closets, earth closets, privies, ash-pits, solid waste management and cess-pools in connection with buildings and the keeping of water-closets supplied with sufficient water for flushing may be made so as to affect buildings erected before the making of bye-laws under this Act.

(2) In making any bye-law under sections 423 and this section the corporation may provide that a breach thereof shall be punishable.-

(a) with fine which may extend to one thousand rupees, and in case of a continuing breach, with fine which may extend to three hundred rupees for every day during which the breach continues after conviction for the first breach, or

(b) with fine which may extend to two hundred rupees for every day during which the breach continues after receipt of notice from the Commissioner to discontinue such breach.

**189. Application of term "public servant", to corporation officers, agents and sub-agents.-**

Every councillor, officer or servant, every contractor or agent for the collection of any corporation tax, fee or other sum due to the corporation and every person, employed by any such contractor or agent for the collection of such tax, fee, or sum shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code.

**190. Offences by companies.-**

(1) Where any offence under this Act has been committed by a company, every person who, at the time the offence was committed, was in charge of, and was responsible to, the company for the conduct of the business of the company, as well as the company, shall

be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this sub-section shall render any such person liable to any punishment provided in this Act if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1) where an offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of or is attributable to any neglect on the part of any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation.- For the purpose of this section,-

(a) "company" means a body corporate, and includes a firm;

(b) "director" in relation to a firm means a partner in the firm. 1

**191. Official display of flag.-** (1) No person shall fly any flag other than the National Flag or a flag approved by the Government on the office of the Corporation.

(2) Whoever contravenes sub-section (1) shall be punished with imprisonment for a term which may extend to three months or with fine which may extend to rupees five thousand or with both and in the case of continuing contravention with a further fine which may extend to rupees five hundred for each day during which the contravention continues.

**192.. Bidding prohibited.-** (1) No employee or officer of the corporation having any duty to perform in connection with the sale of movable or immovable property by or on behalf of the corporation under this Act shall directly or indirectly bid for or acquire interest in any property sold at such sale.

(2) Any person who contravenes the provisions of sub-section (1) shall be punished with fine which may extend to five hundred rupees and shall also be liable to dismissal from service.

**193. Effect of absorption of Panchayat area into a larger urban area .-**

If any local area consisting of one or more revenue villages in respect of which a Panchayat area has been constituted under the Karnataka Gram swaraj and Panchayat Raj Act, 1993 is included in a larger urban area by virtue of a notification under sub-section (1) of section 4 then, notwithstanding anything contained in this Act or in the Karnataka Gram swaraj and Panchayat Raj Act, 1993 , but subject to the provisions of section 4 of this Act, with effect from the date on which such area is included in a larger urban area , the following consequences shall ensue, namely:-

(a) the Grama Panchayat of such local area (here-inafter referred to as the panchayat) shall cease to exist and the Taluk Panchayat and Zilla Panchayat within the jurisdiction of which such area is situated shall cease to have jurisdiction over such area;

(b) the unexpended balance of the Grama Panchayat Fund and the property (including arrears of rates, taxes and fees) belonging to the panchayat and all rights and powers which, prior to such notification, vested in the panchayat shall, subject to all charges and liabilities affecting the same, vest in the corporation of the larger urban area (hereinafter referred to as the corporation);

(c) any appointment, notification, notice, tax, order, scheme, licence, permission, rule, bye-law or form, made, issued, imposed or granted under the Karnataka Gram Swaraj and Panchayat Raj Act, 1993 , immediately before the said date in respect of the said local area shall continue in force and be deemed to have been made, issued, imposed or granted under this Act until it is superseded or modified by any appointment, notification, notice, tax, order, scheme, licence, permission, rule, bye-law or form, made, issued, imposed or granted under this Act; (d) all budget estimates, assessments, assessment lists, valuations or measurements, made or

authenticated under the Karnataka Panchayat Raj Act, 1993 , immediately before the said date in respect of the said local area shall be deemed to have been made or authenticated under this Act.

(e) all debts and obligations incurred and all contracts made by or on behalf of the panchayat immediately before the said date and subsisting on the said date shall be deemed to have been incurred and made by the corporation in exercise of the power conferred on it by this Act.

(f) all officers and servants in the employ of the panchayat immediately before the said date shall become officers and servants of the corporation under this Act and shall, until other provision is made in accordance with the provision of this Act receive salaries and allowances and be subject to the conditions of service to which they were entitled or subject immediately before such date:

Provided that it shall be competent to the corporation, subject to the previous sanction of the Government to discontinue the services of any officer or servant, who, in its opinion, is not necessary or suitable for the requirements of the service under the corporation after giving such officer or servant such notice as is required to be given by the terms of his employment and every officer or servant whose services are dispensed with shall be entitled to such leave, pension, provident fund and gratuity as he would have been entitled to take or receive on being invalidated out of service, as if the panchayat in the employ of which he was, had not ceased to exist;

(g) all proceedings pending on the said date before the panchayat shall be deemed to be transferred to and shall be continued before the corporation; (h) all appeals pending before any authority shall, so far as may be practicable, be disposed of as if the said local area had been included in the larger urban area when they were filed;

(i) all prosecutions instituted by or on behalf of the panchayat and all suits or other legal proceedings instituted by or against the panchayat or any officer of the panchayat pending on the said date shall be continued by or against the corporation as if the said local area had been included in

the larger urban area when such prosecutions, suits or proceedings were instituted;

(j) all arrears of rates, taxes and fees vesting in the corporation shall, notwithstanding that such rates and fees cannot be levied under this Act, be recoverable in the same manner as a tax recoverable under this Act; (k) until the reconstitution of the corporation in accordance with the provisions of this Act, notwithstanding anything to the contrary contained in this Act, such number of persons ordinarily resident in the local area included in the larger urban area who are nominated by the Government shall be additional councillors of the corporation.

**194. Removal of difficulties.-** If any difficulty arises in giving effect to the provisions of this Act the Government may by order, published in the official Gazette, as the occasion may require, do anything which appears to it to be necessary to remove the difficulty.

**195. Metropolitan Planning Committee.-** (1) The Government shall constitute a Metropolitan Planning Committee for the Bangalore Metropolitan Area to prepare a draft development plan for such area as a whole.

Explanation.- For the purpose of this section "Bangalore Metropolitan area" means an area specified by the Governor to be a metropolitan area under clause (c) of Article 243P of the Constitution of India.

(2) The Metropolitan Planning Committee shall consist of thirty persons of which,-

(a) such number of persons, not being less than two-thirds of the members of the Committee, as may be specified by the Government shall be elected in the prescribed manner by, and from amongst, the elected members of the corporations, the Municipal Councils and town Panchayats, and the Adyakshas and Upadyakshas of Zilla Panchayats, Taluk Panchayats and Grama Panchayats in the Metropolitan area in proportion to the ratio between the population of the city and other municipal area and that of

the areas in the jurisdiction of Zilla Panchayat, Taluk Panchayat and Grama Panchayat;

(b) such number of representatives of,-

(i) the Government of India and the State Government as may be determined by the State Government, and nominated by the Government of India or as the case may be, the State Government;

(ii) such organisations and institutions as may be deemed necessary for carrying out of functions assigned to the committee, nominated by the State Government;

(3) All the members of the House of the People and the State Legislative Assembly whose constituencies lie within the Metropolitan area and the members of the Council of State and the State Legislative Council who are registered as electors in such area shall be permanent invites of the Committee.

(4) The Commissioner, Bangalore Development Authority shall be the Secretary of the Committee.

(5) The Chairman of the Metropolitan Planning Committee shall be chosen in such manner as may be prescribed.

(6) The Metropolitan Planning Committee shall prepare a draft development plan for the Bangalore metropolitan area as a whole.

(7) The Metropolitan Planning Committee shall, in preparing the draft development plan,-

(a) have regard to,-

(i) the plans prepared by the local authorities in the Metropolitan area;

(ii) matters of common interest between the local authorities including coordinated spatial planning of the area, sharing of water and other physical and natural resources, the integrated development of infrastructure and environmental conservation;

(iii) the overall objectives and priorities set by the Government of India and the State Government;

(iv) the extent and nature of investments likely to be made in the Metropolitan area by agencies of the Government of India and of the State Government and other available resources whether financial or otherwise;



(b) consult such institutions and organisations as the Governor may, by order, specify.

(8) The Chairman of the Metropolitan Planning Committee shall forward the development plan, as recommended by such Committee, to the State Government.

**196. Transitory provisions.-** Any rule, notification, order or appointment, made or issued under the Municipal Corporations Act, 1976 ( Karnataka of 14 of 1976) and Rules made there under or otherwise providing for or relating to any of the matters for the furtherance of which this Act is enacted, before the date of commencement of this Act and in force on the date of commencement of this Act, to the extent they are not inconsistent with the provisions of this Act, shall continue to be in force and effective as if they are made or issued or appointed under the corresponding provisions of this Act unless and until superseded by anything done or any action taken or any rules, notification, order or appointment made under this Act.

**197. Repeal and Savings.-**The provisions of the municipal corporations Act, 1976 ( Karnataka of 14 of 1976) pertaining to the Bruhath Bengaluru Mahanagara Palike are hereby repealed.

Provided that, such repeal shall not affect,-

- (a) anything done or any action taken under the said Act; or
- (b) the previous operation of the said Act or anything duly done or suffered thereunder; or
- (c) any right, privilege, obligation or liability acquired, accrued or incurred under the said Act; or
- (d) any penalty or punishment incurred in respect of any offence committed under the said Act:

Provided further that, the provisions of section 6 of the Karnataka General Clauses Act, 1899 (Karnataka Act III of 1899) shall be applicable in respect of repeal of the said Act.

## **FIRST SCHEDULE**

### **(A) Core Functions.-**

- (i) Urban planning including town planning,
- (ii) Regulation of land-use including protection of public land from encroachment and construction of buildings,
- (iii) Planning for economic and social development,
- (iv) Roads including footpath and road crossing facilities for pedestrians and bridges,
- (v) Water supply for domestic, industrial and commercial purposes,
- (vi) Public health, sanitation including storm water drains, conservancy and solid and liquid waste management,
- (vii) Fire services,
  
- (viii) Urban forestry, protection of the environment, promotion of ecological aspects and maintenance of environmental hygiene,
- (ix) Safeguarding the interests of persons with physical and mental disabilities,
- (x) Slum improvement and upgradation including providing basic facilities,
- (xi) Urban poverty alleviation,
- (xii) Provision and maintenance of urban amenities and facilities such as parks, gardens, playgrounds, public markets, bathing and washing ghats, waiting sheds for travellers,
- (xiii) Promotion of cultural, educational and aesthetic aspects,
- (xiv) Establishment and maintenance of burial and burning grounds, cremations, cremation grounds and electric crematoriums,
- (xv) Cattle pounds, prevention of cruelty to animals,
- (xvi) Collection and updating of vital statistics including registration of births, deaths and marriages,
- (xvii) Provision and maintenance of public amenities including street lighting, parking spaces for vehicles, bus stops and public conveniences like toilet facilities at public places,

(xviii) Regulation of slaughter houses and tanneries and sale of meat, fish and other perishable food stuffs among others.

**(B) General Functions.-**

- (i) Organising voluntary workers and promote community participation in all development activities,
- (ii) Organise campaign for thrift,
- (iii) Awareness building against social evils such as dowry, domestic violence, abuse of children, casteism, homophobia, and xenophobia,
- (iv) Organize legal awareness campaigns among weaker sections, campaign against economic offences, adherence to civic duties, and promoting communal harmony,
- (v) Organise relief activities during natural calamities and maintain relief centres like hospitals, dispensaries, asylums, rescue homes, maternity houses and child welfare centres, etc.,
- (vi) Mobilising local resources in cash or in kind,
- (vii) Organise and promote resident welfare associations, neighbourhood groups and committees, and self-help groups with focus on the poor,
- (viii) Disclosure and dissemination of information of public interest,
- (ix) Maintenance of public properties,
- (x) Issue of licence to dangerous and offensive trades and industries,
- (xi) Issue of licence to domestic pet animals,
- (xii) Conservation and preservation of water bodies,
- (xiii) Conservation and preservation of places and buildings of historical and cultural importance,
- (xiv) Promoting energy efficiency and build awareness on climate change,
- (xv) Promote introduction of Information Technology and e-Governance in the working of the Corporation.

**(C) Sector-wise functions.-**

**(i) Urban Planning including Town Planning:**

- (a) Planned development of new areas for human settlement, erection and maintenance of boundary marks defining the limits or any alteration in the limits,
- (b) Measures for beautification of the municipal area by setting up fountains, providing recreational areas, improving river banks, and landscaping,
- (c) Integration of the development plans and schemes of the municipal area with the district or regional development plan,
- (d) Preparation and keeping upto date of appropriate maps, data and records of lands within municipality and utility to which such lands are from time to time put;

**(ii) Environment and Social Forestry:**

- (a) Organise campaigns for environmental awareness,
- (b) Motivating local action for its upgradation, planting of trees, etc.,
- (c) Reclamation of waste lands, promotion of social forestry and maintenance of open spaces,
- (d) Establishment and maintenance of nurseries, promotion of greenery;

**(iii) Small Scale Industries:**

- (a) Promotion of handicrafts,
- (b) Formulate and implement self-employment schemes in industrial sector,
- (c) Implementation of the entrepreneur development programmes;

**(iv) Housing:**

- (a) Identify the homeless, provision of house sites and houses, implementation of shelter rejuvenation programmes,
- (b) Mobilise fund necessary for housing;

**(v) Education and Culture:**

- (a) Run the pre-primary, primary, higher secondary and technical schools, vocational training centres, and implement literacy programmes,
- (b) Promote civic education, adult education, social education and nonformal education,

- (c) Promotion of cultural activities including music, physical education, sports and theatres and infrastructure therefor,
- (d) Advancement of science and technology in urban life,
- (e) Organization, establishment and maintenance of art galleries and botanical or zoological collections,
- (f) Maintenance of municipal office, and of all public monuments and places of historical, artistic and other importance,
- (g) Presentation of awards to persons of distinction, paying homage on death to persons of repute,
- (h) Holding and regulation of fairs, festivals, industrial and health exhibitions;

**(vi)Public Works:**

- (a) Construct and maintain the roads except National Highways, State Highways and major District roads within the municipality, and buildings for institutions including those transferred from Government.

**(vii) Public Health and Sanitation:**

- (a) Run dispensaries, primary & public health centres and hospitals under all systems of medicines, child welfare centres and mother care homes,
- (b) Organise remedial and other preventive measures against disease,
- (c) Implement family welfare programmes,
- (d) Organise mass inoculation campaigns for eradication of infectious diseases,
- (e) Reclamation of unhealthy localities, removal of noxious vegetation and abatement of all nuisances,
- (f) Maintenance of all public tanks and regulating the reexcavation, repair and up-keep of all tanks, wells and other sources of water-supply and provision for unfiltered water supply for non-domestic uses,
- (g) Public vaccination, prophylactic inoculations, vector control
- (h) Maintenance of ambulance service,
- (i) Advancement of civic consciousness of public health and general welfare by organizing discourses, seminars and conferences,
- (j) Prevention of food adulteration and control of eating-houses,

(k) Effective implementation of national and state strategies and programmes for prevention and control of diseases;

**(viii) Social Welfare:**

- (a) Run Anganwadis, and institutions for the welfare of persons with disability, urban poor among others;
- (b) Sanction and distribute pension to persons with disability, widows, urban poor, distribute unemployment wages, and implement Group Insurance Scheme to the poor,
- (c) Implementation of programmes for liberation and rehabilitation of scavengers and their families,
- (d) Campaigns for dissemination of information, vital for public welfare,
- (e) Securing or removal of dangerous buildings and places, obstructions and projections in or upon streets, bridges and other public places;

**(ix) Eradication of poverty:**

- (a) Develop skills and implement self-employment and group employment schemes for the poor, especially for women,
- (b) Create community assets to get continuing benefit to the poor;

**(x) Development of Persons belonging to Scheduled Caste/Scheduled Tribe:**

- (a) Implementation of beneficiary-oriented schemes under Special Component Plan (SCP) and Tribal Sub Plan (TSP) and provide basic facilities in the residential centres and financial assistance for the Scheduled Caste/ Scheduled Tribe,
- (b) Run nursery schools, vocational training centres for the Scheduled Caste/Scheduled Tribe;

**(xi) Public Distribution System:**

- (a) Examine complaints against public distribution system and find out and implement remedial measures,
- (b) Organise campaigns against offences relating to weights and measures,

(c) General supervision of shops and other public distribution system and to provide guidance;

**(xii) Disaster Relief:**

a. Maintain relief centres and organise relief activities like provision to hospitals, dispensaries, asylums, rescue homes, maternity houses, and child welfare centres, crematorium, burial ground among others.



## SCHEDULE II

	GRADE-I	GRADE-II	GRADE-III	HERITAGE PRECINCTS
Definitio on	Heritage Grade-I comprises buildings and precincts of national or historic importance, embodying excellence in architectural style, design, technology and material usage and/or aesthetics; they may be associated with a historic event,	Heritage Grade-II comprises of buildings and precincts of regional or local importance possessing special architectural or aesthetic merit, or cultural or historical significance though of a lower scale than Heritage Grade-I. They are local landmarks, which contribute to the image and identity	Heritage Grade-III comprises buildings and precincts of importance for townscape; that evoke architectural aesthetic, or sociological interest though not as much as in Heritage Grade-II. These contribute to determine the character of the locality and can be representative of lifestyle of a particular community or region and may also be	A heritage precinct is an area of heritage value. It may consist of a number of buildings and spaces, such as streets, with cultural or heritage significance worth recognition and conservation, or it may be an area where the relationship between various elements, creates a special sense of place like mass, scale, building material, typology, roof profile and shapes or containing architectural

	<p>personality, movement or institution. They have been and are the prime landmarks of the region.</p> <p>All natural sites shall fall within Grade-I.</p>	<p>of the region. They may be the work of master craftsmen or may be models of proportion and ornamentation or designed to suit a particular climate.</p>	<p>distinguished by setting, or special character of the façade and uniformity of height, width and scale.</p>	<p>style or elements. Precincts are of different importance and are made up of different types of elements such as houses, trees, commercial properties and public spaces combining to create a unique significance.</p>
Objective	Deserves careful preservation	Deserves intelligent conservation	Deserves intelligent conservation (though on a lesser scale than Grade-II and special protection to unique features and attributes)	Precincts deserve appropriate repair and maintenance and very sensitive development i.e. regarding the mass, scale and setting. It also requires conservation of its heritage and cultural significance

<p>Scope for Change</p>	<p>No interventions shall be permitted either on exterior or interior of the heritage building or natural features unless it is necessary in the interest of strengthening and prolonging the life of the buildings/or precincts or any part or features thereof. For this purpose,</p>	<p>Grade-II(A): Internal changes and adaptive re-use may be allowed, subject to strict scrutiny. Care should be taken to ensure the conservation of all special aspects for which it is included in Heritage Grade-II.  Grade-II(B): In addition to the above, extension or additional building on the same plot or compound may in</p>	<p>Internal changes and adaptive re-use may by and large be allowed. Changes may include extensions and additional buildings on the same plot or compound. However, any changes should be such that they are in harmony and should be such that they do not detract from the existing heritage building/precinct especially in terms of height and façade and provided that the</p>	<p>Sensitive additions, alterations, extensions and interior renovations shall be permissible but these should not alter the character of the building/precinct. The new interventions may be contemporary but subtle or inspired by the original character and not tasteless imitation.  Reconstruction is permissible but only for buildings that are totally structurally unsafe as certified by a Structural Engineer and corroborated by the Heritage Conservation</p>
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	<p>absolutely essential and minimum changes shall be allowed and they must be in conformity with the original</p>	<p>certain circumstances, be allowed provided that the extension / additional building is in harmony with (and does not detract from) the existing heritage building/(s) or precincts especially in terms of height and façade and provided that the additional building is not larger than the original building in terms</p>	<p>extension/ additional building is not larger than the original building in mass and scale</p>	<p>Committee. The reconstruction should not follow the prevailing byelaws but should be in such a manner which ensures that the building/ precinct character is not diminished, yet allows for growth and good urban design.</p> <p>Urban Design Guidelines should be prepared separately for each of the listed heritage precincts as extension of the bye laws. All constructions within heritage precincts should be governed by the said guidelines</p>
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		of mass and scale.		
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## **STATEMENT OF OBJECTS AND REASONS**

The City of Bengaluru is a major centre of economic activity with a large and growing population with seven hundred and fourteen square kilometers of area under the jurisdiction of Bruhat Bengaluru Mahanagara Palike.

The Bruhat Bengaluru Mahanagara Palike has been established and governed under the Karnataka Municipal Corporation Act, 1976 (Karnataka Act 25 of 1976).

The Karnataka Municipal Corporation Act, 1976 is inadequate in administrative and structural matters to govern Bengaluru as it provides for limited flexibility and is a common legislation catering to nine smaller Municipal Corporations in Karnataka.

There is an urgent need to formulate an independent legislation for the working of Bruhat Bengaluru Mahanagara Palike for the purposes of improving decentralization, integration of public participation at various levels of municipal governance and ensuring efficient decision making by the municipal authorities.

Hence, the Bill.

## **FINANCIAL MEMORANDUM**

There is no extra- expenditure involved in the proposed legislative measure.

**B.S YADIYURAPPA**

Chief Minister