KARNATAKA ACT NO. 53 OF 2020

THE BRUHAT BENGALURU MAHANAGARA PALIKE ACT, 2020

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STATEMENT OF OBJECTS AND REASONS

I

ACT 53 OF 2020.- The City of Bengaluru is a major centre of economic activity with a large and growing population with seven hundred and fourteen square kilometers of area under the jurisdiction of Bruhat Bengaluru Mahanagara Palike.

The Bruhat Bengaluru Mahanagara Palike has been established and governed under the Karnataka Municipal Corporations Act, 1976 (Karnataka Act 14 of 1977).

The Karnataka Municipal Corporations Act, 1976 (Karnataka Act 14 of 1977) is inadequate in administrative and structural matters to govern Bengaluru as it provides for limited flexibility and is a common legislation catering to nine smaller Corporations in Karnataka.

There is an urgent need to formulate an independent legislation for the working of Bruhat Bengaluru Mahanagara Palike for the purposes of improving decentralization, integration of public participation at various levels of municipal governance and ensuring efficient decision making by the municipal authorities.

Hence, the Bill.

[L.A. Bill No. 26 of 2020, File No. Samvyashae 20 Shasana 2020]

[Entry 5 of List II of the Seventh Schedule to the Constitution of India.]

21.12.2020]

II

Amending Act 01 of 2022.- The Honorable High Court of Karnataka has passed the final order on 04.08.2021 in Writ Petition No. 4601/2020 (LB-BMP) and others as under,-

(a)The bye-laws under which Ground Rent, Licence Fee, Buillding Licence Fee, Scrutiny Fee, Security Deposit are all held ultravires the Act and are resultantly rendered unenforceable.

(b)The Circular bearing No. ಹನಿನಯೋ/ಜೆಡಿ(ಉ)/ಡಿಎಂ3/ಪಿಆರ್/320/2015- 16, ದಿನಂಕ:04.09.2015 stands quashed.

(c)The State or the BBMP is not precluded from bringing in the impugned levies under the provisions of the Act or the Rules by making suitable amendments to the act and the Rules.

(d)Petitioners in all these petitions who have deposited certain amounts in terms of the interim order passed by this Court before this Court are entitled to refund of the amounts so deposited.

(e)Insofar as refund in other cases who have paid to the Corporation under protest, they shall be entitled to such refund only if the same is not collected from the consumers of the apartments, businesses are the case would be.

(f)Insofar as all other payments made, they would all be at liberty to give representation to the BBMP and the BBMP would consider the refund of the amounts, in accordance with law and findings of this Court.

(g)If representations are made by the petitioners for refund, the BBMP shall pass appropriate orders within 12 weeks from the date of such representations.

Since the fee collected by the Bruhat Bengaluru Mahanagara Palike has already been utilized for various development works, refund of the same would incur a financial burden of Rupees 2362 crores (Two thousand three hundred and sixty two crores) to the Bruhat Bengaluru Mahanagara Palike.

Therefore, it is considered necessary to amend the Karnataka Municipal Corporations Act, 1976 (Karnataka Act 14 of 1977) and the Bruhat Bengaluru Mahanagara Palike Act, 2020 (Karnataka Act 53 of 2020) with retrospective effect for validation of fee and penalty collected by the Bruhat Bengaluru Mahanagara Palike at the time of sanction of building plan and grant of Commencement certificate and Completion certificate to buildings and also to provide exemption or concession to a Board or Corporation or an Organization owned or controlled by the Central Government or the State Government from the payment of such fee.

As the matter was urgent and both the Houses of the State Legislature were not in session, therefore the Karnataka Municipal Corporations and Certain other Law (Amendment) Ordinance, 2021 (Karnataka Ordinance 08 of 2021) was promulgated to achieve the above object.

This Bill seeks to replace the above ordinance.

Hence, the Bill.

[L.A. Bill No. 48 of 2021, File No. DPAL 50 Shasana 2021]

[entry 5 and 18 of List II of the Seventh Schedule to the Constitution of India..]

III

Amending Act 29 of 2022.- It is considered necessary to amend the sections 7 and 8 of the Bruhat Bengaluru Mahanagara Palike Act, 2020 (Karnataka Act 53 of 2020) to provide reservation of not more than fifty percent of seats to the Scheduled Castes, Scheduled Tribes, Other Backward Classes and Women in the Bruhat Bengaluru Mahanagara Palike as provided in the Urban Local Bodies and to follow the direction of the Hon‟ble Supreme Court given in SLP No. 15181-15183/2020 to conduct of the election to the Bruhat Bengaluru Mahanagara Palike.

As the matter was urgent and both Houses of the State Legislature were not in session, the Bruhat Bengaluru Mahanagaa Palike (Amendment) Ordinance, 2022 (Karnataka Ordinance 05 of 2022) was promulgated to achieve the above object.

This Bill seeks to replace the above ordinance.

Hence, the Bill.

[L.A. Bill No. 21 of 2022, File No. SAMVYASHAE 16 SHASANA 2022]
[Entry 5 of List II of the Seventh Schedule and Article 243T to the Constitution of India]
[Published in Karnataka Gazette Extra-ordinary No. 507 in part-IVA dated: 11.10.2022]

IV

Amending Act 12 of 2023.- It is considered necessary to amend the Bruhat Bengaluru Mahanagara Palike Act, 2020 (Karnataka Act 53 of 2020),-

(i) for properly maintenance of property tax register; and

(ii) to exempt the recognized educational institutions from paying the property tax.

Hence, the Bill

[L.A. Bill No. 01 of 2023, File No. SAMVYASHAE 05 SHASANA 2023] [Entry 5 of List II of the Seventh Schedule to the Constitution of India.]

[Published in Karnataka Gazette Extra-ordinary No.104 in part-IVA dated:10.03.2023]

V

Amending Act 17 of 2024.- It is considered necessary to amend the Bruhat Bengaluru Mahanagara Palike Act, 2020 (Karnataka Act 53 of 2020) to resolve the problem arising in the implementation of the provisions of the Act due to ambiguity therein with respect to the provisions relating to levy and collection of property tax, advertisement fee, recovery of arrears of tax and fee and disposal of appeals and incorporation of the provisions of section 14 of the Karnataka Town and Planning Act, 1961, relating to land use or development.

Hence, the Bill.

[L.A. Bill No.06 of 2024, File No. DPAL 10 SHASANA 2024]
[Entry 5 of List II of the Seventh Schedule to the Constitution of India.] [Published in Karnataka Gazette Extra-ordinary No.160 in part-IVA dated:07.03.2024]

VI

Amendment Act 37 of 2024:- It is considered necessary to amend the Bruhat Bengaluru Mahanagara Palike Act, 2020 (Karnataka Act 53 of 2020) and the Karnataka Municipal Corporations Act, 1976 (Karnataka Act 14 of 1977) to make provisions to specify the ratio of cess, scrutiny fee etc. with reference to the guidance value under the Karnataka Stamps Act, 1957 and give validity to the earlier collection of cess, scrutiny fee etc.

Hence, the Bill.

[L.A. Bill No. 24 of 2023, File No. SAMVYASHAE 36 SHASANA 2023]

[Entry 5 of List II of the Seventh Schedule to the Constitution of India]

VII

Amendment Act 07 of 2025:- Chapter XIII of the Bruhat Bengaluru Mahanagara Palike Act, 2020 (Karnataka Act 53 of 2020) contains provisions relating to levy and collection of property tax, advertisement fee, levy and collection, recovery and disposal of appeals. Extension of last date for One Time Settlement scheme is proposed as it was observed that a large number of property owners tried to avail benefit of this scheme in last few days but could not because of server issues. Suo-moto revision provision has been brought in to facilitate vigilant property owners who would like to do upward revision of their property tax payment on their own. Further, as a one-time measure to bring penalties on the revision cases and un-assessed properties on par with defaulter cases with the penalty of rupees one hundred per year is proposed.

As the matter was urgent and both the Houses of the State Legislature were not in session, the Bruhat Bengaluru Mahanagara Palike (Amendment) Ordinance, 2024 (Karnataka Ordinance 01 of 2024) was promulgated to achieve the above object.

This Bill seeks to replace the above ordinance.

Hence, the Bill.

[L.A. Bill No.47 of 2024, File No. SAMVYASHAE 52 SHASANA 2024]

[Entry 5 of List II of the Seventh Schedule to the Constitution of India.]

dated:10.01.2025]

VIII

Amendment Act 34 of 2025:- It is considered necessary to amend the Bruhat Bengaluru Mahanagara Palike Act, 2020 (Karnataka Act 53 of 2020) to,-

(i) declare any street as public street;

(ii) as certain development of even private roads with the BBMP area;

(iii) enable the corporation to take decision in the matters related to fixing the rate of fee, levy or penalty in accordance with Article 243X of the Constitution of the India;

(iv) reduce the ceiling limit and to bring fee on parity with scrutiny fee for building license, commencement certificate and occupancy certificate;

(v) reduce the ceiling limit on the rate of fee chargeable for residential building permission;

(vi) to prevent unauthorized construction and prevent the owner or person from using unauthorized building or part of building; and

(vii) certain consequential amendments connected therewith or incidental thereto also made.

Hence, the Bill.

[L.A. Bill No.17 of 2025, File No. SAMVYASHAE 21 SHASANA 2025]

[Entry 5 of List II of the Seventh Schedule to the Constitution of India.]

[Published in Karnataka Gazette Extra-ordinary No.231 in part-IVA dated:15.04.2025]

KARNATAKA ACT NO. 53OF 2020

(First published in the Karnataka Gazette Extra-ordinary on the 21st day of December, 2020)

(As amended by Act 01 of 2022, 29 of 2022, 12 of 2023, 17 of 2024, 37 of 2024, 07 of 2025 and 34 of 2025)

THE BRUHAT BENGALURU MAHANAGARA PALIKE ACT, 2020 (Received the assent of the Governor on the 19th day of December, 2020)

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

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

Whereas, the Bruhat Bengaluru Mahanagara Palike was established and governed under the provisions of the Karnataka Municipal Corporations Act, 1976 (Karnataka Act 14 of 1977).

Whereas, the provisions of the Karnataka Municipal Corporations Act, 1976 (Karnataka Act 14 of 1977) are inadequate in administrative and structural matters to govern Bengaluru as it provides for limited flexibility and is a common legislation catering to nine smaller Municipal Corporations in the State of Karnataka.

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

CHAPTER I
PRELIMINARY

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

(2) The provisions of the Act shall come into force on such date as the State Government may, by 1[notification]1, appoint on this behalf.

1. This Act has came into force w.e.f. 11.01.2021. by Notification No.ನಅಇ 73 ಬಿಬಿಎಸ್ 2020 (ಇ) Dated: 06.01.2021.

(See the text of the notification at the end of the Act)

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

(1) "Annual Financial Statement" means the statement published by the Corporation under section 208;

(2) "Area Sabha" means in relation to an Area, a body of all the persons who are
(3) registered as voters in the electoral rolls pertaining to any polling station of that Area;
"Area" means an area determined in the manner specified in section 4 and 89;

(4) "Association" means an association of body of persons, a trust, society, association or organization registered under Karnataka Societies Registration Act, 1960 (Karnataka Act 17 of 1960) or not;

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

(6)"Bio-medical waste" means any waste generated during diagnosis, treatment, immunization or any health services of human beings or animals or in research activities pertaining thereto;

(7)"building" includes,-

(a) a house, out-house, stable, privy, shed, hut, wall, verandah, fixed platform, plinth, door step and any other structure including telecommunication tower or Advertisement structure, whatever name called whether of masonry, bricks, wood, mud, metal or any other material whatsoever;

(b) a structure on wheels simply resting in the ground without foundations;

(c) a ship, vessel, boat, tent, and any other structure used for human habitation or used for keeping or storing any article or goods;

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

(9) "casual vacancy" means a vacancy occurring otherwise than by efflux of time in the office of a councillor or in any other elective office and "casual election" means an election held to fill a casual vacancy;

(10)"Chairperson" means such person who shall be the head of the committee or commission or other such bodies provided for under this Act;

(11)"Chief Commissioner" means the Chief Commissioner appointed under section 63 and includes a person appointed to act as the Chief Commissioner under section 71 ;

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

(13)"Completion Certificate" means a certificate granted by the Corporation upon completion of construction of a building in accordance with the provisions of this Act;

(14)"Complimentary Connection" means and includes providing a connection for cable television or connection to direct to home service free of any payment or at a reduced rate;

(15)"Complimentary ticket" means and includes any ticket which provides an entry into a ticket-based entertainment free of any payment or at a reduced rate;

(16)"Comprehensive Debt Limitation Policy" means the policy prepared by the Corporation to guide any decision taken by it while raising debt;

(17)"Corporation" means the Bruhath Bengaluru Mahanagara Palike established in accordance with the provisions of this Act;

(18)"Corporation Administrator" means any officer appointed by the State Government to exercise the powers and perform the functions and discharge duties conferred or imposed on the corporation by or under this Act;

(19)"Corporation Fund" means the consolidated fund of the Corporation subject to the control of the Corporation in accordance with such conditions prescribed under this Act;
(20)"Dangerous diseases" means any epidemic, endemic, or infectious disease notified as a dangerous disease by the Government under this Act;
(21)"Election" means an election to fill any vacancy in the office of a Councillor;
(22)"Entertainment" means and includes any amusement event or provision of service which involves a performance, presentation, production or staging of any act and for the viewing of which any person or body of persons may be required to purchase a ticket to enter such an event or purchase a connection to view such a service;
(23)"Essential services" means services in which any Corporation officer, servant, or other person is employed by or on behalf of the corporation and which are specified in the rules;
(24) "factory" means a factory as defined in the occupational safety, health and working condition code 2020 (Central Act 37 of 2020); (25) "filth" includes sewage, dung, dirt, swill, putrid and putrefying substances and all offensive matter;
(26)"Government" means the Government of Karnataka;
[1][(26A) "Ground rent" means to include fee for usage of public roads and other infrastructure facilities provided and maintained by the Bruhat Bengaluru Mahanagara Palike and debris generated, during the period of construction, but this shall not give the right to occupy public road and footpath;
(26B) "Guidance Value" means market value of the vacant site as specified under section 45B of the Karnataka Stamp Act, 1957 (Karnataka Act 34 of 1957);][1]
(27) "land" includes land which is being built upon or is built upon or covered with water, benefits to arise out of land, things attached to the earth or permanently fastened to anything attached to the earth and rights created by law over any street;
(28)"lay-out" means a lay-out formed by an individual or body of persons, whether incorporated or not;
(29)"local authority" means a Corporation, a municipal council, Town panchayat, development authority, city improvement board, town improvement board, zilla panchayat, taluk panchayat and grama panchayat or any local self Government constituted under any law for the time being in force;
(30)"Market" includes any place, by whatever name called, where persons assemble for the sale of meat, fish, fruit, vegetables, livestock, or any other article of food of a perishable nature, or any other article for which there is a collection of shops or warehouses or stalls, declared and licensed by the Corporation as a market; (31)"Medium term fiscal plan" means the fiscal plan prepared by the Corporation for a period of five years;
(32)"Non ticket-based entertainment" means and includes any entertainment which does not require the purchase of a ticket to enter the place of non-ticket-based entertainment;-

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

(34)“Occupier” includes any person who, for the time being, is paying or is liable to pay to the owner the rent or any portion of the rent of the land or building in respect of which such rent is paid or payable, an owner in occupation or otherwise using the building or land, a rent- free tenant, licensee occupying any land or building, any person who is liable to pay the owner damages for the use or occupation of any land or building;

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

(36)"population" means the population as ascertained at the last preceding census of which relevant figures have been published; (37)“Political Party” means a political party registered under section 29A of the Representation of the People Act, 1951 (Central Act 43 of 1951);

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

(39)"Prescribed" means prescribed by rules made under this Act;

(40)“Presiding Officer”means such an officer appointed by the State Election Commission to preside over one or more polling stations; (41)“Property tax” means the tax levied by the Corporation on buildings or vacant lands or both;

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

(43)“regulation” means a regulation framed under this Act;

(44)“rubbish” includes dust, ashes, broken bricks, mortar, broken glass, garden or stable refuse and refuse of any kind which is not offensive matter or sewage;

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

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

(47)“street alignment” means a line dividing the land comprised in and

forming part of a street from the adjoining land;

(48)"Scheduled Castes" means those castes, races or tribes or parts of or groups within castes, races or tribes notified under Article 341 of the Constitution of India;

(49)"Scheduled Tribes" means those tribes or tribal communities on parts of or groups within castes, races, tribes or tribal communities notified under Article 342 of the Constitution of India;

1[(49A) "Scrutiny fee" means fee collected to meet the establishment charges for processing the application for permitting building construction;]1

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

(51)"Sinking fund" means a fund formed by periodically setting aside money for the gradual repayment of a debt or replacement of a wasting asset;

(52)"Specified"means the Bye laws made by the Corporation under this Act;

(53)"Slum level federation" means an association of twenty or more self-help groups formed by residents of urban slum areas;

(54)"Solid Waste Management" means and includes collection, segregation, storage, transportation, processing and disposal of municipal solid waste;

(55)"Standing Committee" means the Standing Committee referred to under section 80;

(56)"State Election Commission"means the State Election Commission referred to in Article 243-K of the Constitution of India;

(57)"Street"means a public street or a private street, and includes any highway and any causeway, bridge, road, lane, foot-way, subway or riding path or passage over which the public have a right of passage or access or have passed and had access uninterruptedly for a period of twenty years; and, when there is a foot-way as well as a carriage way in any street, the said term includes both;

(58)"Ticket based entertainment" means and includes any entertainment, which requires the purchase of a ticket to enter the place of ticket based entertainment;

(59)"trade effluent" means any liquid either with or without particles of matter in suspension therein which is wholly or in part produced in the course of any trade or industry carried on at the trade premises, and in relation to any trade premises means any such liquid as aforesaid which is so produced in the course of any trade or industry carried on at those premises, but does not include domestic sewage;

(60)"trade premises" means any premises used or intended to be used for carrying on any trade or industry;

(61)"trade refuse" means the refuse of any trade or industry;

(62)"Tribunal" means the Karnataka Appellate Tribunal;

(63)"Vacant land" means, land not built upon and does not include land appurtenant to a building;

(64)"Ward Committee" means the ward committee established under section 82;

(65)"Ward development plan" means the development plan prepared by the Ward Committee for the allotment of budget to it by the Corporation;

(66)"Ward Sabha" means a Ward Sabha referred to under section 86; (67)"Wards" means such areas within the zones of the Corporation determined by the Government under section 7;

(68)"Zonal Commissioner" means the Zonal Commissioner referred to under section 72; and

(69)"Zones of the Corporation" means such areas within the Corporation as may be notified by the Government under section 12.

1. Inserted by the Act 37 of 2024 w.e.f. 11.01.2021.

CHAPTER II
CORPORATION AUTHORITIES

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

(a)the Bruhat Bengaluru Mahanagara Palike (BBMP)

(b)the Mayor
(c)the Chief Commissioner
(d)the Zonal Commissioner
(e)the Zonal Committees
(f)the Standing Committees
(g) the Ward Committees
(h)Area Sabhas

CHAPTER III
CONSTITUTION OF THE CORPORATION

4. Establishment of Bruhat Bengaluru Mahanagara Palike.- (1) As soon as may be, after the commencement of this Act, there shall be established for the purposes of this Act, a Corporation to be called Bruhat Bengaluru Mahanagara Palike.

(2) The Governor having regard to,-

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

(c)the revenue generated by existing local administration of such area; (d)the percentage of employment in non-agricultural activities in such area;

(e)the economic importance of such area;

(f)special development plan, trade, transport; and

(g)such other factors as may be prescribed or required to be considered from time to time include such areas to be within or exclude such areas from the jurisdiction of the Bruhat Bengaluru Mahanagara Palike by notification in the Official Gazette.

(3)No such notification shall be issued unless a draft thereof is,-

(a) published in the official Gazette for the information of all persons likely to be affected thereby inviting objections and suggestions within one month from the date of publication; and

(b) referred to the corporation for expressing its views thereon within the period specified in clause (a).

(4) Save as otherwise provided in this Act or any other law for the time being in force, when a local area is excluded from the larger urbanarea.

(i)the rights and liabilities of the corporation in such area shall vest in Government; and

(ii) Government shall, after consulting the corporation, determine what portion of the corporation fund and other property of the corporation shall vest in Government for the benefit of the inhabitants of such local area and how the liabilities of the corporation shall be apportioned between the corporation and Government.

(5) When a local area is included in the larger urban area , the provisions of this Act and all taxes, notifications, rules, bye-laws, orders, directions and powers, levied, issued, made or conferred under this Act or any other law applicable to the larger urban area shall apply to the said area from the date of inclusion of such area within the larger urban area.

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

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

6.

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

7. Delimitation of Wards.- (1)For the purposes of election of councilors, Bengaluru shall be divided into wards on the recommendation of the delimitation commission in such manner that,-

(a) the population of each of the wards shall, as far as practicable, be the same throughout Bengaluru.;

(b) Wards shall be divided within the constituency of a member of legislative assembly and no wards shall be spread over to constituencies.

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

(2) The Government shall constitute a delimitation commission consisting of such number of persons as may be prescribed to recommend to the Government regarding the manner of division of wards.

(3) The Government shall by order determine,-

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

(b)the extent of each ward; and

(c)the number of seats so reserved for Scheduled Castes and Scheduled Tribes shall bear as nearly as may be, the same proportion to the total number of seats to be filled by direct election in the corporation as the population of the Scheduled Castes in the city or of the Scheduled Tribes in the city bears to the total population of the city:

[1][(d) Such number of seats which shall as nearly as may be, one third of the total number of seats to be filled by direct election in the Corporation shall be reserved for persons belonging to the Backward Classes.][1]

Provided that the number of seats so reserved for the Backward Classes under this sub-section shall be so determined, that the total number of seats reserved for the Scheduled Castes and Schedule Tribes [2][and the Backward Classes under this sub-section shall not exceed fifty percent of the total number of seats in the Corporation.][2]

1. Inserted by the Act 29 of 2022 w.e.f. 10.06.2022.
2. Substituted by the Act 29 of 2022 w.e.f. 10.06.2022.

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

Provided that, the seats reserved in sub-sections (3) and (4) shall be allotted by rotation to different wards in the city.

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

8. Constitution of the Corporation.-(1) The Corporation shall consist of,-

(a) such number of elected Councilors representing each ward determined by the Government under sub-section (3) of section 7.

(b) the Government shall nominate such members from the residents of the city and such members shall not exceed ten percent of the Councillors:-

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

(ii)who are social workers;

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

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

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

(2) Seats shall be reserved in a corporation,-

(a) for the Scheduled Castes; and

(b) for the Scheduled Tribes:

and the number of seats so reserved shall bear as nearly as may be, the same proportion to the total number of seats to be filled by direct election in the corporation as the population of the Scheduled Castes in the city or of the Scheduled Tribes in the city bears to the total population of the city.

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

Provided that, the number of seats so reserved for the Backward Classes under this sub-section shall be so determined, that the total number of seats reserved for the Scheduled Castes and Schedule Tribes [1][and the Backward Classes under sub-sections (2) and (3) shall not exceed fifty percent of the total number of seats in the Corporation.][1]

Provided further that, out of the seats reserved under this sub-section, eighty percent of the total number of such seats shall be reserved for the persons falling under category "A" and the remaining twenty percent of the seats shall be reserved for the persons falling under category "B":

Provided also that, if no person falling under category "A" is available, the seats reserved for that category shall also be filled by the persons falling under category "B" and vice-versa:

1. Substituted by the Act 29 of 2022 w.e.f. 10.06.2022.

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

Provided that, the seats reserved in this sub-section shall be allotted by rotation to different wards in a city.

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

(6) Nothing contained in sub-sections (2), (3) and (4) shall be deemed to prevent the members of the Scheduled Castes, Scheduled Tribes, backward classes or women from standing for election to the non-reserved seats.

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

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

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

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

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

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

10. Declaration of assets etc.- Every councillor referred to in sub-section (1) of section 8 shall, not later than one month after the commencement of his term of office and in the same month of each succeeding year, file with the Mayor a

declaration of all assets owned by him and any member of his family. Such declaration shall form part of the corporation records.

11. Term of office of Councilors.- (1) Save as otherwise provided in this Act, the term of office of councillors,-

(i) directly elected at a general election shall be five years;

(ii) nominated by the Government under clause (b) of sub-section (1) of section 8 shall, subject to the pleasure of the Government, be five years.

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

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

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

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

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

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

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

CHAPTER IV
ELECTIONS

13. Election to the Corporation.-(1) A general election shall be held for the purpose of constitution of a new Corporation before the expiry of the duration of the existing Corporation or on dissolution.

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

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

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

14. Electoral rolls.- (1)For every ward, there shall be an electoral roll which shall be prepared, revised, modified, updated and published in accordance with the provisions of this Act and under the superintendence, direction and control of State Election Commission.

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

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

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

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

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

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

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

17. Appointment of Presiding Officers for polling stations.-(1) The State Election Commission shall appoint a Presiding Officer for each polling station and such Polling Officer or officers as it thinks necessary:

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

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

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

19. Disqualifications of being a Councillor.- (1) A person shall be disqualified in the following circumstances for being chosen as a Councillor if he,- (a)has been sentenced by a criminal court to imprisonment for an offence punishable with imprisonment for a term not less than two years:

Provided that,-

(i) the offence is one which involves moral turpitude and

(ii)such sentence has not been reversed or quashed or the offence not pardoned; or

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

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

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

(e)if, having been a legal practitioner, he has been dismissed or suspended from practice by order of a competent authority, the disqualification in the latter case being operative during the period of such suspension; or (f) if is he is of unsound mind and stands so declared by a competent court; or

(g)if he is an un-discharged insolvent; or

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

(i)if he is so disqualified by any law for the time being in force for the purposes of

election to the State Legislature:

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

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

(k)if he has in proceedings questioning the validity or regularity of an election been found to have been guilty of,-

(i) any corrupt practice, or

(ii) any offence punishable under section 171E or section 171F of the Indian Penal Code 1860, or any offences pertaining to election unless a period of six years has elapsed since the date of the finding or the disqualification has been removed by order by the Government:

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

(2) If any councillor during the term for which he has been elected,-

(a)becomes subject to any disqualification specified in sub-section (1), or (b)votes or takes part as a councillor in the discussions of any matter,- (i)in which he has conflict of interest; or

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

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

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

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

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

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

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

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

22. Election Petition.-(1) No election of a councillor shall be called in question except by an election petition presented for adjudication to the District Court having jurisdiction, within thirty days from the date of the publication of the result of election under section 21.

(2) An election petition may be presented on one or more of the grounds specified in section 23,-

(a)by any candidate at such election; or

(b)by any voter of the ward concerned

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

Provided that, where the petitioner alleges any corrupt practice, the petition

form in support of the
allegation of such corrupt practice and the particulars thereof.

23. Grounds for declaring elections to be void.-(1) The court shall declare the election of the returned candidate to be void, if the court is of opinion, - (a)that on the date of his election a returned candidate was not qualified or was disqualified, to be chosen as a councillor under this Act, or (b)that any corrupt practice has been committed by a returned candidate or his election agent or by any other person with the consent of a returned candidate or his election agent, or

(c)that any nomination has been improperly rejected.

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

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

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

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

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

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

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

(b)that the candidate and his election agent took all reasonable means for preventing the commission of corrupt practices at the election; and (c)that in all other respects the election was free from any corrupt practice on the part of the candidate or any of his agents, then the court may decide that the election of the returned candidate is not void.

24. Procedure to be followed by the court.- The procedure provided in the Code of Civil Procedure, 1908, in regard to suits shall be followed by the court as far as it can be made applicable, in the trial and disposal of an election petition under this Act.

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

(a)dismissing the election petition; or

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

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

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

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

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

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

26. Appeal.-An appeal shall lie to the High Court from an order of the District Court under section 25 within a period of thirty days from the date of the order of the court excluding the time required for obtaining a copy of the order: Provided that, the High Court may entertain an appeal after the expiry of the said period of thirty days if it is satisfied that the appellant had sufficient cause for not preferring the appeal within the said period.

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

(1) 'bribery' as defined in clause (1) of section 123 of the Representation of the Peoples Act, 1951 (Central Act 43 of 1951) for the time being in force; (2) 'under influence' as defined in clause (2) of the said section for the time being in force;

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

(4) the promotion of, or attempt to promote, feelings of enmity or hatred between different classes of the citizens of India on grounds of religion, race, caste, community or language, by a candidate or his agent or any other person with the consent of a candidate or his election agent for the furtherance of the prospects of the election of that candidate or for prejudicially affecting the election of any candidate; (5) the publication by a candidate or his agent or by any other person with the consent of a candidate or his election agent of any statement of fact which is false, and which he either believes to be false or does not believe to be true, in relation to the personal character or conduct of any candidate, or in relation to the candidature or withdrawal of any candidate, being a statement reasonably calculated to prejudice the prospects of that candidate's election;

(6) the hiring or procuring whether on payment or otherwise of any vehicle by a candidate or his agent or by any other person with the consent of a candidate or his election agent for the conveyance of any voter (other than the candidate himself and the members of his family or his agent) to or from any polling station provided in accordance with the rules made under this Act:

Provided that the hiring of a vehicle by an elector or by several electors at their joint cost for the purpose of conveying him or them to and from any such polling station shall not be deemed to be a corrupt practice under this clause if the vehicle so hired is a vehicle not propelled by mechanical power:

Provided further that the use of any public transport vehicle or any railway carriage by any voter at his own cost for the purpose of going to or coming from any such polling station shall not be deemed to be a corrupt practice under this clause.

Explanation.- In this clause, the expression "vehicle" means any vehicle used or capable of being used for the purpose of road transport, whether propelled by mechanical power or otherwise and whether used for drawing other vehicle or otherwise;

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

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

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

29. Prohibition of public meetings two days before preceding the election day and on the election day.-(1)No person shall convene, hold or attend any public meeting within any ward within forty eight hours before the date of commencement of the poll or on the date or dates on which a poll is taken for an election in that ward.

(2) Any person who contravenes the provisions of sub-section (1) shall, on conviction, be punished with fine which may extend to Rupees One Lakh.

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

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

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

31.

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

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

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

32. Maintenance of secrecy of voting.- (1) Every officer, employee,agent or other person who performs any duty in connection with the recording or counting of votes at an election under this Act shall maintain and aid in maintaining, the secrecy of the voting and shall not, except for some purpose authorised by or under any law, communicate to any person any information calculate to violate such secrecy.

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

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

(a)canvassing for votes;

(b)soliciting the vote of any voter; or

(c)persuading any voter not to vote for any particular candidate; or

(d)persuading any voter not to vote at election; or

(e)exhibiting any notice or sign (other than an official notice) relating to the election

(2)Any person who contravenes the provisions of sub-section (1) shall, on conviction, be punished with fine which may extend to one lakh rupees (3)An offence punishable under this section shall be cognizable.

34. Penalty for disorderly conduct in or near polling stations.-(1)No person shall, on the date or dates on which a poll is taken at any polling station,- (a)use or operate within or at the entrance of the polling station or in any public or private place in the neighbourhood thereof, any

apparatus for amplifying or reproducing the human voice, such as a megaphone or a loudspeaker; or

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

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

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

35. Penalty for illegal hiring or procuring of conveyances at elections.- If any person is guilty of any such corrupt practice as is specified in sub-section (6) of section 27 at or in connection with an election he shall, on conviction, be punished with fine which may extend to two hundred and fifty rupees.

36. Breaches of official duty in connection with elections.- (1) If any person to whom this section applies is, without reasonable cause, guilty of any act or omission in breach of his official duty, he shall, on conviction, be punished with fine which may extend to five hundred rupees.

(2) No suit or other legal proceedings shall lie against any such person for damages in respect of any such act or omission as aforesaid.

(3) The persons to whom this section applies are the returning officer, assistant returning officers, presiding officers, polling officers and any other person appointed to perform any duty in connection with the receipt of nominations or withdrawal of candidature, or the recording or counting of votes at an election; and the expression "official duty" shall, for the purpose of this section, be construed accordingly, but shall not include duties imposed otherwise than by or under this Act in connection with such election.

37. Returning Officer, Presiding Officer, etc. deemed to be on deputation to State Election Commission.- Notwithstanding anything contained in this Act or any other law for the time being in force, the returning officer,

assistant returning officer, presiding officer, polling officer and any other officer appointed by or under this Act and any police officer designated for the time being by the Government, for the conduct of any election of Councillors under this Act shall be deemed to be on deputation to the State Election Commission for the period commencing on and from the date of notification calling for such election and ending with the date of declaration of the results of such election and accordingly, such officer shall, during that period, be subject to the control, superintendence and discipline of the State Election Commission.

38. Penalty for Government servant for acting as election agent, polling agent or counting agent.- If any person in the service of the Government acts as an election agent or a polling agent or a counting agent of a candidate at an election, he shall be punishable with imprisonment for a term which may extend to three months, or with fine or with both.

39. Removal of electronic voting machine from polling station to be an offence.- (1) Any person who at any election fraudulently takes or attempts to take a electronic voting machine out of a polling station or willfully aids or abets the doing of any such act shall, on conviction, bepunished with imprisonment for a term which may extend to one year, or with fine which may extend to five hundred rupees, or with both.

(2) If the presiding officer of a polling station has reason to believe that any person is committing or has committed an offence punishable under sub-section (1), such officer may, before such person leaves the polling station, arrest or direct a police officer to arrest such person and may search such

person or cause him to be searched by a police officer:

Provided that, when it is necessary to cause a women to be searched, the search shall be made by another woman with strict regard to decency.

(3) Any electronic voting machine found upon the person arrested on search shall be made over for safe custody to a police officer by the presiding officer, or when the search is made by a police officer, shall be kept by such officer in safe custody.

(4) An offence punishable under sub-section (1) shall be cognizable.

Explanation: In this Chapter, any reference to electronic voting machine shall also be construed as reference to ballot paper/ballot box wherever the State Election Commission conducts election through ballot paper/ballot box.

40. Other offences and penalties therefor.- (1) A person shall be guilty of an electoral offence if at any election, he,-

(a) fraudulently defaces or fraudulently destroys any nomination paper; or

(b) fraudulently defaces, destroys or removes any list, notice or other document, affixed by or under the authority of a returning officer; or (c) fraudulently defaces or fraudulently destroys any electronic voting machine or the official mark on any voting machine;

(d) without due authority supplies any electronic voting machineto any person or receives any electronic voting machine from any person or is in possession of any ballot paper; or voting machine

(e) fraudulently puts into any electronic voting machine anything other than the control unit, ballot unit and voter verified paper audit trail (VVPAT) which he is authorised by law to put in; or

(f) without due authority destroys, takes, opens or otherwise interferes with any voting machine then in use for the purposes of the election; or

(g) fraudulently or without due authority, as the case may be, attempts to do any of the foregoing acts or willfully aids or abets the doing of any such acts.

(2) Any person guilty of an electoral offence under this section shall,- (a) if he is the returning officer or an assistant returning officer or a presiding officer at a polling station or any other officer or person employed on official duty in connection with the election, on conviction, be punished with imprisonment for a term which may extend to two years, or with fine, or with both;

(b) if he is any other person, on conviction, be punished with imprisonment for a term which may extend to six months, or with fine, of with both.

(3) For the purpose of this section, a person shall be deemed to be on official duty if his duty is to take part in the conduct of an election or part of an election including the counting of votes or to be responsible after an election for the used ballot papers and other documents in connection with such election but the expression "official duty" shall not include any duty imposed otherwise than by or under this Act in connection with such election.

(4) An offence punishable under clause (b) of sub-section (2) shall be cognizable.

41. Prosecution regarding certain offences.- No court shall take cognizance of any offence under section 36 or under clause (a) of sub-section (2) of section 40, unless there is a complaint made by order of, or under authority from, such officer as may be prescribed.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

47. Power of Government to make rules for the purpose of election:- The Government may prescribe such rules or regulations to regulate all or any of the matters for the purpose of holding elections of councilors, Mayor, Deputy Mayor and Chairperson of standing committees.

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

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

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

(4) If a person who is chosen as a councillor of a ward is or becomes a member of either house of the Parliament, either house of the State Legislature, or is or becomes a Municipal Councillor or a Councillor of a Municipal Corporation other than Bruhat Bengaluru Mahanagar Palike or a Councillor of a Town Panchayat, or a member of a Zilla Panchayat or Grama Panchayat then at the expiration of a period of fifteen days from the date of notification of the names of the members under section 21, or as the case may be, within fifteen days from the date of commencement of term of office of a member of either house of the Parliament, either house of the State Legislature or a MunicipalCouncillor or a Councillor of a Municipal Corporation other than Bruhat Bengaluru Mahanagar Palike or a Councillor of a Town Panchayat or a member of a Zilla Panchayat or Grama Panchayat, his seat in the Bruhat Bengaluru Mahanagar Palike shall become vacant unless he has previously resigned his seat in either house of the Parliament, either house of the State Legislature, the Municipal Council, the Municipal Corporation other than Bruhat Bengaluru Mahanagar Palike, Town Panchayat, Zilla Panchayat or Grama Panchayat as the case may be.

49. Requisitioning of premises, vehicle, etc., for election purpose.- (1) If it appears to an officer authorised by the State Election Commission for the conduct of elections to the Corporation under this Act (hereinafter referred to as "the requisitioning authority") that in connection with an election under this Act,- (a) any premises is needed or is likely to be needed for the purpose of being used as a polling station or for the storage of ballot boxes after a poll has been taken; or

(b) any vehicle, vessel or animal is needed or is likely to be needed for the purpose of transport of ballot boxes to or from any polling station or transport of members of the police force for maintaining order during the conduct of such election, or transport of any officer or other person for performance of any duties in connection with such election, the requisitioning authority may by order in writing requisition such premises, or as the case may be, such vehicle, vessel or animal and may make such further orders as may appear to it to be necessary or expedient in connection with the requisitioning: Provided that, no vehicle, vessel or animal which is being lawfully used by a candidate or his agent for any purpose connected with the election of such candidate shall be requisitioned under this sub-section, until the completion of the poll at such elections.

(2) The requisitioning shall be effected by an order in writing addressed to the person deemed by the requisitioning authority to be the owner or person in possession of the property, and such order shall be served in the manner prescribed on the person to whom it is addressed.

(3) Whenever any property is requisitioned under sub-section (1), the period of such requisitioning shall not extend beyond the period for which such property is required for any of the purposes mentioned in that sub-section.

(4) In this section,-

(a) "premises" means any land, building or part of a building and includes a hut, shed or other structure or any part thereof;

(b) "vehicle" means any vehicle used or capable of being used for the purpose of road transport whether propelled by mechanical power or otherwise.

50. Payment of compensation.- (1) Whenever in pursuance of section 49, the requisitioning authority requisitions any premises, the Corporation shall pay to the persons interested compensation, the amount of which shall be determined by the requisitioning authority by taking into consideration the following factors that is to say:-

(i) the rent payable in respect of the premises, or if not rent is so payable, the rent payable for similar premises in the locality;

(ii) if in consequence of the requisitioning of premises, the person interested is compelled to change his residence or place of business, the reasonable expenses, if any, incidental to such change:

Provided that, when any person interested being aggrieved by the amount of compensation so determined makes an application to the requisitioning authority within thirty days of the order under sub-section (1) the matter shall be referred by the requisitioning authority to the Civil Judge having jurisdiction in the locality and the amount of compensation to be paid shall be such as the Civil Judge may determine.

Explanation.- In this sub-section, the expression "person interested" means the person who was in the actual possession of the premises requisitioned immediately before the requisitioning or where no person was in such actual possession, the owner of such premises.

(2) Whenever in pursuance of section 49, the requisitioning authority requisitions any vehicle, vessel or animal the Corporation shall pay to the owner thereof compensation, the amount of which shall be determined by the requisitioning authority on the basis of fares or rates prevailing in the locality for the hire of such vehicle, vessel or animal:

Provided that where the owner of such vehicle, vessel or animal being aggrieved by the amount of compensation so determined, makes an application within thirty days to the requisitioning authority, the matter shall be referred to the Civil Judge having jurisdiction in the locality and the amount of compensation to be paid shall be such as the Civil Judge may determine:

Provided further that where immediately before the requisitioning the vehicle or vessel was by virtue of a hire purchase agreement in the possession of a person other than the owner the amount determined under this sub-section as the total compensation shall be apportioned between that person and the owner in such manner as they may agree upon and in default of agreement in such manner as an arbitrator appointed by the requisitioning authority in this behalf may decide.

51. Power to obtaining information.- The requisitioning authority may with a view to requisitioning any property under section 49, or determining the compensation payable under section 50 by order require any person to furnish to such authority as may be specified in the order such information in his possession relating to such property as may be specified.

52. Power of Entry into and inspection of premises, etc.- (1) Any person authorised in this behalf by the requisitioning authority may enter into any premises and inspect such premises and any vehicle, vessel or animal therein for the purpose of determining whether, and if so in what manner an order under section 49 should be made in relation to such premises, vehicle, vessel or animal or with a view to securing compliance with any order made under that section.

(2) In this section the expression "premises" and "vehicle" have the same meaning as in section 49.

53. Eviction from requisitioned premises.- (1) Any person remaining in possession of any requisitioned premises in contravention of any order made under section 49, may be summarily evicted from the premises by any officer empowered by the requisitioning authority in this behalf.

(2) Any officer so empowered may after giving to any woman not appearing in public, reasonable warning and facility to withdraw, remove or open any lock or bolt or break open any door of any building or do any other act necessary for effecting such eviction.

54. Release of premises from requisitioning.- (1) When any premises requisitioned under section 49, are to be released from requisitioning the possession thereof shall be delivered to the person from whom possession was taken at the time of the requisition or if there was no such person to the person deemed by the requisitioning authority to be the owner of such premises and such delivery of possession shall be a full discharge of the requisiting authority from all liabilities in respect of such delivery but shall not prejudice any rights in respect of the premises which any other person may be entitled by due process of law to enforce against the person to whom possession of the premises is so delivered.

(2) Where the person to whom possession of any premises requisitioned under section 49, is to be given under sub-section (1) cannot be found or is not readily ascertainable or has no agent or any other person empowered to accept delivery on his behalf, requisitioning authority shall cause a notice declaring that such premises are released from the requisitioning to be affixed on some conspicuous part of such premises and on the notice board of the office of the Corporation.

(3) When a notice is affixed on the notice board as provided in sub-section

(2), the premises specified in such notice shall cease to be subject to requisitioning on and from the date of such affixing of the notice and be deemed to have been delivered to the person entitled to possession thereof and the requisitioning authority or Corporation shall not be liable for any compensation or other claim in respect of such premises for any period after the said date.

55. Penalty for contravention of any order regarding requisition.- If any person contravenes any order made under section 49, or section 51, he shall on conviction be punished with imprisonment for a term which may extend to one year or with fine or with both.

CHAPTER V

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

56. Mayor and Deputy Mayor.- The Members of the Corporation shall in the first meeting of the Corporation elect one of its Members to be the Mayor and another member to be the Deputy Mayor of the Corporation in such manner as may be prescribed. In an event of a vacancy in the office of either the Mayor or the Deputy Mayor, the Corporation shall within one month of such a vacancy fill up these vacancies.

57. Term of office of the Mayor and Deputy Mayor.-The Mayor or the Deputy Mayor shall hold office for a period of thirty months from the date of his election and shall continue in office till his successor is elected.

58. Reservation of the office of the Mayor and Deputy Mayor- There shall be reserved by the Government in the prescribed manner the office of Mayor and Deputy Mayor, as the case may be, of the Corporation, for the persons belonging to the Scheduled Castes, Scheduled Tribes and women by rotation on occurrence of vacancy.

59. Powers and functions of the Mayor.-(1) The Mayor shall discharge all functions as has been assigned to him under this Act.

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

(3) The Mayor shall preside over every meeting of the corporation.

(4) Subject to the provisions of this Act, the Mayor shall have general powers of inspection and may give direction to the Chief Commissioner with regard to the implementation of any resolution of the corporation or a standing committee in the discharge of any obligatory and discretionary functions of the corporation, and the Chief Commissioner shall comply with such directions. The Mayor may call any record of the corporation from the Chief Commissioner and the records made available to him shall be returned by him within fifteen days from the date they are made available.

(5) The Mayor may, by an order in writing delegate any of his functions to the Deputy Mayor.

(6) The Mayor shall not be eligible to be elected as chairman of any standing committee.

(7) If the Mayor is, at the time of his election as Mayor, the chairman or an elected member of a standing committee, he shall cease to hold office as such chairman or member of such committee.

(8) If any vacancy occurs in the office of the chairman of any standing committee, the Mayor shall convene a meeting of such committee for the election of another chairman.

60. Functions of the Deputy Mayor. - (1) When the office of the Mayor is vacant, his functions shall devolve on the Deputy Mayor until a new mayor is elected.

(2) If the Mayor is continuously absent from the city for more than eight days, or is incapacitated for more than eight days his functions shall devolve on the Deputy Mayor until the mayor returns to the city or recovers from his incapacity, as the case may be.

(3) The Deputy Mayor shall have the power to direct the Chief Commissioner to get the Administration and Audit Reports prepared in time.

(4) The Deputy Mayor shall discharge such functions of the Mayor as may be

delegated to him by the Mayor.

61. Resignation of Mayor and Deputy Mayor.- (1) The Mayor may at any time resign by writing under his hand addressed to the Deputy Mayor and the Deputy Mayor may resign anytime by writing under his hand addressed to the Mayor:

Provided that in the event of the vacancy of either the office of the Mayor or the Deputy Mayor the resignation may be addressed to the Regional Commissioner

(2) The Regional Commissioner shall hold elections to the Office of Mayor and Deputy Mayor in accordance with such procedure prescribed within one month from the date of such vacancy.

(3) In the event of the office of Mayor and Deputy Mayor is vacant, the Regional Commissioner shall discharge the functions of the Mayor till the such elections as under sub-section (2) is held.

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

62. 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 and the Councilors.

(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:

Provided that, the limit shall be as prescribed.

(3) Notwithstanding anything contained in this Act the receipt by any person of honorarium, fee or allowance as Mayor, Deputy Mayor or Councilor as aforesaid shall not disqualify him for being elected as or for being a Councilor.

63. Chief Commissioner.- (1) The Chief Commissioner shall be appointed by the Government in consultation with the Mayor and he shall not be a member of the Corporation**.**

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

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

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

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

(a)Proved to be guilty of misconduct and neglect; and

(b)Incapacity to perform duties assigned to him.

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

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

(2) Co-ordinate between the Mayor, Deputy Mayor, Council and the Zonal Committees for all matters necessary.

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

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

(5) Subject, whenever it is in this Act expressly so directed, to the approval or sanction of the corporation or the standing committee concerned and subject also to all other restrictions, limitations and conditions imposed by this Act or by any other law for the time being in force, the executive power for the purpose of carrying out the provisions of this Act and of any other law for the time being in force which imposes any duty or confers any power on the corporation shall vest in the Chief Commissioner, who shall also,

(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 standing committee concerned and to the corporation 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.

(6) 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.

(7) The Chief Commissioner may, with the approval of the standing committee concerned, by order in writing empower 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.

65. 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 the Chief Commissioner shall send copies of such correspondence to the Mayor.

66. 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 such powers as may be prescribed.

67. Delegation of Chief Commissioner's extraordinary power.- The Chief Commissioner may on his own responsibility and by order in writing authorise the health officer, the engineer, the revenue officer or 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 sub-section (5) of section 64.

68. Custody of records.- The Chief Commissioner shall be responsible for the custody of all records of the corporation including all papers and documents connected with the proceedings of the corporation, the standing committee and other committees.

69. Control over Corporation establishment.- Subject to the provisions of this Act, rules and regulations, the Chief Commissioner shall specify the duties of persons borne on the Corporation establishment and exercise powers of supervision and control over them and decide all questions relating to their conditions of service.

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

71. Appointment of officiating Chief Commissioner in case of death, resignation or removal of Commissioner.-If any vacancy occurs in the office of the Chief Commissioner on account of death, resignation or removal, the Government may appoint another Officer not below the rank of the Principal Secretary to Government to take the role of the acting Chief Commissioner in his place for a term not exceeding six months, pending the appointment of a new Chief commissioner.

72. Zonal Commissioner.- A Zonal commissioner shall be appointed by the Government, for each zone notified by it and shall be a person not below the rank of the Secretary to the Government.

73. Salary and Conditions of the Zonal Commissioner.-The Zonal Commissioner shall be paid out of the Municipal Fund of the state such monthly salary and such monthly allowances, if any, as may from

time to time be fixed by the Government and shall also be given such facilities in relation to residential accommodation, conveyance and such other facilities as may be fixed by the Government.

74. Powers and Functions of the Zonal Commissioner.-The Zonal Commissioner shall perform the following functions, namely:-

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

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

(c)He shall undertake functions as directed by the Chief Commissioner or Mayor from time to time; and

(d)Subject to the rules made by the State Government, the Zonal Commissioner may delegate to any officer of the Corporation subordinate to him any of his ordinary powers, duties and functions as provided under the Act.

75. Establishment of a Constituency Consultative Committee.-(1) There shall be a Committee known as the Constituency Consultative Committee, which shall be established by the Government for every assembly constituency in the corporation area.

(2) The Constituency Consultative Committee shall consist of the following members namely:-

(a) Member of the legislative Assembly from that Assembly Constituency who shall be the Chairperson;

(b) the Corporation Councillors of all wards in that assembly constituency; (c) not more than five resident association representatives of the Assembly Constituency nominated by the Chairperson with the approval of the Government.

(3) The term of nominated members shall be thirty months.

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

(5) The nominated member shall not have any personal interest in the affairs of the Corporation.

76. Functions of the Constituency Consultative Committee.- The Constituency Consultative Committee shall:-

(a) Give aid and advice the zonal committees in the performance of their functions;

(b) review the working of the zonal committees and provide suggestions for the improvement of backward ward;

(c) Monitor the implementations of any projects in the constituency; (d) Receive any grievances from the general public relating to the functioning of any authority empowered under this Act;

(e) advise the ward committees in carrying out their functions under the Act; and

(f) Upon the previous sanction of the Chairperson seek such information necessary to review the working of the zonal committee and provide suggestions for the improvement of backward Ward.

77. Establishment of Zonal Committees.-(1)Each Zone of a Corporation shall have a Zonal Committee consisting of the following members namely:- (a)The Chairperson of the Zonal Committee shall be a councilor representing one of the wards within the Zone who shall be elected among councilors of the any such manner as may be prescribed.

(b) All the Councilors elected from the wards within the Zone;

(c) An Engineer who is incharge of the particular zone- Ex-officio Member; (d) one person who is an expert in solid waste management nominated by Government; and

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

(2) The term of the Chairperson of the Zonal Committee shall be one year.

(3) A councilor who has become Chairperson of the zonal committee shall not be eligible to become Chairperson for the second term.

(4) Officers of the Bengaluru Development Authority and the Bengaluru Water Supply and Sewerage Board who are responsible for the maintenance of services within the concerned zone shall be ex-officio members of the Zonal Committee. Police Officers including traffic incharge of the ward, BESCOM Officer incharge of the Zone shall attend the meetings of the Zonal Committees as may be required but shall not have the right to vote**.**

(5) The Zonal Commissioner shall be coordinator of the Zonal Committee.

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

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

(8) The quorum for a zonal committee meeting shall be one fourth.

(9) The Corporation shall provide an office space and secretarial staff for the working of the Zonal Committee

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

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

(b) Issue directions to the respective ward engineer or such other officers of the Corporation for the implementation of any project or scheme; (c)Approve fresh infrastructure projects on management of solid waste, improvement of public streets, improvement of public spaces including parks and improvement of the aesthetics of the zone up to such amounts as may be specified and beyond such amount recommend to the Corporation of such projects;

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

(e) Take up discussion on those matters recommended by the ward committees, recommend the same to the corporation and issue directions to the ward committees within its delegated power to undertake such functions;

(f)Organize public engagement activities to improve civic awareness; and (g) subject to the general supervision and control of the Corporation, discharge such functions as the Corporation may, from time to time, determine by regulations.

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

(3) The Chief Commissioner shall have the power to review and nullify the decisions of the Zonal Committee if it is of the opinion that such decisions are contrary to the provisions of the Act or any other law for the time being in force.

79. Allocation of Funds.- (1) The Zonal Committee shall allocate such amounts out of the budget earmarked for the particular zone to the ward committees for undertaking its functions mentioned under Section 78.

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

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

(a)Standing Committee for taxation and finance and appeals

(b)Standing Committee for public health, solid waste and disaster management.

(c)Standing Committee for establishment and administrative reforms; (d)Standing Committee for markets.

(e)Standing Committee for Ward level Public works, town planning and infrastructure

(f)Standing Committee for Education and social justice

(g)Standing Committee for Horticulture

(h)Standing Committee for Audit and Accounts

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

(3) Each Standing Committee shall have a chairperson who shall be elected by the members of such standing committee on its first meetingof the corporation after the general elections and at the first meeting in the same month in each succeeding year according to the principle of proportionate representation by means of single transferable vote in such manner as may be prescribed

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

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

(6) A person shall cease to be a member of the standing committee if he ceases to be a Corporation member or if he absents himself without the permission of the standing committee for three consecutive meetings of the standing committee.

(7) Where a casual vacancy occurs in the membership of a standing committee it shall be filled by the Corporation by the election of another Palike member. The person so elected shall hold office only so long as the person in whose place he is elected would, but for the occurrence of the vacancy, have held.

(8) A member of the standing committee may resign his office at any time by notice in writing addressed to the chairman of the standing committee or where there is no Chairman to the Mayor and delivered to the Chairman or as the case may be to the Mayor and such resignation shall take effect from the date on which it is delivered.

81. Powers and Functions of the Standing Committee.-(1) Subject to the provisions of the Act and the rules made thereunder, the powers and functions of the Standing Committee shall be as follows:-

(a)The Standing Committee for taxation, finance and appeals shall deal with all matters relating to finance, taxation and appeal and all matters not specifically assigned to any other Standing Committee; (b)The standing committee for public health, Solid waste and disaster management shall deal with all matters relating to public health, waste and disaster management;

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

(d)[1][xxx][1]

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

(f)the Standing Committee for Audit and Accounts shall deal with all matters relating to accounts and audit;

(g)the Standing Committee for Education shall deal with all matters relating to preprimary, primary, secondary and higher secondary education including physical education and sports and play grounds; (h)the Standing Committee for Social Justice shall deal with all matters relating to securing the social justice to persons belonging to the Scheduled Castes and Scheduled Tribes and other weaker sections of the society and women;

(i)the Standing Committee for markets shall deal with all matters relating to the markets; and

(j)the Standing Committee for Horticulture shall deal with all matters relating to the Parks.

(2) The standing committees shall also have power to,-

(i) call for such records as may be required for disposal of day to day

business; and

(ii) perform such other functions as may be prescribed.

1.Omitted by Act 17 of 2024 w.e.f. 7.3.2024

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

83. Composition of the Ward Committee.- (1) There shall be a Ward Committee for each ward in the Corporation.

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

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

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

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

(ii) at least three women members; and

(iii) at least two members representing residents Associations, whatever name called satisfying all conditions mentioned below, namely:- (a) its registered office shall be located within the jurisdiction of that ward;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(8) Decisions of the Ward Committee shall normally be taken on the basis of simple majority.

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

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

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

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

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

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

(a)prepare and submit Ward Development Scheme to the corporation for allotment of funds;

(b)prepare and submit annual Ward Development Plan, drawn up in accordance with the plans prepared by the Bengaluru Metropolitan Planning Committee and the Corporation, in the form of a priority list specifying the projects and schemes proposed to be implemented in the following financial year for allotment of funds and ensure proper utilization of the funds allotted under ward development plan in the ward;

(c)call for an annual general meeting of the Ward Sabha consisting of all persons registered as voters in the Ward for providing inputs for the formulation of the Annual Ward Development Plan, giving due publicity and notice for the same to ensure maximum participation in the Ward.

(d)call for any general meeting to discuss any issue which requires decision making by popular participation

(e)invite applications for the selection of beneficiaries and prepare the draft priority list after making enquiry on the applications received in this behalf and send it for the consideration of the Area Sabha concerned, and prepare the final list based on the inputs of the Area Sabha for submission to the Zonal Committee;

(f)ensure proper utilization of the funds allotted under ward development scheme in the ward.

(g)approve the list of beneficiaries for beneficiary oriented schemes of the Corporation submitted by Area Sabhas falling under that ward; (h)scrutinize list of ineligible beneficiaries submitted by the Area Sabhas and submit it to the Corporation;

(i)supervise all programmes and schemes being implemented by the Corporation in the ward;

(j)ensure timely collection of taxes, fees and other sums due to the Corporation;

(k)ensure water supply maintenance in the ward and finalize location of new public taps and public wells;

(l)ensure sewerage system maintenance in the ward;

(m)ensure proper solid waste management and sanitation work in the ward and finalize location of new public sanitation units;

(n)ensure maintenance of street lighting in the ward and finalize location of new street lights;

(o)ensure maintenance of parks, open spaces, greening of area in the ward; (l) ensure afforestation, and implementation of rain water harvesting schemes;

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

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

(r)to display ward budget and current undergoing projects to public notice; and

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

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

(3) The Corporation shall provide an office space and secretarial staff for the working of the Ward Committee

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

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

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

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

89. Determination of Areas.-The Government shall, by order, determine ,– (a) the areas into which each ward shall be divided; and

(b) as far as possible, the territories representing two or more but not exceeding five contiguous polling stations may be determined as an area.

90. Constitution of Area Sabhas.- (1)Each ward shall be divided into such number of areas and there shall be an Area Sabha for each such area. (2) All persons who are registered as voters in an area shall be members of that Area Sabha.

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

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

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

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

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

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

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

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

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

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

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

(a)to generate proposals and determine the priority of schemes and

development programmes to be implemented in the Area Sabha and forward the same to Ward Committee for inclusion in the development plan of the Ward Committee;

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

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

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

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

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

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

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

94. Power of councillors.- (1) Any councillor may draw the attention of the proper authority to any neglect in the execution of corporation work, to any waste of corporation property or to the wants of any locality, and may suggest any improvements which he considers desirable.

(2) Every councillor shall have the right to interpellate on matters connected with the corporation administration subject to the regulations framed in this behalf.

(3) The Corporation member shall have the right to represent the interests of the ward from which he is elected in the Corporation and may draw the attention of the Mayor to the proposals and resolutions made by the Ward Committee of which he is the Chairperson.

95. Honorarium for *Corporation* members: (1) From out of the Corporation funds such honoraria, fees or allowances as may be determined by the Government may be paid to the Corporation members.

(2) Notwithstanding anything contained in this Act the receipt by any person of honorarium, fee or allowance as Corporation member as aforesaid shall not disqualify him for being elected as or for being a Corporation member.

96. Appeal to the Election of Mayor, Deputy Mayor etc.-(1) Any person aggrieved by the decision of the Regional Commissioner or the Chief Commissioner with respect to election to the office of the Mayor, Deputy Mayor, Members and Chairperson of the standing committees may appeal against such decisions to the Karnataka Appellate Tribunal within thirty days from the date of communication of such decision.

(2) No suit shall be entertained by a civil court in respect of any matter relating to the election, appointment or removal of the Mayor, Deputy Mayor, Members and Chairperson the Mayor or Deputy Mayor, members and chairman of the standing committees unless such suit is authorised by the provisions of this Act or any rule made under this Act.

CHAPTER VI

Corporation officers and servants and their appointments and Conditions of service

97. Appointment to certain posts under the corporations to be made from Karnataka Municipal Administrative Service.- (1) Notwithstanding anything contained in this Act or in any other law for the time being in force such

of the posts under the corporation as are included in the Karnataka Municipal Administrative Service shall be filled by the Government by appointment of officers belonging to the Karnataka Municipal Administrative Service.

(2) Subject to the provisions relating to recruitment and conditions of service applicable to them , the officers of the Karnataka Municipal Administrative Service referred to in sub-section (1) shall, for the period of their service under the corporation, be governed by the provisions of this Act, the rules, the regulations or the bye-laws framed thereunder.

(3) The Corporation shall contribute such percentage of its revenues in such manner and at such times as the Government may by order determine, to meet the expenditure in respect of salaries, allowances, pension, provident fund, gratuities and other necessary expenses payable to the officers of the Karnataka Municipal Administrative Service shall be made by the Commissioner under the corporation.

(4) If the Corporation fails to pay the amount required to be paid under subsection (3), the Government may direct the officer having custody of the corporation fund to pay such amount or so much thereof as is possible from the balance of the corporation fund in his hands.

98. Appointment of Engineer, Health Officer etc.- (1) The Government shall depute for the corporation such officers from the respective departments of the State Civil Services as it considers suitable to be the Engineer, Town Planner, Health Officer, Revenue Officer, Chief Accounts Officer and Council Secretary for the efficient functioning of the corporation and such officers shall be heads of their respective departments in the corporation and they shall be subordinate to the Chief Commissioner. The Government may also depute such number of Deputy Commissioners and Assistant Commissioners, as may be required, who shall exercise such powers and discharge such functions as may be prescribed in the rules. They shall be subordinate to the Zonal Commissioner.

(2) The Government shall depute a Chief Town Planner of the rank of the Director of Town and Country Planning who shall be subordinate to the Chief Commissioner and Zonal Town Planner at Zonal office not below the rank of Deputy Director of Town and Country Planning and such other officers from the Department of Town and Country Planning qualified in Town and Country Planning who shall be subordinate to the Zonal Commissioner, to assist the corporation in the matter relating to Town Planning.

(3) The Government shall, in consultation with the Mayor, appoint an officer not below the rank of an Assistant Commissioner to be the council secretary. The officer appointed shall be on deputation ordinarily for a period of three years and if the corporation by two thirds majority of its members so desire he shall be withdrawn earlier and another person shall be appointed. It shall be the duty of the council secretary to attend every meeting of the corporation and the standing committees and he shall perform such other duties as are imposed on him by or under this Act.

(4) The officers appointed under sub-section (1) shall be whole-time officers of the corporation and shall not undertake any work unconnected with their offices.

99. Legal cell.-(1) There shall be a legal cell in the corporation consisting of such number of officers possessing such qualifications as may be prescribed.

(2) The corporation shall consult the legal cell on all matters pertaining to the interpretation of the provisions of this Act and the Rules, Regulations and bye-laws made there under and also in matters pertaining to the institution, defence or conduct of suits and other legal proceedings to which the corporation is a party.

(3) The expenditure on the legal cell shall be met out of the corporation funds.

100.Special appointments.- The Corporation may appoint,-

(a) special health officers for the purpose of making investigations and proposing preventive or remedial measures with special reference to the occurrence of any unusual mortality or the prevalence or apprehended out break of any dangerous disease within the city; (b) engineers, architects or experts in town improvement or town planning for the purpose of preparing, executing or supervising any scheme of work

undertaken by the corporation;

(c) special revenue officers for the purpose of introducing a new tax or discharging any duty connected with the revenue administration of the corporation:

Provided that,-

(i) no such special office shall be created without the sanction of the Government;

(ii) the period of duration of any such officer, the salary, the allowances and the conditions of service attaching thereto shall be fixed by the corporation, subject to the sanction of the Government, and shall not be varied without the like sanction.

101.Contribution in respect of Government servants.-(1) If an officer or servant serving or having served under the corporation is or has been transferred from or to the service of the Government or is employed partly under the Government and partly by the corporation, the corporation shall make such contribution towards his leave allowances, pension and provident fund as may be required to be made by him or on his behalf under the rules and regulations of the branch of Government service to which he belongs.

(2) Every Government servant employed by the corporation shall be entitled to salary, leave and other privileges in accordance with the rules and regulations of the branch of Government service to which he belongs.

102.Establishment schedule.- (1) The Chief Commissioner shall lay before the standing committee for taxation, finance [1][XXX][1] or establishment and administrative reforms as the case may be a Schedule setting forth the designations and grades of the officers and servants who should in his opinion constitute the corporation establishment and embodying his proposals with regard to the salaries, fees and allowances payable to them.

(2) The standing committee may either approve or amend such Schedule as it thinks fit and shall lay it before the corporation with its remarks, if any.

(3) The Corporation 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 Chief Commissioner and standing committee:

Provided that, no new office shall be created without the sanction of the Government if the maximum monthly salary exceeds Rupees ten thousand.

1. Omitted by Act 17 of 2024 w.e.f. 7.3.2024

103.Reservation of posts for appointment.- In making appointments the appointing authority shall reserve adequate number of posts for the Scheduled Castes, the Scheduled Tribes and socially and educationally backward classes of citizens in the same manner and to the same extent as is applicable for the recruitment to posts in the State Civil Services.

104.Punishment for corporation officers and other employees.- (1) Every corporation officer or other corporation employee shall be liable to have his increments or promotion with-held or to be censured, reduced in rank, compulsorily retired, removed or dismissed for any breach of any departmental rules or regulations or of discipline or for carelessness, unfitness, neglect of duty or other misconduct by such authority as may be prescribed:

Provided that no such officer or other employee as aforesaid shall be reduced in rank, compulsorily retired, removed or dismissed by any authority subordinate to that by which he was appointed:

Provided further that the corporation employees belonging to such classes or categories as may be prescribed by the rules shall be liable also to be fined by such authority as may be specified therein.

(2) No such officer or other employee shall be punished under sub-section (1) unless he has been given a reasonable opportunity of showing cause against the action proposed to be taken in regard to him:

Provided that this sub-section shall not apply,-

(a) where an officer or other employee is removed or dismissed on the ground of conduct which has led to his conviction on a criminal charge; or

(b) where the authority empowered to remove or dismiss such officer or other employee is satisfied that for reasons to be recorded by that authority it is not reasonably practicable to give that person an opportunity for showing cause.

(3) If any question arises whether it is reasonably practicable to give to any officer or other employee an opportunity of showing cause under sub-section (2) the decision thereon of the authority empowered to remove or dismiss such officer or other employee shall be final.

(4) Any officer or other employee upon whom a punishment has been imposed under this section may appeal to such officer or authority as may be prescribed.

105.Power of Government to make rules regarding the conditions of service applicable to employees.- (1) The Government may by rules provide for the following matters namely:-

(a) the tenure of office, salaries and allowances, provident fund, pension, gratuity, leave of absence and other conditions of service of officers and other employees appointed under this Chapter;

(b) the procedure to be followed in imposing any penalty under sub- section (1) of section 104, suspension pending departmental inquires before the imposition of such penalty and the authority by whom such suspensions may be ordered; the officer or authority to whom an appeal shall lie under sub-section (4) of that section;

(c) any other matter which is incidental to or necessary for the purpose of regulating the appointment and conditions of service of persons appointed to services and posts under the Corporation and any other matter for which, in the opinion of the Government, provision shall be made by rules.

CHAPTER VII
POWERS AND FUNCTIONS OF THE CORPORATION

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

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

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

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

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

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

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

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

108.Additional Functions assigned by the Government.-(1)The Corporation may, subject to the underwriting of the costs by, and approval of, the Central Government or the State Government, as the case may be, undertake any function belonging to the functional domain of the Central Government or the State Government as the case may be, and such functions may include primary

education, curative health, urban transport, supply of energy, fire prevention and fire safety and urban poverty alleviation.

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

(a)Urban development including development of commercial infrastructure;

(b)Public welfare including community relations; and (c)Such other functions as may be assigned.

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

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

CHAPTER VIII
PROCEDURE OF THE CORPORATION AND COMMITTEES

110.Proceedings of the Corporation and standing committees.- (1)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 and shall be convened by the Chief Commissioner. It shall be presided over by the Regional Commissioner of the revenue region having jurisdiction.

(2) The meetings of the corporation and the standing committees shall be held in the office of the corporation and the business before them shall be disposed of in accordance with the prescribed procedure. Notices of such meetings shall be issued by the council secretary who in the case of meetings of the corporation shall do so in consultation with the Mayor and the Chief Commissioner and in the case of meetings of a standing committee in consultation with the chairman of such committee and the Chief Commissioner. Every notice shall specify the agenda for the meeting. Ordinarily no subject not included in the agenda shall be taken up at the meeting except matters considered urgent by the Mayor or the chairman which may be considered if supplementary agenda in respect thereof has been circulated among the councillors or members before the meeting.

(3) The corporation may require any of its officers to attend any meeting of the corporation at which any matter dealt with by such officer in the course of his duties is being discussed when any officer is thus required to attend any such meeting he may be called upon to make a statement of facts or supply such information in his possession relating to any matter dealt with by him as the corporation may require.

111.Obligation laid on remaining *Corporation* authorities to carry out resolutions of the corporation.- The committees constituted under this Act and the Chief Commissioner shall be bound to give effect to every resolution of the corporation unless such resolution is cancelled in whole or in part by the Government:

Provided that, if, in the opinion of the Chief Commissioner any resolution of the corporation or a committee constituted under this Act contravenes any provision of this Act or any other law or of any rule, notification, regulation or bye-law made or issued under this Act or any other law, or of any order passed by the Government or is prejudicial to the interests of the corporation he shall, within fifteen days of the passing of the resolution, refer the matter to the Government for orders and inform the corporation or the committee, as the case may be, of the action taken by him at its next meeting and until the orders of the Government on such reference are received, the Chief Commissioner shall not be bound to give effect to the resolution.

112.The Corporation may call for extracts from proceedings, etc., from the standing committee, etc.- The corporation may at any time call for any extract from any proceedings of any committee constituted under this Act, and any return, statement, account or report concerning or connected with any matter with which any such committee is empowered by or under this Act to deal; and every such requisition shall be complied with by the committee without unreasonable delay.

113.Proceedings of the corporation, etc., not vitiated by disqualification, etc., of members thereof.- (1) No act done or proceeding taken under this Act shall be questioned merely on the ground,-

(a) of any vacancy or defect in the constitution of the corporation or of any standing committee; or

(b) of any defect or irregularity in such act or proceeding, not affecting the merits of the case.

(2) No disqualification of or defect in the election or appointment of any person acting as a councillor, Mayor or the Deputy Mayor or as the chairman or a member of any standing committee appointed under this Act shall be deemed to vitiate any act or proceedings of the corporation or of any such standing committee in which such person has taken part provided that the majority of the persons who were parties to such act or proceedings were entitled to act.

114.Record of proceedings.- Proceeding of the meetings of the corporation and the standing committees shall be recorded by the council secretary and shall be placed before the next meeting for confirmation.

115.Proceedings of meetings to be good and valid until contrary is proved.- Until the contrary is proved, every meeting of the corporation or of a standing committee in respect of the proceedings whereof a minute has been made and signed in accordance with this Act or the rules shall be deemed to have been duly convened and held and to be free from all defects and irregularities, and all the members of the meeting shall be deemed to have been duly qualified; and where the proceedings are proceedings of a standing committee such standing committee shall be deemed to have been duly constituted and to have had power to deal with the matters referred to in the minute.

116.The Chief Commissioner's right to attend and take part in discussion but not to move resolution or to vote.- (1) The Chief Commissioner shall have the right to attend the meetings of the corporation and of any standing committee and to take part in the discussion but shall not have the right to move any resolution or to vote.

(2) He shall attend any meeting of the corporation or of a standing committee if required to do so by the Mayor.

117.The Councillors to refrain from taking part in discussion and voting on questions in which they have pecuniary interest.- (1) No councillor shall vote on or take part in the discussion of, any question coming up for consideration at a meeting of the corporation or any standing committee, if the question is one in which apart from its general application to the public he has any direct or indirect pecuniary interest by himself or his partner.

(2) The Mayor or chairman may prohibit any councillor from voting on or partaking in the discussion of, any matter in which the councillor is believed to have such interest or he may require the councillor to absent himself during the discussion.

(3) Such councillor may challenge the decision of the Mayor or chairman, who shall thereupon put the question to vote and the decision of the meeting shall be final.

(4) If the Mayor or chairman is alleged by any councillor present at the meeting to have any such interest in any matter under discussion, he may, on the motion of such councillor if carried, be required to absent himself from the meeting during the discussion.

(5) The councillor concerned shall not be entitled to vote on the question referred to in sub-section (3) and the Mayor or chairman concerned shall not be entitled to vote on the motion referred to in sub-section (4).

118.Submission of administration report to the Government.-(1) As soon as may be after the first day of April in every year and not later than such date as may be fixed by the Government the corporation shall submit to the Government, a detailed report of the administration during the preceding year in such form as the Government may direct.

(2) The Chief Commissioner shall prepare such report and the corporation shall consider the report and forward the same to the Government with its resolutions thereon, if any.

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

CHAPTER IX
ESSENTIAL SERVICES

119.Declaration of Essential Services, etc.- (1) The corporation may from time to time declare such classes of its services as it considers necessary to be essential services.

(2) No member of an essential service shall,-

(a) without the written permission of the Chief Commissioner or any officer authorised by him in this behalf, resign his office, withdraw or absent himself from the duties thereof without at least two month's notice given in writing to the Chief Commissioner, except in the case of illness or accidents disabling him for the discharge of his duties or other reason accepted as sufficient by the Chief Commissioner or such officer: or

(b) neglect or refuse to perform his duties or wilfully perform them in a manner which, in the opinion of the Chief Commissioner or such officer, is inefficient.

120.Power of the Government to declare emergency.- If the Government is of the opinion that the stoppage or the cessation of the performance of any of the essential services will be prejudicial to the safety or health or the maintenance of services essential to the life of the community in the corporations, it may, by notification declare that an emergency exists in the city and that in consequence thereof no member of such of the essential services and for such period as may be specified in the notification, notwithstanding any law for the time being in force or any agreement, shall,-

(a) withdraw or absent himself from his duties except in the case of illness or accident disabling him from the discharge of his duties, or (b) neglect or refuse to perform his duties or wilfully perform them in a manner which in the opinion of such officer as the Government may specify in this behalf, is inefficient.

CHAPTER X
POWER OF THE GOVERNMENT

121.Power of the Government to call for records and to cause inspection to be made.-(1) The Government may at any time require the corporation or the Chief Commissioner,-

(a) to produce any record, proceedings, correspondence, plan, or other document;

(b) to furnish any return, plan, estimate, statement, account or statistics relating to the proceedings, duties or works of the corporation or any of the corporation authority;

(c) to furnish or obtain and furnish, any report.

(2) Any officer of the Government authorised by the Government in this behalf by a general or a special order shall have power,

(a) to enter on, and inspect, or cause to be entered on and inspect any immovable property occupied by the Corporation or any institution under its control or management or any work in progress under it or in its direction;

(b) to call for any extract from a proceeding of the Corporation or of any committee or from any book or document in the possession of, or under the control of corporation;

(c) to require a corporation to take into consideration any objection which appears to him to exist to the doing of anything which is about to be done or is being done by such corporation or any information which he is able to furnish and which appears to him to necessitate the doing of a certain thing by Corporation and to make a written reply to him within a reasonable time stating its reasons for not desisting from doing or not doing such thing.

(3) The Corporation and every Corporation authority and all corporation officers and other corporation employees shall be bound to afford the officer authorised under subsection (2) access at all reasonable time to the premises and

properties of the corporation and to all records, accounts and other documents the inspection of which he may consider necessary to enable him to discharge his duties.

(4) The officer authorised under sub-section (2) may, after such inspection, make a report to the Government.

122.Power of the Government to take action in respect of matters pending undisposed of before the corporation.- (1) The Government may at any time call from the ***C***hief Commissioner the records relating to the business pending before the corporation and on receipt of such records, it may examine the same.

(2) If on such examination and after such enquiry as it thinks necessary, it is found that in respect of any matter which is pending before the corporation for more than three months from the date on which any such matter was brought before the corporation or is pending before a standing committee for more than sixty days after it was placed before it, urgent decision is necessary in the interest of administration of the corporation, then the Government may, notwithstanding anything in this Act,-

(i) after giving the corporation notice of not less than fifteen days, pass such orders with reference to such matter as it considers necessary; or

(ii) direct that the matter pending before the standing committee shall be deemed to be referred to the corporation and be disposed of on that basis:

Provided that, no such notice shall be necessary in respect of any matter pending before the corporation which is of public importance and the decision of the Government whether the matter is of public importance or not, shall be final.

(3) Every order passed by the Government under this section shall be communicated to the Chief Commissioner who shall give effect to such order expeditiously as if such order is a resolution of the corporation.

123.The Government's power to direct the taking of action.- If, on receipt of any information or report obtained under sections 121 and 122 or otherwise Government is of opinion,-

(a) that any duty imposed on any corporation authority by or under this Act has not been performed or has been performed in an imperfect, inefficient or unsuitable manner; or

(b) that adequate financial provision has not been made for the performance of any such duty, the Government may, after giving notice of not less than fifteen days, by order, direct the corporation or the Chief Commissioner within a period to be specified in the order, to make arrangements to their satisfaction for the proper performance of the duty, or to make financial provision to its satisfaction for the performance of the duty, as the case may be, and the corporation or the Chief Commissioner shall comply with such orders:

Provided that no notice shall be necessary in urgent cases.

124.The Government's power to appoint an officer to take action in default, at the expense of the corporation.- (1) If within the period fixed by an order issued under section 123 any action directed under that section has not been duly taken, the Government may, by order,-

(a) appoint an officer of the Government to take the action so directed; (b) fix the remuneration to be paid to him; and

(c) direct that such remuneration and the cost of taking such action shall be defrayed out of the corporation fund, and if necessary, that any one or more of the taxes authorised by Chapter XIII of this Act shall be levied or increased but not so as to exceed any maximum laid down in this Act.

(2) For the purpose of taking action directed as aforesaid, the officer appointed under sub-section (1) shall have power to make such contracts as are necessary and may exercise any of the powers conferred on any Corporation authority by or under this Act and specified in this behalf in the order issued

under sub-section (1), and shall be entitled to protection under this Act as if he were a Corporation authority.

(3) The Government may, in addition to or instead of directing the levy or increase of any of the said taxes, direct by notification that any sum or money which may in their opinion be required for giving effect to their orders be borrowed by debenture and on the security of all or any of the said taxes at such rate of interest and upon such terms as to the time of repayment and otherwise as may be specified in the notification.

(4) The provisions of sections 184 to 189, 191, 192, 202 to 205 shall, as far as may be, apply to any loan raised in pursuance of this section.

125.Submission of copies of resolution to the Government and the Government's power to cancel resolution and orders.-(1) The Chief Commissioner shall submit to the Government copies of all resolutions of the corporation.

(2) If the Government is of opinion that the execution of any resolution or order of the corporation or of any other authority or officer subordinate thereto or the doing of any act which is about to be done or is being done by or on behalf of the corporation is in contravention of or in excess of the powers conferred by this Act or of any other law for the time being in force or is likely to lead to a breach of the peace or to cause injury or annoyance to the public or to any class or body of persons or is prejudicial to the interest of the corporation it may by order in writing, suspend the execution of such resolution or order, or prohibit the doing of any such act after issuing a notice to the corporation to show cause within a date to be specified which shall not to be less than fifteen days why,-

(a) the resolution or order may not be cancelled in whole or in part, or (b) any bye-law or regulation concerned may not be repealed in whole or in part.

(3) Upon consideration of the reply, if any, received from the corporation and after such enquiry as it thinks fit, the Government may pass orders cancelling the resolution or order or repealing the bye-law or regulation and communicate the same to the corporation.

(4) The Government may at any time, on further representation by the corporation or otherwise, revise, modify or revoke an order passed under sub-section (3).

126.Power of the Government to dissolve the corporation.- (1) If in the opinion of the Government the corporation is not competent to perform or makes

default in the performance of any of the duties imposed on it or undertaken by it, by or under this Act or any other law for the time being in force or exceeds or abuses its powers or fails to carry out the directions or orders given by the Government to it under this Act or any other law or is acting in a manner prejudicial to the interests of the corporation, the Government may, by an order published, together with a statement of the reasons therefor, in the official Gazette, declare the corporation to be incompetent or in default or to have exceeded or abused its powers, or to have failed to carry out the directions given to it, or to have acted in a manner prejudicial to the interests of the corporation, as the case may be, and may dissolve it:

Provided that before making an order of dissolution as aforesaid reasonable opportunity shall be given to the corporation to show cause why such order should not be made.

(2) When the corporation is dissolved by an order under sub-section (1), the following consequences shall ensue,-

(a) all the councillors of the corporation shall, on such date as may be specified in the order, cease to hold office as such councillors without prejudice to their eligibility for election under sub-section (8);

(b) during the period of dissolution of the corporation, all powers and duties conferred and imposed upon the corporation and the standing committees of the corporation by or under this Act or any other law shall be exercised and performed by an Administrator appointed by Government in that behalf;

(c) all property vested in the corporation shall, until it is reconstituted, vest in Government.

(3) The Government may direct that the Administrator shall be a whole-time officer and when such a direction is issued, he shall be paid out of the corporation funds such monthly salary and

allowances as Government may from time to time, by order, determine and the corporation shall make such contribution towards the leave allowances, pension and provident fund of the officer as may be required by the conditions of service under the Government, to be paid by him or for him, as the case may be.

(4) During the period of dissolution of the corporation, references in any enactment or law for the time being in force to the Mayor of the corporation shall be construed as references to the Administrator appointed under section 127.

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

(6) The Government may, by notification, appoint an advisory committee consisting of not less than fifteen and not more then twenty-five persons who shall be qualified to become councillors under this Act to assist the Administrator.

(7) When the Corporation is dissolved it shall be reconstituted in the manner provided under this Act before the end of six months from the date of such dissolution:
Provided that where the remainder of the period for which the dissolved Corporation would have continued is less than six months it shall not be necessary to hold an election under this section for constituting a Corporation for such period.

(8) A corporation constituted upon the dissolution before the expiration of its duration shall continue only for the remainder of the period for which the dissolved corporation would have continued had it not been so dissolved.

(9) An order of dissolution of the corporation under sub-section (1) together with a statement of the reasons therefor shall be laid before both Houses of the State Legislature as soon as may be after it is made.

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

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

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

(4) The Administrator appointed under this Act shall be paid out of the corporation funds such monthly salary and allowances as Government may from time to time, by order, determine and the corporation shall make such contribution towards the leave allowances, pension and provident fund of the officer as may be required by the conditions of service under the Government, to be paid by him or for him, as the case may be.

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

128.Establishment of performance management system - (1) The Corporation shall establish a performance management system to improve the effectiveness of its officers and for the overall improvement of the management of the Corporation and also establish mechanisms to monitor and review its performance.

(2) The Government may help the Corporation in developing the performance management system for the Corporation and submit the proposed system to the Corporation for adoption.

(3) The performance management system of the Corporation shall,-

(a) set appropriate key performance indicators as a yardstick for measuring performance, including outcomes and impact, with regard to the Corporation development priorities and objectives;

(b) set measurable performance targets with regard to each of those development priorities and objectives;

(c) measure and review the actual performance against the set performance indicators and targets;

(d) take steps to improve performance with regard to those development priorities and objectives where performance targets are not met; and

(e) establish a process of regular reporting to the Mayor, Chief Commissioner or Zonal Commissioner as the case may be.

(4) The Corporation shall publish the performance indicators in public domain and ensure its integration for the purposes of promotion of any of its officers.

CHAPTER XI
PROPERTY OF THE CORPORATION

129.Property of the corporation.-(1)The following properties shall belong to the corporation unless specifically owned and controlled by the Government: (a)All public parks, playground and open spaces reserved for ventilation; and

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

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

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

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

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

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

(5) The Chief Commissioner may lease such immovable properties of the corporation for a term between five and fifteen years with the previous sanction of the Council.

(6) If the term of any lease sought to be entered by the corporation is above fifteen years, the Chief Commissioner may enter into such lease agreement with the prior approval of the Government.

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

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

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

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

Acquisition, Rehabilitation and Resettlement Act, 2013 (Central Act 30 of 2013).

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

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

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

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

(3) The Government may, by notification and after consultation with the corporation, take over for a public purpose any land or other property, movable or immovable, belonging to or vesting in the corporation on such terms as it may determine.

134.Decision of claims to the property by or against the corporation.- (1) Where any property is claimed by or on behalf of the corporation or by any person as against the corporation it shall be lawful for the Regional Commissioner of Bengaluru after enquiry of which due notice has been given, to pass an order deciding the claims.

(2) Any person aggrieved by an order made under sub-section (1) may appeal to the Karnataka Appellate Tribunal, and the decision of the Tribunal shall be final.

(3) Any person shall be deemed to have had due notice of an enquiry or order under this section if the notice has been given in the prescribed manner.

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

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

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

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

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

137.Objects not provided for by this Act.- The Government may with the consent of the corporation transfer to the corporation the management of any institution or the execution of any work not provided for by this Act and it shall thereupon be lawful for the corporation to undertake such management or execution:

Provided that, in every such case the funds required, for such management or execution shall be placed at the disposal of the corporation by the Government.

CHAPTER XII
CONTRACTS

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

(2)Subject to the rules made in this behalf, the following provisions shall apply with respect to the making of contract for any of the purposes of this Act, namely:-

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

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

(c)Subject to delegation of power no contract shall be entered into by the Zonal Commissioner without the prior approval of the zonal committee;

(d)Subject to delegation of power no contract shall be entered into by the Chief Commissioner without the prior approval of the Mayor; and (e)No contract shall be entered by the corporation without following such procedure as may be prescribed and the provisions of the Karnataka Transparency in Public Procurements Act, 1999 (Karnataka Act 29 of 2000).

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

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

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

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

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

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

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

CHAPTER XIII
TAXES [2][FEE, LEVY, CHARGES AND DEMAND][2]

142.Taxes [2][Fee, Levy, Charge and Demand or by whatever name it may be called][2] which may be imposed.- (1) Subject to general and specific orders of the Government, the corporation may impose the following [3][taxes, fee, levy, charge, demand or by whatever name it may be called, at such rates][3] not exceeding those specified in the Act,-

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

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

(c)A tax on entertainments and amusements.

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

[2][(d-i) any fee or levy or demand or charge for permitting building constructions.][2]

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

[1][(2) XXX][1]

[1][(3) XXX][1]

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

1. Omitted by Act 17 of 2024 w.e.f. 7.3.2024
2. Inserted by the Act 37 of 2024 w.e.f. 11.01.2021.
3. Substituted' by the Act 37 of 2024 w.e.f. 11.01.2021.

143.Levy of cesses.- (1)The corporation may, in addition to the tax levied under this Act, levy and collect the following cesses namely:-

(a)Infrastructure cess at such rate but not exceeding ten percent as notified by the Government, which may be prescribed on every motor vehicle suitable for the use on roads within the city and different rates may be prescribed in different classes of motor vehicles;

(b) Solid waste management cess at such rate but not exceeding ten percent of the property tax as notified by the Government, on every owner or occupier of land or building or both in the city for the purpose of collection, transportation and disposal of solid waste and different rates may be prescribed in different classes of lands or buildings or in different areas;

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

(d)[1][Collect such other cesses along with property tax, as may be prescribed by the Government to be collected under any other law in force and whose proceeds are required to come to the Corporation or otherwise.][1]

[2][(2) All monies collected in form of cess or otherwise shall be credited to a separate head of account and shall be known as the respective cess fund or by the name of the tax or the levy under which it is collected][2] .

(3) The cess levied under subsection (1) shall be [2][assessed][2] and collected in such manner as may be prescribed.

(4) Notwithstanding anything contained in this section, any person aggrieved by the levy and assessment of cess under the section may, within thirty days from the receipt of the order of the assessment, may appeal against such order [2][to the prescribed authority][2]

1. Inserted by Act 17 of 2024 w.e.f. 7.3.2024
2. Substituted by Act 17 of 2024 w.e.f. 7.3.2024

144.Description and class of tax on buildings or land or both.-(1) A tax on buildings or land or both shall be levied by the Corporation, by way of a resolution, at such rates not exceeding, ten percent of the [1][taxable capital value][1],- (a)for residential buildings,-

(b)for commercial buildings

(c)for vacant land

(2) The rate of tax on buildings or land or both determined by the Corporation by resolution under sub section (1) shall stand enhanced every year by five percent.

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

(4) Notwithstanding anything contrary contained in this Act, subject to such exemptions provided under this Act and such rules as may be prescribed, the property tax of all buildings or vacant lands or both situated within the city of Bruhat Bengaluru Mahanagara Palike area shall be levied every year in the

following manner.

[1][(5) The property tax shall be levied by the Bruhat Bengaluru Mahanagara Palike by resolution passed at such percentage not more than ten percent of the taxable capital value of a building, vacant land or both. The taxable capital value of a building, vacant land or both shall be calculated by multiplying the corresponding "unit area value" with the total built-up area of a building, vacant land or both for ten months, minus the depreciation of three percent per year depending on the age of a building. The property tax assessed and levied under this section, once notified by the Government, shall stand revised as and the property, building or land value revised by notification under section 45B of the Karnataka Stamp Act, 1957 (Karnataka Act 34 of 1957) by the Government.

Explanation: For the purpose of this section, "Unit Area Value" means the guidance value of the property or the land published under section 45B of the Karnataka Stamp Act, 1957 (Karnataka Act 34 of 1957) and with respect to the building standing on a plot it shall mean the value of building as may be assessed based on the per square foot construction cost minus the depreciation at the time of assessment:

Provided that, no such "unit area value" shall come into force unless it is previously published in the official Gazette for the information of the persons likely to be affected and an opportunity is provided to make representation or suggestions, if any, in this regard:

Provided further that, subject to such condition and in such circumstances as may be notified, the Chief Commissioner, Bruhat Bengaluru Mahanagara Palike, may, in lieu of the tax under sub-section (2), fix any lumpsum amount as annual tax, irrespective of zonal classification, in respect of,-

(a) a built-up area having less than 300 sq.ft., in a slum area declared as such by the Karnataka Slum Clearance Board or the Chief Commissioner, Bruhat Bengaluru Mahanagara Palike;

(b) an area used as parking area in a non-residential building and being charged for its use by the owner or the occupier: and

(c) any other class of building or structure as he deems fit.

Provided also that, the depreciation shall be capped at a maximum of sixty percent.

Provided also that, the vacant land shall be assessed at a rate not less than 0.025 percent (rupees twenty five per lakh) and not more than five percent of the taxable capital value of the land.

Provided also that, after the taxable capital value based property tax system is brought into force and there is no revision of the values of the properties or land under section 45B of the Karnataka Stamp Act, 1957 (Karnataka Act 34 of 1957) in a year, the property tax shall stand enhanced by five percent every such year.

Provided also that, as and when the Government notifies value of land and building under section 45B of Karnataka Stamp Act, 1957 (Karnataka Act 34 of 1957) the revised property tax rates based on the new revised value of properties or land shall be calculated and compared with the prevailing property tax rates and the higher of the two shall be adopted.][1]

1. Substituted by Act 17 of 2024 w.e.f. 7.3.2024

(6) The Bruhat Bengaluru Mahanagara Palike may levy and collect the property tax from every building, vacant land or both including a building constructed in violation of the provisions of building byelaw or in an unauthorized layout or in a revenue land or from a building occupied without issuance of occupancy or completion certificate except the building constructed illegally in Government land, land belonging to any local body, any statutory body or an organization owned or controlled by the Government. The property tax collected from such building shall be [1][XXX][1] maintained in a separate register:

Provided that levy and collection of property tax under this sub-section from such building does not confer any right to regularise violation made, or title, ownership or legal status to such building. Such buildings shall always be liable for any action for violation of law in accordance with the provisions of this Act or any other law.

1.Omitted by Act 12 of 2023 w.e.f. 10.03.2023.

(7) The property tax payable shall be reduced by fifty percent in respect of a self occupied building used for residential purpose and such class of self occupied nonresidential building as may be notified by the Government on the recommendation of the Corporation.

(8) The person primarily liable to pay the property tax, shall pay the tax in two equal instalments through demand draft or E-Payment. The first being before 30th May and second by 29th November of each financial year. However, the owner or occupier or person primarily liable to pay property tax may choose to pay in one installment:

Provided that if the owner or occupier who is liable to pay property tax files return and also pays property tax for the whole year, within one month from the date of commencement of each year he shall be allowed a rebate of five per cent on the tax payable by him:

Provided further that the Government may on the recommendation of the Corporation by notification extend the time limit for payment of property tax without penalty and for the benefit of Five percent rebate in respect of any financial year.

[1][xxx][1]

[2][Provided also that, the person primarily liable to pay the property tax may, at any time subsequent to filing of the return and payment of the property tax, suo-motu revise his own return upwards thereby resulting in more property tax payment to the Corporation, the said revision shall be liable to the same interest and penalty as is applicable for the revision done under sub-section (15) by the Corporation. The revised return shall be treated as the return by the property tax payer and the Corporation reserves the right to revise it under sub-section (15).][2]

1.Omitted by Act 17 of 2024 w.e.f. 07.03.2024.
2. Inserted by Act 07 of 2025 w.e.f. 24.09.2024.

(9) Before any owner or occupier submits any return under sub-section (7), he shall pay in advance half-yearly tax calculated or the full amount of the property

tax payable by him for the year on the basis of such return declared by him as being true and complete.

(10) Notwithstanding anything contained in this Act the Government may prescribe the form and the manner in which every owner or occupier who is liable to pay the property tax under this Act shall submit a return every year to the Chief Commissioner, Bruhat Bengaluru Mahanagara Palike or to the officer or agency authorized by him in this behalf.

(11) In order to facilitate filing of return by an owner or occupier of any building or vacant land or both and assessment of property tax under this section, the Chief Commissioner shall from time to time issue guidelines for determining the [1][xxx][1] property tax payable thereon.

1.Omitted by Act 17 of 2024 w.e.f. 07.03.2024.

(12) Every return filed by a owner or occupier of a residential building other than commercial building shall be deemed to have been assessed to tax except in cases where the Chief Commissioner or authorised officer may take-up or authorise subordinate officers of not less than ten percent of the cases for [1][xxx][1] scrutiny of the returns filed in the manner prescribed:

Provided that, the Chief Commissioner may suo moto or otherwise has reason to believe that there is an evasion of tax by the owner or occupier, he may cause inspection of such building and assess the tax.

(13) For the purpose of [1][xxx][1] scrutiny of the return filed or in cases where returns are not filed as required under sub-section (7) in respect of any buildings or lands or both, the Chief Commissioner or any person authorized by him in this behalf may enter, inspect, survey or measure any land or building after giving notice to the owner or occupier and the owner or occupier shall be bound to furnish necessary information required and based on such inspection and information collected, he shall assess the property tax subject to sub-section (5) and send a copy of the order of assessment to the owner or occupier concerned. Such entry into and upon any building or vacant land shall be made between sunrise and sunset.

1. Omitted by Act 17 of 2024 w.e.f. 07.03.2024

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

Provided that in the case of buildings used as human dwelling due regard shall be paid to the social and

religious customs of the occupiers and no apartment in the actual occupancy of a woman shall be entered until she has been informed that she is at liberty to withdraw and every reasonable facility has been afforded to her for withdrawing.

(15) Upon [1][xxx][1] scrutiny, if the authorized officer has reasons to believe that any return furnished, which is deemed as assessed, is incorrect or has been under assessed resulting in evasion of property tax,-

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

[2][(b) if any property or land is liable to pay property tax but remains un-assessed and outside the taxable property records list or upon reassessment, the property tax is found more than five percent than the tax remitted, the evaded tax shall be payable together with penalty equal to the tax so evaded along with interest for the difference in tax paid and payable calculated at nine percent per annum.

Illustration: If payable tax is rupees 150 for the year 2021 but actual property tax paid is rupees 100 then evaded tax amount is rupees 50. If the payment is happening on 23rd December 2023, then the following shall be payable –

(i) Evaded Property Tax Amount = Rs 50/-

(ii) Penalty for evasion = Rs 50/-

(iii) 9% interest on the evaded property tax of Rs 50/- shall be calculated as follows –

(a)9% interest on Rs 25/- which is 50% of Rs 50/-, from 31st May 2021 until date of payment; and

(b)9% interest on the rest Rs 25/- which is 50% of Rs 50/-, from 30th November 2021 until date of payment.

This provision shall also apply with respect to the unpaid demand where demands are already issued but for which the concerned person has not paid the demanded dues:

Provided that the payments already made as per previous provision shall not be refunded nor adjusted against future liabilities.

Provided further that the penalty payable by residential properties which have tiled or sheet roof (non-RCC) and is not more than 1000 Sq Ft, have only the ground floor and is self-occupied, shall be 25% of the evaded tax.

Provided also that no penalty shall be payable by residential properties which are hutments, Government housing for poor, houses declared as slum by the Karnataka Slum Development Board or by Bruhat Bengaluru Mahanagara Palike, where such houses are self-occupied and have an area less than 300 square feet.

Provided also that in case of properties which are in the Property tax registers but fail to pay the property tax, by end of the financial year in which the tax becomes due, shall, for the twelve months after the end of the financial year in

which the tax became due, pay an interest at a rate of 15% per annum on the unpaid tax, calculated until the date when the tax is paid.

Provided also that after end of said twelve months that is from second year after the end of the financial year in which the tax became due, any tax still unpaid shall pay a penalty equal to the unpaid tax plus the unpaid tax with interest on the unpaid tax at a rate of 9% per annum.

Provided also that in case of existing defaulters the said twelve month period shall be deemed to start from 1.4.2024 and any tax out of the said dues still unpaid as on 1.4.2025, shall pay a penalty equal to the unpaid tax plus the unpaid tax with interest on the unpaid tax at a rate of nine percent per annum thereafter.

[3][Provided also that, as a one-time measure, in order to bring all the tax defaulters, un-assessed properties and those liable for re-assessment up-to-date with respect to their tax payments, there shall be following relaxations for the payments made until 30th November 2024, towards the unpaid tax, the un-assessed property and the property paying for re-assessment, namely:-

(i) the penalty payable shall be rupees one hundred per year; and

(ii) the interest payable shall be waived off.

Provided also that, the properties which have already availed the benefits of one time measure under this clause before the commencement of the Bruhat Bengaluru Mahanagara Palike (Second Amendment) Act, 2024, shall also be eligible for above relaxations and any excess penalty paid by such properties shall be readjusted against any outstanding demand or future demand of the Corporation on the same property or the same owner.][3]

Provided that this provision shall be applicable prospectively.][2]

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

(d) the owner or occupier may either accept the property tax assessed and the penalty levied or send objections to the Chief Commissioner or the authorized officer within a period of thirty days from the date of receipt of a copy of the notice under this sub-section;

(e) the ChiefCommissioner or the authorized officer shall consider the objections and pass such orders either confirming or revising such assessment within a period of sixty days from the date of filing objections and a copy of the order shall be sent to the owner or occupier concerned.

1. Omitted by Act 17 of 2024 w.e.f. 07.03.2024 2. Substituted by Act 17 of 2024 w.e.f. 07.03.2024 3. Substituted by Act 07 of 2025 w.e.f. 24.09.2024.

[1][(16) The assessment of un-assessed properties or the reassessment of the properties already paying the property tax under this section may be made at any time when evasion is noticed or justified circumstances arise for the same:

Provided that in case of residential properties and the properties with a single ID in the Property Tax registers of the Bruhat Bengaluru Mahanagar Palike which have mixed use as residential and non-residential, the arrears of the property tax for the under-assessed or un-assessed properties, the applicable penalties and the interest payable, shall be limited to five years even if the un-assessment or the under-assessment of property tax exceeds five years][1]

1. Substituted by Act 17 of 2024 w.e.f. 07.03.2024

(17) In computing the period of limitation specified for assessment or re-assessment, as the case may be under this Act, the period taken for disposal of any appeal against an assessment or other proceedings by the Appellate authority, a tribunal or competent court shall not be taken into account for assessment or re-assessment as the case may be:

Provided that in case of any change of use, alteration or variation to the property, the owner or occupier shall report such changes within six months from the date of completion or occupation whichever is earlier along with the revised return and tax:

Provided also that nothing contained in this section shall be deemed to affect the power of the Government to direct an earlier revision of property tax.

(18) The ChiefCommissioner shall have power to clarify any doubt as to classification of zones, [1][xxx][1] and class of property. The decision of the chief Commissioner in this regard shall be final.

1. Omitted by Act 17 of 2024 w.e.f. 07.03.2024

(19) Notwithstanding anything contained in this Act, a concession in payment of tax on building or vacant land or both, wherein any such socially or ecologically beneficial scheme, as may be identified for the purposes of this section by the corporation or the Government, is being implemented, may be

given to such extent not more than fifty percent of the tax payable in respect thereof as the Corporation may determine.

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

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

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

(22) The Chief Commissioner shall also maintain a list of defaulters in payment of property tax and publish the same on website of the corporation.

(23) For the purposes of maintenance of records under sub section (22), the Chief Commissioner may issue such directions to the zonal commissioner as required and also direct the maintenance of such records by each zonal committee.

145.Publication of resolution with notice.-The corporation shall by a resolution passed at a general meeting levy any tax specified in section 142 or any cess in section 143 specified in section and in such resolution specify the classes of persons or properties which shall be made liable and the amount or rate at which the tax or cess shall be levied. When such a resolution has been passed the corporation shall publish a notice of such resolution in the notice board of its office and by advertisement in local newspapers. The publication of such notice shall be conclusive evidence that the tax or cess has been imposed in accordance with the provisions of this Act and the rules made thereunder.

146.Power to suspend, reduce or abolish any existing tax or cess.-(1) The corporation may, at any time for sufficient reason suspend, modify or abolish any existing tax or cess.

(2) The provisions of this Chapter relating to the imposition of taxes shall apply so far may be to the suspension, modification or abolition of any tax or cess.

147.Payment of property tax.- (1)The owner of the building or vacant land or both shall pay the tax either in one installment or in two equal installments, within such time periods as notified by the corporation from time to time.

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

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

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

[1][148. XXX][1]

1. Omitted by Act 17 of 2024 w.e.f. 7.3.2024

149.Obligation of transferor and transferee to give notice of transfer.-(1) Whenever the title of any person primarily liable for the payment of the tax on any premises to or over such premises is transferred, the person whose title is transferred and the person to whom the same is transferred shall,

within three months after the execution of the instrument of transfer or after its registration, if it be registered or after the transfer is effected, if no instrument be executed, give notice of such transfer to the Chief Commissioner in such format as may be prescribed.

[1][Provided that, in case of transactions registered under the Registration Act, 1908 (Central Act 16 of 1908) where such information is received from the concerned Sub Registrar, it shall not be mandatory to notify such a transfer by the person primarily liable for payment of property tax.][1]

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

(3) [2][Whenever such transfer comes to the knowledge of the Chief Commissioner or authorised officer through such notice or otherwise, the name of the transferee shall be entered in the property tax register.][2]

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

(a) The liability of the transferee for the payment of the said tax, or

(b) The prior charge of the corporation

[3][(5) XXX][3]

(6) Notwithstanding anything contained in this Act, in respect of any building or land belonging to the Bengaluru Development Authority or the Karnataka Housing Board or any local authority the possession of which has been delivered to any person in pursuance of any grant, allotment or lease by the Board or local authority concerned, the transfer of title of any person primarily liable to the payment of property tax shall not be recorded in the corporation registers [2][without confirmation of order of transfer of such a building or land by the said Board or local authority concerned.][2]

1. Inserted by Act 17 of 2024 w.e.f. 7.3.2024
2. Substituted by Act 17 of 2024 w.e.f. 7.3.2024
3. Omitted by Act 17 of 2024 w.e.f. 7.3.2024

150.Review by the Chief Commissioner.- Where the Chief Commissioner, either suomotu or otherwise, after such enquiry as he considers necessary is satisfied that any transfer of title under section 149was got recorded in the Corporation register by fraud, misrepresentation, or suppression of facts or by furnishing false, incorrect or incomplete material, he may within a period of [1][five years][1] from the date of such recording of transfer of title reopen the case and pass such order with respect thereto as he thinks fit:

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

[2][Provided that no such limitation shall apply in case such a wrongful or incorrect entry is made with respect to a Government land or a land belonging to any local body, any statutory body or an organization owned or controlled by the Government][2]

1. Substituted by Act 17 of 2024 w.e.f. 7.3.2024
2. Inserted by Act 17 of 2024 w.e.f. 7.3.2024

151.Owner's obligation to give notice of construction or re-construction or demolition of building.- (1) If any building in the city is constructed or reconstructed, the owner shall give notice thereof to the Chief Commissioner, within fifteen days from the date of completion or occupation of the building whichever is earlier.

(2) If any building in the city is demolished or destroyed, the owner shall, until notice thereof is given to the Chief Commissioner, be liable for the payment of the property tax for which he would have been liable had the building not been demolished or destroyed.

152.General exemptions.- (1) The following buildings and lands shall be exempted from the property tax:-

(a) places set apart for public worship and either actually so used or used for no

other purposes;

(b) choultries for the occupation of which no rent is charged.

(c) places used for the charitable purpose of sheltering the destitute or animals and orphanages, homes and schools for the deaf and dumb, asylum for the aged and fallen women and such similar institutions run purely on philanthropic lines as are approved by Government; (d) such ancient monuments protected under the Karnataka Ancient and Historical Monuments and Archaeological Sites and Remains Act, 1961 (Karnataka Act 7 of 1962) and the Ancient Monuments and Archeological Sites and Remains Act, 1958 (Central Act 24 of 1958) or parts thereof as are not used as residential quarters or public offices; (e) charitable hospitals and dispensaries but not including residential quarters attached thereto;

(f) such hospitals and dispensaries maintained by railway administrations as may from time to time be notified by Government, but not including residential quarters attached thereto;

(g) burial and cremation grounds included in the list published by the chief Commissioner;

(h) the Government lands set apart for free recreational purposes and all such other Government land as may be notified by it, from which in the opinion of the Government no income could be derived;

(i) building or lands exclusively used for,-

(a) students hostels which are not established or conducted for profit; [1][(b) the educational institutions established for the purpose of education, recognized by the Government or Local Authority.][1]

1. Substituted by Act 12 of 2023 w.e.f. 10.03.2023.

(c) the offices of Labour Associations registered under the Trade Union Act, 1926 (Central Act 16 of 1926) and belonging to such Association; (j) buildings or lands belonging to the Central Government or any State Government used for purposes of Government and not used or intended to be used for residential or commercial purposes;

(k) buildings or lands belonging to any Urban Development Authority constituted under the Karnataka Urban Development Authorities Act, 1987 , the Bangalore Development Authority, the Bangalore Water Supply and Sewerage Board the Karnataka Housing Board or any local authority the possession of which has not been delivered to any person, in pursuance of any grant, allotment or lease;

(l) land which is registered as land used for agricultural purposes in the revenue accounts of the Government and is actually used for the cultivation of crops:

Provided that nothing contained in clauses (a), (c) and (e) shall be deemed to exempt from property tax, any building or vacant land for which rent is payable by the person or person using the same for the purposes referred to in the said clauses:

Provided further that for purpose of clause (j), a certificate issued by Government or any officer duly authorised by Government that any building or vacant land is used for purposes of Government and not used or intended to be used for residential or commercial purposes shall be binding on the corporation.

(2) Notwithstanding anything contained in the foregoing provisions of this Chapter, the Corporation may exempt fifty percent of the property tax on any one of the land or building belonging to an ex-serviceman or family of a deceased ex-serviceman, in the manner as may be prescribed.

Explanation.- For the purpose of this sub-section,-

(a) “ex-serviceman” means a person who has served in any rank in the regular Army, Navy and Air Force of the Union and includes a person who has served in Defence Security Corps, the General Reserve Engineering Force, the Lok Sahayak Sena and Para Military Forces; (b) “family of the deceased ex-serviceman” means the father, mother, the surviving spouse and minor children of the deceased ex-serviceman: Provided that, in respect of a building, it must be used by the ex-serviceman or member of the family of a deceased ex-serviceman for the purpose of their residence:

Provided further that, the ex-serviceman or his family as the case may be shall submit a certificate from Sainik Welfare Board, Karnataka that he,-

(i) is an ex-serviceman or as the case may be he is a member of the family of the deceased ex-serviceman;

(ii) is a permanent resident of Karnataka; and

(iii) is residing in such building.

(3) Notwithstanding the exemptions granted under this section it shall be open to the corporation to collect service charges for providing civic amenities and for general or special services rendered at such rates as may be prescribed.

153.Property tax from whom and when payable.- (1) Subject to the provisions of sub-section (2), the property tax shall be primarily payable as follows, namely:-

(a) if the premises are held immediately from the Government or the corporation, from the actual occupier thereof:

Provided that the property tax due in respect of premises owned by the Government and occupied by any person on payment of rent, shall be payable by the Government:

Provided further that no property tax shall be payable in respect of premises owned by the Corporation and occupied by any person on payment of rent.

(b) if the premises are not so held,-

(i) from the lessor if the premises are let;

(ii) from the superior lessor is the premises are sub-let;

(iii) from the person in whom the right to let the premises vests, if they are unlet.

(2) If any land has been let for any term exceeding one year to a tenant and such tenant or any person deriving title howsoever from such tenant has built upon the land, the property tax assessed upon the said land and upon the building erected thereon shall be primarily payable by the said tenant or such person whether or not the premises be in the occupation of the said tenant or the person.

154.Preparation and publication of property tax register.-(1) A property tax register in respect of buildings or lands or both in the city shall be maintained in such form and in such manner as may be prescribed.

(2) The authorised officer may on an application made by any person and subject to payment of such fees as may be specified by the corporation from time to time, permit such person to inspect the property tax register at reasonable hours or grant certified extract of the entries in the register or certified copies thereof.

(3) The Chief Commissioner or the authorised officer may issue a property tax certificate to every owner or occupier of building or lands, containing all the details of, buildings or lands or both and the property tax payable in relation to such buildings or lands or both.

155.Survey of lands and buildings and preparation of property register.- (1) The Chief Commissioner shall, subject to the general or special orders of the Government, direct a survey of buildings or lands or both within the city with a view to the assessment of property tax and may obtain the services of any qualified person or agency for conducting such survey and preparation of property register.

(2) A property register shall be maintained in such manner and containing such particulars in respect of buildings or lands or both as may be prescribed.

(3) For the purpose of preparation of property register or assessment of property tax in respect of any buildings or lands or both, the Chief Commissioner or any person authorised by him in this behalf may enter, inspect, survey or measure any land or building after giving notice to the owner or occupier before

such inspection and the owner or occupier shall be bound to furnish necessary information required for the purpose:

Provided that such entry into and upon any building or land shall be made between sunrise and sunset:

Provided further that in the case of buildings used as human dwelling due regard shall be paid to the social and religious customs of the occupiers and no apartment in the actual occupancy of a woman shall be

entered until she has been informed that she is at liberty to withdraw and every reasonable facility has been afforded to her for withdrawing.

156.Demand for payment of property tax and appeal against such demand.- (1) If the property tax including penalty leviable under [1][section 144][1], is not paid after it has been become due, the corporation may cause to be served upon the person liable for payment of the same a notice of demand in such form as may be prescribed.

(2) If the person to whom a notice of demand has been served under sub-section (1) does not, within thirty days from the service of such notice of demand either,-

(a) pays the sum demanded in the notice; or

(b) prefers an appeal under sub-section (3) against the demand, he shall be deemed to be in default and thereupon such sum shall be recovered along with such penalty and in such manner as may be prescribed.

(3) Notwithstanding anything contained in section 144, any person disputing the claim in the notice of demand served under sub-section (1), may within thirty days after the service of such notice, appeal in such manner subject to such conditions and to such authority as may be prescribed.

[2][Provided that any person seeking to file an appeal shall deposit fifty percent of the demanded amount with the Corporation.

Provided further that in case of appeal being successful resulting in refund either in part or in full of the already deposited amount, the same shall be immediately refunded by the Corporation or adjusted against any other pending or future property taxes or penalties or cesses or interest or other levies.

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

(5) If, for any reason the distraint, or a sufficient distraint of the defaulter's property cannot be effected, the Chief Commissioner may attach the bank account or the immovable property of the defaulter in such manner as may be prescribed, till the recovery of the property tax due:

Provided that in case of non-payment of the demanded dues even after sixty days from the date of attachment of the immovable properties, the same may be recovered by the distress sale of the immovable properties so attached. In doing so the demand dues together with the warrant fee and with such further sums as will satisfy the probable charges that may be incurred in connection with distress sale of the immovable property so attached.

Provided further that the Chief Commissioner may prosecute the defaulter before a competent court.][2]

1. Substituted by Act 17 of 2024 w.e.f. 7.3.2024
2. Inserted by Act 17 of 2024 w.e.f. 7.3.2024

157.Fee on advertisement.- Every person who erects, exhibits, fixes or retains, upon or over any land, building, wall or structure any advertisement or who displays any advertisement to public view in any manner whatsoever, in any place whether public or private, shall pay on every advertisement which is so erected, exhibited, fixed, retained or displayed to public view, a fee calculated at such rates and in such manner and subject to such exemptions, as the corporation may, with the approval of the Government, by resolution determine:

Provided always that the rates shall be subject to the maxima and minima laid down by the Government in this behalf:

[1][Provided further that no fee shall be levied under this section on any advertisement or a notice,-

(a) of a public meeting, or corporation of the city, or

(b) of an election to any legislative body, or

(c) of a candidature in respect of such an election:

in case the said advertisement or notice is within the maximum permissible size prescribed therefor. In case the advertisement or the notice exceeds the prescribed size, then such advertisement or notice shall be liable for payment of prescribed advertisement fee.][1]

Provided also that no such fee shall be levied on any advertisement which is not a sky-sign and which,-

(a) is exhibited within the window of any building; or

(b) relates to the trade or business carried on within the land or building upon or over which such advertisement is exhibited, or to any sale or letting of such land or building or any effects therein or to any sale, entertainment or meeting to be held upon or in such land or building; or

(c) relates to the name of the land or building, upon or over which the advertisement is exhibited, or to the name of the owner or occupier of such land or building; or

(d) relates to the business of any railways; or

[1][(e) is exhibited within any train.][1]

Explanation 1.- The word 'structure' in this section shall include any movable board on wheels used as an advertisement or an advertisement medium.

Explanation 2.- The expression 'sky-sign' shall, in this section, mean any advertisement, supported on or attached to any post, pole, standard, frame work or other support wholly or in part upon or over any land, building, wall or structure which, or any part of which shall be visible against the sky from some point in any public place and includes all and every part of any such post, pole, standard, frame-work or other support. The expression 'sky-sign' shall also include any balloon, parachute or other similar device employed wholly or in part for the purposes of any advertisement upon or over any land, building or structure or upon or over any public place but shall not include,-

(a) any flag-staff, pole, van or weather-cock, unless adapted or used wholly or in part for the purpose of any advertisement; or

(b) any sign, or any board, frame or other contrivance securely fixed to or on the top of the wall or parapet of any building, or on the cornice or blocking course of any wall, or to the ridge of a roof:

Provided that, such board, frame or other contrivance be of one continuous face and not openwork, and does not extend in height more than one meter above any part of the wall or parapet or ridge to, or against, or on which it is fixed or supported; or

(c) any advertisement relating to the name of the land or building, upon or over which the advertisement is exhibited, or to the name of the owner or occupier of such land or building; or

(d) any advertisement relating exclusively to the business of a railway, and placed wholly upon or over any railway, railway station, yard, platform or station approach belonging to a railway, and so placed that it cannot fall into any street or public place; or

(e) any notice of land or buildings to be sold, or let, placed upon such land or buildings.

Explanation 3.- 'Public place' shall, for the purpose of this section, mean any place which is open to the use and enjoyment of the public, whether it is actually used or enjoyed by the public or not.

[2][Provided that in case of advertisement that is liable to pay advertisement fee and/or penalty, whether authorized or unauthorized, but delays to pay the fee, he shall be liable to pay, in addition to the fee, and/or penalty, an interest thereon at a rate of eighteen percent per annum calculated from the date of advertisement fee or penalty becoming due until the date of payment thereof.

Provided further that any unauthorized advertisement shall be liable to pay a penalty as may be specified in the bye-laws.][2]

1. Substituted by Act 17 of 2024 w.e.f. 7.3.2024
2. Inserted by Act 17 of 2024 w.e.f. 7.3.2024

158.Prohibition of advertisements without written permission ofthe Chief Commissioner.- (1) No advertisement shall, after the levy of the fee under section 157has been determined upon by the corporation, be erected, exhibited, fixed or retained upon or over any land, building, wall, hoarding or

structure within the city or shall be displayed in any manner whatsoever in any place without the written permission of the Chief Commissioner.

(2) The Chief Commissioner shall not grant such permission if,-

(i) the advertisement contravenes any bye-law made by the corporation; or

(ii) the fee, if any, due in respect of the advertisement has not been paid.

(3) Subject to the provisions of sub-section (2), in the case of an advertisement liable to the advertisement fee, the Chief Commissioner shall grant permission for the period to which the payment of the fee relates and no fee shall be charged in respect of such permission:

Provided that, the provisions of this section shall not apply to any advertisement erected, exhibited, fixed or retained on the premises of a railway relating to the business of a railway.

159.Permission of the Chief Commissioner to become void in certain cases.- The permission granted under section 158 shall become void in the following cases, namely:-

(a) if the advertisement contravenes any bye-laws made by the corporation;

(b) if any addition to the advertisement be made except for the purpose of making it secure under the direction of the corporation engineer;

(c) if any material change be made in the advertisement or any part thereof;

(d) if the advertisement or any part thereof falls otherwise than through accident;

(e) if any addition or alteration be made to, or in the building, wall or structure upon or over which the advertisement is erected, exhibited, fixed or retained, if such addition or alteration involves the disturbance of the advertisement or any part thereof; and (f) if the building, wall or structure upon or over which the advertisement is erected, exhibited, fixed or retained be demolished or destroyed.

160.Owner or person in occupation to be deemed responsible.- When any advertisement is erected, exhibited, fixed or retained upon or over any land, building, wall, hoarding or structure in contravention of the provisions of section 158 or section 159 or after the written permission for the erection, exhibition, fixation or retention thereof for any period shall have expired or become void, the owner or person in occupation of such land, building, wall, hoarding or structure shall be deemed to be the person who has erected, exhibited, fixed or retained such advertisement in such contravention unless he proves that such contravention was committed by a person not in his employment or under his control or was committed without his connivance.

161.Removal of unauthorised advertisement.- If any advertisement be erected, exhibited, fixed or retained contrary to the provisions of section 158 or section 159 or after the written permission for the erection, exhibition, fixation or retention thereof for any period shall have expired or become void, the Chief Commissioner may, by notice in writing, require the owner or the occupier of the land, building, wall, hoarding or structure upon or over which the same is erected, exhibited, fixed or retained to take down or remove such advertisement or may enter any building, land or property and have the advertisement removed. [1][Any dues as per prescribed advertisement fees may be assessed, demand and show cause notices thereon issued and recoveries made, mutatis mutandis, as per manner provided for issuance of show cause notice, demand notice and the recovery of demand for the property tax under this Act:

Provided that for unauthorized advertisements the cost of removal thereof, in addition to other provisions, the same may be recovered by the seizure and sale of the unauthorized advertisement materials.][1]

1. Inserted by Act 17 of 2024 w.e.f. 7.3.2024

[1][**162. Collection of fees on advertisement.-** The collection of any fee on advertisement leviable under section 158 for any period may be assigned to a suitable agency for a period not exceeding one year at a time on such terms and conditions as may be specified for in the bye-laws and in due compliance of

the provisions of the Karnataka Transparency of Public Procurement Act, 1999 (Karnataka Act 29 of 2000) and the rules made thereunder.][1]

2. Substituted by Act 17 of 2024 w.e.f. 7.3.2024

163.The Chief Commissioner's power to call for information and to enter upon premises and to condone omission to give notice.- (1) For the purpose of assessing the property tax, the Chief Commissioner may, by notice, call upon the owner or occupier of any building or land to furnish him within thirty days after the service of the notice where the notice is served upon the Government, a railway administration or a company and within fourteen days after such service in other cases, with returns of the rent payable for the building or land, the cost of erecting the building, and the measurements of the land and with such other information as the Chief Commissioner may require and every owner or occupier upon whom any such notice is served shall be bound to comply with it and to make a true return to the best of his knowledge or belief.

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

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

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

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

165.Levy of entertainment tax.- (1) Entertainment tax shall be levied and collected by the Corporation over any ticket based entertainment, non-ticket based entertainment and televised entertainment, in accordance with the Act: Provided that, the entertainment tax on televised entertainment shall be collected by the Corporation within the corporation area.

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

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

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

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

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

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

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

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

169.Payment of taxes and filing of self-assessed returns for the payment of entertainment tax.- (1) Every proprietor of entertainment shall

submit such returns to the Chief Commissioner within such periods of time as prescribed under the Rules.

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

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

(2) If the proprietor of entertainment has failed to submit returns under section 169 the Chief Commissioner shall have the power to issue an order of re-assessment against such proprietor.

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

Provided that, upon the assessment of the value of the complimentary ticket,

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

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

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

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

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

(7) If the Chief Commissioner, upon inspection, is satisfied that the proprietor of entertainment has not furnished all the details required under Section 170, the Chief Commissioner shall issue a show cause notice and shall provide an opportunity to be heard to such proprietor of entertainment and may levy a fine as prescribed under the rules.

[1][**171. Appeal.-** Any person aggrieved by the order of re-assessment by the Chief Commissioner may appeal to an authority and the procedure including the time limit shall be so prescribed:

Provided that the appeal shall not be admitted unless the appellant deposits at least fifty percent of the re-assessed or assessed fee to the Corporation.

Provided further that in case of appeal being successful resulting in refund either in part or in full of the already deposited amount, the same shall be immediately refunded by the Corporation or adjusted against any other pending or future fees or taxes or penalties or cesses or interest or other levies.][1]

1. Substituted by Act 17 of 2024 w.e.f. 7.3.2024

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

[1][(2) Any person against whom a demand for payment of tax has been issued, may challenge such demand before the prescribed authority in accordance with such rules as may be prescribed.

(3) If the person fails to pay tax within the time period provided for under sub-section (1) and sub-section (2), the prescribed authority may order the recovery of the tax by the Corporation as an arrears of land revenue in a manner and procedure prescribed for recovery of property tax including distraint of moveable properties, attachment of bank accounts and immovable properties and distress sale of the immovable properties under this Act.][1]

1. Substituted by Act 17 of 2024 w.e.f. 7.3.2024

173.Punishment for non-payment of entertainment tax.- (1) If the proprietor of entertainment fails to pay tax under this_ Act within such time period provided under the Rules, such proprietor shall be liable to pay a fine of up to two times the tax payable or be sentenced to imprisonment of up to one year or both.

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

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

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

175.Duty on transfer of immovable properties.-(1) The duty on transfer of immovable property shall be levied in the form of a surcharge at the rate of two percent of the duty imposed under the Karnataka Stamp Act, 1957 (Karnataka Act No 34 of 1957), on instruments of sale, gift, mortgage, exchange or lease in perpetuity of all immovable property situated within the limits of a Corporation.

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

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

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

177.Power to make rules regarding assessment and collection of transfer duty.-The Government may make rules not inconsistent with this Act for regulating the collection of the duty, the payment thereof to the corporation and the deduction of any expenses incurred by the Government in the collection thereof.

178.Power to assess in case of escape from assessment.- Notwithstanding anything to the contrary contained in this Act or the rules made thereunder, if for any reason any person liable to pay any of the taxes or fees leviable under this chapter has escaped assessment in any half-year or year, the Chief Commissioner may, at any time [1][XXX][1], serve on such person a notice assessing him to the tax or fee due and demanding payment thereof within fifteen days from the date of

such service; and the provisions of this Act and the rules made thereunder shall, so far as may be, apply as if the assessment was made in the half-year or year to which the tax or fee relates.

1. Omitted by Act 17 of 2024 w.e.f. 7.3.2024

[1][**179.** XXX][1]

2. Omitted by Act 17 of 2024 w.e.f. 7.3.2024

CHAPTER XIV
FINANCE, ACCOUNTS AND AUDIT

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

(2)All moneys received by or on behalf of the corporation by or under this Act or any other law, all taxes, tolls and other imposts, fines, fees, penalties paid to or levied by it under this Act, all proceeds of land or other property sold by the corporation and all rents accruing from its land or property and all interests, profits and other moneys accruing by gifts or transfers from the Government or private individuals or otherwise shall constitute the corporation fund and shall be held, applied and disposed of in accordance with the provisions of this Act, the rules and the regulations made thereunder or any other law for the time being in force.

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

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

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

181.Application of the Corporation Fund.-(1) The moneys credited to the Corporation fund from time to time shall be applied for payment of all sums, charges and costs necessary for carrying out the purposes of this Act and the rules and the bye-laws made thereunder and for payment of all sums payable out of the Corporation Fund in accordance with the Karnataka Local Fund Authorities Fiscal Responsibility Act, 2003 (Karnataka Act 41 of 2003) or any other law for the time being in force in the manner prescribed.

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

182.Urban Transport Fund.- (1) There shall be constituted a Fund called the Urban Transport Fund which shall consist of,-

(a) Urban Transport Cess collected under section 143 of this Act;

(b) all grants received from the State Government and Central Government, if any; and

(c) any other receipts, interest or any other form of income to this fund.

(2) The Urban Transport Fund shall be utilized for,-

(a) co-ordinated planning, projects formulation and implementation relating to urban transport and their integrated management;

(b) conducting studies, research, promotion and compaign to encourage for use of public transport;

(c) capacity building in the urban local bodies, parastatal agencies and in the State Government; and

(d) any other purpose as may be prescribed by the State Government.

(3) The Directorate of Urban Land Transport shall be the Secretariat to administer the fund constituted under sub-section (1).

(4) The accounts of all receipts and expenditure arising out of the Urban Transport Fund shall be kept in such manner and in such form as may be prescribed.

(5) The Government shall appoint one of its officers as the auditor who shall subject to supervision and control of the Principal Controller of State Audit and Accounts conduct audit of the Urban Transport Fund and he shall have access to all books of Accounts and to all receipts and expenditure relating to the Urban Transport Fund and the Director of Urban Land Transport or as the case may be the Director of Municipal Administration or the ChiefCommissioner of the Corporation or any officer of Corporation shall furnish to him any information concerning any receipt of expenditure which may be required by him.

(6) The Director of Urban Land Transport shall prepare Annual Report of the operation of the Fund and furnish the report to the Government for laying before each House of the State Legislature. Audit report and compliance in this regard shall also be laid before each House of the State Legislature.

183.Contribution to expenditure by the Corporation.- (1) If the expenditure incurred by the Government or by the Corporationfor any purpose authorised by rules is such as to benefit the inhabitants of the city, the corporation may make a contribution towards such expenditure.

(2) The Government may direct the corporation to show cause, within a period fixed by the Government in this behalf not being less than one month after receipt of the order containing the direction, why any contribution referred to in sub-section (1) should not be made.

(3) If the corporation fails to show cause within the said period to the satisfaction of the Government, the Government may direct it to make such contribution as it shall name and it shall be paid accordingly.

184.Power of corporation to borrow money.- (1) The corporation may, in pursuance of any resolution passed at a special meeting, barrow by way of debenture or otherwise, on the security of all or any of the taxes, duties, fees and dues authorised by or under this Act, any sums of money which may be required,-

(a) for the construction of works,

(b) for the acquisition of lands and buildings, or

(c) to pay off any debt due to Government, or

(d) to repay a loan previously raised under this Act or any other law previously in force:

Provided that,-

(i) no loan shall be raised without the previous sanction of the Government, and

(ii) the amount of the loan, the rate of interest and the terms including the date of floating, the time and method of repayment and the like shall be subject to the approval of the Government.

(2) When any sum of money has been borrowed under sub-section (1),- (a) no portion thereof shall, without the previous sanction of the Government, be applied to any purpose other than that for which it was borrowed, and

(b) no portion of any sum of money borrowed under clause (a) of sub- section (1) shall be applied to the payment of salaries or allowances to any corporation officers or servants other than those exclusively employed upon the works for the construction of which the money was borrowed.

185.Time for repayment of money borrowed under section 184.- The time for the repayment of any money borrowed under section 184 shall in no case exceed sixty years, and the time for the repayment of any money borrowed for the purpose of discharging any previous loan shall not, except with the express sanction of the Government, extend beyond the unexpired portion of the period for which such previous loan was sanctioned.

186.Limit of borrowing powers.- Notwithstanding anything hereinafter contained, the borrowing powers of the corporation shall be limited so that the sum payable annually for interest and for the maintenance of the sinking funds as hereinafter provided, and for interest and repayment of any sums borrowed otherwise shall not, except with the express sanction of the Government, exceed ten percent of the rateable value of buildings and lands as determined under this Act.

187.Form and effect of debentures.- All debentures issued under this chapter shall be in such form as the corporation, with the previous sanction of the Government may determine, and shall be transferable in such manner as shall be therein expressed; and the right to sue in respect of the moneys secured by any of such debentures shall vest in the holders thereof for the time being without any preference by reason of some such debentures being prior in date to others.

188.Payment to survivors of joint payees.- When any debenture or security issued under this Act is payable to two or more persons jointly, and either or any of them dies, then, the debenture or security shall be payable to the survivor or survivors of such persons:

Provided that nothing in this section shall affect any claim by the representative of a deceased person against such survivor or survivors.

189.Receipt by joint holder for interest or dividend.- When two or more persons are joint holders of any debenture or security issued under this Act, any one of such persons may give an effectual receipt for any interest or dividend payable in respect of such debenture or security, unless notice to the contrary has been given to the corporation by any other of such persons.

190.Power of the corporation to consolidate loans.- (1) Notwithstanding anything to the contrary contained in this Chapter, the corporation may consolidate all or any of its loans and for that purpose may invite tenders for a new loan (to be called the "Corporation Consolidated Loan, 20....") and invite the holders of corporation debenture to exchange their debentures for scrip of such loan.

(2) The terms of any such consolidated loan and the form of its scrip and the rates at which exchange into such consolidated loan shall be permitted, shall be subject to the prior approval of the Government.

(3) The period for the extinction of any such consolidated loan shall not, without sanction of the Government extend beyond the farthest date within which any of the loans to be consolidated would be otherwise repayable.

(4) The corporation shall provide for the repayment of any such consolidated loan by a sinking fund in the manner laid down in section 204 having regard to the amount transferred to such sinking fund under section 203.

191.Priority of payments for interest and repayment of loans over other payment.- All payments due from the corporation for interest on and repayment of loans shall be made in priority to all other payments due from the corporation.

192.Attachment of corporation fund for recovery of money borrowed from the Government.- (1) If any money borrowed by the corporation from the Government, whether before or after the commencement of this Act, or any interest or costs due in respect thereof, be not repaid according to the conditions of the loan, the Government may attach the corporation fund or any part thereof.

(2) After such attachment, no person except an officer appointed in this behalf by the Government shall in any way deal with the attached fund; but such officer may do all acts in respect thereof which any municipal authority, officer or servant might have done if such attachment had not taken place, and may apply the proceeds in satisfaction of the arrears and of all interest and costs due in respect thereof and all expenses caused by the attachment and subsequent proceedings:

Provided that no such attachment shall defeat or prejudice any debt for which the fund attached was previously charged in accordance with law; but all such prior charges shall be paid out of the proceeds of the fund before any part of the proceeds is applied to the satisfaction of the debt due to the Government.

193.Preparation of the corporation budget.-(1)Every zonal committee shall submit a budget estimate to the Mayor which shall comprise of the required budgetary support for the implementation of the existing schemes, list of capital expenses, required manpower and such other expenses for the purposes of effective implementation of this Act within a particular zone.

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

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

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

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

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

(a)The receipts and payments for the previous financial years and expected receipts and payments for the upcoming financial year; (b)Compliance to the medium term fiscal plan;

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

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

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

194.Budget estimates to be prepared by the standing committee for taxation, finance and appeals or as the case may be, standing committee for taxation and finance .- (1) The standing committee for taxation and finance and appealshall, on or as soon as may be, after the fifteenth day of January consider the estimates and proposals of the chief Commissioner and after having obtained proposals, if any, of other standing committees and such further detailed information, if any, as it shall think fit to require from the chief Commissioner and having regard to all the requirements of this Act, shall prepare there from, subject to such modifications and additions therein or thereto as it shall think fit, a budget estimate of the income and expenditure of the corporation for the next year.

(2) In such budget estimate, the standing committee shall,-

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

(b) provide for the payment as it falls due, of any amount towards contributions, fees or such other amounts as may be payable by the corporation to the Government;

(c) allow for a cash balance at the end of the year of not less than one lakh of rupees under General Account Revenue.

(3) The Chief Commissioner shall cause the budget estimate as finally approved by standing committee, to be printed and shall, not later than the first day of February, forward a printed copy thereof to each councillor.

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

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

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

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

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

196.Obligation to pass budget before the beginning of the year.- (1) The corporation 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.

197.Corporation may pass supplemental budget.- The Corporation may, on the recommendation of the standing committee for taxation, finance and appeal 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 not be reduced to less than one lakh of rupees:

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

198.Re-adjustment of income and expenditure to be made by the corporation during the course of the official year whenever necessary.- (1) If it shall at any time during any year appear to the corporation upon the representation of the standing committee for taxation and finance , that, notwithstanding any reduction of budget grants that may have been made under section 195, the income of the corporation fund during the said year will not suffice to meet the expenditure sanctioned in the budget estimate of the said year and to leave at the close of the year a cash balance of not less than one lakh of rupees under General Account-Revenue, it shall be incumbent on the corporation either to diminish the sanctioned expenditure of the year, so far as it may be possible so to do with due regard to all the requirements of this Act, or to have recourse to supplementary taxation, or to adopt both of these expedients in such measure as may be necessary to secure an estimated cash balance of not less than one lakh of rupees under General Account - Revenue at the close of the year.

(2) Whenever the corporation determines to have recourse to supplementary taxation in any year, it shall do so by increasing for the unexpired portion of the year the rate at which any tax or duty is being levied subject to the conditions, limitations and restrictions laid down in Chapter X.

199.Preparation of a medium-term fiscal plan.-(1) The Mayor in consultation with the Chief Commissioner, Standing Committee for Taxation, Finance and Appeal and Zonal Committees prepare a medium term fiscal plan for the Corporation in a manner as may be prescribed**.**

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

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

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

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

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

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

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

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

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

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

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

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

204.Application of the sinking fund.- The Corporation may apply a sinking fund or any part thereof, in or towards the discharge of the loan or part of a loan for which such fund was created, and until such loan or part is wholly discharged shall not apply the same for any other purpose:

Provided that, when any loan or parts thereof have been consolidated the trustees shall transfer to the sinking fund of the consolidated loan so created such part of the sinking funds of the original loans as may be proportionate to the amount of the original loans incorporated in the consolidated loan.

205.Annual statement by the Corporation.- (1) The Corporation shall, at the end of every year submit to the Government a statement showing,-

(a) the amount which has been invested during the year;

(b) the date of the last investment made previous to the submission of the statement;

(c) the aggregate amount of the securities then in their hands; and (d) the aggregate amount which has, up to the date of the statement, been applied in or towards discharging loans.

(2) Every such statement shall be laid before the Corporation and published.

206.Attachment of the Corporation fund for recovery of money borrowed from the Government.- (1) If any money borrowed by the Corporation from the Government, whether before or after the commencement of this Act, or any interest or costs due in respect thereof, be not repaid according to the conditions of the loan, the Government may attach the Palike fund or any part thereof.

(2) After such attachment, no person except an officer appointed in this behalf by the Government shall in any way deal with the attached fund; but such officer may do all acts in respect thereof which any Corporation authority, officer or servant might have done if such attachment had not taken place, and may apply the proceeds in satisfaction of the arrears and of all interest and costs due in respect thereof and all expenses caused by the attachment and subsequent proceedings:

Provided that, no such attachment shall defeat or prejudice any debt for which the fund attached was previously charged in accordance with law; but all such prior charges shall be paid out of the proceeds of the fund before any part of the proceeds is applied to the satisfaction of the debt due to the Government

207.Appointment of the Chief Financial Officer.-(1) The Corporation shall appoint a Chief Financial Officer who shall guide the Corporation on all financial matters and perform such duties as allocated by the Mayor or the Chief Commissioner from time to time.

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

208.Annual Financial statement.-(1)The Chief Commissioner, within two months of the close of a financial year, cause to be prepared an annual financial statement containing an income and expenditure account, cash flow statement and receipts and payments account for the preceding financial year in respect of the accounts of the Corporation, and a balance sheet as of the last day of the preceding financial year, along with schedules to the above and notes to accounts including significant accounting policies including details of contingent liabilities and any other such information as may be useful in understanding the financial statements clearly.

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

209.Accounts and Audit.-(1) The accounts of all receipts and expenditure of the corporation shall be kept in such manner and in such form as may be prescribed.

(2) The Government shall appoint one of its officers as the Corporation Chief Auditor who shall subject to the supervision and control of the Controller of State Accounts conduct an audit of the corporation accounts and for this purpose, he

shall have access to the corporation accounts and to all receipts and expenditure relating thereto and the Chief Commissioner shall furnish to him any information concerning any receipt or expenditure which may be required by him.

(3) Subject to the provisions of any law for the time being in force, the audit of all transactions of receipts and expenditure of the Corporation shall be subject to technical guidance and supervision of the Comptroller and Auditor General of India and he shall send the annual technical inspection report to Government for being placed before both Houses of the State Legislature.

(4) The Controller, State Audit and Accounts Department shall send Consolidated Annual Audited Report pertaining to the Corporation to the Government for being placed before both Houses of the State Legislature.

(5) The Chief Auditor of Corporation shall report to the prescribed Corporation authority any material impropriety or irregularity which he may at any time observe in the expenditure or in the recovery of moneys due to the corporation or in the corporation accounts and shall furnish information in respect of such matter as may be laid down in the rules.

(6) He shall be paid such salary and allowances as the Government may determine and shall be entitled to privileges in accordance with the rules and regulations of the branch of the Government service to which he belongs and in force for the time being and the corporation shall make such contribution towards his leave, allowances, pension and provident fund as may be payable under such rules and regulations by him or on his behalf from the corporation fund.

CHAPTER XV
STREETS

210.Vesting of Public streets in the *Corporation* and their appurtenances in Corporation.-(1) The following shall vest in the Corporation,- (a) All public streets in the Corporation reserved under the control of the Government, with the pavements, stones and other materials thereof and all work materials, implements and other things provided for such streets;

(b) all sewers, drains, drainage works, tunnels and culverts whether made at the cost of the Corporation fund or otherwise, in or alongside or under any street, whether public or private, and

(c) all works, materials, implements and other things appertaining thereto and all trees not being private property growing on public streets or by the side thereof.

(2) The Government may, after consulting the Corporation by notification withdraw any such street, sewer, drain, drainage work, tunnel, culvert or tree from the control of the Corporation.

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

211.Powers of the Zonal Commissioner in respect of public streets,-(1)The Zonal Commissioner shall, from time to time, either suo moto or upon the request of the Ward Committee cause all public streets vested in the Corporation to

be levelled and repaired; he may also from time to time widen, extend or otherwise improve any such street for the safety of pedestrians.

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

Provided that, before doing so, the Corporation shall by notice publish in the

manner specified by bye-laws give reasonable opportunity to the residents likely to be affected by such closure to make suggestions or objections with respect to such closure and shall consider all such suggestions or objections which may be made within thirty days from the date of the publication of the said notice.

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

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

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

(a)lay out and make new public streets;

(b)construct bridges and sub-ways;

(c)turn or divert any existing public street for alignment of roads; (d)widen, open, extend or otherwise improve any public street; and (e)lay down and determine the position and direction of a street or streets in any part of Bengaluru notwithstanding that no proposal for the erection of any building in the vicinity has been received.

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

(3)Reasonable compensation shall be paid to the owners and occupiers of any land or buildings which are acquired for or affected by any such purposes.

(4) In determining such compensation, allowance shall be made for any benefit accuring to the owner or occupier concerned from the construction or improvement made by the Chief Commissioner.

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

215.Power to prohibit use of public streets for certain kind of traffic.-(1)The Zonal Commissioner may prohibit vehicular traffic in any public street or any portion thereof so as to prevent danger, obstruction or inconvenience to the public or to ensure quietness in any locality.

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

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

217.Making of new private streets.- (1) Any person intending to layout or make a new private street must send to the Chief Commissioner a written application with plans and sections showing the following particulars, namely:- (a)the intended level, direction and width of the street;

(b)the street alignment and the building line; and

(c)the arrangements to be made for levelling, paving, metalling, flagging, channelling, sewering, draining, conserving and lighting the street.

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

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

(4)Such sanction may be refused,-

(a)if the proposed street would conflict with any arrangements which have been made or which are in the opinion of the standing committee likely to be made, for carrying out any general scheme of street improvement;

(b)if the proposed street does not conform to the provision of the Act, the rules and bye laws referred to in sub-section (2); or

(c)if the proposed street is not designed so as to connect at one end with a street which is already open.

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

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

(6)If the zonal committee does not refuse sanction within sixty days from the receipt of the application under sub-section (1) or from the receipt of all the information asked for under sub-section (5), such sanction shall be deemed to have been given and the applicant may proceed to make the street, but not so as to contravene any of the provisions of this Act or the rules or bye-laws made under this Act.

218.Alteration or demolition of street made in breach of section 217.- (1)If any person lays out or marks any street referred to in section 217 without or otherwise than in conformity with the alignment of roads or orders of the standing committee the Zonal Commissioner, may, whether or not the offender be prosecuted under this Act, by notice require the offender to,-

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

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

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

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

219.Power to dispose of permanently closed streets.- (1) When any public street is permanently closed under section 213, the corporation may dispose of the site or so much thereof as is no longer required making due compensation to any person injured by such closing.

(2) In determining such compensation, allowance shall be made for any benefit accruing to the same premises or any adjacent premises belonging to the same owner from the construction or improvement of any other public street, at or about the same time that the public street, on account of which the compensation is paid, is closed.

220.Acquisition of land and buildings for improvement of streets.- (1) The chief Commissioner may subject always to such sanction as may be required, acquire,-

(a) any land required for the purpose of widening, opening, extending or otherwise improving any public street or of making any new public street, and the building if any, standing upon such land;

(b) any land outside the proposed street alignment with the building if any, standing thereupon with the corporation may consider it expedient to acquire.

(2) Any land or building acquired under clause (b) of sub-section (1) may be sold, leased or otherwise disposed of, after public advertisement, and any conveyance made for that purpose may

comprise such conditions as the standing committee thinks fit as to the removal of the existing building, if any, the description of the new building (if any) to be erected, the period within which the new building (if any) shall be completed and any other similar matters.

(3) The standing committee may require any person to whom any land or building is transferred under sub-section (2) to comply with any conditions comprised in the said conveyance before it places him in possession of the land or building.

221.Powers to prescribe building line and street alignment.- The standing committee may,-

(a) prescribe for any public street, a building line or a street alignment or both a building line and a street alignment;

(b) from time to time, but subject in each case to its receiving the authority of the corporation in that behalf, define a fresh line in substitution for any line so defined or any part thereof, provided that such authority shall not be accorded,-

(i) unless, at least one month before the meeting of the corporation at which the matter is considered, public notice of the proposal has been given by the Chief Commissioner by advertisment in the local newspapers and in the official

Gazette, and also special notice thereof, signed by the Chief Commissioner has been put up in the street or part of the street for which fresh line is proposed to be defined; and

(ii) until the corporation has considered all objections to the said proposals made in writing and delivered at the corporation office not less than three clear days before the day of such meeting.

222.Restriction on erection of or addition to buildings within street alignment or building line.- (1) No person shall construct any portion of any building within a street alignment defined under section 221, provided however that the Chief Commissioner may in his discretion permit additions to a building to be made within a street alignment, if such addition merely add to the height and rest upon an existing building or wall, upon the owner of the building executing an agreement binding himself and his successors in interest,-

(a) not to claim compensation in the event of the Chief Commissioner at any time thereafter calling upon him or his successors to remove any building erected or added to in pursuance of such permission or any portion thereof; and

(b) to pay the expenses of such removal:

Provided that the ChiefCommissioner shall, in every case in which he gives permission, report his reasons, in writing to the standing committee.

(2) If the Chief Commissioner refuses to grant permission to erect or add to any building on the ground that the proposed site falls wholly or in part within a street alignment prescribed under section 221 and if such site or portion thereof which falls within such alignment be not acquired on behalf of the corporation within one year after the date of such refusal, the corporation shall pay reasonable compensation to the owner of the site.

(3) No person shall erect or add to any building between a street alignment and a building line defined under section 221 except with the permission of the ChiefCommissioner who may when granting the permission impose such conditions as the standing committee may lay down for such cases.

223.Setting back projecting building or wall.- (1) When any building or part thereof abutting on a public street is within a street alignment defined under section 221 the Chief Commissioner may, whenever it is proposed,-

(a) to rebuild such building or take it down to an extent exceeding one-half thereof above the ground level such half to be measured in cubic meter; or

(b) to remove, reconstruct or make any addition to any portion of such building which is within the street alignment, in the order which he issues

concerning the re-building, alteration or repair of such building require such building to be set back to the street alignment.

(2) When any building or any part thereof within the street alignment falls down or is burnt down or is, whether by order of theChief Commissioner or otherwise, taken down, the Chief Commissioner may forthwith take possession on behalf of the corporation of the portion of land within the street alignment thereof occupied by the said building and, if necessary, clear it.

(3) Land acquired under this section shall be deemed a part of the public street and shall vest in the corporation.

(4) When any building is set back in pursuance of any requisition made under sub-section (1), or when theChief Commissioner takes possession of any land under sub-section(2), the corporation shall forthwith make full compensation to the owner for any direct damage which he may sustain thereby.

Explanation.- The expression, "direct damage" as used in sub-section (4) with reference to land means, the market value of the land taken and the depreciation, if any, in the ordinary market value of the rest of the land resulting from the area being reduced in size; but does not include damage due to the prospective loss of any particular use to which the owner may allege that he intended to put the land, although such use may be injuriously affected by the reduction of site.

224.Additional power of the *Chief* Commissioner to order settling back of buildings to regular line of street.- (1) If any building or any part thereof is within the regular line of a public street and if, in the opinion of theChief Commissioner, it is necessary to set back the building to the regular line of the street he may, if the provisions of section 223 do not apply, by written notice,- (a) require the owner of such building to show cause within such period as is specified in such notice by a statement in writing subscribed by him or by an agent duly authorised by him in that behalf and addressed to the Chief Commissioner, why such building or any part thereof which is within the regular line of the street shall not be pulled down and the land within the said line acquired by the Commissioner; or

(b) require the said owner on such day and at such time and place as shall be specified in such notice to attend personally or by an agent duly authorised by him in that behalf and show cause why such building or any part thereof which is within the regular line of the street shall not be pulled down and the land within the said line acquired by theChief Commissioner.

(2) If such owner fails to show sufficient cause to the satisfaction of the Chief Commissioner why such building or any part thereof, which is within the regular line of the street shall not be pulled down and the land within the said line acquired as aforesaid, the Chief Commissioner, may, with the approval of the standing committee, require the owner by a written notice, to pull down the building or the part thereof which is within the regular line of the street within such period as is prescribed in the notice.

(3) If within such period the owner of such building fails to pull down such building or any part thereof coming within the said line, the Chief Commissioner may pull down the same and all the expenses incurred in so doing shall be paid by the owner.

(4) The Chief Commissioner shall at once take possession on behalf of the corporation of the portion of the land within the said line theretofore occupied by the said buildings and such land shall hence forward be deemed a part of the public street and shall vest as such in the corporation.

Provided that, nothing in this section shall be deemed to apply to buildings vesting in the Government.

[1][**225. Power to declare any street as public street.-**(1) If a private street including the drains are in such a poor condition that endangers public safety and health, the Zonal Commissioner may, with respect to a private street, on his own accord or upon a request by the owners of the said private street or the owners of the buildings and lands fronting or abutting on such a street, by a public notice and notice to such owners, inform his intention to declare the said private street or part thereof, a public street. Thereupon, such owners or anyone else interested, may give objections, if any, regarding the said intention

within one month of the date of service of such the public notice by affixture. Upon considering the objections if any, the Zonal Commissioner may, declare such street or part the street to be a public street:

Provided that, in case the private street falls in more than one Zone then the concerned Zonal Commissioners shall jointly issue the notice and thereupon declare the street or part thereof as a public street.

Provided further that, the private street to be declared as public street shall have connectivity from the public road or public street.

(2) On the request of site owners abutting a private street or otherwise such street which was shown by the erstwhile land owner as road in the sale deed made by the land owner and based upon which the abutting building sites were carved out by the land owner, who has obtained the benefit of such road or street upon by making the sale of abutting building sites and upon such road is declared as public street under sub-section (1), in that event the land owner, shall not be eligible for any type of compensation under the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (Central Act No. 30 of 2013) or any other law, including Development Rights Certificates under section 14-B of the Karnataka Town and Country Planning Act, 1961 (Karnataka Act 11 of 1963).

Explanation:- For the purpose of this section,-

(i) "Erstwhile Land Owner" means the person in whose name the agriculture or converted land stood at the time of selling the sites and includes all those persons claiming under or through him; and

(ii) "Public Street" means any street, road, square, court, alley, passage or riding path over which the public have a right of way maintained by the Corporation or Government or by any public authorities, whether a thoroughfare or not and includes;-

(a)the roadway over any public bridge or causeway;

(b)the footway attached to any such street public bridge or causeway; and

(c)the drains attached to any such street, public bridge or causeway and the land, whether covered or not by any pavement verandah or other structure which lies on either side of the roadway upto the boundaries of the adjacent property, whether that property is private property or property belonging to the Government or the Corporation.][1]

1. Substituted by Act 34 of 2025 w.e.f. 15.04.2025

[1][**226. Power of the Zonal Commissioner to Order work to be carried or carried out himself in default.-** (1) If upon notice under section 225, due to objections or any other reason leads to dropping of the intention to declare the private street or part thereof as the public street but the private street or part thereof requires to be improved, developed or maintained including road side drains for the benefit of persons using the said street as easement right, the Zonal Commissioner may by notice direct such owners to carry out any work which in his opinion may be necessary and within such time as may be specified in such notice.

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

Provided that the expenses payable if not paid shall be recoverable as the arrears of Property Tax and in the manner as may be prescribed for recovery of property tax arrears.

(3) If the Zonal Commissioner carries out work in accordance with

sub-section (2), he, with the requisition of the owners can declare such a street to be a public street and thereupon the street shall vest in the Corporation.][1]

1. Substituted by Act 34 of 2025 w.e.f. 15.04.2025

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(b) deposit any building materials in any street

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

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

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

compensation from the Corporation.

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

233.Naming of Public streets.- (1) The Chief Commissioner, with the sanction of the Mayor may, with the sanction of the Corporation, determine the name by which any street or public place vested in the Corporation shall be known and may, at any time, alter the name of such a street:
Provided that, before such naming or renaming, the opinion of the Ward Committees concerned shall be taken into consideration.

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

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

234.Numbering of Buildings.-(1) The Zonal Commissioner shall cause a number to be affixed to the side or outer door of any building or to some place at the entrance of the premises.
(2)No person shall, without lawful authority, destroy, pull down or deface any such number.

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

235.Provision for lighting of Public Streets.- (1) The Corporation shall cause the public streets to be lighted and for that purpose shall provide such street lights as may be necessary.
(2)The Zonal Commissioner shall take measures for lighting in a suitable manner all such public streets and public places.

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

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

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

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

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

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

237.Power to allow certain projections and erections;- (1) The Zonal Commissioner may grant a licence subject to such conditions and restrictions as he may think fit to the owner or occupier of any premises,-

(a) to put-up or continue to have verandahs, balconies, sun-shades, weather frames and the like to project over a street; or

(b) in streets in which the constructions of arcades has been sanctioned by the Corporation to put up or continue to have an arcade; or

(c) to construct any step or drain-covering necessary for access to the premises.

(2) The Zonal Commissioner may grant a licence subject to such conditions and restrictions as he may think fit for any temporary construction in any street or in any public place the control of which is vested in the Corporation.

(3) No licence shall be granted under sub-section (1) if the projection or construction is likely to be injurious to health or cause public inconvenience or

otherwise materially interfere with the use of the road as such.

(4) On the expiry of any period for which a licence has been granted under this section or after due communication of an order of suspension or revocation of such licence the Zonal Commissioner may, without notice, cause any projection or construction put up under subsection (1) or (2) to be removed, and the cost of so doing shall be recoverable in the manner from the person to whom the licence was granted.

(5) The Corporation shall have power to lease road sides and street margins vested in the Corporation for occupation on such terms and conditions and for such period as it may fix:

Provided that, no such road sides and street margins shall be leased out for any term exceeding three years without prior sanction of the Government:

Provided further that, if the Government consider that any occupation of a road side or street margin under a lease granted by the Corporation under this section is likely to be injurious to health or cause public inconvenience or otherwise materially interfere with the use of the road side or street margin as such, the Government may direct the Corporation to cancel or modify the lease and the Corporation shall thereupon cancel or modify the lease accordingly.

CHAPTER XVI
REGULATION OF BUILDINGS INCLUDING TOWN PLANNING

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(l)Provision of lifts within the building

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

(n)Minimum plantation required within a building

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

239.Prohibition of construction without sanction.-No person shall construct any building or any structure of a permanent nature or execute any of the work relating to the construction of building including addition, alteration or modification of an existing within the jurisdiction of the Corporation save and except in accordance with building bye-laws issued under section 238 and upon the sanction of the Corporation to undertake such construction.

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

(2)Upon receipt of the application under sub-section (1), the Zonal Commissioner shall verify if the application confirms to the building bye-laws and grant permission to undertake construction or if the application does not confirm to the building bye-laws reject such applications.

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

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

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

(6)The Zonal Commissioner shall process any application received under sub-section (1) within such time periods as may be prescribed and in the event of the zonal commissioner not communicating the decision on such application within the prescribed time period the application shall be deemed to be approved:
Provided that, deemed approval shall not be accorded to those applications
referred to the Chief Commissioner under Sub-Section (4).

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

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

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

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

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

[1][**240A. Levy of imposts, restriction and condition.-**(1)The Chief Commissioner may grant such permission to execute the work together with a site plan of the land, ground plan, elevations and sections of the building subject to such restrictions and conditions, as may be specified in the bye-laws or he may refuse to grant such licence, subject to the conditions specified in section 244.

(2)[2][The Corporation][2] while fixing the rates for levy of fee or penalty shall consider all the costs related to the issue and execution of the approval as he may deem fit.

(3)The Chief Commissioner may for approving or sanctioning the plan or grant of commencement certificate or completion certificate,-

(A)charge and levy the following fee at such rates based on the guidance value fixed by the Department of Stamps and Registration under the provisions of the Karnataka Stamp Act, 1957, namely:-

[1][(a) fee for issuance of license at such rate not exceeding 0.30 percent of guidance value of the vacant site under section 45B of the Karnataka Stamp Act, 1957 (Karnataka Act 34 of 1957) multiplied by the proposed built up area;

(b) fee for maintenance of public roads or storing of construction material in public places during construction viz. ground rent at such rate not exceeding 0.25 percent of guidance value of the vacant site under section 45B of the Karnataka Stamp Act, 1957 (Karnataka Act 34 of 1957) multiplied by the proposed built up area;

(c) security deposit as specified in the zoning regulation for ensuring that the construction is in accordance with the plan sanctioned;

(d) fee for commencement certificate at such rate not exceeding 0.20 percent of guidance value of the vacant site under section 45B of the Karnataka Stamp Act, 1957 (Karnataka Act 34 of 1957) multiplied by the proposed plinth area;

(e) fee for completion certificate at such rate not exceeding [2][0.10 percent][2] of guidance value of the vacant site under section 45B of the Karnataka Stamp Act, 1957 (Karnataka Act 34 of 1957) multiplied by the proposed built up area;

(f) such other fee as specified by the Government from time to time under this Act and the Karnataka Town and Country Planning Act, 1961 (Karnataka Act 11 of 1963) and the rules made there under;][1]

(g) scrutiny fee at such rate not exceeding 0.10 percent of guidance value of the vacant site under section 45B of the Karnataka Stamp Act, 1957 (Karnataka Act 34 of 1957) multiplied by the proposed built up area; (h) penalty imposed at the time of issuance of completion certificate for not obtaining commencement certificate at the commencement of the construction at such rate not exceeding 0.25 percent of guidance value of

the vacant site under section 45B of the Karnataka Stamp Act, 1957 (Karnataka Act 34 of 1957) multiplied by constructed built up area; (i) penalty for regularisation of violated or deviated portion of construction up to the extent allowed under the Act at such rate not exceeding 35 percent of the guidance value of site under section 45B of the Karnataka Stamp Act, 1957 (Karnataka Act 34 of 1957) for the violated portion; and (j) such other fee as nay be specified by the Government from time to time.][1]

[3][(k) the ceiling limits of fee and penalty for residential uses shall be 2/3rdthe values specified in sub-clauses (a) to (j).][3]

1. Substituted by the Act 37 of 2024 w.e.f. 11.01.2021.

2 Substituted by Act 34 of 2025 w.e.f. 15.04.2025

3. Inserted by Act 34 of 2025 w.e.f. 15.04.2025

(B) charge and levy any other deposit or fee or cess specified under any other law in force.

240B. Power of the State Government to exempt or reduce fee levied or charged or assessed.- (1)The State Government may, if in its opinion, it is necessary in the public interest so to do, by notification and subject to such restrictions and conditions and for such period as may be specified in the notification, exempt or reduce either prospectively or retrospectively, the fee payable under this Act for any Board or Corporation or Organization owned or controlled by the Central Government or the State Government.

(2) The State Government may, by notification cancel or vary any notification issued under sub-section (1).

(3) Where any restriction or condition specified under sub-section (1) is contravened or is not observed by a person or a declaration furnished under sub-section (1) is found to be wrong then such person shall be liable to pay by way of penalty an amount equal to twice the difference between the fee payable at the rates specified by or under the Act and the fee paid at the rates specified under the notification on the consideration in respect of which such contravention or non-observance has taken place or a wrong declaration is furnished:

Provided that, before taking action under sub-section (1), the person shall be given a reasonable opportunity of being heard.

(4) For the removal of doubts it is hereby declared that, the levy of imposts, assessment and collection of fee or penalty under the Act as amended by the Karnataka Municipal Corporations and Certain Other Law (Amendment) Act, 2021 or any rules, notification, order, letter or guidelines shall be deemed to have always been levied and collected as levy of imposts.

240C. Validation of levy and collection of fees.- Notwithstanding anything contained in any judgment, decree or order of any Court, Tribunal or other authority to the contrary, levy, assessment and collection of any amount as fee or penalty for sanctioning Building plan, Commencement Certificate, made or purporting to have been made under section 240A, section 246 and any action initiated or done, including any notices or orders issued or assessment made and all proceedings held and any levy and collection of fee or amount purported to have been collected by way of fee or penalty in relation to such levy, assessment or collection, under the provisions of the Bruhat Bengaluru MahanagaraPalike Act, 2020 (Karnataka Act 53 of 2020) or any rules, notification, order, letter or guidelines, before the commencement of the Karnataka Municipal Corporations and Certain Other Law (Amendment) Act, 2021 shall be and shall be deemed to be valid and effective for all purposes, as if such levy, assessment or collection or action had been made, taken or done under the Bruhat Bengaluru MahanagaraPalike Act, 2020 (Karnataka Act 53 of 2020) as amended by the Karnataka Municipal Corporations and Certain Other Law (Amendment) Act, 2021 and accordingly,-

(a)all acts, proceedings or things done or any action taken by the Government or the Bruhat Bengaluru MahanagaraPalike officers as the case may be in connection with the levy, assessment or collection of any amount as fee for all purposes be deemed to be and to have always been made, done or taken in accordance with law;

(b)no suit or other proceeding shall be maintained or continued in any Court or Tribunal or before any authority for the refund of any such fee; and

(c)no Court shall enforce any decree or order directing the refund of any such fee.][1]

1.Inserted by Act 01 of 2022 w.e.f.11.01.2021.

241.Obligation to provide for rain water harvesting structure.- (1) Every owner who proposes to construct a building on a sital area of not less than 108 square meter shall provide rain water harvesting structure for storage, for use or for ground water recharge in such manner and subject to such conditions as may be provided in the regulations and guidelines issued by the Corporation.

(2) Every owner who proposes to construct a building on sital area of not less than 216 square metres or an owner or occupier of a building having sital area of not less than 216 square metres, shall provide rainwater harvesting structure for storage, for use and for ground water recharge subject to such conditions as may be specified in the regulations and guidelines issued by the Corporation.

(3) Every owner who proposes to construct a building on sital area of not less than 1000 square meter or a owner of a building having sital area of not less than 1000 square meter who has not provided rain water harvesting structure before the commencement of this Act shall provide dual piping system and rain water harvesting structure for storage and reuse based on roof area and ground water recharge based on paved and unpaved areas in such manner and subject to such conditions as may be specified in the regulations and guidelines issued by the Corporation.

Explanation.- For the purpose of this section,-

(a) "rain water harvesting" means collection and storage of rain water from roof top of a building or from a vacant land for use or for ground water recharge; and

(b) "ground water recharge" means recharging of open well or the bore well or the underground water as the case may be, by use of harvested rain water.

242.Application to construct or re-construct building.- (1) If any person intends to construct or re-construct a building, he shall send to the Zonal Commissioner an application in writing for

permission to execute the work together with a site plan of the land, ground-plan, elevations and sections of the building, a specification of the work and such other documents as may be prescribed.

Explanation.- 'Building' in this sub-section shall include a wall or fence of whatever height bounding or abutting on any public street.

(2) Every document furnished under sub-section (1) shall contain such particulars and be prepared in such manner as may be required under rules or bye-laws.

243.Period within which the Zonal Commissioner is to grant or refuse to grant permission to execute work.- (1) Within thirty days after the receipt of any application made under section 242 for permission to execute any work or of any information or of documents or further information or documents required under rules or bye-laws the Zonal Commissioner shall, by written order, either grant such permission or refuse on one or more of the grounds mentioned in section 244 or section 245, to grant it.

(2) If the Zonal Commissioner has not within the said period of thirty days passed any order, the applicant may address a letter to the Chief Commissioner by name, requesting him to pass necessary orders on his application, and the Chief Commissioner shall, within a further period of thirty days from the date of receipt of such letter, by written order, either grant such permission or refuse, on one or more of the grounds mentioned in section 244 or section 245, to grant it.

244.Grounds on which approval of site for, or permission to construct building, may be refused.- (1) The only grounds on which approval of a site for the construction or re-construction of a building or permission to construct or re-construct a building may be refused, are the following, namely:-

(a) that the work or the use of the site for the work or any of the particulars comprised in the site plan, ground-plan, elevations, sections, or specification would contravene some specified provisions of any law or some specified order, rule, declaration or bye-law made under any law;
(b) that the application for such permission does not contain the particulars or is not prepared in the manner required under rules or bye-laws;

(c) that any of the documents referred to in section 242 have not been signed as required under rules or bye-laws;
(d) that any information or documents required by the Zonal Commissioner under the rules or bye-laws has or have not been duly furnished; (e) that streets or roads have not been made as required by section 216; (f) that the proposed building would be an encroachment upon Government or corporation land;
(g) that the site of such building does not abut on a street or a projected street and there is no access to such building from any such street by a passage or pathway appertaining to such site and not less than five meters wide at any part.

(2) Whenever the ZonalCommissioner or the standing committee refuses to approve a site for a building or to grant permission to construct or re-construct a building the reasons for such refusal shall be specifically stated in the order.

245.Restriction on the power to sanction construction of a place of entertainment in certain cases.- Notwithstanding anything contained in this Act or any rule or bye-law made thereunder, the construction of, or any addition to any building of public entertainment or any addition thereto, shall not, except with the previous approval of the Government, be sanctioned by the Zonal Commissioner or the standing committee, if the site of, or proposed site for, such building is,- (a) within a radius of two hundred meters from,-

(i) any residential institution attached to a recongnised educational institution such as a college, high school or girls school; or (ii) a public hospital with a large indoor patient ward; or

(iii) an orphanage containing one hundred or more inmates; or (b) in any thickly populated residential area which is either exclusively residential or reserved or used generally for residential as distinguished from business purposes; or

(c) in any area reserved for residential purposes by any housing or planning scheme or otherwise under any enactment:

Provided that no permission to construct any building intended to be used for cinematograph exhibition

shall be given unless the standing committee is satisfied that sanction to the plans and specifications have been obtained in accordance with the Karnataka Cinemas (Regulation) Act, 1964 (Karnataka Act 23 of 1964) and the rules made thereunder .

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

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

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

(3)The Zonal Commissioner upon receiving an application for grant of completion certificate may grant the completion certificate or the Corporation may

undertake such physical inspection of the building, as necessary, and grant or reject the application for completion certificate.

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

247.Application of provisions to alterations and additions.- (1) The provisions of this Chapter and of any rules or bye-laws made under this Act relating to construction and re-construction of the buildings shall also be applicable to any alteration thereof or addition thereto:

Provided that works of necessary repair which do not affect the position or dimensions of a building or any room in a building therein shall not be deemed an alteration or addition for the purpose of this section.

(2) If any question arises as to whether any addition or alteration is a necessary repair not affecting the position or dimensions of a building or room in a building therein, such question shall be referred to the standing committee, whose decision shall be final.

248.Demolition or alteration of buildings or well work unlawfully commenced, carried on or completed.- (1) If the ZonalCommissioner is satisfied,-

(i) that the construction or re-construction of any building or hut or well,- (a) has been commenced without obtaining his permission or where an appeal or reference has been made to the standing committee, in contravention of any order passed by the standing committee; or

(b) is being carried on, or has been completed otherwise than in accordance with the plans or particulars on which such permission or order was based; or

(c) is being carried on, or has been completed in breach of any of the

provisions of this Act or of any rule or bye-law made under this Act or of any direction or requisition lawfully given or made under this Act or such rules or bye-laws; or

(ii) that any alteration required by any notice issued under section

308, have not been duly made; or

(iii) that any alteration of or addition to any building or hut or any

other work made or done for any purpose into, or upon any building or hut, has been commenced or is being carried on or has been completed in breach of section 247, he may make a provisional order requiring the owner of the building to demolish the work done, or so much of it as, in the opinion of the Zonal Commissioner, has been unlawfully executed, or make such alterations as may, in the opinion of the Zonal Commissioner, be

necessary to bring the work into conformity with the Act, rules, bye-laws, directions or requisitions as aforesaid, or with the plans or particulars on which such permission or orders was based and may also direct that until the said order is complied with the owner or builder shall refrain from proceeding with the building or well or hut.

(2) The Zonal Commissioner shall serve a copy of the provisional order made under sub-section (1) on the owner or builder of the building or hut or well together

with a notice requiring him to show cause within a reasonable time to be named in such notice why the order should not be confirmed.

(3) If the owner or builder fails to show cause to the satisfaction of the Zonal Commissioner, the Zonal Commissioner may confirm the order, with any modification he may think fit and such order shall then be binding on the owner.

(4) If the construction or reconstruction of any building or hut is commenced contrary to the provisions of section 240 and the ZonalCommissioner is of the opinion that immediate action should be taken, then, notwithstanding anything contained in this Act, a notice to be given under sub-section (2) shall not be of less duration than twenty-four hours and shall be deemed to be duly served if it is affixed in some conspicuous part of the building or hut to which the notice relates and published by proclamation at or near such building accompanied by beat of drum, and upon such affixation and publication, all persons concerned shall be deemed, to have been duly informed of the matters stated therein.

[1][(5) It shall be lawful for the Zonal Commissioner, at any time, before or after making an order of demolition or of the stoppage of the construction or erection of any building or execution of any work, to make an order directing the sealing of such construction or erection or work or of the premises in which such erection or work is being carried on or has been completed, for the purpose of carrying out the provisions of this Act, for preventing from using such construction or erection.

(6) Where any erection or work or any premises in which any erection or work is being carried on, has or have been sealed, the Zonal Commissioner may, for the purpose of demolishing such erection or work in accordance with the provision of this Act, order directing the sealing of such construction or erection of any work to be removed;

(i) No person shall remove such seal except under an order made by the Zonal Commissioner; and

(ii) Notwithstanding anything contained in this Chapter,no appeal shall lie against such an order of sealing.][1]

1. Inserted by Act 34 of 2025 w.e.f. 15.04.2025

249.Regularisation of certain unlawful buildings.- (1) Notwithstanding anything contained in this Act, when construction of any building is completed in contravention of the section 240, section 245 and building by laws made under section 239, the Zonal Commissioner may regularise building constructed prior to the date of commencement of the Karnataka Town and Country Planning and certain other Laws (Amendment) Act, 2013 subject to the following restrictions and such rules as may be prescribed and on payment of the amount specified in sub-section (2), namely:-

(a) Where the building is built abutting the neighbouring property or where the set back provided is less than the limit prescribed in bye laws, violation upto twenty-five percent in case of non-residential buildings and fifty percent in case of residential buildings shall be regularized.

(b) No development made in the basement or usage in contravention of bye law shall be regularized.

(c) The construction of building shall not be regularised if it violates the building line specified on any given road unless the owners of such building furnish an undertaking that the space between the building line and the road or footpath or margin will be given up free of cost at any time when required for the purpose of widening the road in question.

(d) The provisions of sub-sections (2) to (14) of section 76 FF of the Karnataka Town and Country Planning Act, 1961, shall apply mutatis mutandis for regularization of building under this section and application for regularization being made to the Zonal Commissioner.

(2) Regularisation of any construction under this section shall be subject to payment of the prescribed amount which may be different for different types of contravention of building bye-laws:

Provided that the amount so prescribed shall not be less than,- (i) six percent of the market value, determined in accordance with the Karnataka Stamp Act, 1957 and rules made thereunder, of the portion of the building built in

violation of the provisions referred to above, if such violation of set back norms and permissible floor area ratio does not exceed twenty five percent;

(ii) eight percent of the market value, determined in accordance with the Karnataka Stamp Act, 1957 and the rules made thereunder, of the portion of the building built in violation of the provisions referred to above, if such violation of set back norms and permissible floor area ratio exceeds twenty five percent but does not exceed fifty percent:

Provided further that where the portion of the building is built in violation of the provisions referred to above is being used or meant for non-residential purpose and amount payable for regularization of such portion shall be,-

(a) twenty percent of the market value, determined in accordance with the Karnataka Stamp Act, 1957 and the rules made thereunder, of the portion of the building built in violation of the provisions referred to above, if such violation of set back norms and permissible floor area ratio does not exceed twelve and a half percent;

(b) thirty five percent of the market value, determined in accordance with the Karnataka Stamp Act, 1957 and the rules made thereunder, of the portion of the building built in violation of the provisions referred to above, if such violation of set back norms and permissible floor area ratio exceeds twelve and a half percent but does not exceed twenty five percent.

(3) No person shall be liable to pay fine or fee for regularization under any other law if he has paid regularization fee under this Act for the same violations.

(4) All payments made under sub-section (1) shall be credited to a separate fund kept in the concerned Local/Planning Authority called the urban areas infrastructure Development fund which shall be utilized in such manner, for the development of infrastructure, civic amenities, lighting, parks, drinking water, drainage system and for any other infrastructure, as may be prescribed.

1[**249A. Exercise of powers by a corporation to be in conformity with the provisions of the Karnataka Town and Country Planning Act, 1961.-** Notwithstanding anything contained in this Act, a corporation or any officer or other authority required by or under this Act to exercise any power, or perform any function or discharge any duty,-

(i) with regard to any matter relating to land use or development as defined in the Explanation to section 14 of the Karnataka Town and Country Planning Act, 1961, shall exercise such power, or perform such function or discharge such duty with regard to such land use or development plan or where there is no development plan, with the concurrence of the Planning Authority;

(ii) shall not grant any permission, approval or sanction required by or under this Act to any person if it relates to any matter in respect of which compliance with the provisions of the Karnataka Town and Country Planning Act, 1961 is necessary unless evidence in support of having complied with the provisions of the said Act is produced by such person to the satisfaction of the corporation or the officer or other authority, as the case may be.]1

1.Inserted by Act 17 of 2024 w.e.f. 07.03.2024

250.Power of corporation to regulate future construction of certain classes of buildings in particular streets or localities.- (1) The corporation may give public notice of its intention to declare,-

(a) that in any streets or portions of streets specified in the notice,-

(i) continuous building will be allowed;

(ii) the elevation and construction of the frontage of all buildings thereafter constructed or reconstructed shall, in respect of their architectural features be such as the standing committee may consider suitable to the locality, or

(b) that in any localities specified in the notice the construction of only detached buildings will be allowed, or

(c) that in any streets, portions of streets of localities specified in the

notice, the construction of shops, warehouses, factories, huts or buildings of a specified architectural character or buildings designed for particular uses will not be allowed without the special permission of the standing committee.

(2) No objections to any such declaration shall be received after a period of three months from the publication of such notice.

(3) The standing committee shall consider all objections received within the said period and may then confirm the declaration, and before doing so, may modify it, but not so as to extend its effect.

(4) The Zonal Commissioner shall publish any declaration so confirmed and it shall take effect from the date of publication.

(5) No person shall, after the date of publication of such declaration, construct or reconstruct any building in contravention of any such declaration.

251.Building at corner of streets.- (1) The corporation may require any building intended to be erected at the corner of two streets to be rounded off or displayed off to such height and to such extent otherwise as it may determine, and may acquire such portion of the site at the corner as it may consider necessary for public convenience or amenity.

(2) For any land so acquired the corporation shall pay compensation in accordance with the Right to Fair Compensation and Transparency in land Acquisition, Rehabilitation and Resettlement Act, 2013 (Central Act 30 of 2013).

(3) In determining such compensation allowance shall be made for any benefit accruing to the same premises from the improvement of the streets.

252.Penalty against jurisdictional officer failing to prevent unauthorised deviations or constructions.-The jurisdictional officer who is proved to have failed to prevent unauthorized deviation or construction that have taken place in his jurisdiction shall be liable for such punishment as may be prescribed.

253.Appeal against the decisions of the zonal commissioner.-(1)Any person aggrieved by the decision of the Zonal Commissioner under this Chapter shall, within thirty days from the date of receipt of such decision, appeal to the Chief Commissioner whose decision shall be final.

(2) The Chief Commissioner shall decide any matters referred to it under sub-section (1) within sixty days.

CHAPTER XVII
NUISANCE

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

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

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

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

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

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

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

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

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

or sufferance the nuisance arises or continues or all of the owners, lessees or occupiers of such land or building to remove or abate the nuisance by taking such measures, in such manner, and within such period, as may be specified in the notice in accordance, wherever applicable, with the provision of the Karnataka Open Places(Prevention of Disfigurement) Act, 1981 (Karnataka Act No 35 of 1982).

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

(4)Any person or group of persons who fails to comply with any order under this section shall be liable to a penalty as prescribed or in accordance wherever applicable, with the provision of the Karnataka Open Places (Prevention of Disfigurement) Act, 1981 (Karnataka Act No 35 of 1982).

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

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

256.Precautions in case of dangerous structures.- (1) If any structure be deemed by the ChiefCommissioner to be in a ruinous state or dangerous to passers by or to the occupiers of neighbouring structures, the Chief Commissioner may, by notice require the owner or occupier to fence off, take down, secure or repair such structure so as to prevent any danger therefrom.

(2) If immediate action is necessary, the Chief commissioner may himself, before giving such notice or before the period of notice expires, fence off, take down, secure or repair such structure or fence off a part of any street or take such temporary measures as he thinks fit to prevent danger and the cost of doing so shall be recoverable from the owner or occupier as arrears of land revenue**.**

(3) If in the Chief Commissioner's opinion the said structure is imminently dangerous to the inmates thereof, the Chief Commissioner shall order the immediate evacuation thereof and any persons disobeying may be removed by any police officer.

257.Precautions in case of dangerous trees.- (1) If any tree or any branch of a tree or the fruit of any tree be deemed by the Chief Commissioner to be likely to fall and thereby to endanger any person or any structure, the Chief Commissioner may by notice require the owner of the said tree to secure, lop or cut down the said tree or remove the fruit so as to prevent any danger therefrom.

(2) If immediate action is necessary, the Chief Commissioner may himself before giving such notice or before the period of notice expires secure, lop or cut down the said tree or remove the fruit thereof or fence off a part of any street or to take such temporary measure, as he thinks fit to prevent danger, and the cost of so doing shall be recoverable from the owner of the tree as arrears of land revenue.

258.Precautions in case of dangerous tanks, wells, holes etc.- (1) If any tank, pond, well, hole, stream, dam, bank or other place be deemed by the Chief

Commissioner to be for want of sufficient repair, protection or enclosure, dangerous to the passers by or to persons living in the neighbourhood, the Chief Commissioner may by notice require the owner to fill in, remove, repair, protect or enclose the same so as to prevent any danger therefrom.

(2) If immediate action is necessary the Chief Commissioner may himself,

before giving such notice or before the period of notice expires, take such temporary measures as hethinks fit to prevent danger and the cost of doing so shall be recoverable from the owner as arrears of land revenue.

259.Precautions against fire.- (1) The Chief Commissioner may by notice require the owner of any structure, booth or tent, partly or entirely composed of or having any external roof, verandah, pendal, fence, or wall partly or entirely composed of cloth, grass, leaves, mats or other inflammable materials to remove or alter such structure, booth, tent, roof, verandah, pendal, fence or wall, or may grant him permission to retain the same on such conditions as theChief Commissioner may think necessary to prevent danger from fire.

(2) The Chief Commissioner may by notice require any person using any place for the storage for private use of timber firewood or other combustible things to take special steps to guard against danger from fire.

(3) Where the Chief Commissioner is of opinion that the means of egress from any structure are insufficient to allow of safe exit in the event of fire, he may with the sanction of the standing committee by notice require the owner or occupier of the structure to alter or reconstruct any staircase in such manner or to provide such additional or emergency staircases as he may direct; and when any structure, booth or tent is used for purposes of public entertainment, he may require, subject to such sanction as aforesaid, that it shall be provided with an adequate number of clearly indicated exits so placed and maintained as readily to afford the audience ample means of safe egress, that the seating be so arranged as not interfere with free access to the exits and that the gangways, passage and staircases leading to the exits shall, during the presence of the public, be kept clear of obstructions.

260.Removal of filth or noxious vegetation.- The Chief Commissioner may by notice require the owner or occupier of any building or land (which appears to him to be in a filthy or unwholesome state or overgrown with any thick or noxious vegetation, trees or undergrowth injurious to health or offensive to the neighbourhood), to cleanse, clear or otherwise put the building or land in proper state or to clear away and remove such vegetation, trees or under growth within twenty four hours or such longer period and in such manner as may be specified in the notice.

261.Abatement of nuisance from dust, smoke, etc.- If in the opinion of the Chief Commissioner the storage, dumping or deposit in any building or land of coal, charcoal, ashes, cinders, gunny bags, wool cotton or any material of the shifting, breaking, cutting or burning of such coal charcoal, ashes, cinders or material or subjecting the same to any process causes or is likely to cause nuisance to the inhabitants in the neighbourhood of such building or land, by the emanation of dust, floating particles, smoke, unwholesome smell or noise or otherwise, he may, by notice, require the owner or occupier of such building of land to take such steps as may be specified in the notice for the abatement of such nuisance.

262.Fencing of buildings or lands and pruning of hedges and trees.-The Chief Commissioner may by notice require the owner or occupier of any building or land near a public street to,-

(a) fence the same to the satisfaction of the Chief Commissioner; or

(b) trim or prune any hedges bordering on the said street so that they may not exceed such height from the level of the adjoining roadway as the Chief Commissioner may determine; or

(c) cut and trim any hedges and trees overhanging the said street and obstructing it or the view of traffic or causing it damage; or

(d) lower an enclosing wall or fence which by reason of its height and situation obstructs the view of traffic so as to cause danger.

263.Building unfit for human habitation.- (1) If any building or portion thereof, intended for or used as a dwelling-place appears to the Chief Commissioner to be unfit for human habitation he may apply to the standing committee to prohibit the further use of such building for such purpose, and the standing committee may, after giving the owner and occupiers thereof a reasonable opportunity of showing cause why such order should not be made, make a prohibitory order as aforesaid.

(2) When any such prohibitory order has been made, the Chief Commissioner shall communicate the purport thereof to the owner and occupier of the building and on expiry of such period as is specified in the notice, not being less than thirty days after the service of the notice, no owner or occupier shall use or suffer it to be used for human habitation until the Chief Commissioner certifies in writing that the causes rendering it unfit for human habitation have been removed to his satisfaction or the standing committee withdraws the prohibition.

(3) When such prohibitory order has remained in operation for three months, the Chief Commissioner shall report the case to the standing committee which shall thereupon consider whether the building should not be demolished. The standing committee shall give the owner not less than thirty days' notice of the time and place at which the question will be considered and the owner shall be entitled to be heard when the question is taken into consideration.

(4) If upon such consideration the standing committee is of opinion that the building has not been rendered fit for human habitation and that steps are not being taken with due diligence to render it so fit and that the continuance thereof is a nuisance or dangerous or injurious to the health of the public or to the inhabitants of the neighbourhood, it shall record a decision, to that effect with the grounds of the decision, and the Chief Commissioner shall, in pursuance of the said decision by notice, require the owner to demolish the building.

(5) If the owner undertakes to execute forthwith the works necessary to render the building fit for human habitation and the Chief Commissioner considers that it can be so made fit, the Chief Commissioner may postpone the execution of the decision of the standing committee, for such time not exceeding six months, as he thinks sufficient for the purpose of giving the owner an opportunity of executing the necessary works.

264.Limitation of compensation.- No person shall be entitled, save as provided in section 283, to compensation for any damages sustained by reason of any action taken by a Corporation authority in pursuance of its powers under this chapter.

CHAPTER XVIII
PUBLIC HEALTH

265.Duties of the Corporation with respect to public health.-It shall be the duty of the Corporation, or any other agency authorized by it in this behalf, to

take adequate measures on the subject of public health including inspection, supervision, regulation, and control of premises to ensure proper sanitation, prevent the spread of dangerous diseases and undertake such measures necessary to maintain the necessary standards of public health.

266.Corporation's power to order or undertake sanitation of buildings or sites.-(1)Subject to such regulations as may be made in this behalf, the Zonal Commissioner or any other officer authorised in this behalf may, either on her own or through any other agency or officer authorized by him in this behalf –

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

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

(c)issue such order as she deems necessary for the improvement of any unsanitary premises which are likely to cause risk of disease to the inmates of such premises or to the inhabitants of the neighbourhood or are, for any reason, likely to endanger community health or safety, (d)by notice, prohibit the owner or the occupier from the use of any building, or any room in a building, which appears to himto be unfit for human habitation, as dwelling,

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

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

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

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

(3) If immediate action is necessary, the Zonal Commissioner may himself before giving such notice or before the period of notice expires secure, take such measures, as he thinks fit to prevent the threat to health or safety, and the cost of so doing shall be recoverable from the owner or occupier of the building or land in the manner specified in the bye-laws.

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

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

(3) In the event of prevalence of a dangerous disease within a corporation area, the Zonal Commissioner may, by notice, require the owner or occupier of any

building or site used for the purpose of public entertainment to be closed for such period as it may deem necessary.

268.Disinfection of buildings and articles;- (1) If the Zonal Commissioner or health officer is of opinion that the cleansing or disinfecting of a building or of any part thereof, or of any article therein, which is likely to retain infection, will tend to prevent or check the spread of any dangerous disease, he may by notice, require the owner or occupier to cleanse or disinfect the same, in the manner and within the time specified in such notice.

(2) The owner or occupier shall, within the time specified as aforesaid, comply with the terms of the notice.

(3) If the Zonal Commissioner or health officer considers that immediate action is necessary, or that the owner or occupier is, by reason of poverty or otherwise, unable effectually to comply with his requisition, the Zonal Commissioner or health officer may himself without notice cause such buildings, or article to be cleansed or disinfected, and for this purpose may cause such article to be removed from the building or premises; and the expenses incurred by the Zonal Commissioner or health officer shall be recoverable from the said owner or occupier.

269.Provision of places for disinfection and power to destroy infected articles (1) The Zonal Commissioner may,-

(a) provide proper places with all necessary attendants and apparatus for the disinfection of conveyances, clothing, bedding or other articles, which have been exposed to infection from any dangerous disease; and (b) cause conveyances, clothing, bedding or other articles brought for disinfection to be disinfected free of charge, or subject to such charges, as may be approved by the standing committee.

(2) The Zonal Commissioner shall notify places at which conveyance, clothing, bedding or other articles which have been exposed to infection from any dangerous disease shall be washed and disinfected and no person shall wash or disinfect any such article at any place not so notified.

(3) The Zonal Commissioner may direct any clothing, bedding or other article likely to retain infection from any dangerous disease to be disinfected or destroyed.

270.Power to order closure of places of public entertainment.- In the event of prevalence of any dangerous disease within the city, the Chief Commissioner may, with the sanction of the standing committee, by notice require the owner or occupier of any building, booth or tent used for purposes of public entertainment to close the same for such period as may be fixed by the standing committee.

271.Prohibition against transfer of infected articles.- No person shall, without previously disinfecting it, give, lend, let, hire, sell, transmit or otherwise dispose of, any article which he knows or has reason to know has been exposed to infection from any dangerous disease:
Provided that nothing in this section shall apply to a person who transmits with proper precautions any article for the purpose of having it disinfected.

272.Prohibition against infected person carrying on occupation.- If any person knows or has been certified by the health officer or a registered medical practitioner in the service of the Government or the corporation that he is suffering

from a dangerous disease he shall not engage in any occupation or carry on trade or business unless he can do so without risk of spreading the disease.

273.Prohibition against diseased person entering public conveyance.- (1) No person who is suffering from any dangerous disease shall enter a public conveyance without previously notifying to the owner or driver or person in charge of such conveyance that he is so suffering.

(2) No owner or driver or person in charge of a public conveyance shall be bound to convey any person suffering as aforesaid, unless and until the said person pays or tenders a sum sufficient to cover any loss and costs that may be incurred in disinfecting such conveyance.

(3) A court convicting any person of contravening sub-section (1) may levy, in addition to the penalty for the offence provided in this Act, such amount as the court deems sufficient to cover the loss and costs which the owner or driver must incur for the purpose of disinfecting the conveyance. The amount so imposed shall be awarded by the court to the owner or driver of the conveyance: Provided that in a case which is subject to appeal, such amount shall not be paid to the owner or driver before the period allowed for presenting the appeal has elapsed or if an appeal is presented, before the decision of the appeal.

(4) At the time of awarding compensation in any subsequent civil suit relating to the same matter, the court shall take into account any sum which the plaintiff shall have received under this section.

274.Disinfection of public conveyance after carriage of patients.- (1) The owner, driver or person in charge of any public conveyance in which any person suffering from a dangerous disease has been carried, shall forthwith disinfect the conveyance or cause it to be disinfected.

(2) No such conveyance shall be used until the health officer or some person authorised by him in this behalf has granted a certificate stating that it may be used without causing risk of infection.

275.Letting of infected building.- (1) No person shall let or sub-let or for that purpose allow any person to enter a building or any part of a building in which he knows or has reason to know that a person has been suffering from a dangerous disease until the health officer has granted a certificate that such building may be re-occupied.

(2) For the purpose of sub-section (1), the keeper of a hotel or lodging house shall be deemed to let the same or part of the same to any person accommodated therein.

276.Minor suffering from dangerous disease not to attend school.- No person being the parent or having the care of charge of a minor who is or has been suffering form a dangerous disease or has been exposed to infection there from shall, after a notice from the health officer that the minor is not to be sent to school or college, permit such minor to attend school or college without having procured from the health officer a certificate (which shall be granted free of charge on application) that in his opinion such minor may attend without undue risk of communicating such disease to others.

277.Provision as to library books.- (1) No person who is suffering from an infectious disease shall take any book or use or cause any book to be taken for his use from or in any public or circulating library.

(2) A person shall not permit any book which has been taken from a public

or circulating library, and is under his control, to be used by any person whom he

knows to be suffering from an infectious disease.

(3) A person shall not return to any public or circulating library any book

which he knows to have been exposed to infection from any infectious disease, or

permit any such book which is under his control to be so returned, but shall give notice to the Chief Commissioner that the book has been so exposed to infection and the Chief Commissioner shall cause the book to be disinfected and returned to the library, or to be destroyed.

(4) The Chief Commissioner shall pay to the proprietor of the concerned library the value of any book destroyed. Explanation.- For the purposes of this section the Commissioner shall from time to time notify what diseases are to be deemed infectious.

278.Power to prohibit use of water likely to spread infection.- If the health officer certifies that the water in any well, tank or other place within the limits of the city is likely, if used for drinking, to endanger or cause the spread of any dangerous disease, the Chief Commissioner may, by public notice, prohibit the removal or use of such water for drinking and domestic purposes during a specified period.

279.Compulsory vaccination.- The corporation shall enforce vaccination throughout the city in such manner as may be prescribed and it may enforce vaccination throughout the city or in any part thereof, in respect of such person, to such extent and in such manner as may be prescribed.

280.Obligation to give information of *dangerous disease*.- Where an inmate of any dwelling place within the city is suffering from dangerous disease, the head of the family to which the inmate belongs and, on his default, the occupier or person in charge of such place, shall inform the Chief Commissioner, the health officer or the sanitary inspector of the division with the least practicable delay.

281.Prohibition to enter the city.- No person who has a dangerous disease shall enter the city from the date notified by the Chief Commissioner without a certificate from a medical practitioner of such class as the Chief Commissioner may authorise stating that such person is no longer likely to produce dangerous disease by contact or near approach.

282.Power to stop dangerous quarrying.- If in the opinion of the Chief Commissioner, the working of any quarry, or the removal of stone, earth or other materials from any place is dangerous to persons residing in or having legal access to the neighbourhood thereof or creates or is likely to create a nuisance, the Chief Commissioner, may, with the approval of the standing committee, by notice, require the owner or person having control of the said quarry or place to discontinue working the same or to discontinue removing stone, earth or other material from such place or to take such order with such quarry or place, as he shall deem necessary for the purpose of preventing danger or of abating the nuisance arising or likely to arise therefrom.

283.Power to order filling in pools, etc., which are a nuisance and regulation of agriculture within the city.-(1) If in the opinion of the Chief Commissioner,-

(a) any pool, ditch, tank, well, pond, bog, swamp, quarry-hole, drain, cess-pool, pit, water-course or any collection of water; or

(b) any land on which water may at any time accumulate, is or is likely to become a breeding-place of mosquitoes or in any other respect a nuisance, the Chief Commissioner may, by notice, require the owner or person having control thereof to fill up, cover, weed, stock with weed, stock with larvicidal fish, treat with kerosene oil, or drain off the same in such manner and with such materials as the Chief Commissioner shall direct or to take such order with the same for removing or abating the nuisance as the Chief Commissioner shall direct.

(2) If a person on whom a requisition is made under sub section (1) to fill up, cover over, or drain off a well, delivers to the Chief Commissioner, within the time fixed for compliance therewith written objections to such requisition the Chief Commissioner shall report such objections to the standing committee and shall make further inquiry into the case, and he shall not institute any prosecution for failure to comply with such requisition except with the approval of the standing committee, but the Chief Commissioner may nevertheless, if he deems the execution of the work called for by such requisition to be of urgent importance, proceed in accordance with section 356 and pending the standing committee's disposal of the question whether the said well shall be permanently filled up, covered over or otherwise dealt with, may cause such well to be securely covered over, so as to prevent the ingress of mosquitoes and

in every such case the Chief Commissioner shall determine with the approval of the standing committee, whether the expenses of any work already done as aforesaid shall be paid by the owner or by the Chief Commissioner out of the corporation fund or shall be shared and if so, in what proportions.

(3) On the report of the health officer that the cultivation of any specified crop, or the use of any specified manure or the irrigation of land in any place within the limits of the city is injurious to the public health, the corporation may, with the previous sanction of the Government by public notice, regulate or prohibit the cultivation, use of manure or irrigation so reported to be injurious:
Provided that when such cultivation or irrigation has been practised during the five years preceding the date of such public notice with such continuity as the ordinary course of husbandry admits of, compensation shall be paid from the corporation fund to all persons interested for any damage caused to them by such prohibition.

CHAPTER XIX
DISASTER MANAGEMENT

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

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

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

CHAPTER XX
WASTE MANAGEMENT

285.Duty of the Corporation in handling solid waste.-(1)It shall be the duty of the Corporation, either through an agency or through its own to implement the provisions of the Solid Waste Management Rules, 2016 to regulate the management and handling of municipal solid waste and for the development of any infrastructure for collection, storage, transportation, processing and disposal of such solid wastes.

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

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

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

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

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

shall cover the costs on account of management and handling of municipal solid wastes and development of infrastructure, if any, for collection, storage, transportation, processing and disposal thereof.

287.Identification of places for disposal and final disposal of solid waste.-The Corporation may, either on its own or through any other agency, cause the solid wastes to be disposed of at such place or places within or outside the Corporation area, and in such manner, as it considers suitable:
Provided that the solid wastes shall not be finally disposed of in any manner which the Government may think fit to disallow.

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

(1)to have the premises swept and cleaned on a regular basis;
(2)to provide for separate receptacles or disposal bags for the storage of (a)organic and bio-degradable wastes,

(b)recyclable or non-bio-degradable wastes, and

(c)domestic hazardous wastes so as to ensure that these different types of wastes do not get mixed;

(d)to keep such receptacles in good condition and order; and

(e)to cause all such wastes, including rubbish, any noxious or offensive matter, night soil, filth, , dung, bones, ashes, carcasses of dead animals, bio-medical wastes and other polluted and obnoxious matters to be collected from their respective premises and to be deposited in community bins or receptacles at such times and in such places as the Zonal Commissioner may, by notice, specify.

289.Duty of the corporation for handling different types of waste.-(1)Bio-medical waste:
It shall be the duty of the Corporation, through an agency or by itself to implement the provisions of the rules prescribed under this Act.

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

(3)Plastic waste:
It shall be the duty of the Corporation to implement the provisions of the of the rules prescribed under this Act.

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

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

291.Functions of the Ward Committee.- (1) The Ward Committee shall organize collection of municipal solid wastes through any of the methods, like community bin collection, house-to-house collection, and collection on regular pre-informed times and schedules;
(2)The Ward Committee shall devise collection of wastes from slums and squatter areas or other localities including hotels, restaurants, office complexes and commercial areas;
(3)The Ward Committee shall remove at regular intervals all solid wastes so collected under clause (1) and clause (2) for disposal on daily basis, and
(4)The Ward Committee shall arrange for making use of biodegradable wastes from slaughterhouses, meat and fish markets, and fruits and vegetable markets in an environmentally acceptable manner.

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

292.Duties of Ward Committees with regards to waste management.-(1)The Ward Committees established under this Act shall work with the Corporation for proper solid waste management and sanitation work in the ward.

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

(3)The Ward Committee shall asses the type and quantity of Solid Waste generated in the Ward, existing processing capacity, plans for additional processing and facilities.
(4)The requirements and targets identified in the Ward action plan shall be monitored regularly by the Ward Committee.

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

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

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

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

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

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

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

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

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

(2)The Zonal Committee shall committee shall conduct regular checks in various parts of the Wards and other places of collection, transportation, processing and disposal of Solid Waste within its territorial limits to supervise compliance of various provisions of SWM Rules and this Act.

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

(4)Such an officer shall have the right to enter, at all reasonable times,, with such assistance as he considers necessary, any place for the purpose of ,- (a)performing any of the functions entrusted to him by the Corporation or

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

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

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

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

296.Penalties for contravention of waste management.- (1) Whosoever contravenes or fails to comply with any of the provisions of the Waste Management rules or bye-laws shall be punished with a fine of not more than rupees two lakhs as determined by such applicable rules or byelaws.

(2) The Corporation shall also take appropriate action including

the imposition of penalties initiation of disciplinary action against those employees

who fail to discharge their functions in accordance with the Act or through any Rules or Byelaws that may be issued for this purpose.

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

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

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

CHAPTER – XXI

URBAN HERITAGE

298.Protection, Conservation and Maintenance of Urban Heritage.- (1)The Corporation shall be responsible –

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

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

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

(2) The Corporation shall issue regulations or bye-laws for the implementation of this chapter in accordance with those orders, rules, regulations, bye-laws or guidelines issued by the Central Government or the State Government from time to time.

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

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

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

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

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

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

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

(3) The Heritage Conservation Committee shall comprise of:

(i)	The Chief Commissioner	Chairperson
(ii)	An Architect from Public Works Department	Member
(iii)	A Structural Engineer with experience of ten years in the field and membership of the Institution of Engineers, India	Member
(iv)	An Architect having ten years of experience nominated by the Government	Member
(v)	An Urban Designer nominated by the Government	Member
(vi)	A Conservation Architect with five years of experience nominated by the Government	Member
(vii)	An Environmentalist with in-depth knowledge and ten years‟ experience in the field nominated by the Government	Member
(viii)	A Historian having in-depth knowledge and ten years‟ experience in the field nominated by the Government	Member
(ix)	A Natural historian having in-depth knowledge and 10 years‟ experience in the field nominated by the Government	Member
(x)	A Representative of the State Archaeological Department	Member
(xi)	The Chief Town Planner, Town and Country Planning Department	Member-Secretary

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

(5) The working of the Committee shall be such as may beprescribed.

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

302.Grading of Heritage Buildings and Sites.-(1)The Heritage Buildings and Heritage Precincts listed shall be graded into categories as laid down in Second Schedule .

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

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

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

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

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

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

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

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

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

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

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

CHAPTER XXII
LICENSES AND FEES

305.Granting of license.-(1)The Zonal Commissioner shall have the power to grant license in matters pertaining to the following subjects:

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

(c)Establishment and operation of Slaughterhouses;

(d)Establishment and operation of Restaurants;

(e)Establishment and operation of Industries;

(f)Establishment and operation of Commercial undertakings;

(g)Establishment and operation of Corporate Offices;

(h)Establishment of Service apartments, paying guest accommodation; (i)Establishment and operation of Shared office and living spaces; (j)Establishment and operation of Hospitals and nursing homes;

(k)Establishment and operation of Resthouses;

(l)Establishment and operation of Theatres, fairs, circuses and places of public amusement;

(m)Establishment and operation of Milk Trade;

(n)Keeping of animals and birds;

(o)Establishment of Stables, cattle sheds and cow houses;

(p)Providing for Places for burial of the dead;

(q)Establishment of Food trucks or any cart stands;

(r)Erection of Advertisements in public places

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

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

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

(2) Every application for a license or permission shall be addressed to the Zonal Commissioner every such license or written permission granted, shall be subject to payment of such fee as may be fixed by the corporation in such manner as may be prescribed, different rates may be fixed for different licences or permission by the Corporation

(3) Any license or written permission granted under this Act may be suspended or revoked by the

Zonal Commissioner, if any of its restrictions or conditions are infringed or evaded by the person to whom the same has been granted or if the said person is convicted of an infringement of any of the provisions of this Act or of any bye-law made hereunder in any matter to which such licence or permission relates.

(4) If any premises are used in contravention of the terms of the license granted or is being used even after the license has been suspended or revoked by the Zonal Commissioner, the Zonal Commissioner may at any time by written notice require that the same shall be discontinued by the person so using it.

308.Power of the Zonal Commissioner to stop use of premises used in contravention of licenses.-If the Zonal Commissioner is of the opinion that any eating House, lodging house, hotel, boarding house, tea shop, coffee house, cafe, restaurant, refreshment room or other place where the public are admitted for repose or for consumption of any food or drink or where food is sold or prepared for sale or any theatre, circus, cinema house, dancing hall or similar other place of public resort, recreation or amusement is kept open without a licence or otherwise than in conformity with the terms of a licence granted in respect thereof, he may

stop the use of any such premises for any such purpose for a specified period by such means as he may consider necessary

309.Inspection of places where sale is carried out.-The Zonal Commissioner shall make provision for the constant and vigilant inspection of animals, carcasses, meat, poultry, flesh, fish, fruit, vegetables, corn, bread, flour, milk, ghee, butter, oil and any other articles exposed or hawked about for sale or deposited in or brought to any place for the purpose of sale or preparation for sale.

310.Power of the Zonal Commissioner for the purposes of inspection:(1)The Zonal Commissioner or any person authorized by him in writing for the purpose may, without notice, enter any slaughter house or any place where animals, poultry or fish intended for food are exposed for sale or where articles of food are being manufactured or exposed for sale at any time by day or night when the slaughter, exposure for sale or manufacture is being carried on and inspect the same and any utensil or vessel used for manufacturing, preparing or containing any such article.

(2) If the Zonal Commissioner or any person so authorised by him has reason to believe that in any place any animal intended for human food is being slaughtered or any carcass is being skinned or cut up or that any food is being manufactured, stored, prepared, packed, cleansed, kept or exposed for sale or sold without, or otherwise than in conformity with a licence, he may enter any such place without notice, at any time by day or night for the purpose of satisfying himself whether any provision of this Act, bye-laws, or regulations or any condition of a licence is being contravened.

(3) No claim shall lie against the Zonal Commissioner or any person acting under his authority or the Corporation for any damage or inconvenience caused by the exercise of powers under this section or by the use of any force necessary for effecting entry into any place under this section.

(4) In any legal proceedings in respect of powers exercised under this section in which it is alleged that any animals, poultry, fish or articles of food were not kept, exposed, hawked about, manufactured, prepared, stored, packed or cleansed for sale, or were not intended for human food, the burden of proof shall lie on the party so alleging.

311.Appeal to the Chief Commissioner.- (1) Any person aggrieved by any notice issued or action taken or proposed to be taken by the Zonal Commissioner under section 310 may appeal to the Chief Commissioner.

(2) The decision of the Chief Commissioner shall be final.

312.Period of limitation for appeals.- In any case in which no time is laid down in the foregoing provisions of this Act for the presentation of an appeal allowed thereunder such appeal shall be presented,-

(a) where the appeal is against an order granting a licence or permission, within sixty days after the date of the publication of the order on the notice board of the corporation; and

(b) in other cases within sixty days after the date of receipt of the order or proceeding against which the appeal is made.

313.Summons to attend and give evidence or produce documents.- The Zonal Commissioner may summon any person to attend before him, and to give evidence or produce documents, as the case may be, in respect of any question

relating to taxation, or inspection, or registration or to the grant of any licence or permission under the provisions of this Act

314.Consequences of failure to obtain licences, etc., or breach of the same.-(1) If, under this Act, or any rule, bye-law or regulation made under it the licence or permission of the Corporation, the standing committee or Zonal Commissioner or registration in the office of the Corporation is necessary for the doing of any act, and if such act is done without such licence or permission or registration then,-

(a) the ZonalCommissioner may, by notice, require the person so doing such act to alter, remove, or as far as practicable restore to its original state the whole or any part of any property, movable or immovable, public or private, affected thereby within a time to be specified in the notice.

(b) the Zonal Commissioner or any officer duly authorised by him may also enter into or on any building or land where such act is done and take all such steps as may be necessary to prevent the continuance of such act; and

(c) if no penalty has been specially provided in this Act for so doing such act, the person so doing it shall be liable on conviction by a magistrate to a fine not exceeding fifty thousand rupees for every such offence.

(2) No claim shall lie against the ZonalCommissioner or any other person for any damage or inconvenience caused by the exercise of the power given under this section or by the use of the force necessary for the purpose of carrying out the provisions of this section.

315.Recovery of expenses from persons liable and limitation or liability of occupier.- (1) The Chief Commissioner may recover any reasonable expenses incurred under section 358 from the person or any one of the persons to whom the notice, requisition or order was addressed in the same manner as the tax on buildings or lands and may in executing work or taking measures under section 358 utilise any materials found on the property concerned or may sell them and apply the sale proceeds in or towards the payment of the expenses incurred.

(2) If the person to whom notice is given is the owner of the property in respect of which it is given, the Chief Commissioner may (whether any action or other proceeding has been brought or taken against such owner or not) require the person if any, who occupies such property, or any part thereof, under the owner to pay to the corporation instead to the owner the rent payable by him in respect of such property, as it falls due, upto the amount recoverable from the owner under sub-section (1) or to such smaller amount as the Chief Commissioner may think proper, and any amount so paid shall be deducted from the amount payable by the owner.

(3) For the purpose of deciding whether action should be taken under subsection (2) the Chief Commissioner may require any occupier of property to furnish information as to the sum payable by him as rent on account of such property and as to the name and address of the person to whom it is payable; and such occupier shall be bound to furnish such information.

(4) The provision of this section shall not affect any contract made between any owner and occupier respecting the payment of expenses of any such work as aforesaid.

CHAPTER XXIII
POWER REGARDING RULES AND BYELAWS

316.Power to make rules.-(1)The Government may, after previous publication, by notification make rules for carrying out all or any of the purposes of this Act.

(2) Subject to the provisions of this Act, the Government may, by notification in the Official Gazette, make rules, which may include the following,- (a)conditions on which property may be acquired by the Corporation or on which property vested in or belonging to the Corporation may be transferred by sale, mortgage, lease, exchange or otherwise;

(b)the preparation of plans and estimates for works which are to be partly or wholly constructed at the expense of the Corporation and the power of the Corporation authorities or Government officers to record professional or administrative sanction to estimates;

(c)the estimate of receipts and expenditure, returns, statements and reports to be submitted by

Corporations;

(d)the moving of resolutions at the meeting of the Council;

(e)the form of registers and returns of births and deaths, the manner in which the registers shall be maintained, the dates on which returns shall be filed and the officer before whom returns shall be submitted;

(f)the powers of auditors inspecting and superintending officers and officers authorized to hold inquiries to summon and examine witnesses and to compel the production of documents and all other matters connected, with audit, inspection and superintendence.

(g)registration of marriages at the instance of the parties concerned containing such particulars as may be prescribed and issuance of certificates thereof on application after realizing the prescribed fees for such certificates;

(h)preparation of development plans for the corporation area, its approval and implementation;

(i)functions of Ward Committees and Ward Sabhas; and

(j)Right to information of the people on matters of corporation administration and duties.

(k)Method of recruitment and conditions of service of the corporation officers and employees and the matters regarding deputation of officers and employees from the department of State Audit and Accounts, Health, Town and Country Planning and etc., of the Government.

(l)any other matter which has to be or may be prescribed under this Act.

(3) The Government may, by notification, and after previous publication make rules altering, adding to or cancelling any of Schedules to this Act.

(4) A rule under this Act may be made with retrospective effect, and when such a rule is made, the reasons for making the rule shall be specified in a statement laid before both Houses of the State Legislature, and subject to any modification made under sub-section (5), every rule made under this Act, shall have effect as if enacted in this Act.

(5) Every rule or notification made under this Act shall be laid as soon as may be after it is made, before each House of the State Legislature while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions and if before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or notification or both Houses agree that the rule or notification should not be made, the rule or notification shall thereafter have effect only in such modified form or be of no effect as the case may be; so, however, that anysuch modification or annulment shall be without, prejudice to the validity of anything previously done under that rule or notification.

317.Power to make regulations.- The Corporation may with the previous approval of the Government by notification make regulations not inconsistent with the provisions of this Act and the rules made thereunder in respect of matters which are required to be provided for by regulations by this Act.

318.Power to make Bye-laws.-Subject to the provisions of this Act, the rules and regulations, the Corporation may make Bye-laws with respect to the following matters namely:-

(1) for all matters expressly required or allowed by this Act to be provided for by Bye-laws.

(2) for the due performance by all officers and employees of the corporation of the duties assigned to them;

(3) any matter relating to the proceedings of the Corporation;

(4) for the regulation of the time and mode of collecting the taxes under this Act;

(5) for regulating the construction and maintenance of drains or pipes, privies, urinals, washing places, drainage works belonging to the

corporation or other persons;

(6) for regulating all matters connected to the use of water;

(7) for regulating the management, maintenance, control and use of houses intended for the poorer sections of the community vesting in the Corporation;

(8) for maintaining suitable means of access to buildings and preventing encroachment thereon;

(9) for regulating sanitation, the destruction of rodents and other preventive and remedial measures against mosquitoes, flies and other insect pests;

(10) for facilitating and securing complete and accurate registration of births and deaths;

(11) for protection of the property of the corporation;

(12) for regulating the holding of fairs and industrial exhibitions in the City;

(13) for regulating the measures to be taken in the event of the outbreak of any disease among animals which is communicable to man and the supply of information which will facilitate the taking of such measures;

(14) for the maintenance of sufficient open space to secure a free circulation of air and for the adequate ventilation of buildings;

(15) for the control and supervision of public and private cart-stands, for the regulation of their use and for the levy of fees therein;

(16) for the regulation and licensing of foodtrucks

(17) for the inspection of milch-cattle and the regulation of the ventilation, lighting, cleaning drainage and water-supply of dairies and cattle- sheds in the occupation of persons following the trade of dairyman or milk-seller

(18) for enforcing the cleanliness of milk-stores and milk-shops and vessels and utensils used by the keepers thereof or by hawkers for containing or measuring milk or preparing any milk product and for enforcing the cleanliness of persons employed in the milk trade;

(19) for prescribing the qualifications and experience of architects, engineers, structural designers and plumbers;

(20) for the regulation of the use of public streets, and the closing thereof or part thereof;

(21) for the regulation of the laying of any cable including Optical Fibre Cables and imposing the conditions thereof and levying of such fees; for the regulation of the use

(22) of parks, gardens and other places that come under the Corporation;

(23) For the regulation and licensing of hotels, lodging houses, boarding houses, theatres, fairs, choultries, rest houses, restaurants, eating houses, cafes, refreshment rooms, coffee houses and any premises which is utilized by the public for consumption of any food or drink or any place where any food or drink is sold;

(24) For the regulation and licensing of industries, commercial undertakings and corporate offices;

(25) For the regulation and licensing of paying guests accommodation and service apartments;

(26) For the regulation and licensing of shared office and living spaces; For the regulation

(27) and licensing of hospitals and nursing homes; for the sanitary control and supervision

(28) of factories and places used for any of the purposes and of any trade or manufacture carried on therein

(29) (a) for the regulation of burial and burning and other places for the burial of corpses;

(b) for the levy of fees for the use of such burial and burning grounds and crematoria as are maintained by the Corporation;

(c) for the verification of deaths and the cause of death;

(30) (a) for the inspection of public and private markets and shops and other places therein;

(b) for the regulation of their use and the control of their sanitary condition.

(31) (a) for the control and supervision of slaughter houses and of places used for skinning and cutting up of carcasses;

(b) for the control and supervision of the methods of slaughtering;

(c) for the control and supervision of butchers carrying on business in the city or at any slaughter-house outside the city provided or licensed by the corporation;

(d) controlling and regulating the sanitary condition of markets and slaughter-houses and preventing the exercise of cruelty therein.

(32) for the prevention of dangerous diseases of men or animals; (33) for the enforcement of compulsory vaccination;

(34) for the prevention of out-breaks of fire;

(35) for the prohibition and regulation of advertisements; (36) for the registration of marriages;

319.Sanction of bye-laws by the Government.-No bye-law made by the corporation under this Act shall have any validity unless and until it is sanctioned by the Government:
Provided that, if the sanction is not accorded within one month the bye-laws shall be deemed to have been sanctioned.

320.Conditions precedent to making of bye-laws.-The power to make bye laws under this Act is subject to the conditions, -
(1) that a draft of the proposed bye-law is published in the Official Gazette and in the local newspapers;
(2) that the draft shall not further proceed until after the expiration of a period of thirty days from the publication thereof in the Official Gazette or of such longer period as the corporation may appoint;
(3) that for at least thirty days, during such period a printed copy of the draft shall be kept at the corporation office for public inspection and all persons are permitted to peruse the same at any reasonable time free of charge;

321.Power of the Government to make rules in lieu of bye-laws.- (1) If, in respect of any of the matters specified in section 318, the corporation has failed to make any bye-laws or if the bye-laws made by it are not, in its opinion adequate, the Government may make rules providing for such matters to such extent as it may think fit.
(2) The rules made under this section, may add to, alter, or cancel any bye-law made by the corporation.
(3) Before making any rule under this section, the Government shall give the corporation an opportunity of showing cause against the making thereof.

322.Publication of rules, regulations and bye-laws.-(1) When any rule or bye-law has been made under this Act, such rule or bye-law shall be published in the Official Gazette in English and in Kannada.
(2) A bye-law shall come into operation three months after it has been published as aforesaid.

(3) The Chief Commissioner shall cause all rules and bye-laws in force to be printed in the said languages, and shall cause printed copies thereof to be sold to any applicant on payment of a fixed price.

(4) The Chief Commissioner shall advertise in the local newspapers that copies of rules and bye-laws are for sale and specify the place where and the person from whom and the price at which, they are obtainable.

(5) Regulations made under this Act shall be published in such manner as the corporation may determine.

323.Exhibition of rules, bye-laws and regulations.-(1)Printed copies of byelaws and of rules and regulations shall be hung up in some conspicuous part of the corporation office.

(2) No corporation officer or servant shall prevent any person from inspecting at any reasonable time copies so exhibited.

(3) No person shall, without lawful authority, destroy, pull-down, injure or deface any copies exhibited as above or any board to which the copies have been affixed.

324.Cognizance of offences.- All offences against this Act, or against any rule, bye-law, regulation or order made under it, whether committed within or outside the city, shall be cognizable by a first class magistrate having jurisdiction in the city; and such first class magistrate shall not be deemed to be incapable of taking cognizance of any such offence or of any offence against any enactment hereby repealed, by reason only of his being liable to pay the corporation rate or other tax or of his being benefited by the corporation fund to the credit of which any fine imposed by him will be payable.

325.Corporation security force.- (1) There shall be constituted and maintained a force to be called the corporation security force,-

(i) for the better protection and security of the property owned by the corporation;

(ii) for aiding the officers of the corporation in the detection and investigation of any matter relating to leakage of revenue or any tax payable to the corporation;

(iii) for effective communication and obtaining of any information regarding any design to commit or the commission of any offence by any person under this Act, any rule, bye-law or regulation or order made under it.

(2) The corporation security force shall consist of such number of supervisory officers and members as may be determined by the corporation and shall be appointed by the Chief Commissioner in accordance with such rules as may be prescribed.

(3) The Chief Commissioner shall exercise powers of superintendence and control over the corporation security force and matters relating to recruitment and conditions of service, the conduct and discipline of the members of the security force shall be governed by such rules as may be prescribed.

CHAPTER XXIV
PENALTIES

326.Penalty for violation of the Act .-Whoever contravenes any of the provisions of this Act may be punished with an imprisonment which may extend to one year and with a fine which extend to rupees two lakhs.

327.Penalty for violation of the rules .-Whoever contravenes any of the provisions of the rules made under this Act, may be punished with a fine which extend to rupees two lakhs or with an imprisonment for period upto six months or with both.

328.Penalty for violation of the regulations. - Whoever contravenes any of the provisions of the regualtions made under this Act, may be punished with a fine which extend to rupees two lakhs.

329.Penalty for violation of the Bye-laws .- Whoever contravenes any of the provisions of the Bye-laws made under this Act, may be punished with a fine which extend to rupees two lakhs.

330.Penalty for un-authorised use of the corporation property.-Whoever dishonestly misappropriates or converts to his own use any corporation property or puts into improper or un-authorised use such property shall, on conviction, be punished with imprisonment which may extend to three months or with fine which may extend to fifty thousand rupees or with both.

331.Penalty for leaving vehicle or animal in dangerous position in public street.- (1) No person in charge of a vehicle or animal shall cause or allow the vehicle or animal to remain at rest on any public street or public place in such a position or in such a condition or in such circumstances as to cause or is likely to cause danger, obstruction or undue in-convenience or nuisance to other users of the public street and no person in charge of a vehicle or animal shall allow any vehicle or animal to stand in a public street or public place unless it is under adequate control.

(2) Whoever contravenes sub-section (1) shall on conviction be punished with fine which may extend to one thousand rupees.

332.Compounding of offence.- Any officer authorized by the Chief Commissioner not below the rank of Group-B officer may accept, in the prescribed manner, from any person who has committed or it reasonably suspected of having committed an offence punishable under sections 143, 286, 290 of this Act such sum of money not exceeding the penalty amount specified in this Act or any sum of money as may be prescribed, by way of composition of the offence which such person has committed or is reasonably suspected of having committed and on the payment of such sum of money to the authorized officer such person, if in custody, shall be set at liberty and no further proceedings shall be taken against such person with reference to the same act.

333.Power to give retrospective effect to certain bye-laws and penalties for breaches of bye-laws.- (1) Bye-laws with regard to the drainage of, and supply of water to, buildings and water-closets, earth closets, privies, ash-pits, solid waste management and cess-pools in connection with buildings and the keeping of water-closets supplied with sufficient water for flushing may be made so as to affect buildings erected before the making of bye-laws under this Act.

(2) In making any bye-law under section 318and this section the corporation may provide that a breach thereof shall be punishable.-

(a) with fine which may extend to one thousand rupees, and in case of a continuing breach, with fine which may extend to three hundred rupees for every day during which the breach continues after conviction for the

first breach, or

(b) with fine which may extend to two hundred rupees for every day during which the breach continues after receipt of notice from the Chief Commissioner to discontinue such breach.

CHAPTER XXV

MISCELLANEOUS

334.Indemnity to Government, Corporation authorities, officers and servants.- No suit, prosecution or other legal proceedings shall lie against the Government or any Corporation authority, officer, or servant or any person acting under the direction of the Government or any Corporation authority, officer or servant, in respect of anything done in good faith done or intended to be done underthis Act, or any rule, bye-law, regulation or order made under it.

335.Sanction for prosecution of Mayor, Deputy Mayor, etc.- When the Mayor or Deputy Mayor, or any councillor or the Chief Commissioner or any officer of Government working in the corporation on deputation is accused of any offence alleged to have been committed by him while acting or purporting to act in the

discharging of his official duty, no magistrate shall takecognizance of such offence except with the previous sanction of the Government.

336.Assessment, etc., not to be impeached.- (1) No assessment or demand made and no charge imposed under the authority of this Act shall be impeached or affected by reason of any clerical error or by reason of any mistake,- (a) in respect of the name, residence, place of business or occupation of any person, or

(b) in the description of any property or thing, or

(c) in respect of the amount assessed, demanded or charged: Provided that the provisions of this Act have in substance and effect been complied with and no proceedings under this Act shall, merely for defect in form, be quashed or set aside by any court.

(2) No suit shall be brought in any court to recover any sum of money collected under the authority of this Act or to recover damages on account of any assessment, or collection of money made under the said authority:

Provided that, the provisions of this Act have in substance and effect, been complied with.

(3) No distraint or sale under this Act shall be deemed unlawful, nor shall any person making the same be deemed a trespasser, on account of any error, defect or want of

form in the bill, notice, schedule, form, summons, notice of demand, warrant of distraint, inventory or, other proceeding relating thereto, if the provisions of this Act, the rules and the bye-laws have, in substance and effect been complied with:

Provided that every person aggrieved by any irregularity may recover satisfaction for any special damage sustained by him.

337.Duties of police officers.- It shall be the duty of every police officer,- (a) to communicate without delay to the appropriate corporation officer any information which he receives of the design to commit or of the commission of any offence under this Act or any rule, bye-law or regulations made under it;

(b) to assist the Chief Commissioner or any corporation officer or servant or any person to whom the Chief Commissioner has lawfully delegated powers reasonably demanding his aid for the lawful exercise of any power vesting in the Chief Commissioner or in such corporation officer or servant or person under this Act or any such rule, bye-law or regulation, and for all such purposes he shall have the same powers which he has in the exercise of his ordinary police duties.

338.Power of police officer to arrest persons.- (1) If any police officer sees any person committing an offence against any of the provisions of this Act or of any rule, bye-law or regulation made under it, he shall, if the name and address of such person are unknown to him and if the said person on demand declines to give his name and address or gives a name and address which such officer has reason to believe to be false, arrest such person.

(2) No person arrested under sub-section (1) shall be detained in custody,- (a) after his true name and address are ascertained, or

(b) without the order of a magistrate for any longer time, not exceeding twenty four hours from the hour of arrest than is necessary for bringing him before a magistrate.

339.Exercise of powers of police officer by corporation servants.- The Government may empower any corporation officer or servant or any class of corporation officers or servants to exercise the powers of a police officer for the purposes of this Act.

340.Prohibition against obstruction of proceedings of corporation, standing committee, Mayor, etc.- No person shall obstruct any proceedings of the corporation or any standing committee, the Mayor or Deputy Mayor, and Councillor, the Chief Commissioner or any person employed by the corporation or any person with whom the Chief Commissioner has entered into a contract on behalf of the corporation in the performance of their duty or of anything which they are empowered or required to do by virtue of or in consequence of this Act or of any rule, bye-law, regulation or order made under it

341.Prohibition against removal of mark.- No person shall remove any mark set up for the purpose of indicating any level or direction incidental to the execution of any work authorised by this Act or any rule, bye-law, regulation or order made under it.

342.Liability of Chief Commissioner, Zonal Commissioner and councillor for loss, waste or misapplication of fund, etc.- (1) The Chief Commissioner and Zonal Commissioner every councillor shall be liable for the loss, waste or misapplication of any money or other property owned by or vested in the corporation, if such loss, waste, or misapplication is a direct consequence of his willful neglect or misconduct and a suit for compensation may be instituted against him by the corporation with the previous sanction of the Government.

(2) Every such suit shall be commenced within three years after the date on which the cause of action arose.

343.Prohibition against removal or obliteration of notice.- No person shall, without authority in that behalf remove, destroy, defence or otherwise obliterate any notice exhibited by or under the orders of the corporation, a standing committee or the Commissioner.

344.Prohibition against unauthorised dealings with public place or materials.- No person shall, without authority in that behalf, remove earth, sand or other material or deposit any matter or make

any encroachment, from, in, or on any land vested in the corporation or water-courses (not being private property), or in any way obstruct the same.

345.Form of notices and permissions.- All notices and permissions given, issued or granted, as the case may be, under the provisions of this Act shall be in writing or through electronic form /online.

346.Proof of consent of Corporation authorities or corporation officers.- Whenever under this Act or any rule, bye-law or regulation made under it, the doing of or omitting to do anything or the validity of anything depends upon the approval, sanction, consent, concurrence, declaration, opinion or satisfaction of,-

(a) the corporation, a standing committee or the Chief Commissioner; or

(b) any corporation officer,

a written document signed in the case of (a), by the Chief Commissioner and in the case of (b) by the said corporation officer, purporting to convey or set forth such approval, sanction, consent, concurrence, declaration, opinion or satisfaction, shall be sufficient evidence thereof.

347.Signature on documents.- (1) Every licence, permission, notice, bill, schedule, summons, warrant or other document which is required by this Act or by any rule, bye-law or regulation made under it to bear the signature of the Chief Commissioner or of any corporation officer shall be deemed to be properly signed if it bears the facsimile of the signature or digital signature of the Chief Commissioner or of such corporation officer, as the case may be, stamped thereupon.

(2) Nothing in sub-section (1) shall be deemed to apply to a cheque drawn upon the corporation fund or to any deed of contract.

348.Publication of notification.- Save as otherwise provided, every notification under this Act shall be published in the official Gazette, in English and in Kannada.

349.Publication of order, notice or other documents.- Every order, notice or other documents, directed to be published under this Act or any rule, bye-law or regulation made under it shall unless a different method is prescribed by this Act or by the corporation or the standing committee, as the case may be, be translated into Kannada and deposited in the office of the corporation and copies thereof in English and in Kannada shall be pasted in a conspicuous position at such office and on website of the Corporation and at such other places as the corporation or standing committee, as the case may be, may direct; and a public proclamation shall be made by beat of drum in the locality affected or by advertisement in the local newspapers that such copies have been so pasted and that the originals are open to inspection at the office of the corporation.

350.Publication in newspapers.- Whenever it is provided by this Act or by any rule, bye-law or regulation made under it that notice shall be given by advertisement in the local newspapers or that a notification or any information shall be published in the same, such notice, notification or information shall be inserted in at least one English and one Kannada newspaper published in the city.

351.Notice of prohibition or setting apart of places.- Whenever the corporation, a standing committee or the Chief Commissioner shall have set apart any place for any purpose authorised by this Act or shall have prohibited the doing of anything in any place, the Chief Commissioner shall forthwith cause to be put up a notice in English and in Kannada at or near such place. Such notice shall specify the purpose for which such place has been set apart or the act prohibited in such place.

352.Method of serving documents.-(1) When any notice or other document is required by this Act or by any rule, bye-law, regulation or order made under it to be served on or sent to any person, the service or sending thereof may be effected,-

(a) by giving or tendering the said document to such person; or

(b) by e-mail or through electronic means; or

(c) if such person is not found, by leaving such document at his last known place of abode or business or by giving or tendering the same to his agent, clerk or servant or some adult member of his family; or

(d) if such person does not reside in the city and his address elsewhere is known to the Commissioner, by sending the same to him by registered post; or

(e) if none of the means aforesaid be available, by affixing the same in some conspicuous part of such place of abode or business.

(2) When the person is an owner or occupier of any building or land it shall not be necessary to name the owner or occupier in the document, and in the case of joint owners and occupiers it shall be sufficient to serve it on, or send it to, one of such owners or occupiers.

(3) Whenever in any bill, notice, form or other document served or sent under this Act, a period is fixed within which any tax or other sum is to be paid or any work executed or anything provided, such period shall, in the absence of an express provision to the contrary in this Act, be calculated from the date of such service or sending by registered post.

353.Recovery by occupier of sum leviable from owners.- If the occupier of any building or land makes on behalf of the owner thereof any payment for which under this Act, the owner, but not the occupier is liable, such occupier shall be entitled to recover the same from the owner and may deduct it from the rent then or thereafter due by him to the owner.

354.Obstruction of owner by occupier.- (1) If the occupier of any building or land prevents the owner from carrying into effect in respect thereof any of the provisions of this Act the Chief Commissioner may by an order require the said occupier to permit the owner, within eight days from the date of service of such order, to execute all such works as may be necessary.

(2) Such owner shall, for a period during which he is prevented as aforesaid, be exempted from any fine or penalty to which he might otherwise have become liable by reason of default, in executing such works.

355.Execution of work by occupier in default of owner.- If the owner of any building or land fails to execute any work which he is required to execute under the provisions of this Act or of any rule, bye-law, regulation or order made under it, the occupier of such building or land may, with the approval of the Chief Commissioner, execute the said work, and shall be entitled to recover from the owner the reasonable expenses incurred in the execution thereof and may deduct the amount thereof from the rent then or thereafterdue by him to the owner.

356.Time for complying with order and power to enforce in default.-(1) Whenever by any notice, requisition or order made under this Act or under any rule, bye-law or regulation made under it, any person is required to execute any work, or to take any measures or do anything, a reasonable time shall be named in such notice, requisition or order within which the work shall be executed, the measures taken, or the thing done.

(2) If such notice, requisition or order is not complied with within the time so named, then whether or not a fine is provided for such default and whether or not the person in default, is liable to punishment or has been prosecuted or sentenced to any punishment for such default, the Chief Commissioner may cause such work to be executed, or may take any measure or do anything which may, in his opinion, be necessary for giving due effect to the notice ,requisition or order as aforesaid.

(3) If no penalty has been specially provided in this Act for failure to comply with such notice, the said person shall, on conviction, be punished with fine not exceeding five thousand rupees for such offence.

357.Power of the Chief Commissioner to agree to receive payment of expenses in instalments.- Instead of recovering any such expenses as aforesaid in the manner provided under section 315 the Chief Commissioner may, if he thinks fit and with the approval of the standing committee take an agreement from the person liable for the payment thereof, to pay the same in instalments of such amounts and at such intervals as will secure the payment of the whole amount due, with interest thereon at the rateof nine per cent per annum, within a period of not more than five years.

358. Power to declare expenses on certain works as improvement expenses.- If the expenses to be recovered have been incurred or are to be incurred in respect of any work mentioned,-

(a) in clause (b) of sub-section (1) of section 222, section 225, section 256 or section 282; or

(b) in any rule made under this Act in which this section is made applicable to such expenses,

the Chief Commissioner may, if he thinks fit and with the approval of the standing committee, declare such expenses to be improvement expenses.

359.Improvement expenses by whom payable.- (1) Improvement expenses shall be a charge on the premises, in respect of which or for the benefit of which the same shall have been incurred and shall be recoverable in instalments of such amounts, and at such intervals, as will suffice to discharge such expenses together with interest thereon within such period not exceeding five years as the Chief Commissioner may in each case determine.

(2) The said instalments shall be payable by the owner or occupier of the premises on which the expenses are charged:

Provided that when the occupier pays any such instalment he shall be entitled to deduct the amount thereof from the rent payable by him to the owner or to recover the same from the owner.

360.Redemption of charge for improvement expenses.- At any time before the expiration of the period for the payment of any improvement expenses, the owner or occupier of the premises on which the expenses are charged may redeem such charge by paying to Commissioner such part of the said expenses as are still payable.

361.Application of term "public servant", to corporation officers, agents and sub-agents.- Every councillor, officer or servant, every contractor or agent for the collection of any corporation tax, fee or other sum due to the corporation and every person, employed by any such contractor or agent for the collection of such tax, fee, or sum shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code.

362.Offences by companies.- (1) Where any offence under this Act has been committed by a company, every person who, at the time the offence was committed, was in charge of, and was responsible to, the company for the conduct of the business of the company, as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this sub-section shall render any such person liable to any punishment provided in this Act if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1) where an offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of or is attributable to any neglect on the part of any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation.- For the purpose of this section,-

(a) "company" means a body corporate, and includes a firm, a society, an Association of persons;

(b) "director" in relation to a firm means a partner in the firm.

363.Official display of flag.- (1) No person shall fly any flag other than the National Flag or a flag approved by the Government on the office of the Corporation.

(2) Whoever contravenes sub-section (1) shall be punished with

imprisonment for a term which may extend to three months or with fine which may extend to rupees five thousand or with both and in the case of continuing contravention with a further fine which may extend to rupees five hundred for each day during which the contravention continues.

364.Bidding prohibited.- (1) No employee or officer of the corporation having any duty to perform in connection with the sale of movable or immovable property by or on behalf of the corporation under this Act shall directly or indirectly bid for or acquire interest in any property sold at such sale.

(2) Any person who contravenes the provisions of sub-section (1) shall be punished with fine which may extend to five hundred rupees and shall also be liable to dismissal from service.

365.Effect of absorption of Panchayat area into a *Corporation* area .-If any local area consisting of one or more revenue villages in respect of which a Panchayat areal has been constituted under the Karnataka Gram swaraj and Panchayat Raj Act, 1993 is included in a Corporation area by virtue of a notification under sub-section (1) of section 4 then, notwithstanding anything contained in this Act or in the Karnataka Gram swaraj and Panchayat Raj Act, 1993 , but subject to the provisions of section 4 of this Act, with effect from the date on which such area is included in a Corporation area , the following consequences shall ensue, namely:-

(a) the Grama Panchayat of such local area (here-inafter referred to as the panchayat) shall cease to exist and the Taluk Panchayat and Zilla Panchayat within the jurisdiction of which such area is situated shall cease to have jurisdiction over such area;

(b) the unexpended balance of the Grama Panchayat Fund and the property (including arrears of rates, taxes and fees) belonging to the panchayat and all rights and powers which, prior to such notification, vested in the panchayat shall, subject to all charges and liabilities affecting the same, vest in the corporation of the Corporation area (hereinafter referred to as the corporation);

(c) any appointment, notification, notice, tax, order, scheme, licence, permission, rule, bye-law or form, made, issued, imposed or granted

under the Karnataka Gram Swaraj and Panchayat Raj Act, 1993 , immediately before the said date in respect of the said local area shall continue in force and be deemed to have been made, issued, imposed or granted under this Act until it is superseded or modified by any appointment, notification, notice, tax, order, scheme, licence, permission, rule, bye-law or form, made, issued, imposed or granted under this Act; (d) all budget estimates, assessments, assessment lists, valuations or measurements, made or authenticated under the Karnataka Panchayat Raj Act, 1993 , immediately before the said date in respect of the said local area shall be deemed to have been made or authenticated under this Act.

(e) all debts and obligations incurred and all contracts made by or on behalf of the panchayat immediately before the said date and subsisting on the said date shall be deemed to have been incurred and made by the corporation in exercise of the power conferred on it by this Act.

(f) all officers and servants in the employ of the panchayat immediately before the said date shall become officers and servants of the corporation under this Act and shall, until other provision is made in accordance with the provision of this Act receive salaries and allowances and be subject to the conditions of service to which they were entitled or subject immediately before such date:

Provided that, it shall be competent to the corporation, subject to the previous sanction of the Government to discontinue the services of any officer or servant, who, in its opinion, is not necessary or suitable for the requirements of the service under the corporation after giving such officer or servant such notice as is required to be given by the terms of his employment and every officer or servant whose services are dispensed with shall be entitled to such leave, pension, provident fund and gratuity as he would have been entitled to take or receive on being invalidated out of service, as if the panchayat in the employ of which he was, had not ceased to exit;

(g) all proceedings pending on the said date before the panchayat shall be deemed to be transferred to and shall be continued before the corporation;

(h) all appeals pending before any authority shall, so far as may be practicable, be disposed of as if the said local area had been included in the lager urban area when they were filed;

(i) all prosecutions instituted by or on behalf of the panchayat and all suits or other legal proceedings instituted by or against the panchayat or any officer of the panchayat pending on the

said date shall be continued by or against the corporation as if the said local area had been included in the Corporation area when such prosecutions, suits or proceedings were instituted;

(j) all arrears of rates, taxes and fees vesting in the corporation shall, notwithstanding that such rates and fees cannot be levied under this Act, be recoverable in the same manner as a tax recoverable under this Act;

(k) until the reconstitution of the corporation in accordance with the provisions of this Act, notwithstanding anything to the contrary contained in this Act, such number of persons ordinarily resident in the local area included in the Corporation area who are nominated by the Government shall be additional councillors of the corporation.

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

367.Metropolitan Planning Committee.- (1) The Government shall constitute a Metropolitan Planning Committee for the Bengaluru Metropolitan Area to prepare a draft development plan for such area as a whole.

Explanation.- For the purpose of this section "Bengaluru Metropolitan area" means an area specified by the Governor to be a metropolitan area under clause (c) of Article 243P of the Constitution of India.

(2) The Metropolitan Planning Committee shall consist of thirty persons of which,-

(a) such number of persons, not being less than two-thirds of the members of the Committee, as may be specified by the Government shall be elected in the prescribed manner by, and from amongst, the elected members of the corporations, the Municipal Councils and town Panchayats, and the Adyakshas and Upadyakshas of Zilla Panchayats, Taluk Panchayats and Grama Panchayats in the Metropolitan area in proportion to the ratio between the population of the city and other municipal area and that of the areas in the jurisdiction of Zilla Panchayat, Taluk Panchayat and Grama Panchayat;

(b) such number of representatives of,-

(i) the Government of India and the State Government as may be determined by the State Government, and nominated by the Government of India or as the case may be, the State Government; (ii) such organisations and institutions as may be deemed necessary for carrying out of functions assigned to the committee, nominated by the State Government;

(3) All the members of the House of the People and the State Legislative Assembly whose constituencies lie within the Metropolitan area and the members of the Council of State and the State Legislative Council who are registered as electors in such area shall be permanent invites of the Committee.

(4) The Commissioner, Bengaluru Development Authority shall be the Secretary of the Committee.

(5) The Chairman of the Metropolitan Planning Committee shall be chosen in such manner as may be prescribed.

(6) The Metropolitan Planning Committee shall prepare a draft development plan for the Bengaluru metropolitan area as a whole.

(7) The Metropolitan Planning Committee shall, in preparing the draft development plan,-

(a) have regard to,-

(i) the plans prepared by the local authorities in the Metropolitan area;

(ii) matters of common interest between the local authorities including coordinated spatial planning of the area, sharing of water and other physical and natural resources, the integrated development of infrastructure and environmental conservation;

(iii) the overall objectives and priorities set by the Government of India and the State Government;

(iv) the extent and nature of investments likely to be made in the Metropolitan area by agencies of the Government of India and of the State Government and other available resources

whether financial or otherwise;

(b) consult such institutions and organisations as the Governor may, by order, specify.

(8) The Chairman of the Metropolitan Planning Committee shall forward the development plan, as recommended by such Committee, to the State Government.

368.Grievance Redressal Authority.– (1) The Government may, by notification in the official gazette, constitute for the corporation a Grievance Redressal Authority consisting of a retired district judge or a retired officer not below the rank of special deputy commissioner for the purpose of Redressal of Grievance.

(2) The Government shall provide necessary staff to the grievance redressal authority.

(3) The office of the Grievance Redressal Authority shall remain open during the business hours of the Corporation on all working days of the week;

(4) The salary and other allowances of the Grievance Redressal Authority shall be the same which he was entitled to prior to his retirement minus pension; (5) The Grievance Redressal Authority shall communicate the decision of the Grievance Redressal Authority to the aggrieved citizen within such period as may be prescribed.

(6) The Grievance Redressal Authority shall, immediately after the expiry of the period prescribed for the communication of the decision of the Authority, report every complaint which has not been redressed along with the details of the complainant, nature of complaint, and reasons for non-redressal, to the Chief Commissioner for necessary action;

(7) Where the Grievance Redressal Authority at the time of deciding any complaint is of the opinion that officer or officers concerned or any other person has without any reasonable cause, willfully neglected his duties required to be performed by him under this Act or refused or failed or malafidely denied to extend the service urged within the time specified or within a reasonable time, such officer or person shall be subjected to a penalty of two hundred and fifty rupees each day till the grievance redressal. However, the total amount of such penalty shall not exceed twenty-five thousand rupees. The Grievance Redressal Authority may in place of the penalty recommend for disciplinary action against the officer or the person concerned, under the service rules or relevant law applicable to him; Provided that the officer or the person concerned shall be given a reasonable opportunity of being heard before any penalty is imposed on him.

Provided further that the burden of proving that he acted reasonably and diligently shall be on the officer or the person concerned who denied the service urged.

Explanation: For the purpose of this section: –

(a) “aggrieved citizen” means a citizen who has been affected by commission or omission of the Corporation while rendering service enjoined under this Act or any other law and includes a person seeking benefit of any scheme offered by the Government through the Corporation ;

(b) “grievances” means and includes any complaint lodged by a aggrieved citizen regarding the commission or omission of action required to be taken by the Corporation in respect of: –

(i)maintenance of health;

(ii)maintenance of Road;

(iii)maintenance of street lights;

(iv)identification of beneficiaries of any scheme or project;

(v)allocation of benefit of any scheme or project;

(vi)maintenance of sanitation;

(vii) grant or issue of any documents or certificate;

(viii) any other matter as may be prescribed.

369.Powers and functions of the Grievance Redressal Authority,– (1) the Grievance Redressal Authority may: –

(a) call for and examine any document which he has reason to believe necessary to redress the grievance of an aggrieved citizen;

(b) The Grievance Redressal Authority shall, for the purposes of performing the functions under this Act, have the same powers as are vested in a civil court under the code of civil procedure, 1908 in respect of the following matters, namely:-

(i) summoning and enforcing the attendance of any person and examining him on oath;

(ii) discovery and production of any document or other material object producible as evidence;

(iii) receiving evidence on affidavits;

(iv) requisitioning of any public record;

(v) issuing commission for the examination of witnesses;

(vi) reviewing its decisions, directions and orders;

(vii) such other matter which may be prescribed;

(2) The Grievance Redressal Authority shall be a quasi judicial authority and dispose off the matters before him summarily.

(3) No complaint of the aggrieved citizen shall be entertained by the Grievance Redressal Authority unless the grievance has occurred as a result of deficiency negligence or malfeasance on the part of a office or officer or official or specific irregularity or benefit materially affecting the outcome or specific instance of discrimination is indicated.

(4) The Grievance Redressal Authority shall ensure that, –

(a)the grievance is remedied in a time frame not exceeding ninety days from the date of receipt of the complaint; or

(b)the reason for the occurrence of the grievance is identified and the responsibility of the defaulting office or individual is fixed and the grievance is redressed satisfactorily within one month after the period specified in clause (a) or

(c)where the grievance has occurred as a result of a deficiency, negligence or malfeasance on the part of an office or individual the action is taken in accordance with conduct rules and departmental procedures; and

(d)where the individual responsible for the delivery of the goods and services has willfully neglected to deliver the good or service or there exist prima facie grounds for a case under the Prevention of Corruption Act 1988, he can make an observation to that effect along with a recommendation for the penalty to be imposed,-

(i) upto Group „B‟ Officer to the Chief Commissioner;

(ii) Group „A‟ and above officer to the Principal Secretary to Government or the Secretary to Government, as the case may be.

(5) The Grievance Redressal Authority may seek the assistance of any other officer required for the proper discharge of his duties or may direct any other officer to take action to redress a complaint made by aggrieved citizen;

(6) Any officer, whose assistance has been sought under sub-section (5), shall render all assistance to the grievance redress authority.

370.Appeal,– (1) Any person aggrieved by the decision of the Grievance Redressal Authority or who has not received an action taken report in respect of a complaint filed by him, may within a period of thirty days from the expiry of the receipt of such decision, prefer an appeal to the Karnataka Appellate Tribunal and the decision of such appellate authority shall be final:

Provided that, the Appellate authority may admit the appeal after the expiry of thirty days if it is satisfied that the complainant was prevented by sufficient reason or cause from filing the appeal in time.

(2) Every appeal shall be disposed of within ninety days from the date of receipt of such appeal.

(3) The appellate authority shall arrange to deliver copies of the decisions to the parties concerned within a period of fifteen working days from the date of decisions taken by him.

371.Term of office of the Grievance Redressal Authority,– The Grievance Redressal Authority shall hold office for a term of five years from the date on which he assumes office or till he attains the age of sixty five years whichever is earlier and shall not be eligible for re-appointment.

372.Resignation and removal, – (1) The Grievance Redressal Authority may by notice in writing under his hand addressed to the Government resign his office.

(2) Notwithstanding anything contained in sub-section (1), the Government may, by order, remove the Grievance Redressal Authority from the office of the Grievance Redressal Authority , if he,-

(a) is adjudged as an insolvent; or

(b) has been convicted of an offence which, in the opinion of the Government, involves moral turpitude; or

(c) engages during his term of office in any paid employment outside the duties of his office; or

(d) is, in the opinion of the government, unfit to continue in office by reason of infirmity of mind or body; or

(e) has acquired such financial or other interest as is likely to affect prejudicially his functions as the Grievance Redressal Authority.

373.Procedures before the Grievance Redressal Authority,– (1) The procedure and manner of filing a complaint and fees to be accompanied with such complaint shall be such as may be prescribed.

(2) The manner and procedure of conducting proceedings before the Grievance Redressal Authority shall be such as may be prescribed.

374.Matters not subject to investigation.- The Grievance Redressal Authority shall not investigate any matter,-

(i) which the Lokayukta or the uplokayukta is investigating under the provisions of the Karnataka Lokayukta Act, 1984 (Karnataka Act 4 of 1985); or (ii) which is being investigated by a Competent Authority under any provisions of the Central Act or State enactments.

375.Transitory provisions.- (1) Any rule, notification, order or appointment, made or issued under the Karnataka Municipal Corporations Act, 1976 (Karnataka of 14 of 1977) and Rules made there under or otherwise providing for or relating to any of the matters for the furtherance of which this Act is enacted, before the date of commencement of this Act and in force on the date of commencement of this Act, to the extent they are not inconsistent with the provisions of this Act, shall continue to be in force and effective as if they are made or issued or appointed under the corresponding provisions of this Act unless and until superseded by anything done or any action taken or any rules, notification, order or appointment made under this Act.

(2) Where, under the provisions of the Karnataka Municipal Corporations Act, 1976 (Karnataka of 14 of 1977) either an Administrator or a person has been appointed to exercise the powers and perform the duties of the Corporation, , then, such administrator or person shall be deemed to be an Administrator appointed under section 127 not exceeding for a period of one year.

(3) All officers and servants in the employment of the Bruhat Banagalore Mahanagara Palike immediately before the commencement of this Act, shall become officers and servants of the Corporation under this Act and shall, until other provision is made in accordance with the provisions of this Act, receive salaries and allowances and be subject to the conditions of service to which they were entitled to immediately before such date:

Provided that it shall be competent to the Corporation, subject to the previous sanction of the Government, to discontinue the services of any officer or servant who, in its opinion, is not necessary or suitable for the requirements of the service under it after giving such officer or servant such notice as is required to be given by the terms of his employment and every officer or servant whose services are dispensed with shall be entitled to such leave, pension, provident fund and gratuity as he would have been entitled to take or receive on being invalidated out of service, as if the Corporation, in the employ of which he was, had not ceased to exist.

(4) All assets and liabilities of the Bruhat Bengaluru mahanagara palike constituted under the Karnataka Municipal Corporations Act, 1976 (Karnataka of 14 of 1977 shall stand transferred to the Corporation constituted under this Act.

376.Repeal and Savings.- (1)The provisions of the Karnataka Municipal Corporations Act, 1976 (Karnataka of 14 of 1977) pertaining to the Bruhath Bengaluru Mahanagara Palike are hereby repealed.

Provided that, such repeal shall not affect,-

(a) anything done or any action taken under the said Act; or

(b) the previous operation of the said Act or anything duly done or suffered thereunder; or

(c) any right, privilege, obligation or liability acquired, accrued or incurred under the said Act; or

(d) any penalty or punishment incurred in respect of any offence committed under the said Act:

Provided further that, the provisions of section 6 of the Karnataka General Clauses Act, 1899 (Karnataka Act III of 1899) shall be applicable in respect of repeal of the said Act.

Provided also that subject to the preceding proviso anything done or any action taken (including any appointment or delegation made, tax, duty, fee, or cess 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 :

(2) Notwithstanding anything contained in sub-section (1), any tax, duty, fee, or cess imposed under the said Act may, notwithstanding that such tax, duty, fee or cess cannot be imposed under the provisions of this Act, be continued to be levied and recovered as if the provisions of such enactments, the rules, bye-laws, orders and notifications made or issued thereunder relating to such levy and recovery had not been repealed.

FIRST SCHEDULE

(See section 107)

(A) Core Functions.-

i. Urban planning including town planning,

ii. Regulation of land-use including protection of public land from encroachment and construction of buildings,

iii. Planning for economic and social development,

iv. Roads including footpath and road crossing facilities for pedestrians and bridges,

v. Water supply for domestic, industrial and commercial purposes,

vi. Public health, sanitation including storm water drains, conservancy and solid and liquid waste management,

vii. Fire services,

viii. Urban forestry, protection of the environment, promotion of ecological aspects and maintenance of environmental hygiene,

ix. Safeguarding the interests of persons with physical and mental disabilities,

x. Slum improvement and upgradation including providing basic facilities,

xi. Urban poverty alleviation,

xii. Provision and maintenance of urban amenities and facilities such as parks, gardens, playgrounds, public markets, bathing and washing ghats, waiting sheds for travellers,

xiii. Promotion of cultural, educational and aesthetic aspects,

xiv. Establishment and maintenance of burial and burning grounds, cremations, cremation grounds and electric crematoriums,

xv. Cattle pounds, prevention of cruelty to animals,

xvi. Collection and updating of vital statistics including registration of births, deaths and marriages,

xvii.Provision and maintenance of public amenities including street lighting, parking spaces for vehicles, bus stops and public conveniences like toilet facilities at public places,

xviii.Regulation of slaughter houses and tanneries and sale of meat, fish and other perishable food stuffs among others.

(B) General Functions.-

i.Organising voluntary workers and promote community participation in all development activities,

ii.Organise campaign for thrift,

iii.Awareness building against social evils such as dowry, domestic violence, abuse of children, casteism, homophobia, and xenophobia,

iv.Organize legal awareness campaigns among weaker sections, campaign against economic offences, adherence to civic duties, and promoting communal harmony,

v.Organise relief activities during natural calamities and maintain relief centres like hospitals, dispensaries, asylums, rescue homes, maternity houses and child welfare centres, etc.,

vi.Mobilising local resources in cash or in kind,

vii.Organise and promote resident welfare associations, neighbourhood groups and committees, and self-help groups with focus on the poor,

viii.Disclosure and dissemination of information of public interest,

ix.Maintenance of public properties,

x.Issue of licence to dangerous and offensive trades and industries,

xi.Issue of licence to domestic pet animals,

xii.Conservation and preservation of water bodies,

xiii.Conservation and preservation of places and buildings of historical and cultural importance,

xiv.Promoting energy efficiency and build awareness on climate change,

xv.Promote introduction of Information Technology and e-Governance in the working of the Corporation.

(C) Sector-wise functions.-

(i) Urban Planning including Town Planning:

(a) Planned development of new areas for human settlement, erection and maintenance of boundary marks defining the limits or any alteration in the limits,

(b) Measures for beautification of the corporation area by setting up fountains, providing recreational areas, improving river banks, and landscaping,

(c) Integration of the development plans and schemes of the municipal area with the district or regional development plan,

(d) Preparation and keeping upto date of appropriate maps, data and records of lands within corporation and utility to which such lands are from time to time put;

(ii) Environment and Social Forestry:

(a) Organise campaigns for environmental awareness,

(b) Motivating local action for its upgradation, planting of trees, etc., (c) Reclamation of waste lands, promotion of social forestry and maintenance of open spaces,

(d) Establishment and maintenance of nurseries, promotion of greenery; **(iii)Small Scale Industries:**

(a) Promotion of handicrafts,

(b) Formulate and implement self-employment schemes in industrial sector,

(c) Implementation of the entrepreneur development programmes;

(iv)Housing:

(a) Identify the homeless, provision of house sites and houses, implementation

of shelter rejuvenation programmes,

(b) Mobilise fund necessary for housing;

(v) Education and Culture:

(a) Run the pre-primary, primary, higher secondary and technical schools, vocational training centres, and implement literacy programmes,

(b) Promote civic education, adult education, social education and nonformal education,

(c) Promotion of cultural activities including music, physical education, sports and theatres and infrastructure therefor,

(d) Advancement of science and technology in urban life,

(e) Organization, establishment and maintenance of art galleries and botanical or zoological collections,

(f) Maintenance of corporation office, and of all public monuments and places of historical, artistic and other importance,

(g) Presentation of awards to persons of distinction, paying homage on death to persons of repute,

(h) Holding and regulation of fairs, festivals, industrial and health exhibitions;

(vi)Public Works:

(a) Construct and maintain the roads except National Highways, State Highways and major District roads within the corporation, and buildings for institutions including those transferred from Government.

(vii) Public Health and Sanitation:

(a) Run dispensaries, primary and public health centres and hospitals under all systems of medicines, child welfare centres and mother care homes,

(b) Organise remedial and other preventive measures against disease, (c) Implement family welfare programmes,

(d) Organise mass inoculation campaigns for eradication of infectious diseases,

(e) Reclamation of unhealthy localities, removal of noxious vegetation and abatement of all nuisances,

(f) Maintenance of all public tanks and regulating the reexcavation, repair and up-keep of all tanks, wells and other sources of water-supply and provision for unfiltered water supply for non-domestic uses,

(g) Public vaccination, prophylactic inoculations, vector control

(h) Maintenance of ambulance service,

(i) Advancement of civic consciousness of public health and general welfare by organizing discourses, seminars and conferences, (j) Prevention of food adulteration and control of eating-houses,

(k) Effective implementation of national and state strategies and programmes for prevention and control of diseases;

(viii) Social Welfare:

(a) Run Anganwadis, and institutions for the welfare of persons with disability, urban poor among others;

(b) Sanction and distribute pension to persons with disability, widows, urban poor, distribute unemployment wages, and implement Group Insurance Scheme to the poor,

(c) Implementation of programmes for liberation and rehabilitation of scavengers and their families,

(d) Campaigns for dissemination of information, vital for public welfare, (e) Securing or removal of dangerous buildings and places, obstructions and projections in or upon streets, bridges and other public places;

(ix) Eradication of poverty:

(a) Develop skills and implement self-employment and group employment schemes for the poor, especially for women,

(b) Create community assets to get continuing benefit to the poor;

(x) Development of Persons belonging to Scheduled Caste/Scheduled Tribe:

(a) Implementation of beneficiary-oriented schemes under Special Component Plan (SCP) and Tribal Sub Plan (TSP) and provide basic facilities in the residential centres and financial assistance for the Scheduled Caste/ Scheduled Tribe,

(b) Run nursery schools, vocational training centres for the Scheduled Caste/Scheduled Tribe;

(xi) Public Distribution System:

(a) Examine complaints against public distribution system and find out and implement remedial measures,

(b) Organise campaigns against offences relating to weights and measures,

(c) General supervision of shops and other public distribution system and to provide guidance;

(xii) Disaster Relief:

(a) Maintain relief centres and organise relief activities like provision to hospitals, dispensaries, asylums, rescue homes, maternity houses, and child welfare centres, crematorium, burial ground among others.

SECOND SCHEDULE
(See section 302)

	GRADE-I	GRADE-II	GRADE-III	HERITAGE PRECINCTS
Definition	Heritage Grade-I comprises buildings and precincts of national or historic importance, embodying excellence in architectural style, design, technology and material usage and/or aesthetics; they may be associated with a historic event, personality, movement or institution. They have been and are the prime landmarks of the region. All natural sites shall fall within Grade-I.	Heritage Grade-II comprises of buildings and precincts of regional or local importance possessing special architectural or aesthetic merit, or cultural or historical significance though of a lower scale than Heritage Grade-I. They are local landmarks, which contribute to the image and identity of the region. They may be the work of master crafts folks or may be models of proportion and ornamentation or designed to suit a particular climate.	Heritage Grade-III comprises buildings and precincts of importance for townscape; that evoke architectural aesthetic, or sociological interest though not as much as in Heritage Grade-II. These contribute to determine the character of the locality and can be representative of lifestyle of a particular community or region and may also be distinguished by setting, or special Character of the façade and uniformity of height, width and scale.	A heritage precinct is an area of heritage value. It may consist of a number of buildings and spaces, such as streets, with cultural or heritage significance worth recognition and conservation, or it may be an area where the relationship between various elements, creates a special sense of place like mass, scale, building material, typology, roof profile and shapes or containing architectural style or elements. Precincts are of different importance and are made up of different types of elements such as houses, trees, commercial properties and public spaces combining to
				create a unique significance.

Objective	Deserves careful preservation	Deserves intelligent conservation	Deserves intelligent conservation (though on a lesser scale than Grade-II and special protection to unique features and attributes)	Precincts deserve appropriate repair and maintenance and very sensitive development i.e. regarding the mass, scale and setting. It also requires conservation of its heritage and cultural significance
Scope for Change	No interventions shall be permitted either on exterior or interior of the heritage building or natural features unless it is necessary in the interest of strengthening and prolonging the life of the buildings/or precincts or any part or features thereof. For this purpose, absolutely essential and minimum changes shall	Grade-II(A): Internal changes and adaptive re-use may be allowed, subject to strict scrutiny. Care should be taken to ensure the conservation of all special aspects for which it is included in Heritage Grade-II. Grade-II(B): In addition to the above, extension or additional building on the same plot or compound may in certain circumstances,	Internal changes and adaptive re-use may by and large be allowed. Changes may include extensions and additional buildings on the same plot or compound. However, any changes should be such that they are in harmony and should be such that they do not detract from the existing heritage building/ precinct especially in terms of height and façade and	Sensitive additions, alterations, extensions and interior renovations shall be permissible but these should not alter the character of the building/ precinct. The new interventions may be contemporary but subtle or inspired by the original character and not tasteless imitation. Reconstruction is permissible but only for buildings that

	be allowed and they must be in conformity with the original	be allowed provided that the extension / additional building is in harmony with (and does not detract from) the existing heritage building/(s) or precincts especially in terms of height and façade and provided that the additional building is not larger than the original building in terms of mass and scale.	provided that the extension/ additional building is not larger than the original building in mass and scale	are totally structurally unsafe as certified by a Structural Engineer and corroborated by the Heritage Conservation Committee. The reconstruction should not follow the prevailing byelaws but should be in such a manner which ensures that the building/ precinct character is not diminished, yet allows for growth and good urban design. Urban Design Guidelines should be prepared separately for each of the listed heritage precincts as extension of the bye laws. All constructions within heritage precincts should be governed by the said guidelines

The above translation of ಬೃಹತ್ಬೆಂಗಳೂರುಮಹಾನಗರಪಾಲಿಕೆಅಧಿನಿಯಮ, 2020 (2020ರಕರ್ನಾಟಕಅಧಿನಿಯಮಸಂಖ್ಯೆ 53) shall be authoritative text in the English language under clause (3) of Article 348 of the Constitution of India.

VAJUBHAI VALA
GOVERNOR OF KARNATAKA

By Order and in the name of
the Governor of Karnataka,

(K. DWARAKANATH BABU)
Secretary to Government

Department of Parliamentary Affairs
and Legislation

ಸಂಖ್ಯೆ: ನಅಇ 73 ಬಿಬಿಎಸ್ 2020(ಇ) ಕರ್ನಾಟಕಸರ್ಕಾರದಸಚಿವಾಲಯ,
ವಿಕಾಸಸೌಧ, ಬಂಗಳೂರು, ದಿನಂಕ:
06.01.2021

ಅಧಿಸೂಚನೆ

ಬೃಹತ್ಬಂಗಳೂರುಮಹಾನಗರಪಾಲಿಕೆಅಧಿನಿಯಮ, 2020 (2020ರಕರ್ನಾಟಕ ಅಧಿನಿಯಮಸಂಖ್ಯೆ: 53) ರ 1ನೇ□ರಕರಣದ (2)ನೇಉ□-□ರಕರಣದಡಿ□ರದತ್ತವಾದ ಅಧಿಕಾರವನ್ನುಚಲಾಯಿಸಿ, ಕರ್ನಾಟಕಸರ್ಕಾರವುಈಮೂಲಕಸದರಿಅಧಿನಿಯಮದಎಲಾ ಉ□ಬಂಧಗಳುದಿನಂಕ: 11.01.2021 ರಿಂದಜಾರಿಗೆಬರತ್ಕದಂದುಗೊತ್ತತ□ಡಿಸಲಾಗಿದ.

ಕರ್ನಾಟಕರಾಜ್ಯಪಾಲರಆದೇಶಾನುಸಾರ
ಮತ್ತು ಅವರಹೆಸರಿನಲ್ಲಿ
(ಕೆ.ಎ.ಹಿದಾಯತ್ತುಲಿ)

ಸರ್ಕಾರದಜಂಟಿಕಾರ್ಯದರ್ಶಿ,

ನಗರಾಭಿವೃದಿಇಲಾಖ್ಯ

THE KARNATAKA MUNICIPAL CORPORATIONSAND CERTAIN OTHER LAW(AMENDMENT) ACT, 2021

(Received the assent of the Governor on the 11th day of January, 2022)

An Act further to amend the Karnataka Municipal Corporations Act, 1976 and the Bruhat Bengaluru MahanagaraPalike Act, 2020.

Whereas it is expedient further to amend the Karnataka Municipal Corporations Act, 1976 (Karnataka Act 14 of 1977) and the Bruhat Bengaluru Mahanagara Palike Act, 2020 (Karnataka Act 53 of 2020), for the purposes hereinafter appearing;

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

1. Short title and commencement.- (1) This Act may be called the Karnataka Municipal Corporations and Certain Other Law (Amendment) Act, 2021.

(2) It shall be deemed to have come into force with effect from the 16th day of November, 2021.

2. Amendment of the Karnataka Act 14 of 1977.- In the Karnataka Municipal Corporations Act, 1976 (Karnataka Act 14 of 1977), after section 299, the following shall be inserted, with effect from 4th day of September, 2015, namely:-

"299A. Levy of imposts, restrictions and conditions in respect of Bruhat Bengaluru Mahanagara Palike.-(1)The Commissioner may grant such permission to execute the work together with a site plan of the land, ground plan, elevations and section of the building subject to such restrictions and conditions, as may be specified in the zoning regulations or building bye-laws or he may refuse to grant such license subject to the conditions specified in section 303.

(2)The Commissioner may for approving or sanctioning the plan or grant of commencement certificate or completion certificate, charge and levy the following fee at such rates based on the guidance value fixed by the Department of Stamps and Registration under the provisions of the Karnataka Stamp Act, 1957, namely:-

(a)fee for issuance of license;

(b)fee for security of the building for which license granted;

(c)fee for maintenance of public roads or storing of construction materials in public places during construction viz, ground rent;

(d)security fee, ensuring that the construction is in accordance with plan sanctioned;

(e)fee for commencement certificate;

(f)fee for occupancy certificate;

(g)penalty imposed at the time of issuance of occupancy certificate for not obtaining commencement certificate at the commencement of the construction;

(h)penalty for regularization up to 5% of violation or deviation in the construction with respect to sanctioned plan or zonal regulation limit; and

(i)such other fee as specified by the Government from time to time.

299B. Power of the State Government to exempt or reduce fee levied or charged or assessed in respect of the Bruhat Bengaluru MahanagaraPalike.- (1) The State Government may, if in its opinion it is necessary in the public interest so to do, by notification and subject to such restrictions and conditions and for such period, as may be specified in the notification, exempt or reduce the fee payable under this Act, for any Board or Corporation or Organization owned or controlled by the Central Government or the State Government.

(2) The State Government may, by notification cancel or vary any notification issued under sub-section (1).

(3) Where any restriction or condition specified under sub-section (1) is contravened or is not observed by a person or a declaration furnished under sub-section (1) is found to be wrong, then such person shall be liable to pay by way of penalty, an amount equal to twice the difference between the fee payable at the rate specified by or under the Act and the fee paid at the rate specified under the notification on consideration in respect of which such contravention or non-observance has taken place or a wrong declaration is furnished.

(4) For removal of doubts, it is hereby declared that the levy of imposts, assessment and collection of fee or penalty under the Act as amended by the Karnataka Municipal Corporations and Certain Other Law (Amendment) Act, 2021or any rules, notification, order, letter or guidelines shall be deemed to have always been levied and collected as levy of imposts.

(5) No penal proceeding shall be commended against any person for any contravention of the provisions of Chapter-XV of the Act that may arise as a

consequence of the retrospective amendment made by the Karnataka Municipal Corporations and Certain Other Law (Amendment) Act, 2021.

299C. Validation of levy and collection of fee.- Notwithstanding anything contained in any judgment, decree or order of any Court, Tribunal or other authority to the contrary levy, assessment or collection of any amount as fee or penalty for sanctioning plan or commencement certificate or occupancy certificate made or purporting to have been made under section 299A and any action or thing taken or done, (including any notices or orders issued or assessment made) and all proceedings held and any levy and collection of fee or amount purported to have been collected by way of fee or penalty in relation to such levy, assessment or collection under the provisions of the Karnataka Municipal Corporations Act, 1976 (Karnataka Act 14 of 1977) or any rules, notifications, order, guidelines or letters before the commencement of this Act shall be and shall be deemed to be valid and effective for all purposes as if such levy, assessment or collection or action or thing had been made, taken or done under the Karnataka Municipal Corporations Act, 1976 (Karnataka Act 14 of 1977) as amended by the Karnataka Municipal Corporations and Certain Other Law (Amendment) Act, 2021 and accordingly:-

(a)all acts, proceedings or things done or any action taken by the Government or the Bruhat Bengaluru MahanagaraPalike officers as the case may be in connection with the levy,

assessment or collection of any amount as fee for all purposes be deemed to be and to have always been made, done or taken in accordance with law;

(b)no suit or other proceeding shall be maintained or continued in any Court or Tribunal or before any authority for the refund of any such fee; and

(c)no Court shall enforce any decree or order directing the refund of any such fee."

3. Amendment of the Karnataka Act 53 of 2020.- In the Bruhat Bengaluru MahanagaraPalike Act, 2020 (Karnataka Act 53 of 2020), after section 240, the following new sections shall be inserted, with effect from 11th day of January 2021, namely:-

"**240A. Levy of imposts, restriction and condition.-**(1)The Chief Commissioner may grant such permission to execute the work together with a site plan of the land, ground plan, elevations and sections of the building subject to such restrictions and conditions, as may be specified in the bye-laws or he may refuse to grant such licence, subject to the conditions specified in section 244.

(4)The Chief Commissioner while fixing the rates for levy of fee or penalty shall consider all the costs related to the issue and execution of the approval as he may deem fit.

(5)The Chief Commissioner may for approving or sanctioning the plan or grant of commencement certificate or completion certificate,-

(A)charge and levy the following fee at such rates based on the guidance value fixed by the Department of Stamps and Registration under the provisions of the Karnataka Stamp Act, 1957, namely:-

(b)fee for issuance of license;

(c)fee for maintenance of public roads or storing of construction materials in public places during construction viz, ground rent;

(d)security fee ensuring that the construction is in accordance with plan sanctioned;

(e)fee for commencement certificate;

(f)fee for completion certificate; and

(g)such other fee as specified by the Government from time to time.

(B) charge and levy any other deposit or fee or cess specified under any other law in force.

240B. Power of the State Government to exempt or reduce fee levied or charged or assessed.- (1)The State Government may, if in its opinion, it is necessary in the public interest so to do, by notification and subject to such restrictions and conditions and for such period as may be specified in the notification, exempt or reduce either prospectively or retrospectively, the fee payable under this Act for any Board or Corporation or Organization owned or controlled by the Central Government or the State Government.

(2) The State Government may, by notification cancel or vary any notification issued under sub-section (1).

(3) Where any restriction or condition specified under sub-section (1) is contravened or is not observed by a person or a declaration furnished under sub-section (1) is found to be wrong then such person shall be liable to pay by way of penalty an amount equal to twice the difference between the fee payable at the rates specified by or under the Act and the fee paid at the rates specified under the notification on the consideration in respect of which such contravention or non-observance has taken place or a wrong declaration is furnished:

Provided that, before taking action under sub-section (1), the person shall be given a reasonable opportunity of being heard.

(4) For the removal of doubts it is hereby declared that, the levy of imposts, assessment and collection of fee or penalty under the Act as amended by the Karnataka Municipal Corporations and Certain Other Law (Amendment) Act, 2021 or any rules, notification, order, letter or guidelines shall be deemed to have always been levied and collected as levy of imposts.

240C. Validation of levy and collection of fees.- Notwithstanding anything contained in any judgment, decree or order of any Court, Tribunal or other authority to the contrary, levy, assessment and collection of any amount as fee or penalty for sanctioning Building plan, Commencement Certificate, made or purporting to have been made under section 240A, section 246 and any action initiated or done, including any notices or orders issued or assessment made and all proceedings held and any levy and collection of fee or amount purported to have been collected by way of fee or penalty in relation to such levy, assessment or collection, under the provisions of the Bruhat Bengaluru MahanagaraPalike Act, 2020 (Karnataka Act 53 of 2020) or any rules, notification, order, letter or guidelines, before the commencement of the Karnataka Municipal Corporations and Certain Other Law (Amendment) Act, 2021 shall be and shall be deemed to be valid and effective for all purposes, as if such levy, assessment or collection or action had been made, taken or done under the Bruhat Bengaluru MahanagaraPalike Act, 2020 (Karnataka Act 53 of 2020) as amended by the Karnataka Municipal Corporations and Certain Other Law (Amendment) Act, 2021 and accordingly,-

(d)all acts, proceedings or things done or any action taken by the Government or the Bruhat Bengaluru MahanagaraPalike officers as the case may be in connection with the levy, assessment or collection of any amount as fee for all purposes be deemed to be and to have always been made, done or taken in accordance with law;

(e)no suit or other proceeding shall be maintained or continued in any Court or Tribunal or before any authority for the refund of any such fee; and

(f)no Court shall enforce any decree or order directing the refund of any such fee."

4. Repeal and savings.-(1) The Karnataka Municipal Corporations and Certain Other Law (Amendment) Ordinance, 2021 (Karnataka Ordinance 08 of 2021) is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the principal Act, as amended by the said Ordinance, shall be deemed to have been done or taken under the Principal Act, as amended by this Act.

By Order and in the name of
the Governor of Karnataka,

G. SRIDHAR
Secretary to Government
Department of Parliamentary Affairs
and Legislation

THE BRUHAT BENGALURU MAHANAGARA PALIKE (AMENDMENT)ACT, 2022

(Received the assent of the Governor on the 11th day of October, 2022)

An Act further to amend the Bruhat Bengaluru Mahanagara Palike Act, 2020.

Whereas it is expedient to amend the Bruhat Bengaluru Mahanagara Palike Act, 2020 (Karnataka Act 53 of 2020) for the purposes hereinafter appearing;

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

1. Short title and commencement.- (1) This Act may be called the Bruhat Bengaluru Mahanagara Palike (Amendment) Act, 2022.

(2) It shall be deemed to have come into force with effect from the 10th day of June, 2022.

2. Amendment of section 7.- In the Bruhat Bengaluru Mahanagara Palike Act, 2020 (Karnataka Act 53 of 2020) (hereinafter referred to as the Principal Act) in section 7, in sub section (3),-

(i) after clause (c), the following shall be inserted, namely:-
"(d) Such number of seats which shall as nearly as may be, one third of the total number of seats to be filled by direct election in the Corporation shall be reserved for persons belonging to the Backward Classes."; and

(ii) in the proviso, for the words, figure and brackets "under sub-section (2) and the Backward Classes under this sub-section shall not exceed one third of the total number of seats in the Corporation", the words "and the Backward Classes under this sub-section shall not exceed fifty percent of the total number of seats in the Corporation" shall be substituted.

3. Amendment of section 8.- In the Principal Act, in section 8, in sub-section (3), in the first proviso, for the words, figure and brackets "under sub-section (3) and the Backward Classes under this sub-section shall not exceed one third of the total number of seats in the Corporation", the words, figures and brackets "and the Backward Classes under sub-sections (2) and (3) shall not exceed fifty percent of the total number of seats in the Corporation" shall be substituted.

4. Repeal and savings.- (1) The Bruhat Bengaluru Mahanagara Palike (Amendment) Ordinance, 2022 (Karnataka Ordinance 05 of 2022) is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the Principal Act, as amended by the said Ordinance, shall be deemed to have been done or taken under the Principal Act, as amended by this Act.

The above translation of the Bruhat Bengaluru Mahanagara Palike (Amendment) Act, 2022 (Karnataka Act 29 of 2022) shall be authoritative text in English language under clause (1) of Article 348 of the Constitution of India.

THAAWARCHAND GEHLOT
GOVERNOR OF KARNATAKA

By Order and in the name of
the Governor of Karnataka,

G. SRIDHAR
Secretary to Government
Department of Parliamentary Affairs
and Legislation

KARNATAKA ACT NO. 12 OF 2023

THE BRUHAT BENGALURU MAHANAGARA PALIKE (AMENDMENT)ACT, 2023

(Received the assent of the Governor on the 10th day of March, 2023)

An Act further to amend the Bruhat Bengaluru Mahanagara Palike Act, 2020.

Whereas it is expedient to amend the Bruhat Bengaluru Mahanagara Palike Act, 2020 (Karnataka Act 53 of 2020) for the purposes hereinafter appearing;

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

1. Short title and commencement.- (1) This Act may be called the Bruhat Bengaluru Mahanagara Palike (Amendment) Act, 2023.

(2) It shall come into force at once.

2. Amendment of section 144.- In the Bruhat Bengaluru Mahanagara Palike Act, 2020 (Karnataka Act 53 of 2020) (hereinafter referred to as the Principal Act), in section 144, in sub-section (6) the words, "double the tax payable which shall be" shall be omitted.

3. Amendment of section 152.- In the Principal Act, in section 152, in sub-section (1), in clause (i), for sub-clause (b), the following shall be substituted, namely:-

"(b) the educational institutions established for the purpose of education, recognized by the Government or Local Authority."

The above translation of the Bruhat Bengaluru Mahanagara Palike (Amendment) Act, 2023 (Karnataka Act 12 of 2023) shall be authoritative text in English language under clause (1) of Article 348 of the Constitution of India.

THAAWARCHAND GEHLOT
GOVERNOR OF KARNATAKA

By Order and in the name of
the Governor of Karnataka,

G. SRIDHAR
Secretary to Government
Department of Parliamentary Affairs
and Legislation

THE BRUHAT BENGALURU MAHANAGARA PALIKE (AMENDMENT)ACT,

(Received the assent of the Governor on the 6th day of March, 2024)

An Act further to amend the Bruhat Bengaluru Mahanagara Palike Act, 2020.

Whereas it is expedient to amend the Bruhat Bengaluru Mahanagara Palike Act, 2020 (Karnataka Act 53 of 2020) for the purposes hereinafter appearing;

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

1. Short title and commencement.- (1) This Act may be called the Bruhat Bengaluru Mahanagara Palike (Amendment) Act, 2024.

(2) It shall come into force at once.

2. Amendment of section 81.- In the Bruhat Bengaluru Mahanagara Palike Act, 2020 (Karnataka Act 53 of 2020) (hereinafter referred to as the Principal Act) in section 81, in sub-section (1), clause (d) shall be omitted.

3. Amendment of section 102.- In the Principal Act, in section 102, in sub-section (1), the words "and appeals" shall be omitted.

4. Amendment of section 142.- In the Principal Act, in section 142, sub-sections (2) and (3) shall be omitted.

5. Amendment of section 143.- In the Principal Act, in section 143,-

(i) in sub-section (1), after clause (c), the following shall be inserted namely:-

"(d) Collect such other cesses, along with the property tax, as may be prescribed by the Government to be collected under any other law in force and whose proceeds are required to come to the Corporation or otherwise."

(ii) for sub-section (2), the following shall be substituted, namely:-

"(2) All monies collected in the form of cess or otherwise shall be credited to a separate head of account and shall be known as the respective cess fund or by the name of the tax or the levy under which it is collected."

(iii) in sub-section (3), for the word "accessed", the word "assessed" shall be substituted.

(iv) in sub-section (4), for the words "before the tribunal", the words "to the prescribed authority" shall be substituted.

6. Amendment of section 144.- In the Principal Act, in section 144,-

(i) in sub-section (1), for the words "taxable annual value", the words "taxable capital value" shall be substituted.

(ii) for sub-section (5), the following shall be substituted namely:-

"(5) The property tax shall be levied by the Bruhat Bengaluru Mahanagara Palike by a resolution passed at such percentage not more than ten percent of the taxable capital value of a building, vacant land or both. The taxable capital value of a building, vacant land or both shall be calculated by multiplying the corresponding "unit area value" with the total built-up area of a building, vacant land or both for ten months, minus the depreciation of three percent per year depending on the age of a building. The property tax assessed and levied under this section, once notified by the Government, shall stand revised as and when the property, building or land value is revised by a notification under section 45B of the Karnataka Stamp Act, 1957 (Karnataka Act 34 of 1957) by the Government.

Explanation: For the purpose of this section, "Unit Area Value" means the guidance value of the property or the land published under section 45B of the Karnataka Stamp Act, 1957 (Karnataka Act 34 of 1957) and with respect to the building standing on a plot it shall mean the value of building as may be assessed based on the per square foot construction cost minus the depreciation at the time of assessment:

Provided that, no such "unit area value" shall come into force unless it is previously published in the official Gazette for the information of the persons likely to be affected and an opportunity is provided to make representation or suggestions, if any, in this regard:

Provided further that, subject to such condition and in such circumstances as may be notified, the Chief Commissioner, Bruhat Bengaluru Mahanagara Palike, may, in lieu of the tax under sub-section (2),

fix any lumpsum amount as annual tax, irrespective of zonal classification, in respect of,-

(a) a built-up area having less than 300 sq.ft., in a slum area declared as such by the Karnataka Slum Clearance Board or the Chief Commissioner, Bruhat Bengaluru Mahanagara Palike;

(b) an area used as parking area in a non-residential building and being charged for its use by the owner or the occupier: and

(c) any other class of building or structure as he deems fit.

Provided also that, the depreciation shall be capped at a maximum of sixty percent.

Provided also that, the vacant land shall be assessed at a rate not less than 0.025 percent (rupees twenty five per lakh) and not more than five percent of the taxable capital value of the land.

Provided also that, after the taxable capital value based property tax system is brought into force and there is no revision of the values of the properties or land under section 45B of the Karnataka Stamp Act, 1957 (Karnataka Act 34 of 1957) in a year, the property tax shall stand enhanced by five percent every such year.

Provided also that, as and when the Government notifies value of land and building under section 45B of Karnataka Stamp Act, 1957 (Karnataka Act 34 of 1957) the revised property tax rates based on the new revised value of properties or land shall be calculated and compared with the prevailing property tax rates and the higher of the two shall be adopted."

(iii) in sub-section (8), the third proviso shall be omitted.

(iv) in sub-section (11), the words "unit area value and" shall be omitted.

(v) in sub-section (12), the word, "random" shall be omitted.

(vi) in sub-section (13), the word, "random" shall be omitted.

(vii) in sub-section (15),-

(a) the word, "random" shall be omitted; and

(b) for clause (b), the following shall be substituted, namely:-

"(b) if any property or land is liable to pay property tax but remains un-assessed and outside the taxable property records list or upon

reassessment, the property tax is found more than five percent than the tax remitted, the evaded tax shall be payable together with penalty equal to the tax so evaded along with interest for the difference in tax paid and payable calculated at nine percent per annum.

Illustration: If payable tax is rupees 150 for the year 2021 but actual property tax paid is rupees 100 then evaded tax amount is rupees 50. If the payment is happening on 23rd December 2023, then the following shall be payable –

(i) Evaded Property Tax Amount = Rs 50/-

(ii) Penalty for evasion = Rs 50/-

(iii) 9% interest on the evaded property tax of Rs 50/- shall be calculated as follows –

(c)9% interest on Rs 25/- which is 50% of Rs 50/-, from 31st May 2021 until date of payment; and

(d)9% interest on the rest Rs 25/- which is 50% of Rs 50/-, from 30th November 2021 until date of payment.

This provision shall also apply with respect to the unpaid demand where demands are already issued but for which the concerned person has not paid the demanded dues:

Provided that the payments already made as per previous provision shall not be refunded nor adjusted against future liabilities.

Provided further that the penalty payable by residential properties which have tiled or sheet roof (non-RCC) and is not more than 1000 Sq Ft, have only the ground floor and is self-occupied, shall be 25% of the evaded tax.

Provided also that no penalty shall be payable by residential properties which are hutments, Government housing for poor, houses declared as slum by the Karnataka Slum Development Board or by Bruhat Bengaluru Mahanagara Palike, where such houses are self-occupied and have an area less than 300 square feet.

Provided also that in case of properties which are in the Property tax registers but fail to pay the property tax, by end of the financial year in which the tax becomes due, shall, for the twelve months after the end of the financial year in which the tax became due, pay an interest at a rate of 15% per annum on the unpaid tax, calculated until the date when the tax is paid.

Provided also that after end of said twelve months that is from second year after the end of the financial year in which the tax became due, any tax still unpaid shall pay a penalty equal to the unpaid tax plus the unpaid tax with interest on the unpaid tax at a rate of 9% per annum.

Provided also that in case of existing defaulters the said twelve month period shall be deemed to start from 1.4.2024 and any tax out of the said dues still unpaid as on 1.4.2025, shall pay a penalty equal to the unpaid tax plus the unpaid tax with interest on the unpaid tax at a rate of nine percent per annum thereafter.

Provided also that as a one-time measure, in order to bring all the tax defaulters, un-assessed properties and those liable for reassessment up-to-date with respect to their tax payments, the interest otherwise liable to be paid under this section for unpaid or reassessed tax, shall be exempted for the payments made until 31st July 2024.

Provided that this provision shall be applicable prospectively.

(viii) for sub-section (16), the following shall be substituted namely:-

"(16) The assessment of un-assessed properties or the reassessment of the properties already paying the property tax under this section may be made at any time when evasion is noticed or justified circumstances arise for the same:

Provided that in case of residential properties and the properties with a single ID in the Property Tax registers of the Bruhat Bengaluru Mahanagar Palike which have mixed use as residential and non-residential, the arrears of the property tax for the under-assessed or un-assessed properties, the applicable penalties and the interest payable, shall be limited to five years even if the un-assessment or the under-assessment of property tax exceeds five years"

(ix) in sub-section (18), words "unit area value" shall be omitted.

7. Amendment of section 148.- In the Principal Act, section 148 shall be omitted.

8. Amendment of section 149.- In the Principal Act, in section 149,-

(i) in sub-section (1), the following proviso shall be inserted at the end, namely:-

"Provided that, in case of transactions registered under the Registration Act, 1908 (Central Act 16 of 1908) where such information is received from the concerned Sub Registrar, it shall not be mandatory to notify such a transfer by the person primarily liable for payment of property tax."

(ii) for sub-section (3), the following shall be substituted, namely:-

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

(iii) sub-section (5) and entries relating thereto shall be omitted.

(iv) in sub-section (6), for the words, "without consulting the Board or local authority concerned", the words "without confirmation of order of transfer of such a building or land by the said Board or local authority concerned" shall be substituted.

9. Amendment of section 150.- In the Principal Act, in section 150,-

(i) for the words "three years", the words "five years" shall be substituted.

(ii) the following proviso shall be inserted at the end, namely:-

"Provided that no such limitation shall apply in case such a wrongful or incorrect entry is made with respect to a Government land or a land belonging to any local body, any statutory body or an organization owned or controlled by the Government."

10. Amendment of section 156.- In the Principal Act, in section 156,-

(i) in sub-section (1), for the word and figures "section 148", the numbers and word "section 144" shall be substituted.

(ii) in sub-section (3), the following provisos shall be inserted at the end, namely:-

"Provided that any person seeking to file an appeal shall deposit fifty percent of the demanded amount with the Corporation.

Provided further that in case of appeal being successful resulting in refund either in part or in full of the already deposited amount, the same shall be immediately refunded by the Corporation or adjusted against any

other pending or future property taxes or penalties or cesses or interest or other levies."

(iii) the following shall be inserted after sub-section (3) and the provisos so inserted above, namely:-

"(4) If the person to whom a notice of demand has been served under sub-section (1) does not pay the tax within thirty days from the service of such demand, in the absence of any stay issued by the Appellate Authority on the demand notice, the Chief Commissioner may recover by distraint under his warrant and sale of such movable property of the defaulter or if the defaulter is the occupier of the building by distress and sale of any movable property which may be found in or on such building or land, the amount due on account of tax together with the warrant fee and

distraint fee and with such further sums as will satisfy the probable charges, that may be incurred in connection with the detention and of the sale of property so distrained.

(5) If, for any reason the distraint, or a sufficient distraint of the defaulter's property cannot be effected, the Chief Commissioner may attach the bank account or the immovable property of the defaulter in such manner as may be prescribed, till the recovery of the property tax due:

Provided that in case of non-payment of the demanded dues even after sixty days from the date of attachment of the immovable properties, the same may be recovered by the distress sale of the immovable properties so attached. In doing so the demand dues together with the warrant fee and with such further sums as will satisfy the probable charges that may be incurred in connection with distress sale of the immovable property so attached.

Provided further that the Chief Commissioner may prosecute the defaulter before a competent court."

11. Amendment of section 157.- In the Principal Act, in section 157,-

(i) for the second proviso, the following shall be substituted, namely:-

"Provided further that no fee shall be levied under this section on any advertisement or a notice,-

(a) of a public meeting, or corporation of the city, or

(b) of an election to any legislative body, or

(c) of a candidature in respect of such an election:

in case the said advertisement or notice is within the maximum permissible size prescribed therefor. In case the advertisement or the notice exceeds the prescribed size, then such advertisement or notice shall be liable for payment of prescribed advertisement fee."

(ii) in the third proviso, for clause (e), the following shall be substituted namely:-

"(e) is exhibited with in any train;"

(iii) after Explanation-3, the following proviso shall be inserted, namely:-

"Provided that in case of advertisement that is liable to pay advertisement fee and/or penalty, whether authorized or unauthorized, but delays to pay the fee, he shall be liable to pay, in addition to the fee, and/or penalty, an interest thereon at a rate of eighteen percent per annum calculated from the date of advertisement fee or penalty becoming due until the date of payment thereof.

Provided further that any unauthorized advertisement shall be liable to pay a penalty as may be specified in the bye-laws."

12. Amendment of section 161.- In the Principal Act, in section 161, the following shall be inserted at the end, namely:-

"Any dues as per prescribed advertisement fees may be assessed, demand and show cause notices thereon issued and recoveries made, mutatis mutandis, as per manner provided for issuance of show cause notice, demand notice and the recovery of demand for the property tax under this Act:

Provided that for unauthorized advertisements the cost of removal thereof, in addition to other provisions, the same may be recovered by the seizure and sale of the unauthorized advertisement materials."

13. Amendment of section 162.- In the Principal Act, for section 162, the following shall be substituted, namely:-

"162. Collection of fees on advertisement.- The collection of any fee on advertisement leviable under section 158 for any period may be assigned to a suitable agency for a period not

exceeding one year at a time on such terms and conditions as may be specified for in the bye-laws and in due

compliance of the provisions of the Karnataka Transparency of Public Procurement Act, 1999 (Karnataka Act 29 of 2000) and the rules made thereunder."

14. Amendment of section 171.- In the Principal Act, for section 171, the following shall be substituted, namely:-

"**171. Appeal.-** Any person aggrieved by the order of re-assessment by the Chief Commissioner may appeal to an authority and the procedure including the time limit shall be so prescribed:

Provided that the appeal shall not be admitted unless the appellant deposits at least fifty percent of the re-assessed or assessed fee to the Corporation.

Provided further that in case of appeal being successful resulting in refund either in part or in full of the already deposited amount, the same shall be immediately refunded by the Corporation or adjusted against any other pending or future fees or taxes or penalties or cesses or interest or other levies."

15. Amendment of section 172.- In the Principal Act, in section 172, for sub-sections (2) and (3), the following shall be substituted, namely:-

"(2) Any person against whom a demand for payment of tax has been issued, may challenge such demand before the prescribed authority in accordance with such rules as may be prescribed.

(3) If the person fails to pay tax within the time period provided for under sub-section (1) and sub-section (2), the prescribed authority may order the recovery of the tax by the Corporation as an arrears of land revenue in a manner and procedure prescribed for recovery of property tax including distraint of moveable properties, attachment of bank accounts and immovable properties and distress sale of the immovable properties under this Act."

16. Amendment of section 178.- In the Principal Act, in section 178, the words "within six years from the date on which such person should have been assessed" shall be omitted.

17. Amendment of section 179.- In the Principal Act, the section 179 shall be omitted.

18. Insertion of new section 249A.- In the Principal Act, after section 249, the following shall be inserted, namely:-

249A. Exercise of powers by a corporation to be in conformity with the provisions of the Karnataka Town and Country Planning Act, 1961.- Notwithstanding anything contained in this Act, a corporation or any officer or other authority required by or under this Act to exercise any power, or perform any function or discharge any duty,-

(i) with regard to any matter relating to land use or development as defined in the Explanation to section 14 of the Karnataka Town and Country Planning Act, 1961, shall exercise such power, or perform such function or discharge such duty with regard to such land use or development plan or where there is no development plan, with the concurrence of the Planning Authority;

(ii) shall not grant any permission, approval or sanction required by or under this Act to any person if it relates to any matter in respect of which compliance with the provisions of the Karnataka Town and Country Planning Act, 1961 is necessary unless evidence in support of having complied with the provisions of the said Act is produced by such person to the satisfaction of the corporation or the officer or other authority, as the case may be.

The above translation of the Bruhat Bengaluru Mahanagara Palike

(Amendment) Act, 2024 (Karnataka Act 17 of 2024) be published in the

THAAWARCHAND GEHLOT
GOVERNOR OF KARNATAKA

By Order and in the name of
the Governor of Karnataka,

G. Sridhar
Secretary to Government
Department of Parliamentary Affairs
and Legislation

KARNATAKA ACT NO.37 OF 2024

THE BRUHAT BENGALURU MAHANAGARA PALIKE AND CERTAIN OTHER LAW (AMENDMENT) ACT, 2023

(Received the assent of the Governor on the 15th day ofAugust 2024)

An Act further to amend the Bruhat Bengaluru Mahanagara Palike Act, 2020 and the Karnataka Municipal Corporations Act, 1976.

Whereas it is expedient further to amend the Bruhat Bengaluru Mahanagara Palike Act, 2020 (Karnataka Act 53 of 2020) and the Karnataka Municipal Corporations Act, 1976 (Karnataka Act 14 of 1977) for the purposes hereinafter appearing;

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

1. Short title and commencement.- (1) This Act may be called the Bruhat Bengaluru Mahanagara Palike and Certain Other Law (Amendment) Act, 2023.

(2) The provisions of sections 2 and 3 shall deemed to have come into force with effect from 11.01.2021 and 04.09.2015 respectively.

2. Amendment of the Karnataka Act 53 of 2020.- In the Bruhat Bengaluru Mahanagara Palike Act, 2020 (Karnataka Act 53 of 2020),-

(i) In section 2,-

(a) after clause (26), the following shall be inserted, namely:-

"(26A) "Ground rent" means to include fee for usage of public roads and other infrastructure facilities provided and maintained by the Bruhat Bengaluru Mahanagara Palike and debris generated, during the period of construction, but this shall not give the right to occupy public road and footpath;

(26B) "Guidance Value" means market value of the vacant site as specified under section 45B of the Karnataka Stamp Act, 1957 (Karnataka Act 34 of 1957);"

(b) after clause (49), the following shall be inserted, namely:-

"(49A) "Scrutiny fee" means fee collected to meet the establishment charges for processing the application for permitting building construction;"

(ii) In Chapter XIII, in the heading, after the word "Taxes", the words and punctuations "Fee, Levy, Charge and Demand" shall be inserted.

(iii) In section 142,-

(A) in the heading, after the word "Taxes", the words and punctuations "Fee, Levy, Charge and Demand or by whatever name it may be called," shall be inserted.

(B) in sub-section (1),-

(a)for the words "taxes at rates", the words and punctuations "taxes, fee, levy, charge, demand or by whatever name it may be called, at such rates" shall be substituted.

(b)after clause (d), the following shall be inserted, namely:-

"(d-i) any fee or levy or demand or charge for permitting building constructions."

(iv) In section 240A, in sub-section (3), in clause (A), for sub-clauses (a), (b), (c), (d), (e) and (f), the following shall be substituted, namely:-

"(a) fee for issuance of license at such rate not exceeding 0.30 percent of guidance value of the vacant site under section 45B of the Karnataka Stamp Act, 1957 (Karnataka Act 34 of 1957) multiplied by the proposed built up area;

(b) fee for maintenance of public roads or storing of construction material in public places during construction viz. ground rent at such rate not exceeding 0.25 percent of guidance value of the vacant site under section 45B of the Karnataka Stamp Act, 1957 (Karnataka Act 34 of 1957) multiplied by the proposed built up area;

(c) security deposit as specified in the zoning regulation for ensuring that the construction is in accordance with the plan sanctioned;

(d) fee for commencement certificate at such rate not exceeding 0.20 percent of guidance value of the vacant site under section 45B of the Karnataka Stamp Act, 1957 (Karnataka Act 34 of 1957) multiplied by the proposed plinth area;

(e) fee for completion certificate at such rate not exceeding 1.0 percent of guidance value of the vacant site under section 45B of the Karnataka Stamp Act, 1957 (Karnataka Act 34 of 1957) multiplied by the proposed built up area;

(f) such other fee as specified by the Government from time to time under this Act and the Karnataka Town and Country Planning Act, 1961 (Karnataka Act 11 of 1963) and the rules made there under; (g) scrutiny fee at such rate not exceeding 0.10 percent of guidance value of the vacant site under section 45B of the Karnataka Stamp Act, 1957 (Karnataka Act 34 of 1957) multiplied by the proposed built up area;

(h) penalty imposed at the time of issuance of completion certificate for not obtaining commencement certificate at the commencement of the construction at such rate not exceeding 0.25 percent of guidance value of the vacant site under section 45B of the Karnataka Stamp Act, 1957 (Karnataka Act 34 of 1957) multiplied by constructed built up area;

(i) penalty for regularisation of violated or deviated portion of construction up to the extent allowed under the Act at such rate not exceeding 35 percent of the guidance value of site under section 45B of the Karnataka Stamp Act, 1957 (Karnataka Act 34 of 1957) for the violated portion; and

(j) such other fee as nay be specified by the Government from time to time."

3. Amendment of the Karnataka Act 14 of 1977.- In the Karnataka Municipal Corporations Act, 1976 (Karnataka Act 14 of 1977),-

(i) In section 2,-

(a) after clause (13), the following shall be inserted, namely:-

"(13A) "Ground rent" means to include fees for usage of public roads and other infrastructure facilities provided and maintained by the Corporation and debris generated, during the period of construction, but this shall not give the right to occupy public road and footpath;

(13B) "Guidance Value" means market value of the vacant site as specified under section 45B of the Karnataka Stamp Act, 1957 (Karnataka Act 34 of 1957);"

(b) after clause (37), the following shall be inserted, namely:-

"(37A) "Scrutiny fee" means fee collected to meet the establishment charges for processing the application for permitting building construction;"

(ii) In Chapter XV, in the heading, after the word "powers", the words "including Town Planning" shall be inserted.

(iii) In section 299A, in sub-section (2),-

(a) after the words "the guidance value", the words "of vacant plot" shall be inserted.

(b)for sub-clauses (a), (b), (c), (d), (e), (f), (g), (h) and (i), the following shall be substituted, namely:-

"(a) fee for issuance of license at such rate not exceeding 0.30 percent of guidance value of vacant site under section 45B of the Karnataka Stamp Act, 1957 (Karnataka Act 34 of 1957) multiplied by proposed built up area;

(b) scrutiny fee of the building for which licence granted, at such rate not exceeding 0.10 percent of guidance value of the vacant site under section 45B of the Karnataka Stamp Act, 1957 (Karnataka Act 34 of 1957) multiplied by proposed built up area;

(c) fee for maintenance usage of public roads, storing of construction materials in public places and other infrastructure facilities provided and maintained by the Corporation and the debris generated, during the period of construction viz. ground rent, at such rate not exceeding 0.25 percent of guidance value of the vacant site under section 45B of the Karnataka Stamp Act, 1957 (Karnataka Act 34 of 1957) multiplied by proposed built up area;

(d) security deposit as specified in zoning regulation for ensuring that the construction is in accordance with the plan sanctioned;

(e) fee for commencement certificate at such rate not exceeding 0.20 percent of guidance value of the vacant site under section 45B of the Karnataka Stamp Act, 1957 (Karnataka Act 34 of 1957) multiplied by the proposed plinth area;

(f) fee for occupancy certificate at such rate not exceeding 1.0 percent of guidance value of the vacant site under section 45B of the Karnataka Stamp Act, 1957 (Karnataka Act 34 of 1957) multiplied by the proposed built up area;

(g) penalty imposed at the time of issuance of occupancy certificate for not obtaining commencement certificate at the commencement of the construction, at such rate not exceeding 0.25 percent of guidance value of the vacant site under section 45B of the Karnataka Stamp Act, 1957 (Karnataka Act 34 of 1957) multiplied by constructed built up area;

(h) penalty for regularization up to 5 percent of violation or deviation in the construction with respect to the sanctioned plan or Zonal regulations limit specified at such rate not exceeding 35 percent of guidance value of the vacant site under section 45B of the Karnataka Stamp Act, 1957 (Karnataka Act 34 of 1957) multiplied by the violated portion; and

(i) such other fee as specified by the Government from time to time under this Act and the Karnataka Town and Country Planning Act, 1961 (Karnataka Act 11 of 1963) and the rules made there under."

4. Validation of Levy and collection of tax, cess, fee etc.- Notwithstanding anything contained in any judgment, decree or order of any Court, Tribunal or other authority to the contrary levy, assessment or collection of any amount as tax, cess, fee etc. on building, vacant plot etc., tax, cess, fee etc. made or purporting to have been made and any action or thing taken or done (including any notices or orders issued or assessment made) and all proceedings held and any levy and collection of tax, cess, fee etc. purported to have been collected by way of tax, cess, fee etc. in relation to such levy assessment or collection under the provisions of the Principal Acts or any rules, notification, order, guidelines or letters before the commencement of the Bruhat Bengaluru Mahanagara Palike and

Certain Other Law (Amendment) Act, 2023 shall be and shall be deemed to be valid and effective for all purposes as if such levy, assessment or collection or action or thing had been made, taken or done under the Principal Acts as amended by the Bruhat Bengaluru Mahanagara Palike and Certain Other Law (Amendment) Act, 2023 and accordingly,-

(a) all acts, proceedings or things done or any action taken by the Government or the officers of the Corporation, as the case may be, in connection with the levy, assessment or collection of any amount as fee for all purposes be deemed to be and to have always been made, done or taken in accordance with law;

(b) no suit or other proceeding shall be maintained or continued in any Court or Tribunal or before any authority for the refund of any such fee; and

(c) no Court shall enforce any decree or order directing the refund of any such fee."

The above translation of ಬೃಹತ್ ಬಂಗಳೂರು ಮಹಾನಗರ ಪಾಲಿಕೆ ಮತ್ತತ ಕೆಲವು ಇತ್ರ ಕರ್ನೂನ್ನ (ತಿದು□ಡಿ) ಅಧಿನಿಯಮ, 2023 (2024ರಕನಾಟಕಅಧಿನಿಯಮಸಂಖ್ಯೆ: 37) be published in the official Gazette under Article 348 of the constitution of India.

THAAWARCHAND GEHLOT
GOVERNOR OF KARANATAKA

By Order and in the name of
the Governor of Karnataka,

G. SRIDHAR
Secretary to Government
Department of Parliamentary
Affairs and Legislation

THE BRUHAT BENGALURU MAHANAGARA PALIKE (SECOND AMENDMENT)ACT, 2024 (Received the assent of the Governor on the 9th day of January, 2025)

An Act further to amend the Bruhat Bengaluru Mahanagara Palike Act, 2020.

Whereas it is expedient to amend the Bruhat Bengaluru Mahanagara Palike Act, 2020 (Karnataka Act 53 of 2020) for the purposes hereinafter appearing;

Be it enacted by the Karnataka State Legislature in the Seventy fifth year of the Republic of India as follows:-

1. Short title and commencement.- (1) This Act may be called the Bruhat Bengaluru Mahanagara Palike (Second Amendment) Act, 2024.

(2) It shall be deemed to have come into force with effect from 24th day of September, 2024.

2. Amendment of section 144.- In the Bruhat Bengaluru Mahanagara Palike Act, 2020 (Karnataka Act 53 of 2020), in section 144,-

(i) in sub-section (8), the following proviso shall be inserted at the end, namely:-

"Provided also that, the person primarily liable to pay the property tax may, at any time subsequent to filing of the return and payment of the property tax, suo-motu revise his own return upwards thereby resulting in more property tax payment to the Corporation, the said revision shall be liable to the same interest and penalty as is applicable for the revision done under sub-section (15) by the Corporation. The revised return shall be treated as the return by the property tax payer and the Corporation reserves the right to revise it under sub-section (15)."

(ii) in sub-section (15), in clause (b), for the seventh proviso, the following shall be substituted namely:-

"Provided also that, as a one-time measure, in order to bring all the tax defaulters, un-assessed properties and those liable for re-assessment up-to-date with respect to their tax payments, there shall be following relaxations for the payments made until 30th November 2024, towards the unpaid tax, the un-assessed property and the property paying for re-assessment, namely:-

(iii) the penalty payable shall be rupees one hundred per year; and (iv) the interest payable shall be waived off.

Provided also that, the properties which have already availed the benefits of one time measure under this clause before the commencement of the Bruhat Bengaluru Mahanagara Palike (Second Amendment) Act, 2024, shall also be eligible for above relaxations and any excess penalty paid by such properties shall be readjusted against any outstanding demand or future demand of the Corporation on the same property or the same owner."

3. Repeal and savings.- (1) The Bruhat Bengaluru Mahanagara Palike (Amendment) Ordinance, 2024 (Karnataka Ordinance No. 01 of 2024) is hereby repealed.

(2) Notwithstanding such repeal anything done or any action taken under the Principal Act, as amended by the said Ordinance, shall be deemed to have been done or taken under the Principal Act, as amended by this Act.

The above translation of ಬೃಹತ್‌ಬಂಗಳೂರುಮಹಾನಗರಪಾಲಿಕೆ(ಎರಡನೇತಿದುು□ಡಿ)

Article 348 of the Constitution of India.

THAAWARCHAND GEHLOT
GOVERNOR OF KARNATAKA

By Order and in the name of
the Governor of Karnataka,

G. SRIDHAR
Secretary to Government
Department of Parliamentary Affairs
and Legislation

THE BRUHAT BENGALURU MAHANAGARA PALIKE (AMENDMENT) ACT,

(Received the assent of the Governor on the 10thday of April, 2025)

An Act further to amend the Bruhat Bengaluru MahanagaraPalike Act, 2020(Karnataka Act 53 of 2020).

Whereas it is expedient further to amend the Bruhat Bengaluru Mahanagara Palike Act, 2020 (Karnataka Act No.53 of 2020) for the purposes hereinafter appearing;

Be it enacted by the Karnataka State Legislature in the Seventy sixth year of the Republic of India as follows:-

1. Short title and commencement.- (1) This Act may be called the Bruhat Bengaluru Mahanagara Palike (Amendment) Act, 2025.

(2) It shall come into force at once.

2. Substitution of section 225.-In the Bruhat Bengaluru Mahanagara Palike Act, 2020 (Karnataka Act No. 53 of 2020) (hereinafter referred to as the Principal Act) for section 225, the following shall be substituted, namely:-

"225. Power to declare any street as public street.- (1) If a private street including the drains are in such a poor condition that endangers public safety and health, the Zonal Commissioner may, with respect to a private street, on his own accord or upon a request by the owners of the said private street or the owners of the buildings and lands fronting or abutting on such a street, by a public notice and notice to such owners, inform his intention to declare the said private street or part thereof, a public street. Thereupon, such owners or anyone else interested, may give objections, if any, regarding the said intention within one month of the date of service of such the public notice by affixture. Upon considering the objections if any, the Zonal Commissioner may, declare such street or part the street to be a public street:

Provided that, in case the private street falls in more than one Zone then the concerned Zonal Commissioners shall jointly issue the notice and thereupon declare the street or part thereof as a public street.

Provided further that, the private street to be declared as public street shall have connectivity from the public road or public street.

(2) On the request of site owners abutting a private street or otherwise such street which was shown by the erstwhile land owner as road in the sale deed made by the land owner and based upon which the abutting building sites were carved out by the land owner, who has obtained the benefit of such road or street upon by making the sale of abutting building sites and upon such road is declared as public street under sub-section (1), in that event the land owner, shall not be eligible for any type of compensation under the Right to Fair Compensation and

Transparency inLand Acquisition, Rehabilitation and Resettlement Act, 2013 (Central Act No. 30 of 2013) or any other law, including Development Rights Certificates under section 14-B of the Karnataka Town and Country Planning Act, 1961

(Karnataka Act 11 of 1963).

Explanation:-For the purpose of this section,-

(i) "Erstwhile Land Owner" means the person in whose name the agriculture or converted land stood at the time of selling the sites and includes all those persons claiming under or through him; and

(ii) "Public Street" means any street, road, square, court, alley, passage or riding path over which the public have a right of way maintained by the Corporation or Government or by any public authorities, whether a thoroughfare or not and includes;-

(d)the roadway over any public bridge or causeway;
(e)the footway attached to any such street public bridge or causeway; and
(f)the drains attached to any such street, public bridge or causeway and the land, whether covered or not by any pavement verandah or other structure which lies on either side of the roadway upto the boundaries of the adjacent property, whether that property is private property or property belonging to the Government or the Corporation.

3. Substitution of section 226.- In the Principal Act, for section 226, the following shall be substituted, namely:-

"226. Power of the Zonal Commissioner to Order work to be carried or carried out himself in default.- (1) If upon notice under section 225, due to objections or any other reason leads to dropping of the intention to declare the private street or part thereof as the public street but the private street or part thereof requires to be improved, developed or maintained including road side drains for the benefit of persons using the said street as easement right, the Zonal Commissioner may by notice direct such owners to carry out any work which in his opinion may be necessary and within such time as may be specified in such notice.

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

Provided that the expenses payable if not paid shall be recoverable as the arrears of Property Tax and in the manner as may be prescribed for recovery of property tax arrears.

(3) If the Zonal Commissioner carries out work in accordance with sub-section (2), he, with the requisition of the owners can declare such a street to be a public street and thereupon the street shall vest in the Corporation.

4. Amendment of section 240A.- In the Principal Act, in section 240 A,-

(i)in sub section (2),for the words "The Chief Commissioner" the words "The Corporation" shall be substituted.

(ii)in sub-section (3), in clause (A),-
(a)in sub-clause (e),for the figures and word "1.0 percent", the figures and word "0.10 percent", shall be substituted; and
(b)after sub-clause (j), the following shall be inserted, namely:-

"(k) The ceiling limits of fee and penalty for residential uses shall be 2/3rdthe values specified in sub-clauses (a) to (j)".

5. Amendment of section 248.- In the Principal Act, in section 248, after sub-section (4), the following shall be inserted, namely.-

"(5) It shall be lawful for the Zonal Commissioner, at any time, before or after making an order of demolition or of the stoppage of the construction or erection of any building or execution of any work, to make an order directing the sealing of such construction or erection or work or of the premises in which such erection or work is being carried on or has been completed, for the purpose of carrying out the provisions of this Act, for preventing from using such construction or erection.

(6) Where any erection or work or any premises in which any erection or work is being carried on, has or have been sealed, the Zonal Commissioner may, for the purpose of demolishing such erection or work in accordance with the provision of this Act, order directing the sealing of such construction or erection of any work to be removed;

(i) No person shall remove such seal except under an order made by the Zonal Commissioner; and

(ii) Notwithstanding anything contained in this Chapter, no appeal shall lie against such an order of sealing."

The above translation of ಬೃಹತ್ ಬಂಗಳೂರು ಮಹಾನಗರ ಪಾಲಿಕೆ) ತಿದುು (ಅಧಿನಿಯಮ,2025 (2025ರಕನಾಟಕಅಧಿನಿಯಮಸಂಖ್ಯೆ: 34) be published in the official Gazette under Article 348 of the Constitution of India.

THAAWARCHAND GEHLOT
GOVERNOR OF KARNATAKA

By Order and in the name of
the Governor of Karnataka,

G. SRIDHAR
Secretary to Government
Department of Parliamentary
Affairs and Legislation