

BANGALORE METROPOLITAN REGION GOVERNANCE BILL, 2011

STATEMENT OF OBJECTS AND REASONS

Whereas it is considered expedient in exercise of the powers conferred under 74th Constitution of India Amendment Act, 1993 to provide for establishment of Bangalore Metropolitan Planning Council for the purpose of planning, overseeing/supervising and securing the sustainable development of the Bangalore Metropolitan Region and for matters connected therewith or incidental thereto;

Whereas it is considered expedient to provide for reorganisation of Bruhat Bangalore Mahanagara Palike for citizen involvement in development of their neighborhoods and local communities, and for responsive, citizen-centric, transparent, accountable governance and, sustainable development of Bangalore and for matters connected therewith or incidental thereto.

Hence this Bill.

CHAPTER I

Preliminary

1. Short title, extent and commencement.- (1) This Act may be called the Bangalore Metropolitan Region Governance Act, 2011.

(2) Every provision of every chapter of this Act shall come into force on such a date or dates as the State Government may by notification appoint except as provided by subsection (3).

(3) It will extend to the whole of Bangalore Metropolitan Region notified under the provisions of this Act.

PART 1**CHAPTER II****METROPOLITAN PLANNING COUNCIL**

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

- (1) “Bangalore Metropolitan Region” means the area declared under Section 3.
- (2) “Local Planning Authority” means as declared under Section 4.
- (3) “Local Planning Area” means area co-terminus with the Local Authority referred to in sub-section (2).
- (4) “Metropolitan Planning Council” means the Metropolitan Planning Council referred to in section 5.
- (5) “Metropolitan Planning Board” means the Metropolitan Planning Board referred to in section 10.
- (6) “Metropolitan Commissioner” means the Metropolitan Commissioner appointed under Section 12.
- (7) “Metropolitan Planning Development Fund” means as referred in section 20.
- (8) “Metropolitan Subject Committee” means a Metropolitan Subject Committee referred to in section 14.

3. Declaration of Bangalore Metropolitan Region.- Bangalore Metropolitan Area for the purposes of clause (c) of Article 243P of the Constitution of India for the purposes of this Act to be called ‘Bangalore Metropolitan Region’ shall include the area comprising the jurisdiction of municipal corporations, municipalities and gram panchayats within the limits of Bangalore Urban District, Bangalore Rural District and Ramanagaram Districts.

4. Local Planning Authority for Bangalore Metropolitan Region.- (1)

The Bangalore Metropolitan Planning Council shall be the Local Planning Authority for the Bangalore Metropolitan Region, under the provisions of the Karnataka Town and Country Planning Act, 1961.

(2) A Local Authority shall be the Local Planning Authority for the area under its jurisdiction.

5. Constitution of Metropolitan Planning Council.- (1) As soon as

may be, after the date of coming into force of this Part, there shall be a Bangalore Metropolitan Planning Council (hereinafter called the Metropolitan Planning Council) to govern the Bangalore Metropolitan Region.

(2) the Metropolitan Planning Council constituted under sub-section (1) shall be deemed to be a metropolitan planning committee for the purposes of Article 243ZE of the Constitution of India.

6. Composition of the Metropolitan Planning Council.- (1) The

Bangalore Metropolitan Planning Council shall consist of not less than forty two and not exceeding sixty three members as may be determined by state government and notified in this behalf and which may include

- (a) Chief Minister of Karnataka who shall be the Chairman
- (b) Vice Chairman who shall be appointed by the state government
- (c) Such number of persons, not being less than two thirds of members of the Council who shall be elected in the prescribed manner by, and amongst the elected members of the municipal corporation and municipalities and chairpersons of the gram panchayats in proportion to the ratio between the population of the municipalities and of the panchayats of that area.
- (d) Such number of members including Chairman and Vice-Chairman not exceeding one third of the total members which

may include the Members of Legislative Assembly, Legislative Council, Lok Sabha and Rajya Sabha, whose number shall not exceed fifty percent of the one third, persons with knowledge and experience in domains pertaining to urban planning and administration, the representatives of the Government of India and the Government of Karnataka and of such organizations and institutions, as may be deemed necessary for carrying out the functions assigned thereto.

(2) Number of persons referred to in subsection (c) shall be elected by the constituencies under sub-section (3) each constituency electing the numbers allocated to that constituency which may be amended by the State Government from time to time by notification having regard to the contiguity, areas, and changes in the population strength and number of different municipal corporations municipalities and gram panchayats within the Bangalore Metropolitan Region.

(3) Constituencies for the purposes of sub-section (2) shall consist of the following:

- (a) Bruhat Bangalore Mahanagara Palike to be called Municipal Corporation Constituency
- (b) Municipalities in Bangalore Metropolitan Region to be called Municipalities Constituency
- (c) Grama panchayats in Bangalore Metropolitan Region to be called Gram Panchayats constituency.

(4) Metropolitan Commissioner appointed by the Government shall be member-secretary of the Metropolitan Planning Council.

7. Manner of filling of seats. - (1) Seats allocated to the constituencies under subsection (2) of section 6 shall be filled by a person or persons elected by the electoral constituency in accordance with the system of proportional representation by means of single transferable vote.

Provided Municipalities and gram panchayats grouped together shall each be entitled to representation by rotation.

8. Term of the members. - (1) Term of the members excluding the Chairman shall be at the pleasure of the government which shall not be less than three years or shall be coterminous with the term of their membership in the state legislature or parliament as the case may be or vacancy arising out of disqualification or otherwise.

(2) Term of the members elected under Section 5 shall be three years or co-terminous with the term of their election as a councillor of the municipal corporation or a municipality or as the case may be a chairperson of a gram panchayat.

9. Local Planning Areas. - There shall be local planning areas for the purposes of this Act comprising the jurisdiction of one or more local authorities the peripheral boundary of which shall be co-terminus with such local authorities as may be determined by the Bangalore Metropolitan Planning Council and notified by the state government in accordance with section 4-A of the Karnataka Town and Country Planning Act, 1961.

10. Constitution of Metropolitan Planning Board. - (1) As soon as may be, after the date of commencement of this Act, the State Government shall, by notification, constitute for the Bangalore Metropolitan Region a Board to be called the “Bangalore Metropolitan Planning Board (hereinafter referred in this Chapter as Board)

(2) The Board shall be a body corporate having perpetual succession and a common seal, with power, subject to the provision of this Act, to acquire, hold and dispose of property, both moveable and immovable and to contract and may, by the said name, sue or be sued.

11. Composition of Bangalore Metropolitan Planning Board. - (1) The Bangalore Metropolitan Board shall consist of not more than nine persons appointed by the government including the Chairperson of the Metropolitan Planning Council from amongst the members of the Bangalore Metropolitan Planning Council, of whom at least three others besides the Chairman shall be corporators of Bruhat Bangalore Mahanagara Palike, Councillors of municipalities who are elected as members of the Metropolitan Planning Council, Members of Legislative Assembly and Members of Parliament in the Bangalore Metropolitan Region.

(2) Executive Chairperson of the Bangalore Metropolitan Planning Board appointed by the Government shall be a person with knowledge and experience in domains pertaining to urban planning and administration.

(3) Metropolitan Commissioner shall be the Member-Secretary of Bangalore Metropolitan Planning Board.

12. Metropolitan Commissioner. - (1) State Government shall appoint a Metropolitan Commissioner who shall be the Chief Administrative and Executive Officer of Metropolitan Planning Board, and shall be of the rank of Additional Chief Secretary to the Government of Karnataka.

13. Consequences of constitution of Metropolitan Planning Board.-

(1) Notwithstanding anything contained in any other law for the time being in force, on the constitution of the Bangalore Metropolitan Planning Board under Section 6 and 8, the Bangalore Metropolitan Region Development Authority Act, 1985 (Karnataka Act 39 of 1985 shall stand repealed.

(2) On such repeal the Bangalore Metropolitan Region Development Authority constituted shall stand dissolved and all local planning areas

shall be deemed to be local planning areas under Bangalore Metropolitan Planning Board.

(3) Subject to the provisions of subsection (2) nothing in subsection (1) shall affect.-

(a) the previous operation of the said enactment or anything done or suffered thereunder; or

(b) any right, privilege, obligation or liability accrued or incurred in the said enactment; or

(c) any penalty, forfeiture or punishment incurred in respect of any offence committed against the said enactment; or

(d) any investigation, legal proceeding or remedy in respect of such right, privilege, obligation, liability, forfeiture or punishment as aforesaid;

and any such investigation, legal proceeding or remedy may be instituted, continued or enforced or any such penalty, forfeiture or punishment may be imposed as if the said enactment had not been repealed.

(4) Every officer and servant of the Bangalore Metropolitan Region Development Authority other than such class of servants as the Government may by order specify shall become employees of the Bangalore Metropolitan Planning Board and shall until other provisions are made receive the salary, allowances and be subject to the conditions of service which they were entitled immediately before the constitution of the Bangalore Metropolitan Planning Board.

(5) All assets and liabilities of, and all contracts made by or on behalf of the Bangalore Metropolitan Region Development Authority immediately before the date of constitution of the Bangalore Metropolitan

Planning Board and subsisting on that date shall stand transferred to the Bangalore Metropolitan Planning Board.

Provided further that subject to the preceding proviso anything done or any action taken (including any appointment or delegation made, fee, or charges imposed, notification, order, instrument, or direction issued, rule, regulation, form, bye-law or scheme framed, certificate obtained, permit or licence granted or registration effected) under the said enactments shall be deemed to have been done or taken under the corresponding provisions of this Act and shall continue to be in force accordingly unless and until superseded by anything done or any action taken under this Act :

Provided also that notwithstanding anything contained in the preceding provisos where any tax, duty, fee or cess other than a duty on transfers of immovable properties has been imposed under the said enactments at a rate higher than the maximum rate permissible under this Act, such tax, duty, fee or cess may continue to be imposed and collected at such higher rate unless and until superseded by anything done or any action taken under this Act:

Provided also that any reference in any enactment or in any instrument to any provision of any of the repealed enactments shall, unless a different intention appears, be construed as reference to the corresponding provision of this Act.

14. Powers and functions of the Metropolitan Planning Council.- (1) Metropolitan Planning Council shall prepare a draft development plan to be called as “Bangalore Metropolitan Region Development and Investment Plan” to be called in abbreviation as “BMRDIP” for the Bangalore Metropolitan Region as a whole.

(2) BMRDIP prepared under sub-section (1) shall have regard to –

- (a) Investment promotion and industrialization plans of state government in the Bangalore Metropolitan Region.
- (b) Assessment of growth estimates in the Bangalore Metropolitan Region.
- (c) The spatial and development plans prepared by the local authorities in the metropolitan area.
- (d) Matters of common interest between the municipal corporation, municipalities and the panchayats, including coordinated spatial planning of the area, sharing of water and other physical and natural resources, the integrated development of infrastructure and environmental conservation;
- (e) The overall objectives and priorities set by the Government of India and the state government.
- (f) The extent and nature of investments likely to be made in the Metropolitan area by the agencies of the Government of India and of the state government and other available resources whether financial or otherwise.

(3) The BMRDIP shall cover inter-alia the following aspects of the planning and investment requirements:-

- (a) Integrated Spatial Planning
- (b) Socio-economic Development
- (c) Traffic and Transportation
- (d) Sustainability, Environment and Ecology
- (e) Water and sanitation
- (f) Urban Art and Heritage

- (g) Urban Poverty Alleviation
- (h) Health
- (i) Education
- (j) Public Safety and Security
- (k) Technology

and for such other purposes as deemed necessary.

(3) BMRDIP under subsection (1) and (2) shall be forwarded to the state government.

(4) Duration and procedure for preparation and approval and revision or modification of the BMRDIP shall be as may be determined by the Metropolitan Planning Council.

Provided Metropolitan Planning Council shall have the power to allow operation of the existing master plans and other development plans prepared by any local authority or any authority by itself or by that authority, prior to the commencement of this Chapter with such modification as and when deemed necessary.

(5) Metropolitan Planning Council may review the implementation of the BMRDIP from time to time and oversee the activities of the various authorities in the metropolitan region.

15. Constitution and composition of Metropolitan Subject Committees.- (1) The Bangalore Metropolitan Planning Council as soon as may be, shall constitute Subject Committees to deal with one more of the subjects provided under subsection (3) of Section 14.

(2) Each Metropolitan Subject Committee shall have a Chairperson and not less than two members of the Metropolitan Planning Council and such number of experts as determined and specified by the Metropolitan

Planning Council and notified by the Metropolitan Planning Board in this behalf.

16. Powers and functions of Bangalore Metropolitan Planning Board.-

(1) Subject to the general superintendence and control of the Metropolitan Planning Council, the management of the Metropolitan Planning Council and the Metropolitan Subject Committees and other Committees constituted shall vest in the Metropolitan Planning Board.

(2) Bangalore Metropolitan Planning Board shall have powers, to formulate guidelines and secure compliance by the local authorities in the Metropolitan Region for preparation of local planning area development plans having such components of economic and social planning as may be determined and the manner and format of such plans to be prepared and submitted to the Metropolitan Planning Council in the manner prescribed.

Provided where a Local Planning Authority fails to prepare the master plan, Bangalore Metropolitan Planning Board shall have power to prepare the master plan and such other plan and publish it in the manner prescribed.

(3) Subject to the provisions of this Act, the functions of the Bangalore Metropolitan Planning Board shall be.-

- (i) to undertake preparation of Metropolitan Development and Investment Plan, and place it before the Metropolitan Planning Council for deliberation and approval and prioritise the implementation of the said plan and undertake all survey, studies and such measures incidental thereto;
- (ii) to formulate town planning and development schemes for different sectors for the purpose of implementation of the plan.

- (iii) to maintain and manage Bangalore Metropolitan Development Fund and allocate finances based on the plans and programmes of the local bodies for undertaking development of amenities and infrastructure facilities;
- (iv) to monitor and exercise financial control over budgetary allocations concerning developmental works made through it to the various public agencies and local authorities;
- (v) to perform any other function or exercise any powers are supplemental or incidental or consequential to any of the foregoing functions and/or take up such matters as the government may direct in this regard;
- (vi) to do such other acts and things as may be entrusted by the Government or as may be necessary for, or incidental or conducive to, and matters which are necessary for furtherance of the objects for which the Metropolitan Planning Board is constituted;
- (vii) to co-ordinate the activities of authorities in Bangalore Metropolitan Region such as Bruhat Bangalore Mahanagara Palike, Municipalities in Bangalore Metropolitan Region, Bangalore Infrastructure Development Authority, Bangalore Water Supply and Sewerage Board, Karnataka Slum Clearance Board, Karnataka Power Transmission Corporation Limited, Bangalore Electricity Supply Company, Bangalore Metropolitan Transport Corporation, Karnataka State Road Transport Corporation, Bangalore Metro Rail Corporation, Bangalore Traffic Police and such other agencies as are connected with developmental activities in the Bangalore Metropolitan Region.

(5) For the discharge of the functions under sub-section (6), the Metropolitan Planning Board may constitute as many area level functional units or sub-regional units or offices as it deems fit and assign responsibilities and functions to such units.

(6) Nothing contained in this Act shall empower the Bangalore Metropolitan Planning Board to exercise any day-to-day control over any local authority in the metropolitan region as provided under this law or rules made thereunder.

17. Meetings of the Metropolitan Planning Council, Metropolitan Subject Committees and Metropolitan Planning Board.-(1) The meetings of Metropolitan Planning Council shall be convened by the Metropolitan Commissioner. and it shall ordinarily meet at least once in six months at such place within the jurisdiction of the Bangalore Metropolitan Region and at such time as the Chairperson may decide.

(2) The meetings of the Metropolitan Subject Committee shall be convened by the Metropolitan Commissioner and it shall ordinarily meet at least once in every two months. All members of the Metropolitan Planning Board shall be entitled to attend meetings of the Subject Committees, and shall aid the Subject Committees in preparation of plans in each subject.

(3) The meetings of the Metropolitan Planning Board shall be convened by the Metropolitan Commissioner as and when considered necessary with the approval of the Chairperson of the Board.

(4) Procedure for conduct and transaction of business at meetings in sub section (1), (2) and (3) shall be prescribed by the regulations made by the Metropolitan Planning Council.

(5) The Chairperson in any of the meetings in subsection (1), (2) and (3) if for any reason is unable to attend any meeting, the Vice-Chairman shall preside over such meeting.

18. Functions of Metropolitan Subject Committees.- Functions of Metropolitan Subject Committee shall include.-

- (a) preparation of sectoral development plan in consultation with experts in respective fields;
- (b) reviewing and guiding implementation of sectoral development plans after they are approved by the Metropolitan Planning Council;
- (c) Any other function entrusted by the Metropolitan Planning Council or the Metropolitan Planning Board.

19. Officers and staff.- (1) State Government in consultation with the Metropolitan Planning Board may appoint one or more Additional, Joint or Deputy or Assistant Metropolitan Planning Commissioners for the purpose of carrying out the functions under the Act.

(2) The Metropolitan Planning Board may sanction creation of such other posts of officers and servants as may be necessary for the efficient performance of the functions of the Board.

(3) The conditions of recruitment, appointment and service shall be as such determined by the rules made in this behalf.

20. Establishment schedule.-(1) The Metropolitan Commissioner shall lay before the Metropolitan Planning Board a Schedule setting forth the designations and grades of the officers and servants who should in his opinion constitute the Metropolitan Planning Board establishment and embodying his proposals with regard to the salaries, fees and allowances payable to them.

(2) The Metropolitan Planning Board may either approve or amend such Schedule as it thinks fit and shall lay it before the Metropolitan Planning Council with its remarks, if any.

(3) The Metropolitan Planning Council shall sanction such schedule with or without modifications as it thinks fit and may from time to time amend it at the instance of the Metropolitan Commissioner and the Metropolitan Planning Board.

CHAPTER III

FINANCE, ACCOUNTS AND AUDIT

21. Metropolitan Planning Development Fund.- All moneys received out of the consolidated fund of the state or as the case may be consolidated fund of India directly or indirectly through Corporation Fund under the Karnataka Municipal Corporation Act, 1976, Municipal Fund under the Karnataka Municipalities Act, 1976 or through any local body, authority or board under any other law for the time being in force shall be held, applied and disposed of in accordance with the provisions of this Act and such other law and the rules, regulations made thereon.

22. Accounts and audit.- (1) The Board shall cause to be maintained the accounts of all receipts and expenditure of the Bangalore Metropolitan Planning Development Fund in such form and manner as may be prescribed.

(2) The Metropolitan Planning Council shall appoint one of the officers of the Board as the Chief Auditor who shall subject to supervision and control of the Controller of State Accounts conduct an audit of the accounts of the Board annually.

(3) The Chief Auditor appointed under sub-section (2) shall have access to the accounts of the Board and to all receipts and expenditure relating thereto and the Metropolitan Commissioner or any officer specified in this behalf by him shall furnish any information concerning any receipt of expenditure which may be required for audit.

(4) The Chief Auditor of the Board shall report to the Board any material impropriety which he may observe in the expenditure or in the

recovery of all the moneys due to the Board Account and shall furnish such matter as may be laid down in the rules.

(5) As soon as the accounts have been audited, the Board shall place replies or compliance of observations on the report of the Chief auditor to the Metropolitan Planning Council and thereafter the report shall be submitted to the State Government.

(6) The Board shall comply with such directions as the State Government may, after perusal of the report of the Chief Auditor and action of the Board thereon think fit to issue.

23. Budget estimates of expenditure and income to be prepared annually by the Metropolitan Commissioner.- The Metropolitan Commissioner shall prepare, every year on before the fifteenth day of January each year prepare and submit to the Metropolitan Subject Committee, in such form and at such time as may be prescribed, an annual budget estimate containing a detailed estimate of income and expenditure for the ensuing year, and, it is in his opinion necessary or expedient to vary taxation or to raise loans shall submit his proposals in regard thereto.

24. Budget estimates to be prepared by the Metropolitan Subject Committee.- (1) The Metropolitan Subject Committee shall, on or as soon as may be, after the fifteenth day of January each year consider the Budget estimates and proposals of the Metropolitan Commissioner and after having obtained the proposals of other Subject Committees and such other detailed information, if any, as it shall think fit to require from the Metropolitan Commissioner and having regard to all requirements of this Act, shall prepare therefrom subject to such modifications and additions therein or thereto as it shall think fit, a budget estimate of the income and expenditure of the Metropolitan Planning Council for the next year.

(2) In such budget estimate, the Metropolitan Subject Committee shall,-

(a) provide for the payment, as they fall due of all installments of principal and interest for which the Metropolitan Planning Board may be liable on account of loans;

(b) allow a cash balance at the end of the year of not less than ten lakhs of rupees under General Account – Revenue.

(3) The Metropolitan Commissioner shall cause the budget estimate as finally approved by the Metropolitan Subject Committee to be printed and shall not, later than the first day of the February, forward a printed copy thereof to each of the Member of the Metropolitan Planning Council.

25. Consideration of the budget estimate by the Metropolitan Planning Council.- At a meeting of the Metropolitan Planning Council, which shall be called for some day in the first week of February the budget estimate prepared by the Metropolitan Subject Committee shall be laid before the Metropolitan Planning Council.

26. Procedure for Metropolitan Planning Council.- The Metropolitan Planning Council may refer the budget estimate back to the Metropolitan Subject Committee for further consideration and resubmission within a specified time or adopt the budget estimate or any revised budget estimate submitted to it either as it stands or subject to such alteration as it deems expedient:

Provided that the budget finally adopted by the Metropolitan Planning Council shall make adequate and suitable provision for each of the matters referred to in clauses (a) and (b) of sub-section (2) of Section 24.

27. Obligation to pass the budget before the beginning of the year.-

(1) The Metropolitan Planning Council shall finally pass the budget estimate at least three weeks before the beginning of the year to which it relates and shall forthwith submit a copy thereof to the Government.

(2) The Government may sanction the budget in its entirety or subject to such modification as it thinks fit:

Provided however that if within two months of the date of receipt of the budget, the Government does not communicate any orders thereon, the budget shall be deemed to have been sanctioned by the Government.

28. Metropolitan Planning Council may pass supplemental budget.-

The Metropolitan Planning Council may, on the recommendations of the Metropolitan Subject Committee (Finance), during the year pass a supplemental budget estimate for the purpose of meeting any special or unforeseen requirements, arising during that year; so however that the estimated cash balance under General Account-Revenue at the close of the year shall be reduced to less than ten lakhs rupees.

Provided no item shall be included in the supplemental budget which had been disallowed by the Government while sanctioning the Budget.

29. Power of Board to borrow.-The Board may from time to time, with the previous sanction of the Metropolitan Planning Council, and subject to the provisions of this Act, and to such conditions as may be prescribed in this behalf, borrow any sum required for the purposes of this Act.

30. Power to levy fines, charges and fees.- (1) It shall be lawful Metropolitan Planning Council to levy fines, charges and fees for the discharge of the functions under this Act by the Metropolitan Planning Board or any officer authorised by the Metropolitan Planning Board in the manner prescribed under the regulations made in this behalf.

(2) Levy of charges or fees on the local authorities for the service and approval of the development and investment plans submitted by it, shall be binding on the local authorities notwithstanding anything contained in any other law for the time being in force.

31. Financial rules.- Save as otherwise provided in this Act, the financial rules of the Metropolitan Planning Council shall be as prescribed.

32. Powers of entry.- The Metropolitan Commissioner may authorise any person to enter into or upon any land or building with or without assistants or workmen for the purposes of,-

- (a) making any enquiry, inspection, measurement or survey or taking levels for such land or building;
- (b) examining works under construction and ascertaining the course of sewers and drains;
- (c) digging or boring into the sub-soil;
- (d) setting out boundaries and demarcation of intended alignment of roads, public utilities and other works.
- (e) making such levels, boundaries demarcations and lines by placing marks and cutting trenches;
- (f) ascertaining whether any land or property is being affected in the spatial and development plan/development scheme/town planning scheme/road/public utilities alignments etc, or has been developed in contravention of any plan or in contravention of any conditions subject to which such permission has been granted; or
- (g) doing any other thing necessary for the efficient administration of this Act:

Provided that,-

- (i) no such entry shall be made except between the hours of 6.00 A.M. and 6.00 P.M.
- (ii) the development rights of the owner of the land would not be affected by such actions or by grounding of the said network.
- (iii) sufficient opportunity shall in every instance be given to enable women or children, if any, to withdraw from such land or building;
- (iv) due regard shall always be had, so far as may be, compatible with the exigencies of the purpose for which the entry is made, to the social and religious usage of the occupants of the land or building entered.

33. Directions by the Metropolitan Planning Board.- (1)

Notwithstanding anything contained in any law, the Metropolitan Planning Board may, in order to carry out the development plans and schemes formulated under section 13 or any town planning scheme may issue direction to any local authority or agency established under any laws of the state as are connected with developmental activities in the Bangalore Metropolitan Region.

(2) Notwithstanding anything contained in any other law for the time being in force, every such direction shall be complied with by the body to which it is issued. On failure, it shall be competent for the Bangalore Metropolitan Planning Board to take necessary action to carry out the directions issued under sub-section (1) and recover expenses, if any, incurred therefor from the body concerned.

(3) Any dispute which arises between the Bangalore Metropolitan Planning Board and local authorities or agencies referred to in sub-section (1) in respect of the directions issued to them shall be determined by the State Government whose decision shall be final.

34. Metropolitan Commissioner or any officer to attend meetings of local authorities and agencies

(1) The Metropolitan Commissioner or any officer authorised by him shall be entitled to attend and take part in the meetings of the local authorities and agencies in Bangalore Metropolitan Region but he shall have no right to vote.

(2) The said bodies shall invite the Metropolitan Commissioner to attend their meetings.

35. Members and officers to be public servants.- Every member, every officer and other employee of the Bangalore Metropolitan Planning Board shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code.

36. Protection of action taken in good faith.- No suit, prosecution or other legal proceedings shall lie against any person for anything which is in good faith done or intended to be done under this Act or any rule or regulation made thereunder.

37. Power to delegate.- The Bangalore Metropolitan Planning Board may, by notification, direct that any power exercisable by it under this Act except the power to make regulation may also be exercised by the Chairman or such officer of the Authority as may be specified in the notification subject to such restrictions and conditions as may be specified therein.

38. Power of the Government to make rules.- (1) The Government may after previous publication by notification make rules for carrying out the purposes of this Chapter.

Provided that no previous publication shall be necessary for any rule made for the first time after the appointed date of commencement of this Act.

(2) In particular and without prejudice to the generality of the foregoing power such rules may -

- (a) provide for all matters expressly required or allowed by this Act to be prescribed;
- (b) prescribe the accounts to be kept and the manner in which such accounts shall be audited and published;
- (c) provide for conduct of business and proceedings of the meetings
- (d) prescribe the forms of all registers, reports and returns, the manner in which such registers shall be maintained, the dates on which the reports and returns shall be made and the officers to whom they shall be sent, as also of warrants and notices of sale;
- (e) prescribe the powers of auditors, inspecting and superintending officers authorised 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.

39. Power to make regulations.- The Board may, by notification and with previous sanction of the Government, make regulations not inconsistent with this Act and the rules made thereunder for enabling it to perform its functions under this Act.

40. Act to over-ride other laws.-The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force.

41. Amendment of certain laws.- On and from the date of commencement of this Part, the enactments mentioned in Schedule of amendments appended to this Act, shall stand amended, to the extent and in the manner mentioned therein.

42. Bangalore Infrastructure Development Authority-(1) The Bangalore Development Authority, constituted under the Bangalore

Development Authority Act, 1976 shall be deemed to have been reconstituted as the Infrastructure Development Authority for the Bangalore Metropolitan Region, to be called as Bangalore Infrastructure Development Authority.

(2) The Bangalore Infrastructure Development Authority may undertake infrastructure development works in the Bangalore Metropolitan Region including land development and housing and such other works as may be assigned to it by the Metropolitan Planning Council or as the case may be any local authority under the Bangalore Metropolitan Region pursuant to the Metropolitan Development and Investment Plan.

(3) Bangalore Infrastructure Development Authority shall cease to be a planning authority for either Bruhat Bangalore Mahanagara Palike or any areas specified by the government under Karnataka Town and Country Planning Act, 1961 or under Bangalore Development Authority Act for the purposes of regulation of land use under Section 14, 15, 16, 17, 18 and 19 of the Karnataka Town and Country Planning Act.

PART II

CHAPTER III

MUNICIPAL CORPORATION

43. Definitions.- (1) In this Part, unless the context otherwise requires.-

- (a) “Municipal Corporation” means a Municipal Corporation referred to in Section 37.
- (b) “Corporation Council” means Corporation Council referred to in Section 38.
- (c) “Corporation Accounts Committee” means Municipal Corporation Council Committee referred to in Section 44.

- (d) “Corporation Authorities” means corporation authorities referred to in Section 39.
- (e) “Chief Commissioner” means Chief Commissioner referred to in section 55 under this Chapter.

44. Constitution of Municipal Corporation. - For the purposes of this Part, in the Bangalore Metropolitan Region, constitution of municipal corporation is governed by the provisions contained in Karnataka Municipal Corporation Act, 1976.

45. Constitution of Corporation Council.- (1) The Councillors elected in general election or a by-election of a municipal corporation and the members nominated by the State Government shall constitute the Corporation Council.

Provided that the Municipal Council, unless dissolved earlier, shall continue in office till the next Municipal Corporation Council assumes office.

(2) The Municipal Corporation Council unless dissolved earlier, shall hold office for a period of four years from the date appointed for its first meeting after the general election and no longer:

CHAPTER IV

AUTHORITIES OF MUNICIPAL CORPORATION

46. Authorities of Municipal Corporation.- (1) The following shall be the municipal authorities of the Municipal Corporation charged with carrying out the provisions of this Act, namely.-

- (a) Corporation Council
- (b) Mayor

(c) Mayoral Committee

(d) Chief Commissioner

47. Election of Chairperson and Deputy Chairperson of Corporation

Council.- (1) The Corporation Council shall, at its first meeting after a general election of councillors and at its first meeting in the same month in each year thereafter, elect,-

(a) one of its councillors to be the Chairperson

(b) one other councillor to be the Deputy Chairperson

(2) Positions of Chairperson and Deputy Chairperson under subsection (1) shall be reserved on rotation basis for Scheduled Castes, Scheduled Tribes and Backward Classes and Women in accordance with the rules made in this behalf.

(3) The Chairperson or the Deputy Chairperson elected under clause (a) and (b) of sub-section (1) shall hold office, for a period of twelve months from the date of his or her election and shall, notwithstanding the expiry of the said period, continue in office till his or her successor is elected, provided that in the meantime he does not cease to be a councillor.

(4) If any casual vacancy occurs either by resignation or otherwise in the office of the Chairperson or Deputy Chairperson, the Corporation Council shall, elect one of the councillors to fill the vacancy to hold office so long as the person in whose place he is elected would, but for the occurrence of the vacancy, have held office in the manner prescribed.

(5) The Chairperson of Corporation may resign his office at any time by notice in writing addressed to the Deputy Chairperson of Corporation, and delivered to the Commissioner and in the absence of the Deputy Chairperson of Corporation addressed to the Commissioner and delivered to him.

48. Mayor and Deputy Mayor.- (1) The Corporation shall within two months after a general election of the Councillors shall elect with at least a simple majority

(a) one of its Councillors referred to in clause (a) of section 7 of Karnataka Municipal Corporation Act, 1976 to be the Mayor.

(b) The Mayor shall appoint one person amongst the councillors referred to in sub-section (1) (a) to be Deputy Mayor.

Provided the first meeting of the corporation after the general election shall be held as early as possible after the publication of the results of such election in the gazette.

(2) The Mayor or the Deputy Mayor shall hold office for four years from the date of his or her election and shall, notwithstanding the expiry of the said period, continue in office till his successor is elected, provided that in the meantime he does not cease to be a councillor.

(3) If any casual vacancy occurs in the office of the Mayor or Deputy Mayor, the Corporation shall, after the occurrence of the vacancy, choose one of the Councillors referred to in clause (a) of sub-section (7) of Karnataka Municipal Corporation Act, 1976 to fill the vacancy and every Mayor or Deputy Mayor so elected shall hold office so long as the person in whose place he is elected, but for the occurrence of the vacancy, have held office.

49. Mayoral Committee.- (1) There shall be a Mayoral Committee for the municipal corporation which shall consist of such number of members not exceeding two thirds of the total number of corporators including the Deputy Mayor.

(2) Not exceeding one third of the number of members under sub-section (1) who subject experts shall be nominated as consultative members to the Mayoral Committee in the manner prescribed.

(3) The roles and responsibility of the consultative members of the Mayoral Committee shall be as may be prescribed.

(4) the Mayor elected under section 41 shall be the Chairperson of the Mayoral Committee.

(5) Members of the Mayoral Committee under sub-section (1) and (2) shall be as appointed by the Mayor and they shall continue to hold office at his or her pleasure.

50. Allocation of business to Mayoral Committee.- The Mayor shall allocate the business for himself or herself, Deputy Mayor and among the members of the Mayoral Committee for any of the following matters:

- (a) Finance
- (b) Mobility infrastructure (roads, bridges, drains, sidewalks)
- (c) City Planning
- (d) Environment and Ecology
- (e) Water supply and sewerage.
- (f) Public health and sanitation (solid waste management)
- (g) Urban Poverty Alleviation and social justice
- (h) Markets and buildings
- (i) Education

Any other matter not specifically assigned above.

51. Corporation Accounts Committee.- (1) The corporation shall, at its first meeting in each year or as soon as may be at any meeting subsequent thereto, constitute a Corporation Accounts Committee.

(2) Corporation Accounts Committee under subsection (1) shall consist of not more than nine councillors elected at its first meeting after general elections according to the principle of proportional representation by means of a single transferable vote and hold office for a period of twenty months from the date of election;

(3) such number of persons, both being members, officers, or employees of the Corporation and not exceeding two in number having knowledge and experience in financial matters, as may be nominated by the Mayoral Committee provided they have no voting rights.

(4) Subject to other provisions of this Act, the members of the Corporation Accounts Committee shall hold office until a new Corporation Accounts Committee is constituted.

(5) Where a casual vacancy occurs by resignation or otherwise in the membership of a Corporation Accounts Committee it shall be filled by the Corporation by the election of another Councillor in the manner prescribed to hold office only so long as the person in whose place he is elected would, but for the occurrence of the vacancy, have held.

52. Chairperson of the Corporation Accounts Committee.- (1) Each Corporation Committee shall elect one of its members as Chairperson in the manner prescribed.

(2) Notwithstanding the provisions of sub-section (2) the Chairperson shall vacate his or her office when he ceases to be a member of the Corporation Committee.

(3) If any casual vacancy occurs in the office of Chairperson, the Corporation Committee concerned, after the occurrence of such vacancy, elect one of its members to fill such vacancy in the manner prescribed to hold office so long as the person in whose place he is elected would, but for the occurrence of the vacancy have held.

53. Corporation Consultative Committee.- (1) The Mayoral Committee may constitute such number of Corporation Consultative Committees for such purposes as deemed fit.

(2) Each such Committee shall consist of not more than nine elected and nominated members in the discharge of its function.

(3) The Consultative Committee may aid and advice the Mayoral Committee on matters entrusted to it.

(4) The manner of transaction of business of the Corporation Consultative Committee shall be such as may be specified by the Mayoral Committee.

54. Functions of Corporation Accounts Committee.- (1) Subject to regulations of transaction made in this behalf it shall be the duty of Corporation Accounts Committees

(a) to examine the accounts of the municipality.

(b) to examine and scrutinize the report of special audit if any;

(c) to place its report for consideration before the Corporation Council every year and from time to time.

(d) to discharge such other functions as may be entrusted by the Corporation Council.

55. Honoraria, fees or allowances.- (1) From out of the Corporation funds such honoraria, fees or allowances as may be determined by the Government may be paid to Mayor, the Deputy Mayor, the Councillors, Members of the Mayoral Committee, Consultative Committee and Ward Committee.

(2) The Corporation shall place at the disposal of the Mayor annually by way of sumptuary allowance such sum not exceeding the limit as may be prescribed.

56. Code of conduct for the elected functionaries.- The code of conduct of the councilors as well as the other elected functionaries of the Corporation shall be such as may be prescribed.

57. Corporation Appellate Tribunal.- (1) The state government shall constitute a Corporation Tribunal (hereinafter referred to in this section as Tribunal) to hear and decide appeals arising out of matters relating to:

(a) Assessment of property and other taxes.

(b) Regulation of construction of buildings in accordance with the building bye-laws.

(c) Regulation of trades

And such other matters as may be decided by the State Government from time to time.

(2) The Tribunal shall consist of a Chairman and two other members, having experience and expertise in municipal administration and town planning.

(3) The Chairman and the other members of the Tribunal shall be appointed by the State Government for such period and on such terms and conditions as the State Government may determine.

Provided further that a Councillor or a person who is, or has been an officer or employee of the corporation shall not be eligible for appointment as a member of the Tribunal.

(4) The Tribunal shall have an establishment consisting of such officers and other employees appointed on such terms and conditions as may be prescribed.

(5) No court shall have jurisdiction in any matter for which provision is made in this Chapter for appeal to the Tribunal.

CHAPTER V

POWERS AND FUNCTIONS OF MUNICIPAL CORPORATION

AUTHORITIES

58. General powers of the municipal corporation.-(1) Notwithstanding anything contained in the Karnataka Municipal Corporation Act, 1976 after the commencement of this Chapter, subject to the rules, the regulations and the byelaws made thereunder, the municipal government shall vest in the Corporation.

Provided the provisions of Karnataka Municipal Corporation Act, 1976 wherever so indicated in this Act shall continue to be applicable until commencement of this Act.

(2) Without prejudice to the generality of the provisions of subsection (1), it shall be the duty of the Municipal Corporation to exercise such powers, perform such functions and discharge such duties as are conferred to it by under this Act.

(3) Pursuant to this act, it shall be designated as the Nodal agency for Municipal Corporation Area, making it necessary for all other agencies involved in work in City to explicitly co-ordinate their works with the Municipal corporation or designated officer of the Municipal Corporation.

59. Obligatory functions of the Municipal Corporation.- The Municipal Corporation shall having regard to the available resources, provide civic services including water supply distribution, sewerage and drainage, solid waste management, and construction and maintenance of streets, and shall enforce the provisions of this Act and if so required by any other law in force for the time being, the provisions of such law relating to the town planning, land use, controls of regular building lines of streets, control and regulation of over ground and underground building operations and protection of environment against pollution and noise-

pollution, community health, and for these purposes it shall be incumbent upon the corporation to make adequate provisions, by means or measures which it may lawfully use or take, for each of the following matters:-

- (1) construction and maintenance of water-works and providing by itself or by any agency, means of distribution of water for public and private purposes.
- (2) construction, maintenance and cleansing of drains and drainage works, and public latrines, public toilets, urinals and similar conveniences;
- (3) the scavenging, removal of disposal of filth, rubbish and other obnoxious or polluted matters.
- (4) reclamation of unhealthy localities, the removal of noxious vegetation and generally abatement all nuisance.
- (5) the construction, maintenance, alteration and improvement of public streets and street furniture, bridges, culverts, flyovers, subways, underpasses, causeways, bus bays, bus shelters, mechanical and conventional multistoried parking lots, surface parking lots and the like.
- (6) the lighting, watering and cleansing of public streets and other public places.
- (7) the removal of obstructions and projections in or upon streets, footpaths and other public places.
- (8) the naming and number of streets, streets, circles, junctions, bridges and flyovers, parks and playgrounds.
- (9) the planting and care of trees on road-sides and elsewhere.
- (10) the control of regular lines of streets and building lines.

- (11) the control and regulation of building operations and securing or removal of structurally unsafe and dangerous buildings and places.
- (12) the regulation of underground building operation.
- (13) the coordination of over ground rights enjoyed by the service agencies;
- (14) the coordination of activities of agencies relating to laying and maintenance of underground railways, pipelines, tubes, cables, ducts and the like;
- (15) the laying out or the maintenance of the public parks, gardens or recreation grounds.
- (16) the registration of births and deaths
- (17) the regulation of places for the disposal of the dead, crematoria and the provision and maintenance for the purpose.
- (18) measures for preventing and checking the spread of dangerous diseases
- (19) public vaccination and inoculation;
- (20) the organisation or management of chemical or bacterial laboratories for examination and analysis of water, food and drugs for the detection of diseases or research connected with community health or medical relief.
- (21) the construction and maintenance of corporation markets and slaughter houses and the regulation of all markets and slaughterhouses;
- (22) the regulation and abatement of offensive or dangerous trades or practices.

- (23) the maintenance of all monuments, statues vested in the corporation.
- (24) the maintenance and development of all properties vested in or entrusted to the management of the corporation.
- (25) the compilation and maintenance of records and statistics relating to administration and functions of the corporation under this Act
- (26) the fulfillment of any other obligation imposed by or under this Act or any other law in force for the time being.

60. Discretionary functions of the municipal corporation.- Subject to availability of resources, the municipal corporation may, at its discretion, provide, either wholly or in part, for all or any of the following matters:-

- (1) the furtherance of education (including cultural and physical education) and sports and the establishment and maintenance of, and aid to schools for primary and secondary and higher secondary education.
- (2) The establishment and maintenance of, and aid to, libraries, museums, art galleries and botanical collections;
- (3) The surveys of buildings and lands on geographical information system platforms and production of maps and directories.
- (4) Civic reception to persons of distinction;
- (5) The providing of music and other entertainment in public places or places of public resort and the establishment of fairs and exhibitions.
- (6) The construction and maintenance of-
 - (a) Houses for urban poor
 - (b) Infirmaries

- (c) Children homes and crèches
 - (d) day care centres for the old
 - (e) Shelters for destitute and disabled persons
- (7) The construction and maintenance of cattle-pounds
- (8) The building, or the purchase and maintenance of dwelling-houses for the officers and employees of the corporation.
- (9) Any measures for the welfare of the officers and employees of the corporation or for any class of them including the sanctioning of loans for construction of houses and purchase of vehicles.
- (10) The establishment and maintenance of hospitals, dispensaries, maternity and child welfare centres, primary health care centres, and the like vested in the corporation and the carrying on other measures necessary for public medical relief and family welfare either with or without association of private and government hospitals.
- (11) The organisation, construction, maintenance and management of swimming pools, public wash houses, bathing places and other institutions designed for the improvement of the community health.
- (12) The abatement of smoke nuisance
- (13) Any other measures not hereinbefore mentioned, likely to promote public safety, health, sanitation, orderly urban growth, economic development and social justice and to prevent cruelty to animals.

61. Powers and functions of Mayor and Mayoral Committee.- (1) Subject to the allocation of business, all the powers and functions vested with the municipal corporation under this Act or any other law for the

time being in force, shall vest in the Mayoral Committee or the Mayor or Member of the Mayoral Committee either collectively or individually in accordance with the rules of transaction of business made in this behalf.

Provided that the power to approve the budget and levy taxes shall vest in the corporation.

62. Appointment of Chief Commissioner.- (1) The State government shall in consultation with the Mayor appoint the Chief Commissioner on the basis of the recommendation made by a three member Selection Committee constituted for this purpose.

(2) Qualifications of the candidates eligible for appointment under Sub-section (1) shall be as prescribed by the Government.

(3) Chief Commissioner appointed under sub-section (1) shall subject to the pleasure of the government hold office, subject to other terms and conditions and provided that it shall not be for a period of less than 2 years.

(4) Chief Commissioner shall perform the duties and exercise the powers specifically conferred upon him by or under this Act or under Karnataka Municipal Corporation as Commissioner of a municipal corporation, by any other law for the time being in force and in accordance with the regulations of transaction of business.

Provided all references to be made by the Commissioner under the provisions of Karnataka Municipal Corporation Act, 1976 to the Corporation and Standing Committee in as much as they relate to exercising the powers and functions in the capacity of municipal authorities constituted under Section 6 of the said Act shall be deemed to be made by the Chief Commissioner to the Mayor, Mayoral Committee or Members of the Mayoral Committee as specified in this Act.

63. Powers and Functions of the Chief Commissioner.-(1) The Chief Commissioner shall be the principal administrative and executive officer

of the Municipal Corporation and shall subject to the supervision and control of the Mayor.-

(a) perform all the duties and exercise all the powers specifically imposed or conferred upon him by or under this Act or by any other law for the time being in force;

(b) in any emergency take such immediate action for the service or safety of the public or the protection of the property of the corporation as the emergency shall appear to him or justify or require, notwithstanding that such action cannot be taken under this Act without the sanction, approval or authority of some other municipal authority or of the Government:

Provided that the Chief Commissioner shall report forthwith to the Mayoral Committee the action he has taken and the reasons for taking the same and the amount of cost, if any, incurred or likely to be incurred in consequence of such action which is not covered by a current budget grant under the provisions of this Act.

(2) Any powers, duties and functions conferred or imposed upon or vested in the corporation by any other law for the time being in force shall, subject to the provisions of such law, be exercised, performed or discharged by the Chief Commissioner.

(3) The Chief Commissioner may, with the approval of the Mayoral Committee, empower any Zonal Commissioner of the Corporation or any corporation officer to exercise, perform or discharge any such power, duty or function under his control and subject to his revision and to such conditions and limitation, if any, as he shall think fit to specify.

64. Delegation of powers to the Chief Commissioner by the Mayor.-

Wherever it is provided by this Act or any other law for the time being in force that Chief Commissioner may take action subject to the approval, sanction, consent or concurrence of Mayor or Mayoral Committee, except

in the matter of budget, the Mayor or Mayoral Committee as the case may be, by resolution or order authorise him to take action in anticipation of its approval, sanction, consent or concurrence subject to such conditions, if any, as may be specified in such resolution or order.

65. Delegation of Chief Commissioner's ordinary power.-Subject to the rules made by the State Government, the Chief Commissioner may delegate to any officer of the Corporation subordinate to him any of his ordinary powers, duties and functions including the powers specified in Schedule III of Karnataka Municipal Corporation Act, 1976.

66. Delegation of Chief Commissioner's extraordinary power.-The Chief Commissioner may on his own responsibility and by order in writing authorise the Zonal Commissioner any other officer who is the head of a department working under the Chief Commissioner, or any person in temporary charge of the duties of any of the officers aforesaid to exercise the extraordinary powers conferred on him by clause (b) of subsection (1) of section 56.

67. Chief Commissioner to carry on correspondence.- All correspondence relating to any matter dealt with, by or under this Act or under any other law between the corporation and the Government or other authority shall be conducted by the Chief Commissioner and such classes of correspondence.

68. Zones- (1) The corporation area may be classified into such number of administrative zones as may be deemed necessary by the Mayoral Committee and notified by the Chief Commissioner.

Provided each administrative zone shall consist of such number of contiguous and entire wards as may be determined.

69. Zonal Commissioner.- There shall be a Zonal Commissioner for each zone who may exercise the powers delegated by the Chief Commissioner.

70. Ward officer.- Each ward shall have a Ward Officer, designated from amongst any officials not below the rank of an assistant revenue officer.

71. Rules of transaction of business.- Rules shall be made for transaction of business in the administrative organization of the Corporation.

72. Cadre and Recruitment Rules.- As soon as may be from the commencement of this Chapter cadre and recruitment rules shall be reviewed prescribing appointments and conditions of service of various corporation officers and servants.

Provided until rules made under this section comes into force, the provisions of Karnataka Municipal Corporations Act, 1976 and rules made thereunder shall apply mutadis and mutandis.

73. Regulations for classification, standardization, custody and maintenance of forms and records.- As soon as may be after the commencement of this chapter, classification, standardization, custody and maintenance of forms and records shall be prescribed in the regulations made in this behalf.

CHAPTER VI

WARD COMMITTEE AND NEIGHBORHOOD AREAS

74. Definitions and application.- (1) In this Chapter, unless the context otherwise requires,-

- (a) "Neighborhood Area" means an area, determined in the manner specified in Section 77.
- (b) "Neighborhood Area Committee" means, in relation to the Neighborhood, a body of all persons registered as voters in the electoral rolls pertaining to the electoral part pertaining to that Neighborhood area.

- (c) “Association” means a trust, society, association or organisation registered under the Karnataka Societies Registration Act, 1960 and fulfill the conditions specified in sub-section (3) of section 78.

75. Constitution and composition of the Ward Committee.-(1) There shall be a Ward Committee constituted in each ward of Bruhat Bangalore Mahanagara Palike consisting of a Chairperson and the following members:

- (a) Neighborhood Area Representatives for the Neighborhood Areas determined under Section 71 in each ward For every ward in Bruhat Bangalore Mahanagara Palike;
- (b) Corporator of Bruhat Bangalore Mahanagara Palike elected for the ward as Chairperson;

(2) The Chairperson of the ward or in his absence any Neighborhood Area Representative authorised by him or her shall preside over the meeting of the Ward Committee as Chairperson.

(3) The ward officer shall be secretary to the ward committee.

76. Powers and functions of the Ward Committee.- (1) The ward committee shall discharge the following functions:

- (a) Prepare the Ward Development and Maintenance Plan Proposal (WDMPP) which inter alia include a prioritisation list of maintenance and development works to be procured solid waste management, roads, sanitation, street lighting, safety, parks, sports and other civic amenities for consideration of the standing committee concerned.
- (b) Oversee optimal utilization of budget grants allocated and released for the works in the wards in the ward and the

development and maintenance works in the ward under the annual programme of works.

- (c) Oversee compilation of requests for beneficiary oriented schemes received in the ward through the Neighborhood Area Committee Representative and suggest prioritisation for the consideration of the standing committee concerned.
- (d) Oversee timely delivery of public services including maintenance and use of civic amenities like parks, schools, community halls, hospitals, dispensaries and other facilities and its priority for the benefit of the urban poor, weaker sections of society and women.
- (e) Any other functions as may be assigned to it by the standing committee.

(4) Procedure and conduct of business in the ward committee and in its meetings shall be as may be prescribed.

(5) The Chief Commissioner may require any of its officers to attend the meeting of the Ward Committee in the course of his or her duties being discussed; when any officer is thus required to attend any such meeting he or she may be called upon to make a statement of facts and supply such information in his possession relating to any matter dealt by him as the Ward Committee may require.

77. Determination of Neighborhood Areas,- The State Government shall by order, determine,-

- (a) the Neighborhood Areas into which each Ward may be divided; and
- (b) each neighborhood area shall comprise the geographical extent of one or more electoral parts within such area,

provided the number of such areas shall not exceed ten and shall not be less than three.

78. Representatives of Neighborhood Area.-(1) For each of the Neighborhood Areas specified under section determined under Section 69, a Neighborhood Area Representative nominated in the manner prescribed.

(2) Not less than two persons belonging to Scheduled Castes and Scheduled Tribes and not less than two women shall be nominated as Area Neighborhood Area Representatives.

(3) Representative of Neighborhood Area shall represent Neighborhood Area Committee participants who shall be head of a Resident Welfare Association or a nominee by the heads of Resident Welfare Associations or if there is no resident welfare association in the ward, any resident registering himself as a volunteer as a participant.

Explanation : Participation by the participants of Neighborhood Area Committee shall unless the context otherwise requires, that it shall be open for any participant to make suggestions and give complaints regarding delivery of public services and also on the implementation of the schemes and programmes of by the different authorities of the Bruhat Bangalore Mahanagara Palike.

(4) Procedure for nomination of Representative of the Neighborhood Area Committee and the participants of the meeting of the Neighborhood Area Committee and procedure of such meetings shall be as may be prescribed.

PART III
MUNICIPAL CORPORATION SERVICES

CHAPTER VII
PUBLIC STREETS

79. Development and maintenance of public streets and appurtenances.- (1) Subject to the Local Area District Plan prepared in this behalf, development and maintenance of public streets and appurtenances and its protection shall be in accordance with Sections 265 to 294 of Chapter XIV of Karnataka Municipal Corporation Act, 1976 and any other law for the time being in force.

80. Regulation of construction of buildings.- Regulation of buildings shall be in accordance with the building byelaws made in this behalf and until such time in accordance with the provisions of Sections 295 to 321 of Chapter XV of Karnataka Municipal Corporation Act, 1976 and any other law for the time being in force.

CHAPTER VIII
MUNICIPAL CORPORATION ESTATES

81. Management of municipal corporation estates.- Management of municipal corporation estates shall be in accordance with the regulations made in this behalf and until such time in accordance with provisions of Chapter XII of Karnataka Municipal Corporation Act, 1976 in as much it relates to municipal property or any other law for time being in force.

82. Inventory of properties of the Municipal Corporation.- (1) The Chief Commissioner shall maintain an inventory of the movable and immovable properties of the Municipal Corporation in such form and in such manner as may be prescribed.

(2) The Chief Commissioner shall, in the case of the inventory of an immovable property, prepare an annual statement along with references

therein including any sale, lease or encroachments and place the same before the Municipal Corporation Council

(3) The Chief Commissioner shall, have the inventory of lakes, parks including any sale, lease or encroachments and open spaces maintained separately in accordance with the provisions of Karnataka Parks and Open Spaces Act and rules made thereon.

(4) Such statements shall be included as an appendix to the annual administration report of the Municipal Corporation.

CHAPTER IX

WATER SUPPLY

83. Definitions.- For the purposes of this Chapter unless the context otherwise means

- (a) 'Bangalore Metropolitan Area' means the area of the Bangalore Metropolitan Region and includes such other areas adjacent thereto as the State Government may by notification from time to time specify under the provisions of Bangalore Water Supply and Sewerage Act, 1964.
- (b) 'Special Purpose Vehicle' means an agency constituted under Section 80 for the jurisdiction of the Corporation.
- (c) 'building' means a house, out-house, stable, latrine, urinal, shed, hut or any other structure whether of masonry, bricks, wood, mud, metal or other material but does not include any portable shelter;
- (d) "bye-laws" means bye-laws made for the purposes of this Chapter.
- (e) "water supply distribution facilities" means and include facilities for water supply distribution by gravitation or by use of energy or by use of structures erected, pipes and

channels laid from reservoirs either underground or above ground, wells and borewells.

- (f) “right of way water supply distribution facilities” means access to water supply distribution facilities either below the ground or above the ground on public streets and other municipal assets.

84. Jurisdiction of Bangalore Water Supply and Sewerage Board.-

Notwithstanding anything contained in the Bangalore Water Supply and Sewerage Board Act the jurisdiction of the Board shall be deemed extend to the whole of Bangalore Metropolitan Region

85. Bulk supply of drinking water.- Notwithstanding anything contained in the Bangalore Water Supply and Sewerage Board Act, Bangalore Water Supply and Sewerage Board shall be responsible for bulk supply of drinking water in the jurisdiction of municipal corporation.

86. Distribution of drinking water.- (1) The Corporation shall within its jurisdiction be responsible for the distribution of drinking water. The government may in consultation with the corporation, create a Special Purpose Vehicle or SPV for managing the affairs of distribution of water supply for the jurisdiction of the Corporation.

(2) The objects of the Corporation and special purpose vehicle, if any, shall be to promote and secure the maintenance of water supply lines beyond bulk water points or meters and for that purpose right of way and authority to regulate cutting of roads and footpaths and their restoration; regulate road cutting permissions and restorations by the consumers of water including public buildings and government buildings and rain water harvesting; maintenance of leakage points, replacement of corroded pipes or distribution lines for higher capacity as the case may

be; secure bulk water supply and regulate demand for safe drinking water, recycled water, untreated water etc. of required pressure.

87. Maintenance of water supply distribution facilities.- (1) Notwithstanding anything contained in any law, subject to regulations made in this behalf, the responsibility of maintenance of water supply distribution and right to closure of work shall vest in the municipal corporation or Special Purpose Vehicle if it is established.

(2) Provisions for such restrictions of grant of right of way for providing water supply distribution facilities shall be as may be prescribed.

Provided until commencement of this Chapter, provisions of Bangalore Water Supply and Sewerage Board Act, 1964 and the byelaws made thereunder shall mutadis and mutandis apply.

88. Applicability of Bangalore Water Supply and Sewerage Board Act, 1964.- Unless it is provided contrary under this Chapter, for all other matters with regard to the distribution of water supply provisions of Sections 30, 31, 32, 33, 34, 35, 36, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, and 61-A of Bangalore Water Supply and Sewerage Board Act, 1964, rules and regulations made thereunder shall apply under this for the municipal corporation or any agency or Special Purpose Vehicle under it.

CHAPTER X

PRECAUTIONS FOR PUBLIC HEALTH CARE AND SAFETY,

PUBLIC NUISANCES

89. Applicability of Karnataka Municipal Corporation Act, 1976.- Provisions of Karnataka Municipal Corporation Act, 1976 under Section 92 and 93 in Chapter VIII on essential services, under Sections 322 to 341 in Chapter XVI on Nuisances, Sections 342 to 400 in Chapter XVII

on Licences and fees and Sections 401 to 420 in Chapter XVIII on prevention of dangerous diseases and the byelaws made thereon shall apply mutadis mutandis under this Act in the matter of precautions for public health care and safety and public nuisances.

CHAPTER XI

TAXATION

90. Applicability of Karnataka Municipal Corporation Act, 1976.-

Provisions of Karnataka Municipal Corporation Act, 1976 under sections 103 to 148 in Chapter X on enumeration of taxes and rules made thereon shall apply mutadis mutandis under this Act in the matter of taxation and enumeration of taxes.

CHAPTER XII

FINANCE, ACCOUNTS AND AUDIT IN MUNICIPAL CORPOATION

91. Applicability of Karnataka Municipal Corporation Act, 1976.-

Provisions of Karnataka Municipal Corporation Act, 1976 under sections 149 to 173 in Chapter XI on Finance, Accounts and Audit shall apply mutadis and mutandis under this Act in the matter of Finance, Accounts and Audit.

CHAPTER XIII

CONTRACTS IN MUNICIPAL CORPORATION

92. Power to make regulations for contracts.- (1) Without prejudice to provisions of Karnataka Transparency in Public Procurement Act, 1999 and rules and notifications made thereunder, regulations may be made for the following purposes:

- (1) appointment and registration of panel of consultants, or agencies for procurement of services and goods and for supervision of performance for a period deemed necessary;

- (2) for award of contracts for such classes of works as may be specified and packaged for an entire ward or multiple wards.
- (3) prescribing conditions of warranty, maintenance and performance security.
- (4) procurement of construction, delivery or maintenance of municipal services or as the case may be infrastructure works on outsource basis or public private partnership or joint venture or by any concession agreement for the discharge of functions including communication systems including construction of roads, footpaths, pedestrian pathways, traffic and transportation terminals and transit centres both for passengers and goods, bridges, over-bridges and subways roads, water supply, drainage, sidewalks or footpath, pedestrian crossings;
- (5) prescribing conditions of accountability of performance of municipal services on the agencies or the authorities of the municipal corporation.

(2) Notwithstanding anything contained in this Chapter, unless being contrary the provisions of Sections 180, 181, 182, 183 and 184 of Chapter XII of Karnataka Municipal Corporation for the time being in force shall continue to be in force.

93. Contracts for public works to include maintenance.- (1) Subject to such restrictions as may be prescribed, contracts between the municipal corporation and any contracted parties shall be so designed that in respect of any proposed new infrastructure, or improvements to existing infrastructure may comprise:-

- (a) communication systems including construction of roads, footpaths, pedestrian pathways, traffic and transportation terminals and transit centres both for passengers and

goods, bridges, overbridges and subways roads, water supply, drainage, sidewalks or footpath, pedestrian crossings;

- (b) transport system accessories including traffic engineering schemes, street furniture, street lighting, parking areas and bus bays and bus stops;
- (c) community health and protection of environment including planting and caring of trees on the roads and elsewhere.
- (d) markets, slaughterhouses and modern abattoirs;
- (e) aesthetic environment
- (f) promotion of educational sports and cultural activities
- (g) such other statutory or regulatory functions as may be provided by or under this law or under any law for the time being in force.

(2) Contracts made under sub-section (1) may be awarded for the entire ward or a group of contiguous wards for a multi-year period subject to the provisions of Karnataka Transparency in Public Procurement Act, 1999 and rules and notifications made thereon.

(3) Contracts made under sub-section (1) and (2) shall include a provision for the warrantee for maintenance of different aspects of the awarded infrastructure project for construction or reconstruction for a minimum period, which may be specified according to cost, expected wear and tear and such other criteria.

Provided notwithstanding anything contained in sub-section (3), such a contract may not absolve the supervisory responsibility and right of regulation against third party misuse as may have been prescribed for the time being in force.

(4) Nothing in this section shall prevent prescribing such conditions as may be deemed necessary either in the contract or in general so as to balance the contracts to leverage more credible suppliers, reduction in time and cost in the execution of the works, citizen interface systems and processes such as participatory third party or neighborhood area committee supervision in terms of monitoring, performance measurement, maintenance of records and work documents at site, inventory control and materials management in order to prevent dead inventories, pilferage, quality loss and wastage.

94. Security for performance of contracts.- Subject to the provisions of Karnataka Transparency in Public Procurement Act, 2009 the municipal corporation or any municipal corporation authority or any officer assigned in this behalf shall take sufficient security for the due performance of every contract entered into after a tender has been accepted, and may take security for the due performance.

95. Power to transfer any function of Municipal Corporation under the Act to any organisation.- (1) Notwithstanding anything contained in this Act or in any other law for the time being in force, the Municipal Corporation may, if it is of opinion that it is necessary so to do in the public interest, transfer by contract or otherwise any function or functions of the municipal corporation under this Act to any individual or organisation, including a Government organisation, under public private partnership or in such manner, and on such concessions, terms and conditions as may be determined by the municipal corporation.

(2) Provided such transfer of function or functions of the Municipal Corporation to such organisation shall not absolve the Municipal Corporation from the responsibility of carrying out the provisions of this Act in relation to the function or functions so transferred.

96. Powers of the Municipal Corporation to enter into any business or venture.-

(1) Without prejudice to the generality of the foregoing provisions of this section or under any law for the time being in force, the Mayoral Committee may, with the prior approval of the Corporation Council and the State Government as the case may be, enter into any joint venture, or partnership with any individual or organisation, on such terms and conditions as may be decided by the Municipal Corporation and agreed to by the partner or partners of such joint venture or partnership.

(2) Without prejudice to the generality of the foregoing provisions of this section or under any law for the time being in force, such agreements include the following:

- (a) Build-Own-Operate-Transfer Agreement
- (b) Build-Own-Operate-Maintain Agreement
- (c) Build and Transfer Agreement,
- (d) Build-lease-transfer Agreement,
- (e) Build-Transfer-Operate Agreement,
- (f) Lease and Management Agreement,
- (g) Management Agreement,
- (h) Rehabilitate-Operate-Transfer Agreement
- (i) Rehabilitate-Own-Operate-Maintain Agreement,
- (j) Service contract Agreement
- (k) Facility Management Agreement, and
- (l) Supply-Operate-Transfer Agreement.

(3) For financial investment from the municipal fund, either in any business proposed to be done by the municipal corporation under any concession agreement under sub-section (2), the existing of one of the following conditions shall be mandatory:-

- (a) the Municipal Corporation shall not have any deficit budget in the three preceding consecutive financial years; or

(b) the Municipal Corporation shall be sure of earning profit from such joint venture or partnership business before completion of one year from the date of entering into such venture or business; or

(c) the fund is required to be used for saving a certain municipal property, and the municipal corporation is sure of earning profit within a period of five years from the date of such investment.

(4) For capital investment in the form of tenure of land and buildings to be given on lease for reasonable term not exceeding thirty years.

(5) After entering into any business on its own behalf or on a joint venture or partnership business, the Chief Commissioner shall place before the municipal corporation report of performance of such contracts at least once in six months and the resolution of the municipal corporation thereon shall be sent to the state government.

(6) If the Municipal Corporation, without showing proper reason, fails to fulfill the conditions specified in sub-section (3), the State Government may, by order, withdraw the municipal corporation from such business or joint venture or partnership business, and State Government may compensate, the other partner or partners of such business or joint venture or partnership business or any other person or organisation affected by the loss made in such business or joint venture or partnership business by deducting from the fund of the municipal corporation after being satisfied that such loss has been caused by the default of the municipal corporation.

97. Application of the provisions of this Chapter.-Unless the context otherwise requires, if in the provisions of this Chapter, there is anything contrary to the provisions of the Karnataka Municipal Corporation Act, 1976 the provisions of this Chapter shall apply.

CHAPTER XIV

PUBLIC DISCLOSURE OF INFORMATION

98. Public disclosure of information.- (1) Without prejudice to the provisions of the Right to Information Act, 2005 or any rules made thereon, it shall be duty of various authorities covered under this Act to make public disclosure of information in such manner and in such form as may be prescribed.

Provided the ambit of disclosure may contain such information that includes administrative structure, finances and operations of municipal services provided to the citizens and the periodicity of such information to be publicly disclosed.

(2) The authorities and officials responsible for performance and delivery of services shall be accountable in the manner prescribed.

CHAPTER XV

MUNICIPAL AUTHORITIES OF MUNICIPALITIES

99. Municipal Authorities of Municipality.- Notwithstanding anything contained in the Karnataka Municipalities Act, 1964, the following shall be the municipal authorities having executive powers of the municipalities referred to in section 17 in the Bangalore Metropolitan Region charged with carrying out the provisions to the extent provided under this Act or as the case may be the Karnataka Municipalities Act namely,-

- (a) Municipal Council
- (b) President
- (c) Municipal Presidential Committee
- (d) Standing Committee

(e) Other officers specified under the Karnataka Municipalities Act, 1964.

100. Election of Chairperson and Deputy Chairperson of Municipal Council.- (1) The Municipal Council shall, at its first meeting after a general election of councillors elect,-

(a) one of its councillors to be Chairperson

(b) one other councillor to be the Deputy Chairperson

(2) The seats of officers of Chairpersons and Deputy Chairpersons of Municipal Council shall be reserved on rotation basis for Scheduled Castes, Scheduled Tribes and Backward Classes and women in the manner prescribed under the rules made in this behalf.

(3) The Chairperson or the Deputy Chairperson elected under clause (a) and (b) of sub section (1) shall hold office for a period of one year from the date of his or her election and shall, notwithstanding the expiry of the said period, continue in office till his or her successor is elected, provided that in the meantime he or she does not cease to be a councillor.

(4) The retiring Chairperson or the Deputy Chairperson shall be eligible for re-election.

(5) If any casual vacancy occurs by way of resignation or otherwise in the office of the Chairperson or Deputy Chairperson, the municipal council shall, after the occurrence of the vacancy, elect one of the councillors to fill the vacancy and every Chairperson or Deputy Chairperson shall hold office so long as the person in whose place he is elected, would but for the occurrence of the vacancy have held office.

101. Municipal President and Municipal Vice-President.- (1) The Municipality Council at the first meeting after a general election of councillors shall elect with simple majority of votes one of its councillors

referred to in clause (a) of sub-section (1) of section 11 of the Karnataka Municipalities Act, 1964 to be Municipal President.

(2) The Municipal President shall appoint one person amongst the councillors referred to in sub-section (1) to be Municipal President.

(3) The Municipal President shall hold office co-terminus with the term of the municipality council.

(4) If any casual vacancy occurs in the office of the Municipal President the Municipal Council shall, after the occurrence of the vacancy, choose one of the councillors referred to in sub-section (1) to fill the vacancy and every municipal president or municipal vice-president so elected shall hold office so long as the person in whose place he is elected would, but for the occurrence of the vacancy, have held office.

102. Municipal Presidential Committee.-(1) There shall be a Municipal Presidential Committee for every municipality which shall consist of number of councillors of the municipality not exceeding two thirds of the total number of councillors in the municipality including Vice-President.

(2) Not exceeding one third of the members under sub-section (1) who are subject experts shall be nominated as consultant members to the Municipal Presidential Committee.

(3) The roles and responsibility of the consultative members of the Mayoral Committee shall be as may be prescribed.

(4) Municipal President shall be the Chairperson of Municipal Presidential Committee of the municipality.

(5) Members of the Municipal Presidential Committee under sub-section (1) and (2) including the Vice-President shall be nominated as by the Municipal President and they shall continue to hold office at his or her pleasure.

103. Allocation of business to the Municipal Presidential Committee.- The Municipal President shall allocate the business for among the members of the Presidential Committee for any of the following matters:

- (a) Finance
- (b) Public Works
- (c) Traffic and Transportation
- (d) Environment and Ecology including parks, lakes and tanks
- (e) Water supply and drainage
- (f) Public health and sanitation
- (g) Urban Art and Heritage
- (h) Market and buildings
- (i) Any other matter not specifically assigned above.

104. Municipal Subject Committees.- (1) There shall be constituted Municipal Committees for

- (a) Accounts
- (b) Social Justice and poverty alleviation

(2) Each Municipal Committee under sub-section (1) shall consist of not more than fifteen councillors in the case of a City Municipal Council and not more than seven councillors in the case of a town municipal council elected at its first meeting after general elections according to the principle of proportionate representation by means of a single transferable vote and hold office for a period of twenty months from the date of election.

(3) Provided the Municipal Committee for social justice shall consist of not less than three councillors belonging to the Scheduled Caste or Scheduled Tribe or Women.

(4) No councillor shall be a member of more than Municipal Committee at the same time.

(5) Where a casual vacancy occurs by resignation or otherwise in the membership of the Municipal Committee it shall be filled by the Municipality by the election of another Councillor in the manner prescribed to hold office only so long as the person in whose place he is elected would, but for the occurrence of the vacancy, have held.

(6) Functions, duties and responsibilities of Municipal Committees and procedure of conduct of business of such committees shall be as may be prescribed in the regulations made in this regard.

105. Chairperson of the Municipal Committee.- (1) Each Municipal Committee shall elect one of its members as Chairperson in the manner prescribed.

(2) Notwithstanding the provisions of sub-section (2) the Chairman shall vacate his office when he ceases to be a member of the Municipal Committee.

(3) If any casual vacancy occurs in the office of the Chairperson, the Municipal Council Committee concerned, after the occurrence of such vacancy, elect one of its members to fill such vacancy in the manner prescribed to hold office so long as the person in whose place he is elected would, but for the occurrence of the vacancy have held.

Powers and functions of the municipalities and other authorities

106. Obligatory functions of the Municipal Councils.- It shall be incumbent on every municipal council to make adequate provision by any means or resources which it may lawfully use or take for each of the following matters within the municipal area, namely:-

- (a) water supply for domestic, industrial and commercial purposes,

- (b) drainage and sewerage,
- (c) solid waste management,
- (d) preparation of plans for economic development and social justice,
- (e) communication systems including construction and maintenance of roads, footpaths, pedestrian pathways, traffic and transportation terminals and transit centres both for passengers and goods, bridges, over-bridges, subways,
- (f) transport system accessories including traffic engineering schemes, street furniture, street lighting, parking areas and bus bays and bus stops,
- (g) community health and protection of environment including planting and caring of trees on the road sides and elsewhere,
- (h) markets and slaughterhouses,
- (i) promotion of educational sports and cultural activities, and
- (j) aesthetic environment, and
- (k) such other statutory or regulatory functions as may be provided by or under this Act or under any other law for the time being in force.

(2) the Metropolitan Planning Council, may having regard to the managerial, technical financial and organizational capacity, and the actual conditions obtaining in the municipal area, may direct a municipality to perform any of the functions as aforesaid, if such function is not taken up, or is postponed by the municipality unless the Metropolitan Planning Committee may decide not to take up, or postpone, the performance of, any of the functions as aforesaid.

(3) Subject such restrictions and conditions as may be prescribed, a municipal council may plan, build, operate, maintain or manage the infrastructure required for the discharge of any of the functions, as aforesaid, either by itself or by an agency under any concession agreement referred to in this Act.

107. Special functions.- Special functions provided under section 88 of the Karnataka Municipalities Act, shall mutatis mutandis apply in the case of municipal councils in the Bangalore Metropolitan Region.

GENERAL

108. General applicability of Karnataka Municipal Corporation Act, 1976 in this Act.- Wherever the words “standing committee” occurs in any of the Chapters of Karnataka Municipal Corporation Act, 1976 reference to “Mayor” or “Mayoral Committee” as the case may be shall be deemed to have been construed.

109. General applicability of this law in other laws.- (1) Unless anything contrary is provided in this law, wherever the word “Commissioner” occur in any of the Chapters Karnataka Municipal Corporation Act, 1976 reference to “Chief Commissioner” shall be construed under this Act.

110. General applicability of this law and other laws in Bangalore Metropolitan Region.- (1) Unless the context otherwise requires, and notwithstanding anything contained in any other law for the time being in force, provisions of this Act shall apply in respect of the areas within the Bangalore Metropolitan Region to the extent provided under this law.

(2) Any other law under sub-section (1) shall include Karnataka Town and Country Planning Act, 1961 (Act No. 11 of 1963) Karnataka Municipal Corporation Act, 1976 (Karnataka Act No.14 of 1977), Karnataka Municipalities Act, 1964 (Karnataka Act No. 22 of 1964), Bangalore Development Authority Act, 1976 (Karnataka Act No. 12 of 1976), Bangalore Water Supply and Sewerage Act, 1964 (Act No. 36 of 1964), Karnataka Open Places (Prevention of Disfigurement) Act, 1981 (Act No. 33 of 1982), Karnataka Parks, Play fields and Open spaces (Preservation and Regulation Act, 1985 (Act No. 16 of 1985), Karnataka Industrial Area Development Act, 1966 (Act No. 18 of 1966), Karnataka

Preservation of Trees Act, 1976 (Act No. 76 of 1976), Karnataka Apartment Ownership Act, 1972 (Karnataka Act No. 17 of 1973) Karnataka Ownership Flats (Regulation of the Promotion of Construction, Sale, Management and Transfer Act, 1972 (Act No. 16 of 1973),

(3) Without prejudice to anything contained in sub-section (1), any specific applicability of other laws mentioned in any of the sections under this Act shall apply as such for the purposes of this Act to the extent so provided for.

(4) The unspent balance of the fund of the local authority (including arrears of rates, taxes and fees) belonging to the local authority and all rights and powers which, prior to such notification, vested in the local authority shall, subject to all charges and liabilities affected the same, continue to vest in respective authorities.

(5) Any appointment, notification, notice, tax, order, scheme, licence, permission rule, bye-law or form made, issued, imposed or granted under any law or rule immediately before the said date in respect of the said local authority 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.

(6) All budget estimates, assessment lists, valuations or measurements, made or authenticated under any law or rule immediately before the said date in respect of the said local authority shall be deemed to have been made or authenticated under this Act.

(7) All debts and obligations incurred and all contracts made by or on behalf of the local authority immediately before the said date and subsisting on the said date shall be deemed to have been incurred and

made by the local authority in exercise of the powers conferred on it by this Act.

(8) All proceedings pending on the said date before the local authority at any level shall be deemed to be transferred to or deemed to be referred to that local authority at any level as provided under this Act and continued as such.

(9) 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 authority when they were filed.

(10) All prosecutions instituted by or on behalf of the local authority and all suits or other legal proceedings instituted by or against the local authority or any officer of the local authority pending on the said date shall be continued by or against the local authorities under this Act as if when such prosecutions, suits or proceedings were instituted.

(11) All arrears of rates, taxes and fees vesting in the local authority 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.

111. Removal of difficulties.- If any difficulty arises in giving effect to provisions of this Act, the Government may by order, published in the official gazette as the occasion may require do anything which appears it to be necessary to remove the difficulty.

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