

THE GREATER BENGALURU GOVERNANCE BILL

Expert Committee : BBMP Restructuring



BBMP
RESTRUCTURING

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May 2018

Preface

The unprecedented demographic and spatial growth of Bengaluru over the last two decades has brought multiple challenges in governance. The Bruhat Bengaluru Mahanagara Palike (BBMP)- with an area of 712 sq.km and population of over 10 million is presently one of the largest Municipal Corporations in the world. Such a centralised administration for a megacity like Bengaluru is not viable or sustainable. The Expert Committee on BBMP Restructuring responded to this challenge by recommending that the city's governance be restructured by creating multiple Municipal Corporations in a three-tier governance framework to ensure that the local government is closer and more accessible to the people. This three-tier governance framework envisages the creation of empowered Ward Committees at the lowest level, a set of Municipal Corporations in the middle level and a Greater Bengaluru Authority on top. This novel governance framework requires a unique law for Bengaluru that addresses the city's specific needs and concerns.

The Greater Bengaluru Governance Bill is a comprehensive draft statute that covers all aspects of municipal governance in Bengaluru. The Bill rationalises the existing statutory provisions in plain language making the law concise and easy to comprehend. While the provisions of the Karnataka Municipal Corporations, 1976 will continue to govern other Municipal Corporations in the state, this Bill will govern the Municipal Corporations in the Greater Bengaluru Area. As the Expert Committee on BBMP Restructuring has recommended that the constitutionally mandated Metropolitan Planning Committee be constituted at the level of the larger Bangalore Metropolitan Region, presently the jurisdiction of the Bangalore Metropolitan Region Development Authority, this Bill has not incorporated the MPC which is already provided for in the Corporations law.

The Greater Bengaluru Governance Bill lays down a new institutional architecture for governing Bengaluru. The Bill seeks to realise the spirit of decentralised democracy as envisaged in the 74th Constitutional Amendment by institutionalizing community participation in local governance, ensuring political accountability of civic agencies, improving transparency in governance and laying down institutions and processes that facilitate effective, efficient and equitable municipal governance. Inspired by the principle of subsidiarity and drawing on best practices of urban governance in India and abroad, this Bill provides for an institutional structure that responds simultaneously to the needs and wishes of specific localities as well as the larger demands of the city-region. The Bill introduces many new features including:

Three-tier Governance Framework

- A three-tier governance framework has been institutionalised by designating the Ward Committees, Municipal Corporations/Mayor-in-Council and the Greater Bengaluru Authority as Municipal Authorities.

Mayor-in-Council system for Municipal Corporations

- Each Municipal Corporation will have a Mayor-in-Council, consisting of the Mayor, Deputy Mayor and 10 other members. The Mayor-in-Council, instead of the Commissioner, is vested with executive powers of the Corporation and shall be collectively responsible to the Corporation.
- Each Municipal Corporations will have a Municipal Accounts Committee to scrutinize the accounts and expenditure of the Municipal Corporation. Municipal Corporations may also constitute Subject Committees to review and monitor the functioning of the Corporation on subjects such as urban planning, public health and waste management.
- Municipal Corporation are to be divided into Zones with each Zone having a Zonal Committee consisting of all the councillors elected from the wards within that Zone. The Zonal Committee can supervise the activities of the Corporation carried out across multiple wards within the Zone.

Empowered Ward Committees

- Each Ward will have a Ward Committee comprised of 20 members, half of whom are elected on the basis of proportional representation reflecting the party vote share in the municipal elections and the other half nominated from a wide spectrum of civil society. Each Ward will have a Secretary who shall be the chief executive responsible for carrying out the decisions of the Ward Committee.
- Each Ward Committee shall prepare a 5-year Ward Vision Plan, an Annual Ward Development Plan and an Annual Ward Budget. Ward Committees are required to be consulted on any change in land use in the Master Plan.
- Ward Committees are empowered to execute, supervise and audit the works of the Corporation in the Ward and retain a fixed share of the taxes collected from the ward for undertaking projects in the ward determined by the Ward Committee.

Greater Bengaluru Authority

- The Greater Bengaluru Authority (GBA) will be headed by the Mayor of Greater Bengaluru and will also include the Commissioner of BDA; Mayors and two other councillors from all Municipal Corporations; one MLA from each Municipal Corporation; two members representing the Panchayats; the executive heads of BWSSB, BMTC, BMRCL and BESCOM; and five experts in matters related to urban governance nominated by the Mayor of Greater Bengaluru.
- The Mayor of Greater Bengaluru will be directly elected by the people across all Municipal Corporations in the Greater Bengaluru Area. The BDA shall be the Secretariat of the GBA and the Commissioner of BDA shall be the Member Secretary of GBA.

- The GBA shall be responsible for the overall planning of the Greater Bengaluru Area, coordinating the activities of multiple Municipal Corporations, administering major infrastructural projects that cut across multiple Municipal Corporations and ensuring the accountability of parastatal authorities in Bengaluru.
- The GBA shall have the power to supervise and issue directions to BWSSB, BDA, BMTC, BMRCL, BESCOM and any other agency discharging municipal functions in the Bengaluru as notified by the government.

Municipal Administration

- The State Government is mandated to prepare Cadre and Recruitment Rules specifying the method of appointments and qualifications of officers appointed to the Municipal Corporations and Greater Bengaluru Authority and these Rules shall be revised every five years.
- Municipal Corporations shall establish a Performance Management System which lays down performance targets and mechanisms to monitor performance of the municipal administration and improve the effectiveness of its officers.
- The State Government shall appoint an eminent person as the Greater Bengaluru Services Ombudsman to address complaints from citizens regarding the provision of any municipal service.
- The State Government can dissolve a Municipal Corporation for a period of 6 months only if a five-member committee which includes legal and financial experts finds that the Municipal Corporation has persistently failed to perform its duties or has abused its powers extensively so that it is no longer able to function as a responsible constitutional government.

Taxation and Finance

- Property Tax will be collected by the Municipal Corporation under the Self-Assessment Scheme and the Municipal Corporation may conduct random scrutiny of tax returns. The Municipal Corporation may also levy user charges, cesses, fees, fines, development charges and a duty on transfer of immovable properties to augment its independent sources of finance.
- The Municipal Corporation shall conduct a survey of all lands and building within the Corporation for the purpose of preparing a property tax register which includes details like unique property tax identification number, unit area value and such other details.
- The State Government shall constitute a Greater Bengaluru Finance Commission consisting of 3 members to review the financial position of the Municipal Corporations and to make recommendations regarding how taxes and grants-in-aid are to be distributed between the Municipal Corporations in the Greater Bengaluru Area.

- The Mayor-in-Council shall prepare a five-year Medium Term Fiscal Plan for the Municipal Corporation. The Greater Bengaluru Authority shall frame a Comprehensive Debt Limitation Policy laying down the general principles governing the raising of loans and the limit of the loans for Municipal Corporations.
- The Mayor-in-Council shall prepare an annual financial statement which shall be audited by an Auditor who is a Chartered Accountant. The Mayor-in-Council shall place the audited financial statement and the report of the Auditor before the Municipal Accounts Committee which shall review and place it before the Municipal Corporation.

Urban Planning

- The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 may be used for acquiring property only if the Municipal Corporation is unable to acquire property by agreement. The Municipal Corporation may resort to other methods of land assembly including the use of transferable development rights, land readjustment and land pooling.
- The Municipal Corporation shall prepare a 5-year Vision Plan and an Annual Plan, taking into consideration the ward vision and development plans submitted by the Ward Committees. The plans made by the municipal corporation must be aligned with and complement the development plan made by the Metropolitan Planning Committee.
- The Greater Bengaluru Authority shall replace the Bangalore Development Authority as the Local Planning Authority for Bengaluru and shall be responsible for preparing the Master Plan for the local planning area of Bengaluru. The GBA shall also prepare a Strategic Spatial Plan that includes a series of integrated projects for Bengaluru which dovetails with the Master Plan.

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Greater Bengaluru Governance Bill, 2018

PREAMBLE

A Bill-

to provide for the core principles, institutions and processes for effective urban governance in the Greater Bengaluru Area;

to establish the Greater Bengaluru Authority for planning, co-ordinating and supervising the development of the Greater Bengaluru Area;

to establish multiple Municipal Corporations in the Greater Bengaluru Area for effective, participatory and responsive governance;

to empower Ward Committees to become basic units of urban governance and facilitate community participation;

to streamline political and executive accountability of all public service delivery agencies in the Greater Bengaluru Area;

and provide for matters incidental thereto.

WHEREAS it is expedient to establish the Greater Bengaluru Authority and introduce new provisions for governing Municipal Corporations in the Greater Bengaluru Area;

BE it enacted by the Karnataka State Legislature in the Sixty Eight Year of the Republic of India, as follows:-

*Chapter I***PRELIMINARY****1. Short title, extent and commencement**

- (1) This Act may be called the Greater Bengaluru Governance Act, 2018.
- (2) Unless otherwise specified in this Act, it shall apply only to the Greater Bengaluru Area as notified by the government.
- (3) It shall come into force on such date as the government may by notification appoint.

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

- (1) "Backward Classes" means such class or classes of citizens as may be classified as category "A" and "B" and notified by the Government from time to time for the purposes of reservation of seats in the Corporation;
- (2) "building" includes,-
 - (a) a house, out-house, stable, privy, shed, hut, wall, verandah, fixed platform, plinth, door step and any other such structure, 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;
- (3) "bye-law" means a bye-law framed by the Corporation under this Act;
- (4) "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;
- (5) "Chairperson" means the Chairperson of the Municipal Corporation elected under Section 12;
- (6) "Commissioner" means the Commissioner of the Municipal Corporation appointed under Section 23;
- (7) "Corporation" means a Municipal Corporation established under this Act;
- (8) "Councillor" means a Councillor elected to the Municipal Corporation under Section 9;
- (9) "dangerous disease" means,-

- (a) anthrax, chicken pox, cholera, diphtheria, enteric fever, leprosy, measles, plague, pulmonary tuberculosis, rabies, small pox, and
 - (b) any other disease notified by Government under this Act;
- (10) "drain" includes a house drain, sewer, tunnel, pipe, ditch, gutter or channel and any cistern, flush-tank, septic tank, or other device for carrying off or treating sewage, offensive matter, polluted water, sullage, waste water, rain water, or sub-soil water and any culvert, ventilation shaft or pipe or other appliance or fitting connected therewith, and any ejectors, compressed air mains, sealed sewage mains and special machinery or apparatus for raising, collecting, expelling or removing sewage or offensive matter from any place;
- (11) "filth" includes sewage, dung, dirt, swill, putrid and putrefying substances and all offensive matter;
- (12) "Government" means the State Government;
- (13) "Greater Bengaluru Area" means the larger urban area of the city of Bangalore and such other areas as the State Government may by notification specify;
- (14) "Greater Bengaluru Authority" means the Greater Bengaluru Authority constituted under Section 46;
- (15) "Greater Bengaluru Finance Commission" means the Greater Bengaluru Finance Commission constituted under Section 133;
- (16) "Greater Bengaluru Services Ombudsman" means the Greater Bengaluru Services Ombudsman appointed under Section 86;
- (17) "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;
- (18) "List of Representatives" is the list of nominees for the Ward Committee that every candidate contesting the elections to the Municipal Corporation has to file under Section 35;
- (19) "local authority" means a municipal corporation, a municipal council, town panchayat, development authority, city improvement board, town improvement board, zilla panchayat, taluk panchayat and grama panchayat constituted under any law for the time being in force;
- (20) "market" includes any place where persons assemble for the sale of, or for the purpose of exposing for sale, livestock, food for live-stock, meat, fish, fruit, vegetables, flowers,

animals intended for human food or any other articles of human food whatsoever, with or without the consent of the owner of such place, notwithstanding that there may be no common regulation of the concourse of buyers and sellers and whether or not any control is exercised over the business of or the persons frequenting the market by the owner of the place, or any other person;

- (21) "Mayor" means a Mayor of a Municipal Corporation elected under Section 13;
- (22) "Mayor of Greater Bengaluru" means the Mayor of Greater Bengaluru elected under Section 47;
- (23) "Mayor-in-Council" means a Mayor-in-Council constituted under Section 15;
- (24) "Metropolitan Planning Committee" means a Metropolitan Planning Committee referred to in Article 243ZE of the Constitution of India;
- (25) "Municipal Accounts Committee" means a Municipal Accounts Committee constituted under Section 20;
- (26) "Municipal Authority" means a Municipal Authority referred to in Section 6;
- (27) "nuisance" includes 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 or disturbance to rest or sleep or which is or may be dangerous to life or injurious to health or property;
- (28) "occupier" includes any person for the time being paying or liable to pay to the owner the rent or any portion of the rent of the land or building or part of the same in respect of which the word is used or damages on account of the occupation of such land, building or part and also a rent-free tenant;
- (29) "offensive matter" includes animals carcasses, dung, dirt and putrid or putrefying substances other than sewage;
- (30) "owner" includes the person for the time being receiving or entitled to receive, whether on his own account or as agent, trustee, guardian, manager or receiver for another person or for any religious or charitable purpose, the rent or profits of the property in connection with which the word is used;
- (31) "population" means the population as ascertained at the last preceding census of which relevant figures have been published;
- (32) "premises" includes buildings and lands of any tenure whether open or enclosed, whether built upon or not and whether public or private;

- (33) "private street" means any street, road, lane, gully, alley, passage or square which is not a public street, and includes any passage securing access to four or more premises belonging to the same or different owners, but does not include a passage provided in effecting a partition of any masonry building amongst joint owners where such passage is less than two metres and fifty centimetres wide;
- (34) "public street" means any street, road, square, court, alley, passage or riding-path over which the public have a right of way whether a thoroughfare or not and includes,-
- (a) the road-way over any public bridge or cause way,
 - (b) the foot-way 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 payment verandah or other structure which lies on either side of the roadway up to the boundaries of the adjacent property, whether that property is private property or property belonging to the Government or the corporation;
- (35) "regulation" means a regulation framed under this Act;
- (36) "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;
- (37) "Secretary" means the Secretary of the Ward Committee appointed under Section 37;
- (38) "Schedule" means a Schedule appended to this Act;
- (39) "Scheduled Castes" shall have the same meaning as in the Constitution of India;
- (40) "Scheduled Tribes" shall have the same meaning as in the Constitution of India;
- (41) "Sectoral Committee" means a Sectoral Committee of the Greater Bengaluru Authority constituted under Section 53;
- (42) "sewage" means night soil and other contents of latrines, urinals, cesspools or drains and polluted water from sinks, bath-rooms, stables, cattle sheds and other like places and includes trade effluents and discharges from manufactories of all kinds;
- (43) "sewer" means a closed conduit for carrying of sewage, offensive matter, polluted water, waste water or sub-soil water;
- (44) "solid waste" includes filth offensive matter, rubbish, sewage, trade affluent, trade refuse, waste from hospitals and any other waste which is detrimental to public health;
- (45) "State Election Commission" means the State Election Commission constituted under section 308 of the Karnataka Panchayat Raj Act, 1993;

- (46) "Subject Committee" means a Subject Committee of the Municipal Corporation constituted under Section 21;
- (47) "tax" includes toll, rate, cess, fee or other import leviable under this Act;
- (48) "Ward Committee" means a Ward Committee constituted under Section 34;
- (49) "Ward Sabha" means a Ward Sabha referred to in Section 44;
- (50) "Zonal Committee" means a Zonal Committee constituted under Section 31.

*Chapter II***ESTABLISHMENT OF MUNICIPAL CORPORATIONS****3. Establishment of Municipal Corporation**

- (1) The Government shall, having regard to the population of any area, the density of population therein, the revenue generated from such area, the percentage of employment in non-agricultural activities in such area, the economic importance of such area, the infrastructural provisions available in such area and such other factors, establish such number of Municipal Corporations it deems necessary for the effective municipal governance of the Greater Bengaluru Area:

Provided that the total number of Municipal Corporations in the Greater Bengaluru Area does not exceed ten:

Provided further that no area shall be specified as a Municipal Corporation unless:

- (a) such area contains a population of not less than five lakhs;
 - (b) the density of population in such area is not less than five thousand inhabitants to one square kilo meter of area;
 - (c) the revenue generated from such area for the local administration in the year of the last preceding census is not less than rupees six crores per annum;
 - (d) the percentage of employment in non-agricultural activities is not less than fifty percent of the total employment.
- (2) No such notification shall be issued unless a draft thereof,-
- (a) is published in the official Gazette for the information of all persons likely to be affected thereby inviting objections and suggestions within one month from the date of publication; and
 - (b) is referred to any local authority affected by such notification for expressing its views within one month from the date of publication.
- (3) The Government shall take into consideration all objections and views it received under sub-section (2) and shall explain the rationale for its decision before issuing the final notification.

4. Power to alter the boundaries of the Municipal Corporations

- (1) The Government may, having regard to the population of any area, the density of population therein, the revenue generated from such area, the percentage of employment in non-agricultural activities in such area, the economic importance of such area, the infrastructural provisions available in such area and such other factors, by notification,-

- (a) exclude from a municipal area any local area comprised therein and defined in the notification, or
- (b) include within a municipal area any local area contiguous to such municipal area and defined in the notification, or
- (c) divide any municipal area into two or more municipal areas,
- (d) unite two or more contiguous municipal areas so as to constitute one municipal area, or
- (e) revise the boundary of two or more contiguous municipal areas:

Provided that before issuing the said notification, the Governor shall issue a draft thereof and any affected person may submit his/her objection in writing to the Government within one month from the date of its publication, and the Government shall take such objection into consideration before issuing the final notification:

Provided further that the views of the local authority affected by any such notification shall be invited by the State Government within one month from the date of its publication, and the State Government shall consider the views of the local authority before issuing the final notification.

5. Division of Bruhat Bengaluru Mahanagara Palike

- (1) As soon as may be after the date of commencement of this Act, the Government shall, having regard to the provisions of Section 3, by notification constitute such number of new corporations comprising of areas under the Bruhat Bengaluru Mahanagara Palike.
- (2) The draft of the notification so issued under sub-section (1) shall be published in the official Gazette giving opportunity for persons likely to be affected for filing their objections and suggestions within a period of thirty days.
- (3) After considering the objections and suggestions to the notification issued under sub-section (1), the Government shall issue a final notification constituting such number of new corporations specifying areas and boundaries comprising therein.
- (4) On the issuance of the final notification under sub-section (3), the Bruhat Bengaluru Mahanagar Palike shall cease to exist and all of its assets and liabilities shall vest in the Government until it is assigned to the reconstituted corporations.

*Chapter III***MUNICIPAL AUTHORITIES****6. Constitution of Municipal Authorities**

- (1) The following shall be the Municipal Authorities charged with carrying out the provisions of this Act, namely:-
 - (a) The Municipal Corporation;
 - (b) The Mayor-in-Council;
 - (c) The Ward Committee; and
 - (d) The Greater Bengaluru Authority.

7. Relationship between Municipal Authorities

- (1) The Municipal Authorities must exercise their authority in their specific domains as per the powers and functions vested on them under this Act and the rules and regulations issued thereunder.
- (2) The Municipal Authorities shall co-operate with the one another in mutual trust and good faith by informing and consulting one another on matters of common interest and work together in finding common solutions.

8. Relationship between Municipal Authorities and State Government

- (1) The State Government shall exercise its executive authority in the Greater Bengaluru Area in a manner that does not impede a Municipal Authority's ability to carry out its functions under the provisions of this Act.
- (2) The Municipal Authorities and the State Government shall co-operate with one another in mutual trust and good faith by respecting each other's functional domain while working together on matters of common interest.

*Chapter IV***ORGANISATION OF MUNICIPAL CORPORATIONS****9. Constitution of Municipal Corporations**

- (1) The Municipal Corporation shall consist of such number of elected Councillors as there are wards as the Government may, by notification, determine.
- (2) The Municipal Corporation shall be a body corporate with a name duly notified by the Government and shall have perpetual succession and common seal with power to acquire, hold and dispose of property and to contract and may, by the said name, sue and be sued.
- (3) The members of the Municipal Corporation referred to in sub-section (1) shall be elected in the manner provided in this Act.

10. Reservation of Seats

- (1) Seats shall be reserved in a Municipal 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 corporation or of the Scheduled Tribes in the corporation bears to the total population of the corporation.
- (2) 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 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 further 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:
Provided also that the number of seats so reserved for the Backward Classes under this sub-section shall be so determined, that the total number of seats reserved for the Scheduled Castes and Schedule Tribes under sub-section(1) and the Backward Classes under this sub-section shall not exceed fifty per cent of the total number of seats in the Municipal Corporations.

- (3) 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 (1), (2) and (3) shall be allotted by rotation to different wards in a city.
- (4) Nothing contained in this section 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.

11. Term of Office of the Members of the Municipal Corporation

- (1) The term of office of Councillors elected under Section 9 shall ordinarily be five years.
- (2) The term of office of the Councillors shall commence on the date appointed for the first meeting of the Corporation.
- (3) 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.
- (4) 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/she is elected would have held had the vacancy not occurred: Provided that no election to fill a casual vacancy shall be held if the vacancy occurs within four months before the expiry of the term of office of the councillors.
- (5) A councillor may resign his/her office at any time by giving a notice in writing addressed to the Mayor and delivered to him/her and such resignation shall take effect from the date on which it is delivered.

12. Chairperson of the Municipal Corporation

- (1) The members of the Municipal Corporation shall elect from amongst themselves, at the first meeting of the Corporation after a general election, one member to be the Chairperson of the Municipal Corporation.
- (2) The Chairperson shall preside over every meeting of the Municipal Corporation.
- (3) The Chairperson shall not be eligible to be a member of the Mayor-in-Council, the Municipal Accounts Committee or any Subject Committee.
- (4) The Chairperson may be removed from office by a resolution carried by a majority of the total number of members of the Corporation at a special meeting of the Corporation

called for this purpose upon a requisition made in writing by not less than one-third of the members of the Corporation.

13. Election of the Mayor

- (1) The members of the Municipal Corporation shall elect from amongst themselves, at the first meeting of the Corporation after a general election, one member to be the Mayor of the Corporation.
- (2) The Mayor may be removed from office by a resolution carried by a majority of the total number of members of the Corporation at a special meeting of the Corporation called for this purpose upon a requisition made in writing by not less than one-third of the members of the Corporation.

14. Reservation of the office of the Mayor

- (1) Out of the total number of offices of Mayors of Corporations in the Greater Bengaluru Area, such number of offices of Mayors shall be reserved for Scheduled Caste and Scheduled Tribes, as shall bear the same proportion, as nearly as possible as the population of each of these categories within the limits of the Municipal Corporations in the Greater Bengaluru Area bears to the total population within such limits.
- (2) As nearly as possible one-third (including the number of offices reserved for women belonging to the Scheduled Castes and Scheduled Tribes) of the total number of offices Mayors of Corporations in the Greater Bengaluru Area shall be reserved for women: Provided that the offices reserved under this sub-section shall be allotted by rotation to different Municipal Corporations.

15. Constitution of Mayor-in-Council

- (1) There shall be a Mayor-in-Council for every Municipal Corporation consisting of the Mayor, the Deputy Mayor and not more than ten other members of the Corporation.
- (2) The Deputy Mayor and the other members of the Mayor-in-Council shall be selected by the Mayor from amongst the members of the Corporation as soon as possible after he/she enters upon his office:
Provided that among the members selected, there shall be at least two members belonging to the Scheduled Castes and Scheduled Tribes, two members belonging to the Other Backward Classes and three members who are women.
- (3) The Mayor shall, for convenient transaction of the business of the Corporation, allocate among the members of the Mayor-in-Council such business as he/she thinks fit.
- (4) When the office of the Mayor is vacant, his/her functions shall devolve on the Deputy Mayor until a new Mayor is elected.

- (5) The Mayor-in-Council shall be collectively responsible to the Corporation.

16. Mayor to preside over meetings of the Mayor-in-Council

- (1) The Mayor shall preside over meetings of the Mayor-in-Council which shall meet at such place and at such time as the Mayor may direct.
- (2) The matters for discussion at a meeting of the Mayor-in-Council shall be prepared under the direction of the Mayor and shall be circulated to the members of the Mayor-in-Council in such manner as the Mayor may determine.

17. Powers of the Mayor in emergency

If the Mayor is satisfied that an emergency has arisen and is of the opinion that the immediate execution of any work or the doing of any act, which ordinarily requires the approval, sanction, consent or concurrence of the Corporation or the Mayor-in-Council, is necessary for the maintenance of services or safety of the public, he/she may direct the execution of such work or the doing of such act without such approval, sanction, consent or concurrence and, in such case, he/she may direct that the expenses for such execution or doing shall be paid from the Corporation Fund:

Provided that the Mayor shall report forthwith to the Corporation or to the Mayor-in-Council, as the case may be, the action taken under this section and the reasons thereof.

18. Term of office of Mayor and Chairperson

- (1) A Mayor or Chairperson, as the case may be,
- (a) shall cease to hold office if he/she ceases to be a member of the Corporation;
 - (b) may, at any time, by giving notice in writing to the Corporation, resign his/her office;
 - (c) may be removed from office by a resolution carried by a majority of the total number of members of the Corporation at a special meeting of the Corporation called for this purpose upon a requisition made in writing by not less than one-third of the elected members of the Corporation:

Provided that no such resolution shall be moved before the expiry of six months from the date of assumption of office by a Mayor or a Chairperson, as the case may be:

Provided further that if such resolution is not carried by a majority of the total number of elected members of the Corporation, no further resolution for the removal of the Mayor or the Chairperson, as the case may be, shall be moved before the expiry of a period of six months from the date on which the former resolution was moved.

- (2) Notwithstanding the provisions of sub-section (1), except when an order of supersession has been made under Section 108, the Mayor or the Chairperson, as the case may be, whose office becomes vacant by reason of the provisions of sub-section (1), shall continue to hold office as such until his/her successor, elected under the provisions of this Chapter, enters upon his/her office.

19. Term of office of Mayor-in-Council

- (1) A member of the Mayor-in-Council other than the Mayor shall hold office until,-
- (a) he/she ceases to be a member of the Corporation, or
 - (b) he/she resigns his office by writing addressed to the Mayor, or
 - (c) he/she is removed from office by a written order of the Mayor, or
 - (d) the Mayor ceases to hold office under the provisions of Section 18, or
 - (e) in case of the death of the Mayor, a newly elected Mayor enters office.

20. Municipal Accounts Committee

- (1) The Municipal Corporation shall, at its first meeting or as soon as may be at any subsequent meeting, constitute a Municipal Accounts Committee.
- (2) The Municipal Accounts Committee shall consist of:—
- (a) Ten members to be elected by the members of the Corporation from amongst themselves in accordance with the system of proportional representation by means of a single transferable vote; and
 - (b) Two members having knowledge and experience in financial matters, nominated by the Mayor-in-Council.
- (3) The members of the Mayor-in-Council shall not be eligible to be members of the Municipal Accounts Committee.
- (4) The members of the Municipal Accounts Committee shall elect from amongst themselves one member to be its Chairperson.
- (5) Subject to the other provisions of this Act, the members of the Municipal Accounts Committee shall hold office for the term of the Corporation.
- (6) Subject to the provisions of this Act and the rules and the regulations made thereunder, it shall be the duty of the Municipal Accounts Committee:—
- (a) to examine the accounts of the Corporation showing the appropriation of sums granted by the Corporation for its expenditure and the annual financial accounts of the Corporation;
 - (b) to examine and scrutinize the report on the accounts of the Corporation by the auditors appointed under Section 151 and to satisfy itself that the moneys shown in the accounts as having been disbursed were available for,

- and applicable to, the services or purposes to which they were applied or charged and that the expenditure was incurred in accordance with the authority governing the same;
- (c) to submit report to the Corporation every year and from time to time on such examination and scrutiny;
 - (d) to consider the report of the auditors in cases where the Corporation requires them to conduct a special audit of any receipt or expenditure of the Corporation or to examine the accounts of stores and stocks of the Corporation or to check the inventory of the properties of the Corporation including its land holdings and buildings; and
 - (e) to discharge such other functions as may be prescribed.
- (7) The Municipal Accounts Committee may call for any book or document if, in its opinion, such book or document is necessary for its work and may send for such officers of the Corporation as it may consider necessary for explaining any matter in connection with this work.
- (8) The manner of transaction of business of the Municipal Accounts Committee shall be such as may be determined by the Corporation by regulations:
Provided that the persons nominated under clause (b) of sub-section (2) shall have no right of voting at the meeting of the Municipal Accounts Committee.

21. Subject Committees

- (1) The Municipal Corporation may constitute Subject Committees for reviewing and monitoring the functioning of the Corporation and proposing recommendations on the following subjects:
- (a) urban planning and land use regulation;
 - (b) public health, education and social justice;
 - (c) waste management and environment.
- (2) Each Subject Committee shall consist a maximum of seven members elected by the members of the Corporation from amongst themselves in accordance with the system of proportional representation by means of single transferable vote.
- (3) The term of a Subject Committee shall be for the term of the Corporation.
- (4) The members of the Mayor-in-Council and Municipal Accounts Committee shall not be eligible to be members of the Subject Committees.
- (5) The manner of transaction of business of the Subject Committees shall be such as may be determined by the Corporation by regulations.

22. Executive power of the Corporation

- (1) Subject to the provisions of this Act and the rules and the regulations made thereunder, the executive power of the Corporation shall be vested in the Mayor-in-Council.
- (2) All executive actions of the Mayor-in-Council shall be expressed to be taken in the name of the Corporation.

23. Commissioner of the Municipal Corporation

- (1) The Commissioner of the Municipal Corporation shall be appointed by the Mayor-in-Council with the prior approval of the State Government.
- (2) The Commissioner shall not be a member of the Corporation and shall ordinarily hold office for a period of three years.
- (3) The Commissioner shall be the principal executive officer of the Corporation and shall, subject to the supervision and control of the Mayor-in-Council, exercise the powers and perform the functions specifically conferred or imposed upon him/her by or under this Act or by any other law in force for the time being.
- (4) The Commissioner shall be responsible for the custody of all records and shall preserve the same in such manner and for such period as may be determined by regulations.
- (5) Notwithstanding anything in sub-section (2), the Commissioner shall be removed from office whenever the Corporation so resolves by a majority of not less than two-thirds of its members.

24. Salary and other conditions of service of the Commissioner

- (1) The Commissioner shall be paid out of the Corporation Fund such monthly salary and allowances as the Mayor-in-Council may, from time to time, by order determine.
- (2) The Commissioner shall be a full-time officer of the Corporation and shall not engage in any other profession, trade or business whatsoever.
- (3) When a salaried servant of the Government is appointed as the Commissioner, there shall be paid to the Government out of the corporation funds such sum by way of contribution towards his/her pension, leave salary and other allowances as may be required to be paid by him/her or on his/her behalf under the conditions of service applicable to him/her.
- (4) The Commissioner shall be entitled to such leave as the Mayor-in-Council may by order from time to time specify. The leave may be granted to the Commissioner by the Mayor-

in-Council and when such leave is granted, he/she shall be paid out of the corporation funds such leave salary and allowances as the Government may determine.

25. Control over Corporation establishment

Subject to the provisions of this Act, Rules and Regulations, the 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.

26. Chief Financial Officer

- (1) The Commissioner shall appoint a full-time Chief Financial Officer for the Municipal Corporation who shall be responsible for financial sustainability and overall financial management of the Municipal Corporation.
- (2) Rules for appointment of such Chief Financial Officer and their qualification shall be in the manner as maybe prescribed by the Municipal Corporation.

27. Power of Councillors

- (1) Any Councillor may draw the attention of the Mayor-in-Council 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/she considers desirable.
- (2) Every Councillor shall have the right to represent on matters connected with the Corporation administration subject to the regulations framed in this behalf.
- (3) The Councillor shall have the right to represent the interests of the ward from which he/she is elected in the Corporation and may draw attention of the Mayor-in-Council to the proposals and resolutions made by the Ward Committee of which he/she is the Chairperson.

28. Oath of allegiance to be taken by Councillors

- (1) Notwithstanding anything contained in the Oaths Act, 1969 (Central Act 44 of 1969) every person who is elected to be a Councillor shall, before taking his/her seat, make at a meeting of the Corporation, an oath or affirmation of his/her allegiance to the Constitution in the following form namely:-

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

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

29. Declaration of assets

- (1) Every Councillor shall, not later than one month after the commencement of his/her term of office and in the same month of each succeeding year, file with the Chairperson a declaration of all assets owned by him/her and any member of his/her family. Such declaration shall form part of the Corporation records.

Explanation- For purposes of this section family means the spouse and dependent children of the Councillor.

- (2) If any councillor fails to file the declaration referred to in sub-section (1) or files the same knowing it to be false or incorrect he/she shall cease to be a Councillor.
- (3) Any question whether disqualification under sub-section (2) has occurred shall be decided, on reference made by the Corporation, by the Chairperson and the decision of the Chairperson shall be final.

30. Municipal Corporation to be Divided into Zones

- (1) Every Municipal Corporation shall, with the approval of the Greater Bengaluru Authority, issue a notification dividing its area into various Zones, taking into consideration:-

- (a) The population of any area;
 - (b) The density of population of such area;
 - (c) The revenue generated by the local administration of such area;
 - (d) the percentage of employment in nonagricultural activities in such area;
 - (e) the economic importance of such area;
 - (f) the infrastructural provisions available in such area and such other factors:
- Provided that the area of each zone consists of a set of contiguous wards.

- (2) The number of Zones in each Municipal Corporation shall not exceed such number as may be prescribed by the Greater Bengaluru Authority.
- (3) The Municipal Corporation shall constitute the Zones by issuing a notification in the official gazette specifying the set of wards which constitute each zone:
Provided that such notification shall be issued only after one month has lapsed from the publication of a draft notification inviting objections to the proposed zonal division.

31. Constitution of Zonal Committees

- (1) Each Zone of a Municipal Corporation shall have a Zonal Committee consisting of all the Councillors elected from the wards within the Zone.
- (2) The members of each Zonal Committee shall elect from amongst themselves, at the first meeting of the Zonal Committee after a general election, one member to be its Chairperson:
Provided that a Councillor who is a member of the Mayor-in-Council shall not be eligible to be elected as the Chairperson of the Zonal Committee.
- (3) Members of Legislative Assembly whose constituency lies within or substantially under the jurisdiction of the Zonal Committee shall be invitees to the Zonal Committee but shall not have the right to vote.
- (4) The Chairperson shall preside over the meetings of the Zonal Committee and shall ensure that the Committee meets at least once a month.
- (5) The members of the Zonal Committee shall hold office till they cease to be Councillors in the Municipal Corporation.
- (6) The Commissioner, in consultation with the Zonal Committee, shall appoint an officer of the Municipal Corporation as the Zonal Commissioner.
- (7) The Zonal Commissioner shall be the member secretary of the Zonal Committee and the chief executive of the Zone responsible for carrying out the functions of the Municipal Corporation within the Zone.
- (8) All decisions in the Zonal Committee shall, as far as possible, be arrived at through consensus. Where consensus is not possible, the decision shall be taken by the majority of the members present and voting.
- (9) All minutes of the proceedings of the meeting of the Zonal Committee shall be recorded by the member secretary and a copy of the same shall be forwarded to the Corporation and be made public within three days of the meeting.

32. Powers and Functions of the Zonal Committee

- (1) The Zonal Committee shall, 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) The Zonal Committee may supervise the implementation of any project or scheme of the Corporation which cuts across the across the boundaries of multiple wards but is within the boundaries of the Zone.

- (3) Having due regard to the budgets and plans made by the Ward Committee, the Zonal Committee may make recommendations to the Municipal Corporation about the programmes and schemes that need to be implemented in the Zone.
- (4) The Zonal Committee may supervise the utilization of the budget grants for discharging the functions of the Corporation within the Zone.
- (5) The Zonal Committee may bring to the notice of Corporation any deficiency in the implementation of any project or scheme which the Corporation undertakes within the Zone and propose ways by which such deficiencies can be addressed.

*Chapter V***WARD COMMITTEES AND COMMUNITY PARTICIPATION****33. Principles of Community Participation**

- (1) The Municipal Authorities shall develop a culture of municipal governance that combines formal representative government with a system of participatory governance.
- (2) The Municipal Authorities shall establish appropriate mechanisms, processes and procedures to enable the local community to participate in municipal governance at the level of the Ward, Zone and Corporation.
- (3) Municipal Authorities must communicate to the general public information concerning the available mechanisms, processes and procedures to encourage and facilitate community participation.
- (4) Meetings of the Municipal Authorities shall be ordinarily open to the public, including the media, and they shall give notice to the public of the time, date and venue of every meeting.
- (5) Municipal Authorities shall promote transparency in its functioning by voluntarily declaring financial and operational information of all municipal functions and services.

34. Constitution of Ward Committee

- (1) There shall be a Ward Committee for each ward of the Municipal Corporation.
- (2) The Ward Committee shall consist of the following, namely:-
 - (a) the Councillor of the Corporation representing the Ward, who shall be the Chairperson of the Ward Committee; and
 - (b) a maximum of 20 members to be nominated by the Corporation; out of which:-
 - (i) a maximum of 10 members shall be elected based on proportional representation, as specified in the procedure laid down under this Act.
 - (ii) a maximum of 10 members shall be nominated from the civil society of the ward, as specified in the procedure laid down under this Act.
- (3) Any person disqualified from being elected as a Councillor shall not be eligible to be a member of the Ward Committee.
- (4) All ward-level officers of the Corporation and other state agencies involved in service delivery in the ward shall be ex-officio members of the Ward Committee and can attend meetings of the Ward Committee but shall not have the right to vote.

35. Procedure for electing Ward Committee members by proportional representation

- (1) Every candidate contesting the elections to the Municipal Corporation shall, on or before the last date of filing nominations, declare a List of Representatives for the ward in which he/she is contesting.
- (2) Each List of Representatives should contain the names of a maximum of 10 and a minimum of 3 members ordinarily residing in the ward who shall be the nominees for the Ward Committee, listed in the order of preference:
Provided that among the top 3 names provided in each list, there shall be a minimum of 1 woman and 1 member from the Scheduled Castes or the Scheduled Tribes;
Provided further that any candidate who has filed his/her nomination for contesting the election shall not be in the List of Representatives for the ward committee.
- (3) The List of Representatives of each candidate shall be widely publicized and should be prominently displayed in the ward offices.
- (4) The members to the Ward Committee selected by proportional representation shall be filled in such a manner that every candidate who receives 10 percentage of the total votes polled in the ward shall have the power to nominate one member and each additional 10 percentage of total votes allows the candidate to nominate another member filled on the basis of the order of preference in the List of Representatives for each candidate:
Provided that if the total number of members selected through this process is less than 10, the winning councillor may nominate the members of his/her choice to fill the unallocated seats.
- (5) The term of the members of the Ward Committee elected by proportional representation shall be co-terminus with the term of the Councillor of the ward.

36. Procedure for nominating Ward Committee members

- (1) A call for applications for civil society members to be nominated to the Ward Committee shall be made by the Commissioner within one month of the completion of elections to the Municipal Corporation.
- (2) The call for applications and details regarding the eligibility requirements must be widely circulated and shall be pasted on the notice board of ward offices and shall also be published in two dailies with wide circulation, including one in the regional language.
- (3) The Commissioner, in consultation with the Mayor-in-Council, shall constitute a Selection Committee consisting of three eminent citizens ordinarily resident in the Corporation with experience in civic issues for selecting the members to be nominated to the Ward Committee.

- (4) While considering the applications to the Ward Committees, the Selection Committee may consult with the Councillor of the specific ward and may consider his/her suggestions.
- (5) The Selection Committee shall nominate members to all the Ward Committees in the Municipal Corporation in such a manner that each Ward Committee includes:
 - (a) 3 members from Residents Welfare Associations having their registered offices located within the jurisdiction of that ward;
 - (b) 2 members from voluntary organizations, community-based organizations, non-governmental organizations, womens' organizations, environmental organizations, cultural organizations, youth organizations and other similar groups active in the ward;
 - (c) 2 members from slum associations, federations and other organizations and self-help groups working among people from economically weaker sections in the ward;
 - (d) 2 members from trade unions, workers' groups, trade associations, industrial associations, chambers of commerce, professionals' groups, educational societies and such other sectors active in the ward; and
 - (e) 1 member who is a social activist, social worker, community worker, RTI activist, former bureaucrat, former judge or any other citizen who has been active in public service in the ward:

Provided that among the members nominated, there shall be at least two members belonging to the Scheduled Castes or Scheduled Tribes and three members who are women:

Provided further that if the Commissioner does not receive enough applications from the abovementioned categories to fill the posts, the Selection Committee may nominate such individuals residing in the ward in such a manner that the composition of the Ward Committee is as per the provisions of this section.

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

37. Secretary of the Ward Committee

- (1) An officer of appropriate rank from the Corporation or a suitably qualified person shall be appointed by the Commissioner of the Corporation, in consultation with the appropriate Ward Committee, to act as Secretary for each Ward Committee.
- (2) The Secretary of the Ward Committee shall be the chief executive of the ward responsible for carrying out the decisions of the Ward Committee and implementing the functions of the Municipal Corporation within the ward.

38. Meetings of the Ward Committee

- (1) The Secretary shall call for a meeting of the Ward Committee at least once a month. The quorum required for a meeting of the Ward Committee is a minimum of 10 members, with no less than 4 nominated members present at each meeting.
- (2) In the event that the Secretary of the Ward Committee fails to convene the monthly meeting, the chairperson or any member of the Ward Committee shall be empowered to convene the meeting.
- (3) All decisions in the Ward Committee shall, as far as possible, be arrived at through consensus. Where consensus is not possible, the decision shall be taken by the majority of members present and voting.
- (4) The Commissioner, or his/her nominee, shall be entitled to take part in the meetings and deliberations of the Ward Committee.
- (5) The Chairperson of the Ward Committee shall have the right to summon any officer of the Corporation or other state agencies responsible for providing any municipal service in the ward.
- (6) All minutes of the proceedings of the meetings of the Ward Committee shall be recorded by the Secretary and a copy of the same shall be forwarded to the Corporation and be made public within three days of the meeting.

39. Ward Committees to retain a prescribed amount of taxes

Notwithstanding anything contained in this Act, the Municipal Corporation shall allot every Ward Committee a fixed share of the taxes collected by it from the ward which may be utilised by the Ward Committee in the manner it chooses.

40. Power of the Ward Committee to execute, supervise and audit works

- (1) Ward Committees shall have the power to determine the works that are to be carried out within the jurisdiction of the ward and may, subject to the general supervision and control of the Corporation, implement projects necessary for discharging the functions of the Corporation within the ward.
- (2) Ward Committees shall monitor and supervise all works of the Municipal Corporation in the Ward including solid waste collection and management, public health and sanitation; maintenance of public parks, playgrounds, lakes and water bodies; maintenance of roads, pavements, skywalks and other infrastructure; regulation of rain water harvesting and ground water recharging, among other tasks.

- (3) Ward Committee shall regulate and supervise all programmes and schemes being implemented by any Municipal Authority in the ward.
- (4) Ward Committee shall have the power to conduct an audit, by itself or through an audit committee constituted for that purpose, of any project or work carried out by any public authority or any entity receiving funds from any public authority in the Ward.
- (5) If the Ward Committee finds the manner in which any project or work in the Ward carried out to be unsatisfactory, for reasons that are to be recorded, it shall have the power to make any suggestion to improve it or recommend to the competent authority that the project or work be cancelled or modified.
- (6) Ward committees shall have the power to recommend to the competent authority for imposition of penalties in respect of a Government employee for misconduct and negligence of duties.
- (7) Ward Committees shall identify the list of beneficiaries for any schemes implemented in the ward by any public authority.

41. Ward Committees to prepare Vision and Development Plan

- (1) Ward Committees shall, as soon as may be after their constitution, through a wide-ranging consultation process involving citizens of the Ward, prepare a 5-year Ward Vision Plan and submit the same to the Municipal Corporation.
- (2) Ward Committees shall submit to the Municipal Corporation an Annual Ward Development Plan, in the form of a priority list, specifying the projects and schemes which the Ward Committee proposes to implement in the Ward in the following financial year.
- (3) The Municipal Corporation shall take into consideration the Ward Vision Plan, the Ward Development Plan and all other plans submitted by Ward Committees while preparing its plans, programmes and schemes.

42. Ward Committees to be consulted on land use change

- (1) Ward Committees shall be provided full information about the Master Plan, Strategic Spatial Plan or any other municipal plans that affect a ward and shall have the right to verify, seek clarifications and suggest changes that need to be incorporated.
- (2) Notwithstanding anything contained in this Act or any other law, no change in the land use and zoning in the master plan or any other spatial plan shall be carried out by any authority without consulting the Ward Committees of the affected area.

43. Ward Committees to prepare Ward Budget

- (1) Ward Committees shall prepare a Ward Budget in accordance with Annual Ward Development Plan and submit it to the Municipal Corporation which may incorporate it to the Budget of the Municipal Corporation.
- (2) Ward Committees shall prepare their Ward Budgets six weeks before the Budget of the Municipal Corporation and a Ward Committee meeting to facilitate the preparation of the Ward Budget shall be held three weeks before the preparation of the Ward Budget.
- (3) The Ward Committee shall be given access to the Budget of the Municipal Corporation and shall have the right to verify, seek clarifications and suggest changes that need to be incorporated.

44. Annual General Meeting of Ward Sabha

- (1) The Secretary of the Ward Committee shall, every year, call for an annual general meeting of the Ward Sabha consisting of all persons registered as voters in the Ward for providing inputs in the formulation of the Annual Ward Development Plan.
- (2) The Secretary of the Ward Committee shall publicise the meeting of the annual general meeting and ensure the participation of Resident Welfare Associations, Community Based Organisations, Slum Federations, Non-Governmental Organisations and such other organisations and collectives active in the ward.
- (3) All minutes of the proceedings of the Ward Sabha meeting shall be recorded by the secretary of the Ward Committee and a copy of the same shall be forwarded to the Municipal Corporation and made public within three days of the meeting.
- (4) The Ward Committee shall give due consideration to all proposals made in the annual general meeting of the Ward Sabha in preparing the Annual Ward Development Plan.
- (5) Nothing in this chapter shall prevent the Secretary of the Ward Committee to call for a special general meeting of the Ward Sabha in addition to the Annual General Meeting to discuss any issue which requires decision making by popular participation.

45. Formation of Neighbourhood Civic Initiatives

- (1) For promoting and institutionalising community participation in municipal governance, the Municipal Corporation may designate any citizens' collective, in whatever organisational form it operates, engaged in addressing civic concerns in the jurisdiction of the Corporation as a Neighbourhood Civic Initiative.

- (2) The Ward Committees may identify citizens' collectives working on improving municipal governance in the ward and forward the same to the Municipal Corporation recommending that it be designated as a Neighbourhood Civic Initiative.
- (3) For a citizens' collective to be designated as a Neighbourhood Civic Initiative, it shall have demonstrable experience in addressing civic concerns like rejuvenation of lakes, promoting urban commons, segregation of waste, reviving public spaces and such other civic initiatives which supplement the role of the Municipal Corporation and Ward Committees in municipal governance.
- (4) The Ward Committees and Municipal Corporation may formally partner with a designated Neighbourhood Civic Initiative to collaboratively address civic issues in its jurisdiction.
- (5) The Municipal Corporation may by regulations define the powers, functions and duties of the Neighbourhood Civic Initiatives.

*Chapter VI***GREATER BENGALURU AUTHORITY****46. Constitution of the Greater Bengaluru Authority**

- (1) As soon as may be after the date of commencement of this Act, the Government shall, by notification, constitute for the Greater Bengaluru Area an Authority called the Greater Bengaluru Authority.
- (2) The Greater Bengaluru Authority shall be a body corporate and shall have perpetual succession and common seal with power to acquire, hold and dispose of property and to contract and may, by its name, sue and be sued.
- (3) The Greater Bengaluru Authority shall consist of the following members, namely:-
 - (a) The Mayor of Greater Bengaluru, who shall be the Chairperson;
 - (b) The Commissioner, Bangalore Development Authority, who shall be the Member Secretary;
 - (c) The Mayors of the Municipal Corporations within the Greater Bengaluru Area;
 - (d) Two Members from each Municipal Corporations within the Greater Bangalore Metropolitan Area elected by the councillors of the Corporation among themselves;
 - (e) One Member of Legislative Assembly from each Municipal Corporation of the Greater Bengaluru Area, whose constituency lies within or substantially under the jurisdiction of the particular Municipal Corporation, elected by the members of the said Corporation;
 - (f) A maximum of two members elected by and from amongst the Adyakshas and Upadyakshas of Gram Panchyats in the Greater Bengaluru Area, if there are any within such area, the election being held according to a system of proportional representation by means of the single transferable vote;
 - (g) The Chairman, Bangalore Water Supply and Sewerage Board;
 - (h) The Chairman, Bangalore Metropolitan Transport Corporation;
 - (i) The Chairman, Bangalore Metro Rail Corporation;
 - (j) The Managing Director, Bangalore Electricity Supply Company; and
 - (k) Five members who have knowledge and experience in urban planning, administration, law, transportation, ecology or any matter related with urban governance, nominated by the Mayor of Greater Bengaluru.
- (4) The executive heads of Department of Urban Land Transport, Bangalore City Police, Karnataka Fire and Emergency Services and Karnataka Slum Clearance Board shall be ex-officio members of the Greater Bengaluru Authority and may be mandated to attend its meetings but shall not have the right to vote.

47. The Mayor of Greater Bengaluru

- (1) The Mayor of Greater Bengaluru shall be elected by the persons whose names appear in the electoral rolls of the Municipal Corporations within the Greater Bengaluru Area in accordance with such procedure as may be prescribed.
- (2) The term of office of the Mayor of Greater Bengaluru shall, save as otherwise expressly provided in, be five years beginning from the day of the election of the Mayor.
- (3) The Mayor of Greater Bengaluru shall supervise and control all the activities on behalf of the Authority and shall exercise such powers and perform such duties conferred on him/her under this act and under regulations issued by the Authority.
- (4) When the office of the Mayor of Greater Bengaluru falls vacant due to death or incapacitation of the Mayor of Greater Bengaluru, his/her functions shall be performed by the co-chairperson of the Greater Bengaluru Authority who is elected by and from amongst the members of the Greater Bengaluru Authority, until a new Mayor of Greater Bengaluru is elected.

48. Bangalore Development Authority to be the Secretariat

- (1) The Bangalore Development Authority shall be the Secretariat to the Greater Bengaluru Authority and shall assist the Greater Bengaluru Authority in carrying out its functions.
- (2) The Commissioner of the Bangalore Development Authority shall be the Member Secretary of the Greater Bengaluru Authority and shall act as the Chief Administrative Officer of the Authority.

49. Meetings of the Greater Bengaluru Authority

- (1) The Mayor of Greater Bengaluru shall convene the meetings of the Greater Bengaluru Authority in such a manner that at least one meeting is held every three months.
- (2) The quorum required for the meeting is half the total strength of the Greater Bengaluru Authority.
- (3) In the first meeting of Greater Bengaluru Authority, the members shall elect from among themselves one member to be the co-chairperson of the Greater Bengaluru Authority who may preside over the meetings in the absence of the Mayor of Greater Bengaluru.
- (4) All questions which come up before any meeting of the Authority shall be decided by majority of the votes of the members present and voting and in the event of an equality

of votes, the Mayor of Greater Bengaluru, or in his/her absence the person presiding, shall have a second or casting vote.

- (5) The Authority shall observe such rules of procedure regarding the transaction of business at its meetings as may be prescribed by regulations.
- (6) The Member Secretary shall record all the decisions and minutes of the meeting and shall make it public within three days of the meeting.

50. Functions of the Greater Bengaluru Authority

- (1) The Greater Bengaluru Authority shall perform the following functions:
 - (a) Preparation of land use Master Plan and Strategic Spatial Plan for the Greater Bengaluru Area;
 - (b) Preparation of Vision Plans, Sectoral Plans and other long-term development plans for the Greater Bengaluru Area;
 - (c) Preparation of Transport, Mobility and Traffic Management Plans for the Greater Bengaluru Area;
 - (d) Formulating schemes necessary for implementing the Master Plan, Strategic Spatial Plan and other plans prepared by the Greater Bengaluru Authority;
 - (e) Coordinating the execution of the Master Plan, Strategic Spatial Plan and other plans in accordance with the said schemes;
 - (f) Formulating and implementing major infrastructural projects in the Greater Bengaluru Area which cut across the jurisdiction of multiple Municipal Corporations;
 - (g) Establishment and operation of Geographical Information System, Intelligent Transport Systems and other information and technology-based solutions for co-ordinating the development of the Greater Bengaluru Area; and
 - (h) Coordinating and supervising the activities of the Bangalore Development Authority, the Bengaluru Water Supply and Sewerage Board, Bangalore Metropolitan Transport Corporation, Bengaluru Metro Rail Corporation Limited, the Bangalore Electricity Supply Company and such other bodies connected with municipal activities in the Greater Bengaluru Area.

51. Administering major infrastructural projects in the Greater Bengaluru Area

The Greater Bengaluru Authority shall be responsible for formulating and implementing major infrastructural projects in the Greater Bengaluru Area which cut across the across the jurisdiction of multiple Municipal Corporation including:

- (a) Construction and improvement of arterial roads, elevated expressways and major flyovers;
- (b) Construction and improvement of storm water drain network;
- (c) Administration of distribution and supply of electricity to main lines;

- (d) Administration of distribution and supply of water and sewerage to main lines; and
- (e) Approval of development plans for large housing layouts and commercial and industrial estates.

52. Economic Development Agency

- (1) The Greater Bengaluru Authority shall, within one year of its constitution, establish an Economic Development Agency with the Mayor of Greater Bengaluru as its chairperson and such other members that the Authority may determine by regulations.
- (2) The Economic Development Agency shall be tasked with the responsibility of attracting investments and employment generation in the Greater Bengaluru Area by building suitable public and private alliances.
- (3) The Greater Bengaluru Authority may by regulations define the powers, functions and duties of the Economic Development Agency.

53. Sectoral Committees

- (1) The Greater Bengaluru Authority may constitute Sectoral Committees consisting of such members as it thinks fit to guide the Authority in the following sectors:
 - (a) Urban and Regional Planning;
 - (b) Infrastructure and Transportation;
 - (c) Environment and Ecology;
 - (d) Poverty and Inclusion; and
 - (e) Information and Communication Technology.
- (2) Each Sectoral Committee may be required to prepare plans that would lay down the strategies of development and identify the major interventions needed to ensure common strategies across the Municipal Corporations in the Greater Bengaluru areas.
- (3) Every committee appointed under the sub-section (1) shall conform to any instructions that may from time to time be given to it by the Authority and the Authority may at any time alter the constitution of any committee so appointed or rescind any such appointment.
- (4) The manner of transaction of business of the Sectoral Committees and all other matters relating to the committees shall be such as may be prescribed by the Authority by regulations.

54. Power of Supervision of specific public authorities

- (1) Notwithstanding anything contained in the Bangalore Water Supply and Sewerage Board Act, 1964 and Bangalore Development Authority Act, 1976, the Greater

Bengaluru Authority shall have the power of superintendence over the Bangalore Water Supply and Sewerage Board and Bangalore Development Authority and shall have the power to direct and supervise all activities that such agencies are entitled to perform pursuant to the provisions of those statutes.

- (2) The Greater Bengaluru Authority shall be entitled to call for periodic reports from the Bangalore Water Supply and Sewerage Board and the Bangalore Development Authority and shall be further entitled to issue instructions to those agencies regarding the performance of any of their functions contained in the provisions of their constituent statutes.

55. Power to Issue directions to authorities

- (1) The Greater Bengaluru Authority may, in order to carry out its Master Plan, Strategic Spatial Plan or any other plan or scheme it is empowered to formulate or administer, issue directions to Bangalore Development Authority, Bangalore Water Supply and Sewerage Board, Bangalore Metropolitan Transport Corporation, Bengaluru Metro Rail Corporation Limited, Bangalore Electricity Supply Company and any other agency or department of the government discharging municipal functions in the Greater Bengaluru Area as government may by notification specify.
- (2) Notwithstanding anything contained in any other law for the time being in force, every such direction shall be complied with by the body to whom it is issued. On failure, it shall be competent for the Authority to take necessary action to carry out the directions issued under sub-section (1) and recover expenses, if any, incurred therefor from the body concerned.
- (3) Any dispute which arises between the Authority and parastatal agencies and other bodies referred to in sub-section (1) in respect of the directions issued to them shall be determined by the State Government whose decision shall be final.

56. Greater Bengaluru Authority Fund

- (1) The Authority shall have a fund called the Greater Bengaluru Authority Fund which shall be operated by such officers as may be authorised by the Authority.
- (2) The Authority may accept grants, subventions, contributions, donations and gifts from the Central Government, the State Government, a local authority or any individual or body, whether incorporated or not, for all or any of the purposes of this Act.
- (3) The Authority shall be eligible to receive a portion of the taxes, fees, and other revenues collected by the Municipal Corporations in the Greater Bengaluru Area as determined by the Greater Bengaluru Finance Commission.

- (4) The State Government shall, every year, make a grant to the Authority of a sum equivalent to the administrative expenses of the Authority till the Authority is able to meet its administrative expenses out of its own resources.

57. Budget

The Authority shall prepare, every year, in such form and at such time as may be prescribed, an annual budget estimate in respect of the next financial year showing the estimated receipts and disbursements of the Authority and shall submit a copy thereof to the State Government.

58. Annual Report

The Authority shall, after the end of each year prepare in such form and before such date as may be prescribed, a report of its activities during such year and submit to the State Government and the State Government shall cause a copy of such report to be laid before both Houses of the State Legislature. The Authority shall also submit a copy of its Annual Report and Budget to the Municipal Corporations in Greater Bengaluru.

59. Power of Authority to borrow

The Authority may from time to time, subject to the provisions of this Act and to such conditions as may be prescribed by the Government, borrow any sum required for carrying out its functions as provided in this Act.

60. Accounts and audit

- (1) The Authority shall cause to be maintained proper books of accounts and such other books as the rules made under this Act may require and shall prepare in accordance with such rules an annual statement of accounts.
- (2) The Authority shall cause its accounts to be audited annually by an Auditor who shall be a Chartered Accountant holding a certificate of practice under the Chartered Accountants Act, 1949
- (3) The Audited accounts and report of the Auditor shall be published by the authority in the prescribed manner. The Authority shall send a copy of such audited accounts and the report of the Auditor to the State Government. The State Government shall cause the audited accounts and the report of the Auditor to be laid before both Houses of the State Legislature as soon as, after it is received by the State Government.

Chapter VII

ELECTIONS**61. State Election Commission to conduct elections**

- (1) The Superintendence, direction and control of the preparation of electoral rolls for and the conduct of all elections of Councillors of the Municipal Corporations and the Mayor of Greater Bengaluru shall be vested in the State Election Commission.
- (2) An election to constitute a Municipal Corporation shall be completed,-
 - (a) before the expiry of its duration;
 - (b) before the expiration of a period of six months from the date of its dissolution;
 Provided that where the remainder of the period for which the dissolved Municipal Corporation would have continued is less than six months, it shall not be necessary to hold any election under this clause for constituting the Municipal Corporation for such period.
- (3) The State Government shall, in consultation with the State Election Commission, make rules for the preparation of electoral rolls and conduct of all elections of Councillors of Municipal Corporations and the Mayor of Greater Bengaluru.

62. Determination of Wards

- (1) For the purpose of election of Councillors to Municipal Corporation, the State Election Commission shall, by notification, determine,-
 - (a) the number of wards into which the city shall be divided and the extent of each division;
 - (b) the number of seats reserved for the Scheduled Castes, the Scheduled Tribes, Backward Classes and women and the wards in which such seats shall be reserved.
- (2) Only one Councillor shall be elected from each ward of the Municipal Corporation.
- (3) No delimitation of wards or change of wards for the purpose of reservation shall be made in a Municipal Corporation after its constitution except for the purpose of general election to that Municipal Corporation and no such delimitation or change of wards shall, in any manner, affect the existing Municipal Corporation.

63. Electoral Roll for every ward

- (1) For every ward there shall be an electoral roll prepared, revised, modified, updated and published in the prescribed manner subject to the superintendence, direction and control of the State Election Commission.
 Provided that the electoral roll of the Karnataka Legislative Assembly for the time being in force for such part of the area of a Municipal Corporation as is included in any ward

may be adopted for the purpose of preparation of electoral roll of the municipal corporation for such ward:

Provided further that the electoral roll for such ward of the Municipal Corporation shall not include any amendment, transposition, inclusion or deletion of entry made after the last date for making nomination for the election to such ward and before completion of such election.

- (2) Every person whose name is in the list of voters referred to in subsection (1) shall, unless disqualified under any law for the time being in force, be qualified to vote, at the election of a member for the to which such list pertains.

64. State Election Commission to fix date of elections

- (1) The date or dates of elections to constitute a Municipal Corporation and to fill the casual vacancy and the election of the Mayor of Greater Bengaluru shall be fixed by the State Election Commission in consultation with the Government:

Provided that no election shall be held to fill a casual vacancy occurring within four months before the ordinary date of retirement of the member and that such vacancy shall be filled at the next ordinary election.

- (2) A councillor elected at a casual election shall enter upon office forthwith but shall hold office so long only as the member in whose place he/she is elected would have held if the vacancy had not occurred.

65. Qualification of candidates

- (1) Every person whose name is in the list of voters for any of the wards of the municipal area shall, unless disqualified under this Act or any other law for the time being in force, be qualified to be elected at the election for that ward or any other of the municipal area:

Provided that a person shall not be qualified to be elected,-

- (a) To a seat reserved for Scheduled Castes or Scheduled Tribes unless he/she is a member of those castes or tribes; and
 - (b) To a seat reserved for Backward Classes, unless he/sje is a member of such classes;
 - (c) To a seat reserved for women unless such person is a woman.
- (2) Every person whose name is in the electoral roll of any local authority in the Greater Bengaluru Area, unless disqualified under this Act or any other law for the time being in force, be qualified to be elected as the Mayor of Greater Bengaluru.
- (3) Subject to any disqualification incurred by a person, the electoral roll shall be conclusive evidence for the purpose of determining under this section whether the person is

qualified or is not qualified to vote or is qualified or is not qualified to be elected, as the case may be, at an election.

66. Disqualifications of Candidates

- (1) A person shall be disqualified for being chosen as a councillor of the Municipal Corporation or the Mayor of Greater Bengaluru,—
 - (a) if he/she has been sentenced by a criminal court to imprisonment for an offence which involves moral turpitude and is punishable with imprisonment for a term exceeding six months and such sentence has not been reversed or quashed or the offence not pardoned;
 - (b) if he/she is of unsound mind and stands so declared by a competent court;
 - (c) if he/she is an undischarged insolvent;
 - (d) if he/she is not a citizen of India, or has voluntarily acquired the citizenship of a foreign State, or is under any acknowledgment of allegiance or adherence to a foreign State;
 - (e) if he/she is so disqualified by or under any law for the time being in force for the purposes of elections to the Legislative Assembly;
 - (f) Provided that no person shall be disqualified on the ground that he/she is less than twenty five years if he/she has attained the age of twenty one years.
 - (g) if he/she holds an office of profit in the Government of India or the Government of any State specified in the First Schedule to the Constitution of India, or of 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;
 - (h) if he/she is interested in any subsisting contract made with, or any work being done for, the Corporation except as a shareholder in an incorporated company or as a member of a cooperative society
 - (i) if he/she is retained or employed in any professional capacity either personally or in the name of a firm of which he/she is a partner or with which he/she is engaged in a professional capacity, in connection with any cause or proceeding in which the Corporation or any of the municipal authorities is interested or concerned
- (2) Notwithstanding anything contained in sub-section (1)—
 - (a) a person shall not be deemed to have incurred any disqualification under clause (f) of that sub-section by reason only of his receiving any pension or any allowance or facility for serving as a councillor;
 - (b) a person shall not be deemed to have any interest in a contract or works such as is referred to in clause (h) of that sub-section by reason only of his/her having a share or interest in –
 - (i) any lease, sale, exchange or purchase of immovable property or any agreement for the same; or

- (ii) any agreement for the loan of money or any security for the payment of money only; or
 - (iii) any newspaper in which any advertisement relating to the affairs of the Corporation is inserted; or
 - (iv) the sale to the Corporation or to any municipal authority or any officer or other employee of the Corporation on behalf of the Corporation, of any article in which he regularly trades or the purchase from the Corporation or from any such authority, officer or other employee on behalf of the Corporation, of any article of a value in either case not exceeding five thousand rupees in the aggregate in any year during the period of the contract or work;
 - (v) the letting out on hire to the Corporation or the hiring from the Corporation of any article of a value not exceeding two thousand rupees in the aggregate in any year during the period of the contract or work; or
 - (vi) any agreement or contract with the Corporation or any municipal authority for any goods or services which the Corporation may generally supply
- (3) A person shall be disqualified for being a Councillor if he/she is so disqualified under the Karnataka Local Authorities (Prohibition of Defection) Act, 1987.
- (4) A person shall be disqualified for being chosen as and for being a Councillor if he/she is disqualified under this Act.

67. Corrupt practices

- (1) The following shall be deemed to be corrupt practices for the purposes of this Act, namely:-
- (a) '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;
 - (b) 'under influence' as defined in clause (2) of the said section for the time being in force;
 - (c) 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;
 - (d) 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;

- (e) 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;
- (f) 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.
- (g) the holding of any meeting in which intoxicating liquors are served;
- (h) 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;
- (i) any other practice which the Government may by rules specify to be a corrupt practice.

- (2) The corrupt practices specified in sub-section (1) shall entail disqualification for being a councillor for a period of six years counting from the date on which the finding of the court as to such practice takes effect under this Act.

68. Account of election expenses

- (1) Every candidate at an election under this Act shall keep a separate and correct account of all expenditure in connection with the election expenses incurred or authorised by him/her between the date on which he/she 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/her election agent) shall not be deemed to be the expenditure in connection with the election incurred or authorised by the candidate or by his/her election agent for the purpose of sub-section (1).

- (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.

69. Lodging of account with the returning officer

- (1) 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/her or by his/her election agent.
- (2) If the State Election Commission is satisfied that any person has failed to lodge an account of election expenses within the time and in the manner required by or under this Act; and has no good reason or justification for the failure; the State Election Commission shall by order published in the official Gazette declare him/her to be disqualified and any such person shall be disqualified for a period of three years from the date of the order.

70. Election petition

- (1) No election under this Act 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.
- (2) An election petition may be presented on one or more of the grounds specified in Section 71
 - (a) by any candidate at such election; or
 - (b) by any voter of the ward concerned
- (3) A petitioner shall join as respondents to his/her petition all the candidates at the election
- (4) An election petition,-
 - (a) shall contain a concise statement of the material facts on which the petitioner relies
 - (b) shall set forth full particulars of any corrupt practice that the petitioner alleges, including as full a statement as possible of the names of the parties alleged to have committed such corrupt practice and the date and place of the commission of each such practice; and
 - (c) shall be signed by the petitioner and verified in the manner laid down in the Code of Civil Procedure, 1908 (Central Act 5 of 1908) for the verification of pleadings.

- (5) Every election petition shall be tried as expeditiously as possible and endeavour shall be made to conclude the trial within six months from the date of presentation of the election petition under sub-section (1):
 Provided that where the petitioner alleges any corrupt practice the petition shall also be accompanied by an affidavit in the prescribed form in support of the allegation of such corrupt practice and the particulars thereof.
- (6) Any schedule or annexure to the petition shall also be signed by the petitioner and verified in the same manner as the petition.
- (7) A petitioner may, in addition to claiming a declaration that the election of all or any of the returned candidates is void, claim a further declaration that another candidate has been duly elected.

71. Grounds for declaring elections to be void

- (1) Subject to the provisions of sub-section (2), if the court is of the opinion,-
- (a) that on the date of his/her election a returned candidate was not qualified or was disqualified, to be elected under this Act, or
 - (b) that any corrupt practice has been committed by a returned candidate or his/her 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, or
 - (d) that the result of the election, in so far as it concerns a returned candidate, has been materially affected,-
 - ii. by the improper acceptance of any nomination; or
 - iii. by any corrupt practice committed in the interests of the returned candidate by an agent other than his/her election agent; or
 - iv. by the improper reception, refusal or rejection of any vote or the reception of any vote which is void; or
 - v. 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/her 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/her election agent and every such corrupt practice was committed contrary to the orders and without the consent of the candidate or his/her election agent;

- (b) that the candidate and his/her 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/her agents, then the court may decide that the election of the returned candidate is not void.

72. 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.

73. 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 the petitioner 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.

74. Appeal

- (1) An appeal shall lie to the High Court from an order of the District Court under Section 73 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.

*Chapter VIII***MUNICIPAL ADMINISTRATION****75. Principles governing municipal administration**

- (1) The municipal administration must organize its affairs in such a manner that would enable it to:
 - (a) be transparent and open in all administrative processes and decisions;
 - (b) establish mechanisms that are responsive to citizen needs and grievances;
 - (c) promote a culture of public service and accountability amongst its staff;
 - (d) facilitate co-operation, co-ordination and communication, between the elected councillors, administration and the local community;
 - (e) perform its functions through operationally effective and appropriate administrative units, including departments and other functional units;
 - (f) assign clear responsibilities for the management and co-ordination of these administrative units;
 - (g) delegate responsibility to the lowest level within the municipal administration that may competently and efficiently discharge the function; and
 - (h) provide an equitable, fair, open and non-discriminatory working environment.

76. Officers of the Municipal Corporation

- (1) The Municipal Corporation shall, with the approval of the Greater Bengaluru Authority, appoint such officers it considers suitable to deal with the functions relating to finance, engineering, public health, environment, social welfare and such other functions exercised by the Municipal Corporation. They shall be whole-time officers of the corporation and be subordinate to the Commissioner of the Municipal Corporation.
- (2) At the request of the Municipal Corporation, the State Government may, by order, provide for sharing of services of officers of the State Civil Service and All India Services on its cadre to the Municipal Corporations on such terms and conditions, as may be specified in the order.
- (3) The Municipal Corporation, with the approval of the Greater Bengaluru Authority, shall appoint an officer not below the rank of an Assistant Commissioner to be the council secretary to the Municipal Corporation. It shall be the duty of the council secretary to attend every meeting of the corporation and he/she shall perform such other duties as are imposed on him/her by or under this Act.
- (4) Every officer appointed under sub-sections (1) (2) and (3) shall be paid by the Corporation such salary as may be determined by the Government from time to time which shall be met out of the corporation fund and shall be entitled to leave and other privileges in accordance with the rules and regulations as may be prescribed, and the

corporation shall make such contribution towards his/her leave, allowances, pension and provident fund as may be payable under such rules and regulations.

77. Officers of the Greater Bengaluru Authority

- (1) The Greater Bengaluru Authority shall, with the approval of the Government, appoint such officers it considers suitable to deal with the functions relating to infrastructure, planning, administration, law and such other functions exercised by the Greater Bengaluru Authority.
- (2) At the request of the Greater Bengaluru Authority, the State Government may, by order, provide for sharing of services of officers of the State Civil Service and All India Services on its cadre to the Municipal Corporations on such terms and conditions, as may be specified in the order.
- (3) Every officer appointed under sub-sections (1) and (2) shall be paid by the Authority such salary as may be determined by the Government from time to time which shall be met out of the Greater Bengaluru Authority Fund and shall be entitled to leave and other privileges in accordance with the rules and regulations as may be prescribed and the Authority shall make such contribution towards his/her leave, allowances, pension and provident fund as may be payable under such rules and regulations.

78. State Government to make Cadre and Recruitment Rules

- (1) The method of appointments and qualifications required thereof for officers referred to in Section 76 and Section 77 shall be such as prescribed by rules regarding Cadre and Recruitment made by the Government.
- (2) The rules regarding cadre and recruitment shall be notified by the Government within one year of this Act coming into force and shall be revised every five years.

79. Schedule of Corporation Establishment

- (1) The Commissioner shall lay before the Mayor-in-Council a Schedule setting forth the designations and grades of the officers and servants who should in his/her opinion constitute the corporation establishment and embodying his/her proposals with regard to the salaries, fees and allowances payable to them.
- (2) The Mayor-in-Council 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 Mayor-in-Council.

- (4) No officer or servant shall be employed on the corporation establishment unless he/she is appointed under Section 76 of this Act.

80. Contribution in respect of Government servants

- (1) If an officer or servant serving or having served under the Municipal Corporation or the Greater Bengaluru Authority is or has been transferred from or to the service of the Government or is employed partly under the Government, the Municipal Corporation or the Greater Bengaluru Authority, as the case may be, shall make such contribution towards his/her leave allowances, pension and provident fund as may be required to be made by him/her or on his/her behalf under the rules and regulations of the branch of Government service to which he belongs.
- (2) Every officer of the Government employed by the Municipal Corporation or Greater Bengaluru Authority 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/she belongs.

81. Reservation of posts for appointment

In making appointments to the Municipal Corporation and the Greater Bengaluru Authority the appointing authority shall reserve adequate number of posts for the Scheduled Castes, the Scheduled Tribes and Other Backward Classes in the same manner and to the same extent as is applicable for the recruitment to posts in the State Civil Services.

82. Establishment of performance management system

- (1) The Municipal Corporation shall establish a performance management system to improve the effectiveness of its officers and for the overall improvement of the management of the Municipal Corporation and also establish mechanisms to monitor and review its performance.
- (2) The Greater Bengaluru Authority may help the Municipal Corporations in developing the performance management system for the Municipal Corporation and submit the proposed system to the respective Municipal Corporation for adoption.
- (3) The performance management system of a Municipal Corporation shall:
- (a) set appropriate key performance indicators as a yardstick for measuring performance, including outcomes and impact, with regard to the Municipal Corporation's 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-in-Council.

83. Punishment of officers

- (1) Every officer of the Municipal Corporation and the Greater Bengaluru Authority shall be liable to have his/her increments or promotion withheld 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/she 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 shall be punished under sub- section (1) unless he/she has been given a reasonable opportunity of showing cause against the action proposed to be taken in regard to him/her:
 Provided that this sub-section shall not apply,-
 - (a) where an officer is removed or dismissed on the ground of conduct which has led to his/her conviction on a criminal charge; or
 - (b) where the authority empowered to remove or dismiss such officer 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 shall be final.
- (4) Any officer upon whom a punishment has been imposed under this section may appeal to such officer or authority as may be prescribed.

84. Transfer of employees

- (1) Notwithstanding anything contained in this Act, or in any other law, the State Government may, at the request of the Greater Bengaluru Authority, transfer any officer or servant of a corporation to a corresponding post in any other corporation in the Greater Bengaluru Area
- (2) The officer or servant transferred under sub-section (1) shall, subject to any rule or other provision made under this Act or under article 309 of the constitution, be entitled to the same remuneration and be subject to the same terms and conditions of service and to the same rights and privileges as to pension, gratuity and provident fund and

such other matters as he/she would have held under the corporation from which he was so transferred.

85. Power of Government to make rules regarding conditions of service

- (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) 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 should be made by rules.

86. Appointment of the Greater Bengaluru Services Ombudsman

- (1) The State Government shall, on the recommendation of a Selection Committee constituted by that Government, appoint a Greater Bengaluru Services Ombudsman to carry out the functions entrusted to him/her under Section 87.
- (2) The Selection Committee referred to in sub-section (1) shall consist of:
 - (a) the Chief Minister of the State Government;
 - (b) the Speaker of the State Legislative Assembly;
 - (c) the Leader of Opposition in the State Legislative Assembly;
 - (d) the Chairperson of the State Public Service Commission;
 - (e) the Mayor of Greater Bengaluru.
- (3) The Greater Bengaluru Services Ombudsman shall be a person of eminence with experience in civil service or judicial service or be an eminent person who has excelled in his/her field,
 Provided that if such person is a former civil servant, he/she shall not be below the rank of an Additional Chief Secretary to the State Government,
 Provided further that if such person is a former judge, he/she shall have served in the High Court having jurisdiction in the State.
- (4) The appointment of a Greater Bengaluru Services Ombudsman may be made for a period not exceeding three years:
 Provided that the period of appointment of a Greater Bengaluru Ombudsman may, subject to the recommendation of the Selection Committee referred to in sub-section (1), be extended for a further period not exceeding two years
- (5) Where the State Government is satisfied that in the public interest or for reason of incapacity of a Greater Bengaluru Services Ombudsman, it is necessary so to do, it may, for reasons to be recorded in writing, and by giving him/her three months' notice or by

paying him three months' consolidated emoluments in lieu of the notice as aforesaid, remove him/her from his office.

87. Functions of the Greater Bengaluru Services Ombudsman

The Greater Bengaluru Services Ombudsman shall have the following functions and powers:

- (a) to receive complaints from any person relating to the provision of municipal services;
- (b) to consider the complaints as aforesaid and to facilitate their satisfaction or settlement by agreement through conciliation and mediation between a Municipal Corporation and the aggrieved person by passing an award in this behalf in the manner prescribed; and
- (c) to resolve, by way of arbitration, such disputes between Municipal Corporations, between Municipal Corporations and other service providing agency and between a Municipal Authority and citizens as may be agreed upon by the contesting parties in accordance with the provisions of the Arbitration and Conciliation Act, 1996.

*Chapter IX***CONDUCT OF BUSINESS****88. First Meeting of the Corporation**

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 Commissioner.

89. Nomination of Presiding Officers

- (1) The Chairperson of the Municipal Corporation shall in the first meeting of Corporation nominate from amongst the members of the Corporation a panel of not more than three Presiding Officers and specify a sequence in which they may preside over the meetings of the Corporation in the absence of the Chairperson.
- (2) A member nominated under sub-section (1) shall hold office until a new panel of presiding officers is nominated.

90. Meetings of the Corporation

- (1) The Corporation shall meet every month for at least three days for the transaction of business in accordance with the prescribed procedure.
- (2) The Chairperson may, whenever he/she thinks fit, and shall, upon a requisition in writing by not less than twenty elected members of the Corporation, convene a meeting of the Corporation.
- (3) Notices of the meeting of the Corporation shall be issued by the council secretary and every such 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 Chairperson.
- (4) The Chairperson may require any of the officers of the Corporation to attend any meeting at which any matter dealt with by such officer in the course of his/her duties is being discussed. When any officer is thus required to attend any such meeting he/she may be called upon to make a statement of facts or supply such information in his/her possession relating to any matter dealt with by him/her as the Corporation may require.
- (5) All matters required to be decided at a meeting of the Corporation shall, save as otherwise provided in this Act, be determined by a majority of votes of the members of the Corporation present and voting.
- (6) All minutes of the proceedings of the meeting of the Corporation shall be recorded by the council secretary and be made public within three days of the meeting.

91. Quorum for meeting

- (1) The quorum necessary for the transaction of business at a meeting of a Municipal Corporation shall be one-third of the total number of Councillors.
- (2) If at any time during a meeting of the Municipal Corporation there is no quorum, it shall be the duty of the person presiding over such meeting either to adjourn the meeting or to suspend the meeting until there is a quorum.
- (3) Where a meeting has been adjourned under sub-section (2), the business which would have been brought before such meeting shall be brought before, and may be transacted at, the adjourned meeting, and no quorum shall be necessary for such adjourned meeting.

92. Presiding officer of a meeting of Municipal Corporation

- (1) The Chairperson or, in his/her absence, a member of the panel of Presiding Officers nominated under Section 89 shall preside at every meeting of the Corporation:
Provided that when a meeting is held to consider a motion for the removal of the Chairperson, the Chairperson shall not preside at such meeting.
- (2) The Chairperson or the person presiding over a meeting of the corporation shall also have, and may exercise, a casting vote in all cases of equality of votes.

93. Commissioner's right to attend meetings

- (1) The Commissioner, or any other officer of the Municipal Corporation authorized by him/her in writing in this behalf, shall have the right to attend the meetings of the corporation and to take part in the discussion but shall not have the right to move any resolution or to vote.
- (2) The Commissioner or any other office of the Municipal Corporation shall attend any meeting of the corporation if required to do so by the Mayor.

94. Disclosure of pecuniary interest

- (1) A Councillor may give to the council secretary a notice to the effect that he/she or his/her spouse is a member of a company or is a partner in a firm or is in the employment under a person, and if any contract is made or is proposed to be made with such company or firm or person, such notice shall, unless and until it is withdrawn, be deemed to be a sufficient disclosure of his/her interest in such contract or proposed contract which may be the subject of consideration at a meeting of the Municipal Corporation after the date of the notice.

- (2) The council secretary shall record in a book, to be kept for the purpose, particulars of any disclosure made under sub-section (1), and the book shall be open at all reasonable hours for the inspection of any Councillor.

95. Councillors having pecuniary interest to refrain from meeting

- (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, if the question is one in which apart from its general application to the public he/she has any direct or indirect pecuniary interest by himself/herself or his/her partner.
- (2) The Chairperson 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.
- (3) Such councillor may challenge the decision of the Chairperson, who shall thereupon put the question to vote and the decision of the meeting shall be final.

96. Corporation may call for extracts of proceedings

The Municipal Corporation may at any time call for any extract from any proceedings of the Mayor-in-Council or 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 Mayor-in-Council or the committee, as the case may, be without unreasonable delay.

97. Meeting to be ordinarily open to public

Every meeting of the Municipal Corporation shall be open to the public, unless a majority of the Councillors present at the meeting decides by a resolution, which shall be put by the presiding officer either on his/her own motion or at the request of any such Councillor, that any enquiry or deliberation pending before the Municipal Corporation shall be held in private.

98. Right of Councillor to ask questions

A Councillor may, subject to regulations that may be prescribed by the Corporation, ask the Mayor-in-Council questions on any matter relating to the administration of the Municipal Corporation, and all such questions shall be answered either by the Mayor or by any other member of the Mayor-in-Council at a meeting of the Municipal Corporation.

99. Asking for statement from Mayor-in-Council

- (1) Any Councillor may ask for a statement from the Mayor-in-Council on an urgent matter relating to the administration of the Corporation by giving a notice to the council secretary at least one hour before the commencement of the sitting on any day.
- (2) The Mayor or a member of the Mayor-in-Council may either make a brief statement on the same day or fix a date for the same.
- (3) Not more than three such matters shall be raised at the same sitting and in the event of more than three matters being raised, priority shall be given to the matters which are, in the opinion of the Presiding Officer, more urgent and important.

100. Discussion on urgent public matters

- (1) Any Councillor may give notice of raising discussion on a matter of urgent public importance to the council secretary, stating clearly the matter to be raised.
- (2) Such notice, supported by the signatures of at least two other Councillors, shall reach the Municipal Secretary at least forty-eight hours before the date on which such discussion is sought, and the council shall immediately place it before the Chairperson and circulate the notice among the Councillors in such manner as he/she may think fit.
- (3) The Chairperson may admit for discussion such notice as may appear to him/her to be of sufficient public importance and allow such time for discussion as he/she may consider appropriate

101. Keeping minutes and proceedings of meeting

Minutes of each meeting of the Municipal Corporation recording the names of the Councillors present at such meeting and the proceedings of each such meeting shall be drawn up and entered in a book to be kept for that purpose and shall be laid before the next meeting of the Municipal Corporation and signed at such meeting by the presiding officer thereof.

102. Rules relating to conduct of business

The Municipal Corporation may, in consultation with the Greater Bengaluru Authority, by rules, provide for such matters, not provided in this Act, relating to the conduct of business of the Municipal Corporation, as it may deem necessary.

103. The Corporation may require the Commissioner to produce certain documents

- (1) The Corporation may at any time require the Commissioner to

- (a) produce any record, correspondence, plan or other document which is in its possession or which is recorded or filed in his/her office or in the office of any corporation officer;
 - (b) to furnish any return, plan, estimate, statement, account or statistics concerning or connected with any matter appertaining to the administration of this Act;
 - (c) furnish a report upon any subject concerning or connected with the administration of this Act.
- (2) Every such requisition shall be complied with by the Commissioner without unreasonable delay; and it shall be incumbent on every corporation officer and servant to obey any order made by the Commissioner in pursuance of any such requisition.

104. Submission of administration report to Greater Bengaluru Authority

- (1) As soon as may be after the first day of April in every year the corporation shall submit to the Greater Bengaluru Authority, a detailed report of the administration during the preceding year.
- (2) The Commissioner shall prepare such report and the corporation shall consider the report and forward the same to the Greater Bengaluru Authority with its resolutions thereon, if any.

Chapter X

DIRECTION AND CONTROL**105. Power of Greater Bengaluru Authority to call for records**

- (1) The Greater Bengaluru Authority may, at any time, require the Municipal Corporation –
- (a) to produce any record, correspondence, or other documents;
 - (b) to furnish any return, plan, estimate, statement, accounts, or statistics; and
 - (c) to furnish or obtain any report, and thereupon such municipal authority shall comply with such requirement.
- (2) The Greater Bengaluru Authority may depute any of its officers to inspect or examine any department, office, service, work or property of the Municipal Corporation and prepare a report on their findings.

106. Power of Greater Bengaluru Authority to direct the taking of action.

If, after considering the information or report obtained under Section 105, the Greater Bengaluru Authority is of the opinion,-

- (a) that any duty imposed on the corporation 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;

it may, after giving notice of not less than fifteen days, by order, direct the Corporation 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 shall comply with such orders.

107. Power of Greater Bengaluru Authority to provide for enforcement of order

- (1) If no action has been taken in accordance with the order under Section 106 within the period specified therein, the Greater Bengaluru Authority may make arrangements for the taking of such action and may direct that all expenses connected therewith shall be defrayed from the Corporation Fund.
- (2) For the purposes of sub-section (1), it shall be lawful for the Greater Bengaluru Authority to appoint, for such period as it thinks fit, any person considered suitable by it, who shall exercise and perform, subject to such directions as the Greater Bengaluru Authority may issue from time to time, all or any of the powers and functions of the municipal authorities necessary to implement the order under Section 106.

108. Power of Government to dissolve Municipal Corporation

- (1) If in the opinion of the Government, the Municipal Corporation has persistently failed to perform its duties or has abused its powers extensively so that it is no longer able to function as responsible constitutional government, the State Government may issue a notice to the Municipal Corporation calling upon it to submit a representation on why the Municipal Corporation shall not be dissolved: Provided that the Greater Bengaluru Authority may also make a representation before the Government regarding whether the said Municipal Corporation, in its opinion, shall be dissolved.
- (2) On the receipt of representation under sub-section (1), the State Government shall constitute a committee consisting of–
 - (a) A member of the State Higher Judicial Service who shall be the Chairperson of the committee;
 - (b) A Chartered Accountant or a person having experience in financial matters;
 - (c) The Chairperson of the State Public Service Commission;
 - (d) The Mayor of Greater Bengaluru; and
 - (e) An officer of the State Government, not below the rank of a Secretary;
 to study the representations made by the Municipal Corporation and the Greater Bengaluru Authority, and make a report within such time as the Government may specify regarding whether the Municipal Corporation has failed to perform its duties or has abused its powers to such an extent that it deserves to be dissolved.
- (3) If the report submitted by the committee under sub-section (2) has recommended that the Municipal Corporation be dissolved, the Government may, by an order published in the Official Gazette, and stating the reasons thereof, dissolve it for such period, not exceeding six months, and with effect from such date, as may be specified in the order.

109. Consequences of dissolution

- (1) Notwithstanding anything contained in this Act or in any other law for the time being in force, with effect from the date of the order of dissolution under sub-section (3) of Section 108, -
 - (a) all the Councillors including the members of the Mayor-in-Council shall vacate their respective offices, and
 - (b) during the period of dissolution of the corporation, all powers and duties conferred and imposed upon the corporation and the mayor-in-council by or under this Act or any other law shall be exercised and performed by an Administrator appointed by the Government in that behalf:

Provided that the State Government may appoint more than one person to exercise any powers or perform any duties and allocate such powers and duties among the persons so appointed;

Provided further that the State Government shall fix the remuneration of such person or persons, and may direct that such remuneration shall, in each case, be paid out of the Corporation Fund.

- (2) When a 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.

Chapter XI

TAXATION

110. Own revenues of the Municipal Corporation

- (1) The own revenues of the Municipal Corporation shall consist of its receipts from the following sources-
- (a) taxes levied by the Municipal Corporation;
 - (b) user charges levied for provision of civic services;
 - (c) fees and fines levied for performance of regulatory and other statutory functions; and
 - (d) any other revenues levied by the Municipal Corporation authorised under this Act.

111. Power to levy taxes, cesses and duties

- (1) Subject to the provisions of this Act, the Municipal Corporation shall have, for the purposes of this Act, the power to levy the following taxes, cesses and duties:-
- (a) property tax on lands and buildings;
 - (b) tax on advertisements;
 - (c) professional tax;
 - (d) solid waste management cess;
 - (e) infrastructure cess;
 - (f) urban land transport cess; and
 - (g) duty on transfers of immovable property.

112. Levy of property tax

- (1) The property tax shall be levied by the Municipal Corporation by a resolution passed specifying the classes of persons or properties which shall be made liable at such percentage not being less than 20 percent and not more than 25 percent of the taxable annual value of a building, vacant land or both. The taxable annual 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 depreciation at such rate, as may be prescribed, depending on the age of a building.

Explanation- For the purpose of this section, "Unit Area Value" means an average rate of expected returns from the property per sq.ft., per month estimated by the Mayor-in-Council on the basis of the average market rate determined through mass appraisal method or real estate market information or any other reliable source or combination of these sources considered sufficient and reasonable having regard to the location, type of construction of the building, nature of use to which the vacant land or building is put, area of the vacant land, built-up area of the building, age of the building, parking area of vehicles in non-residential building where it is charged and such other criteria as may be prescribed.

Different rates may be determined for different area or street by classifying into zones, different nature of use to which the vacant land or building is put and for different class of buildings and vacant lands:

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 Mayor-in-Council may, in lieu of the tax under sub-section (1), 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 Municipal Corporation; and
 - (b) an area used as parking area in a non-residential building and being charged for its use by the owner or the occupier.
 - (c) any other class of building or structure as it deems fit.
- (2) When a resolution under sub-section (1) is passed the Corporation shall publish a notice of such resolution in the notice board of its office, in its official website and by advertisement in local newspapers. The publication of such notice shall be conclusive evidence that the tax has been imposed in accordance with the provisions of this Act and the rules made thereunder.
 - (3) The Municipal Corporation 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 a 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 identified separately in the property tax 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.
 - (4) 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 non-residential building as may be notified by the State Government on the recommendation of the Corporation.
 - (5) The Mayor-in-Council shall have power to clarify any doubt as to classification of zones, unit area value and class of property. The decision of the Mayor-in-Council in this regard shall be final.

113. Payment of Property Tax

- (1) The person primarily liable to pay the property tax, shall pay the tax in two equal instalments. 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 instalment.
- (2) Before any owner or occupier submits any return, he/she shall pay in advance half-yearly tax calculated or the full amount of the property tax payable by him/her for the year on the basis of such return declared by him/her as being true and complete.
- (3) The State 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 Commissioner or to the officer or agency authorized by him in this behalf.
- (4) 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 Mayor-in-Council shall from time to time issue guidelines for determining the unit area value and property tax payable thereon.
- (5) Every return filed by an owner or occupier shall be deemed to have been assessed to tax except in cases where the Commissioner or authorised officer may take up or authorise subordinate officers the cases for random scrutiny of the returns filed in the manner prescribed:
Provided that Commissioner may suo motu or otherwise cause inspection of such building and assess the tax if he/she has reason to believe that there is an evasion of tax by the owner or occupier.

114. Random scrutiny of tax returns

- (1) For the purpose of random scrutiny of the return filed or in cases where returns are not filed as required under the provisions of this chapter in respect of any buildings or lands or both, the Commissioner or any person authorized by him/her in this behalf may enter, inspect, survey or measure any land or building after giving notice of two weeks 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, the Commissioner or the person so authorised shall assess the property tax 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.

- (2) 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/her judgement utilizing data regarding the property obtained through Geographical Information System and such other resources:

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.

- (3) Upon random scrutiny, if the authorized officer has reason 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;
 - (b) if the tax-reassessed is more than 5 percent than the tax remitted alongwith the returns, the evaded tax shall be payable together with a penalty not less than twice the tax so evaded payable along with interest for number of days' delay calculated at 24 percent per annum;
 - (c) if upon inspection and re-assessment as made under this section by the 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 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 Commissioner 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.

115. Limitation period for assessment of property tax

- (1) An assessment or re-assessment under this section shall not be made after the following time limits,-
- (a) three years after filing the tax return under this section;
 - (b) three years after the evidence of facts, sufficient in the opinion of the Commissioner or the authorized officer to justify making of the re-assessment, comes to its knowledge, whichever is later.

- (2) 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.

116. Revision of Property Tax

- (1) The property tax assessed and levied under this chapter shall be liable for revision once in three years by enhancing 15 percent every financial year:
 Provided that the Municipal Corporation may enhance such property tax upto 30 percent once in three years and different rates of enhancement may be made to different areas and different classes of buildings and lands:
 Provided further that the non-assessment of property tax under this section during the block period of three years shall not be applicable to a building in respect of which there is any addition, change of use, alteration or variation to it. 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 State Government to direct an earlier revision of property tax.

117. Power to suspend, reduce or abolish any existing tax

- (1) The Corporation may at any time for sufficient reason to be stated, suspend, modify or abolish any existing tax.
- (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.

118. 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 and choultries where the rent charged for occupation of which is used exclusively for charitable purposes;
 - (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 and the Ancient Monuments and Archaeological 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 Commissioner;
 - (h) building or lands exclusively used for students hostels which are not conducted for profit, educational institutions and the offices of Labour Associations registered under the Trade Union Act, 1926 and belonging to such Association;
 - (i) land which is registered as land used for agricultural purposes in the revenue accounts of 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:

- (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.

119. Property tax a first charge on property and movables

The property tax on buildings and lands shall, subject to the prior payment of the land revenue, if any, due thereon to the Government be a first charge upon the said buildings or lands and upon the movable property, if any, found within or upon such buildings or lands and belonging to the person liable to such tax

120. 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 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 if 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
- (3) The property tax shall be paid by the person primarily liable within ninety days after the commencement of every year.
- (4) If default is made in making payment in accordance with sub-section (3), the person liable to pay the tax shall pay a penalty at the rate of two percent per month of the amount of tax remaining unpaid after the expiry of the period specified in sub-section (3).

121. Preparation and publication of property tax register

- (1) The Municipal Corporation shall maintain a property tax register in such manner, including but not limited to particulars such as a unique property tax identification number, nature of land/building, year of construction in case of building, name and address of the owner of the land/building, area, location, unit area value, property tax demand for the year, details of arrears and any other such particulars in respect of buildings or lands or both, as may be specified by the Mayor-in-Council.
- (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 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.

122. Survey of lands and buildings and preparation of property tax register

- (1) The Commissioner shall, subject to the orders of the Mayor-in-Council, direct a survey of buildings or lands or both within the Corporation 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 tax register.

- (2) For the purpose of preparation of property tax register or assessment of property tax in respect of any buildings or lands or both, the 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.

123. Tax on advertisement

(1) 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, an ad valorem tax calculated at such rates and in such manner and subject to such exemptions, as the corporation may by resolution determine:

Provided that the rates shall be subject to the maxima and minima laid down by the Government in this behalf:

Provided further that the "unit area value" of the display structure, as estimated by the Mayor-in-Council, must be reviewed at least once every three years:

Provided also that no tax 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:

Provided also that no such tax 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
- (e) is exhibited within any railway station or upon any wall or other property of a railway except any portion of the surface of such wall or property fronting any street.

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

124. Prohibition of advertisements without permission of Mayor-in-Council

- (1) No advertisement shall, after the levy of the tax under section 123 has 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 Mayor-in-Council.
- (2) The Mayor-in-Council shall not grant such permission if,-
 - (a) the advertisement contravenes any bye-law made by the corporation; or
 - (b) the tax, 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 tax, the Mayor-in-Council shall grant permission for the period to which the payment of the tax 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.

125. Permission of the Mayor-in-Council to become void in certain cases

- (1) The permission granted under Section 124 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.

126. Removal of unauthorised advertisement

If any advertisement be erected, exhibited, fixed or retained contrary to the provisions of Section 123 or section 124 or after the written permission for the erection, exhibition, fixation or retention thereof for any period shall have expired or become void, the 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.

127. Cesses that may be imposed

Subject to any general or special orders of the State Government in this behalf, a Municipal Corporation may impose and levy infrastructure cess, Solid Waste Management Cess and Urban Transport Cess at such rates and in such manner to be prescribed by the State Government.

128. Power to levy user charges

- (1) The Municipal Corporation may levy user charges for –
- (a) provision of water-supply, drainage and sewerage,
 - (b) solid waste management,
 - (c) parking of different types of vehicles in different areas and for different periods,
 - (d) stacking of materials or rubbish on public streets for construction, alteration, repair or demolition work of any type, and
 - (e) other specific services rendered in pursuance of the provisions of this Act, at such rates as may be determined from time to time by regulations:

Provided that a Municipal Corporation may, having regard to the conditions obtaining in the municipal area, decide not to levy, or postpone the levying of, any of the user charges as aforesaid.

129. Power to levy fees and fines

The Municipal Corporation shall have the power to levy fees and fines in exercise of the powers vested in it by or under this Act or the rules or the regulations made thereunder for –

- (a) sanction of building plans, ground rent for stacking of materials on public streets for construction, alteration, repair or demolition work of any type, right of way permission for cutting road, footpath and drain for utility connection and issue of completion certificates and sinking of bore-wells/tube-wells;
- (b) issue of municipal licenses for various non-residential uses of lands and buildings, ground rent for temporary sheds if permitted in municipal land;
- (c) licensing of various categories of professionals such as architects, plumbers and surveyors;
- (d) various activities such as sinking of sale of meat, fish or poultry, or hawking of articles;
- (e) sites used for advertisements or premises used for private markets, slaughterhouses, hospitals, nursing homes, clinics, factories, warehouses, go-downs, goods transport depots, eating-houses, lodging houses, service apartments, business centres, trade centres, hotels, theatres, cinema-houses and places of public amusement and for other non-residential uses including banners and buntings, use of loudspeakers (day permission);
- (f) animals, carts or carriages, and
- (g) such other activities as require a licence or permission under the provisions of this Act.

130. Power to levy development charges

The Municipal Corporation may levy such development charge as may be determined by bye-laws, from time to time as prescribed

- (a) on any residential building with a height of more than fourteen meters, or any non-residential building, having regard to its location along a particular category of street, its use characteristics and sanctioned built up area; and
- (b) for development or redevelopment of any existing area, in accordance with any development plan or while approving any sub-division plan of that area

131. Levy of surcharge on tax or fee

The Municipal Corporation may levy a surcharge on a tax, or user charge, or fee on a premises used for non-residential purposes at such rate, being not less than twenty five per cent and not more than seventy five *per cent*, of such tax, user charge or, fee, as the case may be, as may be determined by regulations.

132. Duty on transfer of immovable properties

The duty on transfer of immovable property shall be levied in the form of a surcharge at the rate of two percent of the duty imposed by the Karnataka Stamp Act, 1957, on instruments of sale, gift, mortgage, exchange or lease in perpetuity of all immovable property situated within the limits of a larger urban area

Chapter XII

FINANCE, ACCOUNTS AND AUDIT**133. Greater Bengaluru Finance Commission**

- (1) The State Government shall, within one year of the constitution of the Greater Bengaluru Authority and thereafter at the expiration of every fifth year, constitute a Greater Bengaluru Finance Commission to review the financial position of the Municipal Corporations in the Greater Bengaluru Area.
- (2) The Commission shall consist of three members including the Chairperson and shall include at least one member who is a member of the State Finance Commission and one member who is a qualified Chartered Accountant with at least ten years of experience.
- (3) The Commission shall have powers to require any person to furnish information on such points and matters as in the opinion of the Commission may be useful for or relevant to, any matter under the consideration of the Commission.
- (4) The Commission shall make recommendations regarding:
 - (a) Distribution of the net proceeds of the taxes, duties, tolls and fees levied by the Municipal Corporation between the Municipal Authorities in the Greater Bengaluru Authority;
 - (b) Maximum and minimum rates of taxes that may be charged by the Municipal Corporation and the proportion of tax revenues collected by Municipal Corporation which may be allocated to the Greater Bengaluru Authority;
 - (c) Allocation of Grants-in-aid from the Consolidated Fund of the State or any other grant or loan from the State or Union Government between the Municipal Corporations and the Greater Bengaluru Authority;
 - (d) Measures needed to improve the financial resources of the Municipal Authorities in the Greater Bengaluru Area.
- (5) The State Government, Greater Bengaluru Authority and the Municipal Corporation, as the case may be, shall consider every recommendation made by the Commission regarding the manner in which funds are to be distributed between the various Municipal Authorities of the Greater Bengaluru Authority and accommodate these recommendations in their financial plans.

134. Corporation Fund

- (1) There shall be a fund to be called the Corporation fund, which shall be held by the Municipal 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 Municipal Corporation shall be credited thereto.

- (2) The receipts and expenditures of the Municipal Corporation shall be kept under such heads of accounts, including those for drainage and sewerage, solid waste management, road development and maintenance, slum services, commercial projects and other account heads as may be prescribed and the general account head, in such manner, and in such form, as may be prescribed, so as to facilitate the imposition of user charges and preparation of any subsidy report under this Act.
- (3) Every head of account specified under sub-section (2) shall be split up into a revenue account and a capital account and all items of receipts and expenditures shall be kept appropriately under such revenue account or capital account, as the case may be.
- (4) The Municipal 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.

135. Application of Corporation Fund

- (1) The moneys credited to the Corporation fund from time to time shall be applied for payment of all sums, charges and costs necessary for carrying out the purposes of this Act and the rules and the bye-laws made thereunder and for payment of all sums payable out of the Corporation Fund in accordance with Karnataka Local Fund Authorities Fiscal Responsibility Act or any other law for the time being in force in the manner prescribed.
- (2) Application of the Municipal Corporation fund under sub-section shall be subject to control and guidelines issued from time to time by the Greater Bengaluru Authority in the manner prescribed.

136. Payments not to be made out of Corporation Fund unless covered by budget grant

- (1) No payment of any sum out of the Corporation fund shall be made unless such expenditure is covered by a current budget grant and a sufficient balance of such budget grant is available, notwithstanding any reduction or transfer thereof under the provisions of this Act;
- (2) Provided that this section shall not apply to any payment in the following cases, namely:—
 - (c) refund of taxes and other moneys which are authorized by this Act;

- (d) repayment of moneys belonging to contractors or other persons and held in deposit and all moneys collected by the Corporation or credited to the Corporation Fund by mistake;
- (e) temporary payment for works urgently required by the State Government in the public interest;
- (f) expenses incurred by the Corporation on special measures on the outbreak of dangerous diseases, natural or technological hazards or in any other emergent case;
- (g) sums payable as compensation under this Act or the rules or the bye-laws made thereunder.
- (h) sums payable-
 - (i) under orders of the State Government on failure of the Corporation to take any action required by the State Government under any provision of this Act; or
 - (ii) under any other law for the time being in force or under the decree or order of a civil or criminal court against the Corporation,
 - (iii) under a compromise of any claim, suit or other legal proceeding, or on account of the cost incurred in taking immediate action by any of the municipal authorities to avert a sudden threat or danger to the property of the Corporation or to human life, or
 - (iv) on account of salaries or wages and such other cases as may be determined by bye-laws.

137. Preparation of budget estimate of the Municipal Corporation

- (1) The Mayor-in-Council shall prepare in each year, before fifteenth January a budget estimate along with an establishment schedule of the Municipal Corporation for the ensuing financial year and such budget estimate shall be an estimate of the actual income and expenditure of the Municipal Corporation.
- (2) The budget estimate shall separately state the receipts and payments in terms of the various heads of accounts:
 Provided that without prior approval of the State Government, no proposal regarding-
 - (a) creation of new posts or filling of vacant posts;
 - (b) purchase of new vehicles;
 - (c) purchase of immovable property;
 - (d) making grant-in-aid to any private institution or person;
 - (e) for any other manner as may be directed by the State Government, from time to time;
 shall be included in the budget.
- (3) The budget estimate shall state the rates at which various taxes, surcharges, cesses and fees shall be levied by the Municipal Corporation in the year next following.

- (4) The budget estimate shall state the amount of money to be raised as loan during the year next following.
- (5) The Mayor-in-Council shall present the budget estimate to the Municipal Corporation on such date, not being later than 31 January in each year, as may be fixed by the Municipal Accounts Committee and it shall be passed by the Municipal Corporation prior to Fifteenth February of every year.
- (6) The Municipal Corporation shall have two rounds of public consultation when preparing the Budget in a manner as may be prescribed with the first round in the month of November and second in the month of December.
- (7) The Municipal Corporation shall take into consideration the Ward Budget and the Annual Ward Development Plan submitted by the Ward Committees in preparing the budget estimate.
- (8) 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.
- (9) The annual inventory and statement prepared shall be enclosed with the budget estimate.

138. Power of Municipal Corporation to alter budget grant

- (1) A Municipal 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;
 - (d) reduce the amount of the budget grant under any head

139. Preparation of a Medium Term Fiscal Plan

The Mayor-in-Council shall, within six months of taking office and thereafter at the expiration of every fifth year, prepare a five-year Medium Term Fiscal Plan for the Municipal Corporation in a manner as may be prescribed by the Greater Bengaluru Authority.

140. Comprehensive Debt Limitation Policy

The Greater Bengaluru Authority shall frame a Comprehensive Debt Limitation Policy applicable in the case of loans, including short-term loans, to be raised by the Municipal Corporations, laying down the general principles governing the raising of loans by the Municipal Corporations, the limit of the loans which any Municipal Corporation may raise having regard to its financial capacity, the rate of interest to be paid for such loans, and the terms and conditions, including the period of repayment thereof.

141. Power of Municipal Corporation to raise loan

(1) The Municipal Corporation may, from time to time, raise, by a resolution in this behalf passed at a meeting of the Municipal Corporation, a loan within the limits set by the Comprehensive Debt Limitation Policy framed under Section 136, by the issue of debentures or otherwise, on the security of the property tax or of all or any of the other taxes, surcharges, cesses and fees and dues under this Act or of both the property tax and all or any of the other taxes, surcharges, cesses and fees and dues under this Act, or on the guarantee by the State Government, of any sum of money which may be required for the purpose of-

- (a) construction of works under this Act, or
- (b) acquisition of lands and buildings for the purposes of this Act, or
- (c) paying off any debt due to the State Government, or
- (d) repayment of a loan raised under this Act, or
- (e) acquisition of a public utility concern which renders such services as the Municipal Corporation is authorized to render under this Act, or
- (f) purchase of vehicles, locomotive engines, boilers and machinery necessary for carrying out the purposes of this Act, or
- (g) any other purpose for which the Municipal Corporation is, by or under this Act or any other law for the time being in force, authorized to borrow:

Provided that any loan proposed to be raised which goes beyond the limits set by the Comprehensive Debt Limitation Policy as aforesaid shall require the previous sanction of the State Government with regard to its purpose, the quantum, the rate of interest and the period for repayment, and the other terms and conditions, if any. Provided further that in addition to the loans as aforesaid, the Municipal Corporation may also take loan from the State Government or any statutory body or Public Sector Corporation.

(2) When any loan has been raised under sub-section (1),-

- (a) no portion thereof shall, without the previous sanction of the State Government, be applied to any purpose other than that for which it has been raised, and
- (b) no portion of any loan raised for any of the purposes referred to in that sub-section shall be applied to the payment of salaries or allowances to any officer or other employee of the Municipal Corporation, other than

those who are exclusively employed for the purpose for which the loan has been raised.

Explanation. - The expression "dues under this Act" in sub-section (1) shall, for the purposes of clause (e) of that sub-section, be deemed to include the income derivable from the public utility concern referred to in that clause.

142. Power of Municipal Corporation to open credit account with bank

Notwithstanding anything contained in Section 137, the Municipal Corporation may, where the raising of a loan is sanctioned by the State Government under that Section, instead of raising such loan or any part thereof, take credit, on such terms as may be approved by the State Government, from any scheduled bank, to be kept in a cash account bearing the name of the Municipal Corporation to the extent of such loan or any part thereof and, with the sanction of the State Government, may grant mortgage of all or any of the properties vested in the Municipal Corporation byway of securing the repayment of the amount of such credit or of the sums advanced from time to time on such cash account with interest.

143. Power of Municipal Corporation to raise short term loan

Notwithstanding anything contained in this chapter, the Municipal Corporation may, within the limits set by the Comprehensive Debt Limitation Policy framed under Section 106, from time to time, take a short-term loan repayable within such period, not exceeding twelve months, from any other scheduled bank, for such purpose, not being a purpose referred to in sub-section (1) of Section 107, on such terms, and on furnishing such security for the repayment of such loan, as may be approved by the State Government.

144. Establishment of Sinking Fund

- (1) The Municipal 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) A Sinking Fund or any part thereof shall be applied to the discharge of the loan or a part of the loan for which such fund was created and, until such loan or part thereof is wholly discharged, such Fund shall not be applied to any other purpose.

145. Power to discontinue payment towards Sinking Fund

- (1) If at any time, the sum standing at the credit of a Sinking Fund established under this Act for the repayment of any loan is of such amount that if allowed to accumulate at the rate of interest sanctioned, it will be sufficient to pay off the loan within the period approved by the State Government under the said proviso further payment towards such fund may be discontinued.

146. Investment of amount at the credit of Sinking Fund

- (1) All moneys paid into a Sinking Fund shall, as soon as possible, be invested by the Municipal 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 Municipal Corporation, be invested together as a common fund, and it shall not be necessary for the Municipal 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.

147. Manner of repayment of loan

Every loan raised by the Municipal Corporation shall be repaid within the time approved and such repayment shall be made either from a Sinking Fund established under this Act in respect of such loan or partly from such Sinking Fund and, to the extent to which such Sinking Fund falls short of the sum required for the repayment of such loan, partly from the loan raised for the purpose.

148. Annual statement

- (1) The Mayor-in-Council shall, at the end of every year, prepare and submit to the Municipal Corporation, an annual statement showing-
 - (a) the amount which has been paid into the Sinking Fund or Sinking Funds during the year
 - (b) the date of the last investment made during the year;
 - (c) the aggregate amount of the securities in the hand of the Municipal Corporation at the end of the year; and
 - (d) the aggregate amount which has been applied for the purpose of repayment of the loan
- (2) Every such statement shall be laid before the corporation and published.
- (3) A copy of every such annual statement shall be submitted to the Government by the Mayor-in-Council

149. Annual examination of sinking funds

- (1) All Sinking Funds established under this Act shall be subject to annual examination by the Auditor who shall ascertain whether the cash and the value of securities belonging to such Sinking Funds are equal to the amount which should be at the credit of such Sinking Funds, had the investment been regularly made and had the interest accruing from such investments been regularly obtained.
- (2) The amount which should be at the credit of a Sinking Fund shall be calculated on the basis of the sums paid into such Sinking Fund.
- (3) The value of securities belonging to a Sinking Fund shall be the current value of such securities, unless such securities become due for redemption at par with, or above their face value before maturity in which case their current value shall be taken as their redemption value.
- (4) The Municipal Corporation shall forthwith pay into a Sinking Fund such amount as the Auditor may certify to be deficit in respect of such Sinking Fund unless the State Government specially sanctions a gradual readjustment of such deficit.
- (5) If the cash and the value of the securities at the credit of a Sinking Fund are in excess of the amount which should be at the credit of such Sinking Fund, the Auditor shall certify the amount of such excess sum, and the Municipal Corporation shall, thereupon, transfer the excess sum of the Municipal Corporation fund in the General Account.
- (6) If any dispute arises as to the accuracy of any deficit or excess referred to in the certificate under sub-section (4) or sub section (5), the Municipal Corporation may after payment of such deficit or after transfer of such excess, as the case may be, refer the matter to the State Government whose decision thereon shall be final.

150. Annual Financial statement

- (1) The Mayor-in-Council shall, within two months of the close of a financial year cause to be prepared an annual financial statement containing an income and expenditure account, a cash flow statement and a receipts and payments account for the preceding financial year in respect of the accounts of the Municipal Corporation and a balance sheet as of the last day of the preceding financial year, alongwith 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, shall be such as may be prescribed.

151. Audit of financial statement

- (1) The financial statements prepared by Mayor-in-Council shall be audited by an Auditor who shall be a Chartered Accountant holding a certificate of practice under the Chartered Accountants Act, 1949 within four months from the end of the financial year.
- (2) The Mayor-in-Council shall place the audited financial statement and the report of the Auditor and his/her comments before the Municipal Accounts Committee which after the examination thereof, shall place them before the Municipal Corporation with its comments, if any.
- (3) The Mayor-in-Council shall, after adoption of the financial statement and the balance sheet and the report of the Auditor, if any by the Municipal Corporation, forward the same to the State Government together with a report of the action taken thereon by the Municipal Corporation.
- (4) If there is any difference of opinion between the Auditor and the Municipal Corporation or if the Municipal Corporation does not remedy the defects or the irregularities mentioned in the report of the Auditor within a reasonable period, the Auditor shall refer the matter to the State Government whose decision thereon shall be final and binding.
- (5) If any order made by the State Government under this Chapter is not complied with, the State Government shall take such steps as it thinks fit to secure the compliance of the order and to direct that all expenses thereof shall be defrayed from the Corporation fund.

152. Special audit

- (1) In addition to the audit of annual accounts, the Greater Bengaluru Authority or the Municipal Corporation may if it thinks fit, appoint an auditor to conduct special audit pertaining to a specified item or series of items requiring through examination and the procedure relating to audit shall apply mutatis mutandis to such special audit.

153. Internal audit

The Greater Bengaluru Authority or the Municipal Corporation shall provide for internal audit of the day-to-day accounts of the Municipal Corporation in the manner prescribed.

154. Annual Performance Report

The Mayor-in-Council shall, at the end of every year, within 8 months of the close a financial year, prepare and submit to the Municipal Corporation, an annual performance report showing-

- (a) Auditor's report on Financial Statements as adopted the Municipal Corporation;
- (b) Cost and Performance Indicators, prepared by the Municipal Commissioner or the Chief Officer as the case may be, in accordance with rules prescribed;
- (c) Budget Variance Statement which shall give the variance between sanctioned budget for each budget head and the actual receipts and payments for the year and explaining the reason for variance that are more than 15% of the original budget.

Chapter XIII

PROPERTY AND CONTRACTS**155. Property of the Municipal Corporation**

- (1) All property of the nature herein specified, and not being specially reserved by Government, shall be vested in and belong to the corporation and shall, together with all other property or whatsoever nature or kind not being specially reserved by Government, which may become vested in the corporation, be under its direction, management and control and shall be held and applied by it as trustee, subject to the provisions and for the purposes of this Act, that is to say,-
 - (a) all public parks, playgrounds, and open spaces reserved for ventilation;
 - (b) all public lamps, lamp posts and apparatus connected therewith or appertaining thereto
 - (c) all gates, markets, slaughter houses, manure and refuse depots and public buildings of every description.
- (2) The Corporation may accept trusts relating exclusively to the furtherance of purposes to which the corporation funds may be applied.

156. Acquisition of property

- (1) The Municipal Corporation and the Greater Bengaluru Authority may, on such terms and conditions as may be approved by it, acquire by agreement –
 - (a) any immovable property, and
 - (b) any easement affecting immovable property.
- (2) The Municipal Corporation and the Greater Bengaluru Authority may also acquire any property by exchange on such terms and conditions as may be approved by it.
- (3) The Municipal Corporation and the Greater Bengaluru Authority may also hire or take on lease immovable property on such terms and conditions as may be approved by it from time to time.
- (4) The Municipal Corporation and the Greater Bengaluru Authority may receive any grant or dedication by donor, whether in the form of any income or any movable or immovable property, by which the Municipal Corporation may be benefited in the discharge of any of its functions.
- (5) It shall be lawful for the Municipal Corporation and the Greater Bengaluru Authority to be the beneficiary of any trust created under the Charitable and Religious Trusts Act, 1920, or the Indian Trusts Act, 1882.

157. Procedure when immovable property cannot be acquired by agreement

- (1) Whenever the Municipal Corporation or the Greater Bengaluru Authority is unable to acquire any immovable property under Section 156 by agreement, the State Government may at the request of the Mayor-in-Council, or the Mayor of Greater Bengaluru as the case may be, procure the acquisition thereof under the provisions of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 and on payment by the Corporation of the compensation awarded under that Act and of the charges incurred by the Government in connection with the proceedings, the land shall vest in the Corporation or the Greater Bengaluru Authority as the case may be.
- (2) The Municipal Corporation and the Greater Bengaluru Authority may resort to other methods of land assembly including the use of transferable development rights, land readjustment and land pooling.

158. Disposal of property

Any property belonging to the Municipal Corporation may be disposed of in the manner hereinafter provided, namely

- (a) the Commissioner, with the prior approval of the Mayor-in-Council may sell, or grant lease of, or otherwise dispose of, by public auction, any movable property, and may grant lease of, or let out on hire, any immovable property, belonging to the Municipal Corporation,
- (b) the Municipal Corporation may, with the prior approval of the Greater Bengaluru Authority, for valuable consideration, sell or otherwise transfer, any immovable property belonging to the Municipal Corporation which is not required for carrying out the purposes of this Act, and
- (c) the Municipal Corporation shall not transfer any immovable property vested in it by virtue of this Act, but shall cause the same to be maintained, controlled and regulated in accordance with the provisions of this Act and the rules and the regulations made thereunder

Provided that the State Government may authorize, in the public interest, the disposal of such immovable property by the Municipal Corporation, if the Municipal Corporation so requires, for reasons to be recorded in writing.

159. Maintenance of records of urban land and properties

The Municipal Corporation must prepare, maintain and regularly update the record of the urban land and all properties, including private properties situated within the municipal area, in such manner as may be prescribed.

160. Power to enter into contracts

- (1) A Municipal Authority shall be competent to enter into and perform any contract necessary for the maintenance and delivery of municipal services, and for carrying out the purposes 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 entered into by the Greater Bengaluru Authority shall be made by the Commissioner of the Greater Bengaluru Authority with the sanction of the Greater Bengaluru Authority;
 - (b) every contract entered into by the Municipal Corporation shall be made by the Commissioner with the sanction of the Mayor-in-Council;
 - (c) every contract entered into by the Ward Committee shall be made by the Secretary with the sanction of the Ward Committee; and
 - (d) the state government shall make rules providing for the expenditure limits that each Municipal Authority is competent to contract.

161. Mode of executing contracts

- (1) The mode of executing contracts under this Act shall be prescribed by bye-laws made in this behalf.
- (2) No contract which is not made in accordance with the provisions of this Act and the bye-laws made thereunder shall be binding on the Municipal Authorities.

162. Invitation of tenders

- (1) At least seven days before entering into any contract or the execution of any work or the supply of any materials or goods which will involve an expenditure exceeding such amount as may be notified by the Government from time to time, the Municipal Authority shall give notice by advertisement inviting tenders for such contract:
- Provided that such advertisement shall be published only in such newspapers having such circulation as may be prescribed.
- (2) On receipt of the tenders made in pursuance of the notice given under sub-section (1), the Commissioner may, accept or reject any tender in accordance with the provisions of the Karnataka Transparency in Public Procurements Act, 1999 (Karnataka Act 29 of 2000).

*Chapter XIV***MUNICIPAL FUNCTIONS AND SERVICES****163. Core Municipal Functions and Services**

- (1) It shall be the duty of the Municipal Corporation to discharge the following core municipal functions and services:
 - (a) Urban Planning;
 - (b) Regulation of land use and buildings;
 - (c) Transportation and Public Infrastructure;
 - (d) Water supply, drainage and sewerage;
 - (e) Public Health and Sanitation;
 - (f) Protection of Environment; and
 - (g) Urban Poverty Alleviation.
- (2) In the performance of the functions listed in sub-section (1), the Municipal Corporation shall make reasonable and adequate provision, on its own or through any agency, of the following:
 - (a) Preparation and implementation of annual development plans and other plans for social and economic development;
 - (b) Enforcement of master plans, land use regulations and building regulations;
 - (c) Construction, maintenance and improvement of public streets, footpaths, bridges, culverts, subways and other public infrastructure;
 - (d) Construction, management and maintenance of municipal water works necessary for a sufficient supply of water for public and private purposes;
 - (e) Preparation of transport system accessories including traffic engineering schemes, street furniture, parking areas and bus stops;
 - (f) Construction of houses for poor and weaker sections of society;
 - (g) Improvement and upgradation of slums and informal settlements;
 - (h) Construction and maintenance of drains, sewers, drainage works, baths, washing places, drinking fountains, dams and the like;
 - (i) Establishment of solid waste transfer stations and identification, management and improvement of sites for land fills;
 - (j) Collection, removal, treatment and disposal of filth, rubbish, night soil and any other noxious or offensive matter from streets, privies, latrines and the like;
 - (k) Lighting, watering and cleansing of all public streets and public places in the city;
 - (l) Construction, maintenance and regulation of public markets and slaughter houses;
 - (m) Regulation and abatement of offensive or dangerous trades or practices;
 - (n) acquiring, maintaining and regulating places for the disposal of the dead and of the carcasses of dead animals;

- (o) Prevention of the spread of dangerous diseases;
 - (p) Planting and maintenance of trees on road sides and public places;
 - (q) Protection, maintenance and management of lakes, ponds, tanks, wells and other water bodies;
 - (r) Construction, maintenance and management of public parks, gardens, playgrounds and recreation grounds;
 - (s) Maintenance of public monuments, open spaces and other property vested in the corporation and keeping a true and correct account of all corporation property; and
 - (t) Maintenance of vital statistics including registration of births and deaths.
- (3) The Municipal Corporation may plan, build, operate, maintain or manage the infrastructure required for the discharge of any of the functions as aforesaid, either by itself or by any agency under any agreement.
- (4) The Municipal Corporation shall fulfil any obligation imposed by or under this Act or any other law for the time being in force and discharge of functions in respect of any matter entrusted to the corporation by Government by notification.

164. Other Functions of the Municipal Corporation

- (1) A Municipal Corporation may, having regard to the satisfactory performance of its core functions which shall constitute the first charge on the Corporation Fund, and subject to its managerial, technical and financial capabilities, also discharge the following functions:-
- (a) in the sphere of urban planning and infrastructural development,-
 - (i) planned development of new areas for human settlement,
 - (ii) administration of transfer of development rights,
 - (iii) measures for beautification of the municipal area by setting up parks and fountains, providing recreational areas, improving river banks, and landscaping, and
 - (iv) preparation and maintenance of GIS maps and data;
 - (b) in the sphere of protection of environment,-
 - (i) reclamation of waste lands, promotion of social forestry and maintenance of open spaces,
 - (ii) establishment and maintenance of nurseries for plants, vegetables and trees and promotion of greenery through mass participation,
 - (iii) organization of flower-shows and promotion of flower-growing as a civic culture, and
 - (iv) promotion of measures for abatement of all forms of pollution;
 - (c) in the sphere of public health and sanitation, -

- (i) mass inoculation campaigns for eradication of infectious diseases,
 - (ii) reclamation of unhealthy localities, removal of noxious vegetation and abatement of all nuisances
 - (iii) provision for unfiltered water-supply for nondomestic uses,
 - (iv) advancement of civic consciousness of public health and general welfare by organizing discourses, seminars and conferences, and
 - (v) measures for eradication of addiction of all kinds including addiction to drugs and liquor;
- (d) in the sphere of education and culture, -
- (i) promotion of civic education, adult education, social education and non-formal education,
 - (ii) promotion of cultural activities including music, physical education, sports and theatres and infrastructure therefor,
 - (iii) installation of statues, portraits and pictures in appropriate manner,
 - (iv) organization, establishment and maintenance of art galleries and botanical or zoological collections,
 - (v) organization and management of fairs and exhibitions, and
 - (vi) maintenance of monuments and places of historical, artistic and other importance; and
- (e) in the sphere of public welfare, -
- (i) establishment and maintenance of shelters, in times of drought, flood, earthquake, or other natural or technological disasters, and relief works, for, destitute persons within the limits of the municipal area,
 - (ii) construction or maintenance of, or provision of aids to, hospitals, dispensaries, asylums, rescue homes, maternity houses, and child welfare centres,
 - (iii) provision of shelter for the homeless
 - (iv) implementation programmes for liberation and rehabilitation of scavengers and their families
 - (v) organization of voluntary labour and co-ordination of activities of voluntary agencies for community welfare, and
 - (vi) campaigns for dissemination of such information as is vital for public welfare.

*Chapter XV***URBAN PLANNING AND REGULATION OF BUILDINGS****165. Preparation of Vision Plan by Municipal Corporation**

- (1) The Municipal Corporation shall, as soon as it may be after its constitution, prepare a 5-year Vision Plan, taking into consideration all the ward vision plans submitted by the Ward Committees of the Municipal Corporation, and submit the same to the Greater Bengaluru Authority.
- (2) The Vision Plan shall lay out the development goals and objectives of the Municipal Corporation for its elected term, identify the most critical issues that need attention, assess the existing level of development across all the wards and provide strategies for achieving the stated goals and objectives.
- (3) The Greater Bengaluru Authority shall compile the vision plans of the Municipal Corporations in the Greater Bengaluru Area towards preparation of the land use Master Plan and Strategic Spatial Plan and make such changes as necessary and submit the same to the Metropolitan Planning Committee before such date as prescribed.

166. Preparation of Annual Plan by Municipal Corporation

- (1) The Municipal Corporation shall prepare every year, in such form as may be prescribed, an annual plan for the succeeding year, taking into consideration the ward development plans submitted by the Ward Committees of the Municipal Corporation, and submit the same to the Greater Bengaluru Authority before such date as prescribed.
- (2) The Annual Plan shall include proposals for social and economic development of the Municipal Corporation, key projects and schemes proposed to be undertaken and targets and strategies for fulfilling the municipal functions and services that the Municipal Corporation is vested to perform under the provisions of this Act.
- (3) The Greater Bengaluru Authority shall compile all the Annual Plans of the Municipal Corporation and make such changes as necessary and submit the same to the Metropolitan Planning Committee before such date as prescribed.

167. Municipal Plans to be aligned with other plans

The planning exercise undertaken by every municipal corporation must be aligned with, and dovetail and complement, the plans and strategies of the development plan made by the Metropolitan Planning Committee and other plans made by the Greater Bengaluru Authority and the State Government

168. Amendment of the Karnataka Town and Country Planning Act, 1961

(1) In the Karnataka Town and Country Planning Act, 1961 (Karnataka Act 11 of 1963),

(a) in section 2, for item (i) of sub-clause (a) of clause (7), the following item shall be substituted namely:-

“(i) the local planning area comprising the City of Bangalore, the Greater Bengaluru Authority, and”,

(b) Section 81-A shall be substituted, namely:-

“81-B. Greater Bengaluru Authority to be the Local Planning Authority

(1) The Greater Bengaluru Authority shall be the local Planning Authority for the local planning area comprising with jurisdiction over the area which the Bangalore Development Authority had jurisdiction immediately before the date on which the Greater Bengaluru Authority is constituted;

(2) The Greater Bengaluru Authority shall exercise the powers, perform the functions and discharge the duties under this Act as if it were a Local Planning Authority constituted for the Bangalore City”

169. Preparation of Master Plan

(1) The Greater Bengaluru Authority shall as soon as may be carry out a survey of the area within its jurisdiction and shall, not later than two years from the date of declaration of the local planning area, prepare and publish in the prescribed manner a master plan for such area as per the provisions of the Karnataka Town and Country Planning Act, 1961.

(2) The Greater Bengaluru Authority shall as soon as may be and not later than two years from the date specified to determine the present land use, prepare an accurate map of the planning area under its jurisdiction and other such particulars as may be prescribed.

170. Preparation of Strategic Spatial Plan

(1) The Greater Bengaluru Authority shall, in addition to the master plan, prepare a Strategic Spatial Plan that includes a series of integrated projects which are to be submitted to the State Government for provisional funding allocation.

(2) The strategic projects shall range in scale between those that bring structural impact and a catalysing effect on the larger urban region to those that solve micro level urban issues.

- (3) The Strategic Spatial Plan shall dovetail with the land use Master Plan prepared by the Greater Bengaluru Authority and the development plan prepared by the Metropolitan Planning Committee.

171. Municipal Corporations to implement the Master Plan and Strategic projects falling within their jurisdiction

The Municipal Corporation shall implement such components of the land use master plan, strategic plan and the regional development plan made by the Metropolitan Planning Committee within its jurisdiction.

172. Building bye-laws

- (1) The Municipal Corporation shall, as soon as may be, 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 subsection (1), bye-laws made under that clause may provide,-
- (a) that no insanitary or dangerous site shall be used for building, and
 - (b) for the regulation or restriction of the construction of buildings intended for public worship on sites.
- (3) Without prejudice to the generality of the power conferred by clause (a) of subsection (1), bye-laws made under that clause may provide for the following matters:-
- (a) information and plans to be submitted together with applications for permission to build;
 - (b) height of buildings, whether absolute or relative to the width of streets;
 - (c) level and width of foundation, level of lowest floor and stability of structure;
 - (d) number and height of storeys composing a building and height of rooms;
 - (e) provision of sufficient open space, external or internal, and adequate means of ventilation;
 - (f) provision of means of egress in case of fire;
 - (g) provision of secondary means of access for the removal of house refuse;
 - (h) materials and methods of construction of external and party walls, roofs, and floors;
 - (i) position, materials and methods of construction of hearths, smoke escapes, chimneys, staircases, privies, drains, cesspools;
 - (j) paving of yards;
 - (k) restrictions on the use of inflammable materials in buildings;

- (l) in the case of wells, dimensions of the well, the manner of enclosing it and if the well is intended for drinking purposes, the means which shall be used to prevent pollution of water.
- (4) Every bye-law made under sub-section (1) relating to grant of licence for the construction or reconstruction of a building shall provide that planting of trees and plants in the premises shall be a condition of every licence granted for the construction or reconstruction of any such building.
- (5) No piece of land shall be used as a site for the construction of a building, and no building shall be constructed or reconstructed otherwise than in accordance with the provisions of this Act and of any rules or bye-laws made thereunder relating to the use of building sites or the construction or re-construction of buildings.

173. Approval for construction of buildings

- (1) The construction or re-construction of a building shall not be begun unless and until the Municipal Corporation has granted permission for the execution of the work.
- (2) The 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 shall be as prescribed in the building bye-laws
- (3) Whenever the Municipal Corporation 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.

174. Completion certificate and permission to occupy or use

- (1) Every person shall, within one month after the completion of the erection of a building or the execution of any such work, deliver or send or cause to be delivered or sent to the Municipal Corporation notice in writing of such completion, accompanied by a certificate in the form prescribed in the bye-laws signed and subscribed in the manner prescribed and shall give to the Commissioner all necessary facilities for the inspection of such buildings or of such work and shall apply for permission to occupy the building
- (2) No person shall occupy or permit to be occupied any such building or use or permit to be used the building or part thereof affected by any work, until,
 - (a) permission has been received from the Commissioner in this behalf; or
 - (b) the Commissioner has failed for thirty days after receipt of the notice of completion to intimate his refusal of the said permission.

175. Power to require removal of unauthorized development

- (1) Where any unauthorized development of land has been carried out, subject to the provisions of this section, the Municipal Corporation may serve on the owner a notice requiring him, within such period being not exceeding one month, as may be specified therein after the service of the notice, to take such steps as may be specified in the notice-
- (a) to restore the land to its condition existing before the said development took place; or
 - (b) to secure compliance with the conditions or with the permission as modified;

Provided that, where the notice requires the discontinuance of any use of land the Municipal Corporation shall serve a notice on the occupier also.

- (2) In particular such notice may, for purposes of sub section (1), require-
- (a) the demolition or alteration of any building or works;
 - (b) the carrying out on land of any building or other operations: or
 - (c) the discontinuance of any use of land.
- (3) Any person aggrieved by such notice may, within the period specified in the notice and in the manner determined by bye-laws, apply for permission under the provisions of this Act for retention on the land, of any building or works or for the continuance of any use of the land, to which the notice relates and pending the final determination or withdrawal of the application, the mere notice itself shall not affect the retention of buildings or works or the continuance of such use.
- (4) If the permission applied for is granted, the notice shall stand withdrawn: but if the permission applied for is not granted, the notice shall stand: or if such permission is granted for the retention only of some buildings or works, or for the continuance of use of only a part of the land, the notice shall stand withdrawn as respects such buildings or works or such part of the land, but shall stand as respects other buildings or works or other parts of the land, as the case may be: and thereupon the owner shall be required to take steps specified in the notice under sub-section (1) as respects such other buildings, works or part of the land.
- (5) If within the period specified in the notice or within the same period after the disposal of the application under sub-section (4), the notice or so much of it as stands is not complied with, the Municipal Corporation may-
- (a) prosecute the owner for not complying with the notice and where the notice requires the discontinuance of any use of land, any other person also who uses the land or causes or permits the land to be used in contravention of the notice; and
 - (b) where the notice requires the demolition or alteration of any building or works or carrying out of any building or other operations, itself cause the

restoration of the land to its condition before the development took place and secure compliance with the conditions of the permission or with the permission as modified by taking such steps as the Municipal Corporation may consider necessary including demolition or alteration of any building or works or carrying out of any building or other operation and recover the amount of any expenses incurred by it in this behalf from the owner as arrears of land revenue.

- (6) Any person prosecuted under clause (a) of sub-section (5) shall, on conviction, be punished with fine which may extend to five thousand rupees and in the case of a continuing offence, with a further fine which may extend to two hundred rupees for every day during which such offence continues after conviction for the first commission of the offence

176. Power to stop unauthorized development

- (1) Where any development of land is being carried out but has not been completed, the Municipal Corporation may serve on the owner and the person carrying out the development, a notice requiring the development of land to be discontinued from the time of the service of the notice.
- (2) Any person who continues to carry out the development of land, whether for himself or on behalf of the owner or any other person, after such notice has been served shall, on conviction, be punished with fine which may extend to ten thousand rupees and when the non-compliance is a continuing one, with a further fine which may extend to five hundred rupees for every day after the date of the service of the notice during which the non-compliance has continued or continues.
- (3) Notwithstanding anything contained in this Chapter where any person continues to carry out unauthorized development after receiving a notice under sub-section (1), the Municipal Corporation or any officer authorized by it in this behalf, shall, in addition to any prosecution or other proceedings or action that may be initiated under this Act, have the power to require any police officer to remove the person by whom the erection of the building has been continued and all his assistants and workmen from the place of the unauthorized development within such time as may be specified in the requisition and such police officer shall comply with the requisition accordingly. In addition to such removal of persons, the Municipal Corporation may also confiscate such construction materials, tools etc. which such person was using for unauthorized development.
- (4) After a requisition order under sub-section (3) has been complied with, any person or his assistants and workmen subsequently continuing unauthorized development shall, on conviction, be punishable with fine which may extend to

five thousand rupees and in case of continuing offence. with a further fine which may extend to two hundred rupees for every day during which such offence continues after the conviction for the first commission of the offence.

- (5) No compensation shall be claimed by any person for any damage which he may sustain in consequence of the discontinuation of the unauthorized development under this Act.

177. Preparation of Development Schemes

- (1) Subject to the provisions of this Act or any other law for the time being in force, the Municipal Corporation for the purpose of implementing the proposals in any plan or otherwise, may make such schemes for the integrated development of the city or any part thereof as may be considered necessary.
- (2) A development scheme may make provisions for all or any of the following namely:-
 - (a) acquisition, development, reservation and sale or leasing of land for purpose of public utilities such as roads, streets, open spaces, parks, gardens, recreation and play grounds, hospitals, dispensaries, educational institutions, green-belts, dairies, housing development, development of markets, shopping centers, commercial complexes, cultural centers, administrative centers, transport facilities and public purposes of all kinds
 - (b) preparation of layout plan of any land comprised in the scheme;
 - (c) re-distribution of sites belonging to owners of property comprised in the scheme;
 - (d) closure or demolition of buildings or portion of building unfit for human habitation;
 - (e) demolition of obstructive building or portions thereof;
 - (f) construction and reconstruction of buildings;
 - (g) construction and alteration of streets, including private streets;
 - (h) street lighting, water supply, drainage and other conveniences;
 - (i) provision of open spaces;
 - (j) sanitary arrangements required for the area comprised in the scheme;
 - (k) provision of accommodation for any class of the inhabitants;
 - (l) provisions of facilities for communications;
 - (m) suit, letting or exchange of any property comprised in the scheme;
 - (n) re-construction of plots for the purpose of buildings, roads, drainage inclusive of sewerage surface or sub-soil drainage, sewerage disposal and other similar amenities;
 - (o) construction, alteration and removal of buildings, bridges and other structures;
 - (p) preservation of objects of historical or national interest or natural beauty and of buildings actually used for religious purposes;

- (q) reservation of land in any scheme to such extent as may be prescribed in the rules made by the State Government for the purpose of providing housing accommodation to the members of Scheduled Castes, Scheduled Tribes, the Backward Classes and weaker sections of the society, including disabled, handicapped and mentally retarded persons and unassisted elderly persons;
 - (r) imposition of conditions and restriction in regard to the open space to be maintained around buildings, the percentage of building area for a plot, the number, size, height and character of building allowed in specified areas, the purposes to which buildings or specified areas may or may not be appropriated, the sub-division of plots, the discontinuance of objectionable uses of lands in any area in specified periods, parking space and loading and unloading space for any building and the sizes or locations of projections, Advertisement signs, and hoardings;
 - (s) any other work of a nature such as would bring about environmental improvements which may be taken up by the Municipal Corporation and all such other matters not inconsistent with the objects of this Act.
- (3) The draft scheme shall contain the following particulars, namely:-
- (a) the area, ownership and tenure of each original plot;
 - (b) the particulars of land allotted or reserved under clause (a) of sub-section (2) with a general indication of the uses to which such land is to be put and the terms and conditions subject to which such land is to be put to such uses;
 - (c) the extent to which it is proposed to alter the boundaries of original plots;
 - (d) the estimate of the net cost of the scheme to be borne by the appropriate Municipal Corporation;
 - (e) a full description of all the details of the scheme under sub-section (2) as may be applicable;
 - (f) the laying out or relaying out of land either vacant or already built upon;
 - (g) the filling up or reclamation of low lying, swampy or unhealthy areas or leveling up of land; and
 - (h) any other particular as may be determined by the bye-laws.

178. Redevelopment Scheme

- (1) Where the Mayor upon information in his/her possession is satisfied in respect of any area-
 - (a) that the buildings in any area are by reasons of disrepair or unsanitary conditions unfit for human habitation or are by reason of their bad arrangements or the narrowness or bad arrangement of the street or the want of light, air, ventilation or proper conveniences, dangerous or injurious to the health of the inhabitants of the area; and
 - (b) that the most satisfactory method of dealing with the conditions in the area is the re-arrangement and re-construction of the streets and buildings in accordance with improvement schemes,
he/she may frame a improvement scheme in respect of the area. Such a scheme shall fulfill all the requirements in the case of a regular development scheme under Section 176.

Chapter XVI

PUBLIC STREETS**179. Vesting of public streets in Municipal Corporation**

- (1) Subject to the provisions of this Act all public streets and parking areas in any municipal area including the soil, sub-soil, stones, other materials, side-drains, footpaths, pavements, subways and over-bridges and all erections, implements and trees and other things provided therein, shall vest in the Municipal Corporation.

Provided that no public street in the municipal area, which immediately before the commencement of this Act vested in the State Government or in any authority under any law for the time being in force, shall, unless so directed by the authority competent to take a decision in this behalf, vest in the Municipal Corporation by virtue of this sub-section.

- (2) The State Government may, subject to such terms and conditions as it may determine, by notification –
- (c) transfer to any Municipal Corporation any public street or parking area belonging to it, or
 - (d) take over from any Municipal Corporation any public street or parking area, or
 - (e) transfer such public street or parking area, so taken over, to any authority under any law for the time being in force, or any other agency, for a limited period for the purpose of proper maintenance and development of such public street or parking area by such Municipal Corporation or the State Government or such authority or agency, as the case may be.
- (3) The Commissioner shall maintain a register, in such form and in such manner as may be specified by regulations, and such register shall separately include a list of all public streets vested in the Municipal Corporation or in such authority or agency.
- (4) The Municipal Corporation may publish, in such form and in such manner as may be provided by regulations, the contents of such register for sale to the public.

180. Functions of Municipal Corporation in respect of public streets etc.

- (1) The Municipal Corporation or any other agency, as the case may be, shall cause all public streets, parking areas, squares, sub-ways or over-bridges vested in it to be developed, maintained, controlled and regulated in accordance with the provisions of this Act and the regulations made thereunder.

- (2) The Municipal Corporation or any other agency, as the case may be, shall, from time to time, cause all public streets vested in it to be levelled, metalled, paved, channelled, altered or repaired, and may widen, extend or otherwise improve any such street or cause the soil thereof to be raised, lowered or altered or may place and repair fences and guard-rails thereon for the safety of pedestrians.

181. Power to make new public streets

- (1) The Municipal Corporation or any other agency, as the case may be, may, at any time, -
- (a) lay out and make new public streets, or construct bridges or sub-ways, or
 - (b) turn or divert any existing public street, or lay down and determine the position and direction of a street or streets in any part of the municipal area notwithstanding that no proposal for the erection of any building in its vicinity has been received, or
 - (c) declare any street, made and duly constructed under any scheme or any development or improvement scheme in pursuance of the provisions of any law for the time being in force or by any authority under any other law for the time being in force, to be a public street, or
 - (d) declare any private street to be a public street.

182. Acquisition of lands and buildings for public streets

- (1) The Municipal Corporation may, subject to the other provisions of this Act, require to be acquired:-
- (a) any land together with structure including building, if any, standing thereon for the purpose of opening, widening, extending or otherwise improving any public street, parking or transportation terminal, square, park or garden or of making a new one or for enforcing the regular line of street, in relation to any land or any structure including building as aforesaid, such land or structure including building as the Municipal Corporation may think expedient, outside the regular line or projected regular line of the public street as aforesaid, and
 - (b) any land for the purpose of laying out, or making, a public parking place.
- (2) Where any land or structure including building is required to be acquired under sub-section (1) and the Municipal Corporation is satisfied that the remaining portion of the land will not be suitable or fit for any beneficial use to the owner, it shall, at the request of the owner, proceed for the acquisition, in addition, of such remaining portion of the land which shall, on acquisition, vest in the Municipal Corporation.

- (3) Where any land or structure including building is required to be acquired under sub-section (1) or sub-section (2), the procedure for such acquisition as provided in this Act shall apply.

183. Permanent closure of public street

- (1) The Municipal Corporation may permanently close the whole or any part of a public street in the public interest or for the purpose of carrying out the provisions of this Act:

Provided that before closing such public street, the Municipal Corporation shall, by notice published in such manner as may be provided by regulations, give an opportunity to the residents likely to be affected by such closure to make suggestions or objections, with respect to such closure, within one month from the date of publication of the said notice, and shall consider all such suggestions, or objections.

- (2) Whenever any public street or a part thereof is permanently closed under sub-section (1), the site of such street or any portion thereof may be disposed of as land vested in the Municipal Corporation.

184. Temporary closure of public street

The Commissioner may temporarily close the whole or any part of a public street to permit development and maintenance work and may authorize such closure for other purposes for any period not exceeding fifteen days.

185. Closure of public street for parking purposes and levy of parking fee

- (1) The Municipal Corporation may close any portion of a public street and declare it as a parking area.
- (2) Parking fees at different rates for different types of vehicles, in different areas, for different times of the day, and for different durations may be levied at such rates as may be determined by the Municipal Corporation by regulations from time to time.

186. Right of owners to require streets to be declared public

- (1) If any private street has been levelled, paved, metalled, flagged, channelled, sewered, drained, conserved, and lighted to the satisfaction of the Commissioner, he may, or on the requisition of a majority of the owners of such private street,

shall, declare such street to be a public street and, thereupon, the street shall vest in the Municipal Corporation.

- (2) The Commissioner may, at any time, by a notice fixed up in any street or part thereof, not maintainable by the Municipal Corporation, but which has already been levelled, paved, metalled, flagged, channelled, drained, sewerage, conserved and lighted to his satisfaction, give intimation of his intention to declare such street or part thereof to be a public street, and unless within thirty days of such notice, the owner or any one of the several owners of such street or such part of a street, lodges objection thereto at the office of the Municipal Corporation, the Commissioner may, by notice, in writing, put up in such street or part thereof, declare such street or part thereof, as the case may be, to be a public street vested in the Municipal Corporation.

187. Rights of way for underground utilities

Subject to the provisions of the Indian Telegraph Act, 1885 (Central Act No. 13 of 1885), the Electricity Act, 2003 (Central Act No. 36 of 2003) and such other laws as may be notified by the State Government for the purposes of this section. The State Government may, by rules, provide for the following, namely:-

- (a) the sanction by the Municipal Corporation of specific rights of way in the sub-soil of public and private streets in any municipal area for different public utilities including electric supply, telephone or other telecommunication facilities, gas pipes, water-supply, drainage and sewerage, and underground rail system, pedestrian sub-ways, shopping plazas, warehousing facilities and apparatus and appurtenances related thereto, provided by the State Government, or any statutory body or any licensee under any of the above mentioned Acts or other laws;
- (b) the levy of any fee or charges under any of the Acts or other laws as aforesaid;
- (c) the furnishing to the Municipal Corporation of maps, drawings and statements which shall enable it to compile and maintain precise records of the placement of the underground utilities in the municipal area;
- (d) the fixing of time limit for execution of work and imposing of such conditions in this respect as the Municipal Corporation may consider appropriate;
- (e) the imposing of penalty in case of delay in the completion of work; and
- (f) the repairing and rendering in original condition, at the cost of concerned department or body, any municipal street or any other municipal property damaged while exercising aforesaid rights.

188. Maps of underground utilities

The Commissioner shall cause to be maintained complete survey maps, drawings and descriptions of all underground utilities in the municipal areas, and maps of fire hydrants and sewerage man-holes in such form and in such manner as may be

provided by bye-laws and shall ensure the secrecy of the same in conformity with the provisions of any law relating to right to information.

189. Special provision regarding streets belonging to Central or State Government

- (1) If any national highway, state highway, or a street is vested in the Central Government or the State Government. as the case may be,—
 - (a) the Municipal Corporation shall not, in respect of such national highway, state highway, or street, grant permission to do any act, the doing of which without its permission in writing, would contravene the provisions of this Act, except with the sanction of the Central Government or the State Government. as the case may be; and
 - (b) if so required by Central Government or the State Government, the Municipal Corporation shall exercise the powers conferred upon it by this Act or an bye-laws relating to such street.
- (2) In the case of roads vested in the State Government, and passing through the municipal area, the Municipal Corporation shall have control over such roads in so far as permission for temporary occupation thereof and removal of encroachments therefrom are concerned, but the maintenance of such roads shall remain with the State Government.

190. Traffic engineering schemes

The Municipal Corporation may, either on its own or through any other agency authorized by it in this behalf, as and when necessary, having regard to the abutting land uses and traffic flow patterns, implement traffic engineering schemes to ensure public safety, convenience and expeditious movement of traffic including pedestrian traffic.

191. Street furniture and bus stops

The Municipal Corporation shall, either on its own or through any other agency authorized by it in this behalf, from time to time, cause various items of street furniture including fences, guard-rails, traffic lights, traffic signs, street markings, median strips, bus stops and any other item to be installed or done, and shall cause them to be maintained so as to ensure public safety and convenience and expeditious movement of traffic including pedestrian traffic.

192. Measures for lighting

- (1) The Commissioner shall, either on his own or through any other agency:-
 - (a) take measures for lighting, in a suitable manner, such public streets and public places as may be specified by him;
 - (b) procure, erect and maintain such number of lamps, lamp-posts and other appurtenances as may be necessary for the purpose of lighting; and
 - (c) cause such lamps to be lighted by appropriate means.
- (2) The Commissioner or any other agency may attach to the outside of any building brackets for lamps in such manner as may not cause any injury or inconvenience thereto.

Chapter XVII

PUBLIC HEALTH AND SOLID WASTE MANAGEMENT**193. Entrustment of management and handling of solid wastes and billing and collection of charge**

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, segregation, transportation, processing and disposal of such solid wastes, a charge shall be levied, and payment thereof shall be made, at such rate as the Municipal Corporation may fix from time to time.

Provided that the charge as aforesaid shall, as far as practicable, be such as shall cover the costs on account of management and handling of municipal solid wastes and development of infrastructure, if any, for collection, storage, segregation, transportation, processing and disposal thereof and also the costs of debt-servicing, depreciation of Plant and machinery, and other charges if any.

Provided further that the Commissioner may with the prior approval of the Municipal Corporation, entrust development of infrastructure for collection, storage, segregation, transportation, processing and disposal of solid wastes and the work of management and handling of municipal solid wastes and of billing and collection of the charges as aforesaid to any agency under any law for the time being in force or to any other agency.

194. Solid wastes to be property of Municipal Corporation

All solid wastes deposited in public receptacles, depots and places provided or appointed under this Act and all solid wastes collected by the municipal employees or contractors or any other agency authorized in this behalf shall be the property of the Municipal Corporation and the Municipal Corporation may dispose it as it may deem proper.

195. Appointment of places for disposal and final disposal of solid wastes

The Municipal Corporation may, either on its own or through any other agency, cause the solid wastes to be disposed of at such place or places within or outside the municipal area, and in such manner, as it considers suitable.

Provided that no place which has not been used before the commencement of this Act for the purpose specified in this section shall be so used, except

- (a) in conformity with the provisions of any State law relating to development planning and land use control or any other law relating thereto for the time being in force; or
- (b) in the absence of any such law, with the approval of the State Government

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

196. Duty of Municipal Corporation in respect of solid wastes management and handling

The Municipal Corporation shall, within the municipal area, be responsible for implementation of the rules made by the Central Government in exercise of the powers conferred by the Environment (Protection) Act, 1986, to regulate the management and handling of municipal solid wastes and for development of any infrastructure for collection, storage, transportation, processing and disposal of such solid wastes.

197. Solid Waste Management Functions of Municipal Corporation

The Municipal Corporation shall, either on its own or through any other agency authorised by it in this behalf, -

- (a) organize collection of municipal solid wastes through any of the methods, like community bin collection (central bin), house-to-house collection, and collection on regular pre-informed times and schedules;
- (b) devise collection of wastes from slums and squatter areas or other localities including hotels, restaurants, office complexes and commercial areas;
- (c) remove at regular intervals all solid wastes so collected under clause (a) and clause (b) for disposal on daily basis; and
- (d) arrange for making use of biodegradable wastes from slaughterhouses, meat and fish markets, and fruits and vegetable markets in an environmentally acceptable manner.

198. Appointment of places for disposal and final disposal of solid wastes

The Municipal Corporation may, either on its own or through any other agency, cause the solid wastes to be disposed of at such place or places within or outside the municipal area, and in such manner, as it considers suitable.

Provided that no place which has not been used before the commencement of this Act for the purpose specified in this section, shall be so used, except -

- (i) in conformity with the provisions of any State law relating to development planning and land use control or any other law relating thereto for the time being in force, or
- (ii) in the absence of any such law, with the approval of the State Government.

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

199. Duty of owners and occupiers of premises to store solid wastes at source of generation

It shall be the duty of the owners and the occupiers of all lands and buildings in the municipal area-

- (a) to have the premises swept and cleaned on a regular basis
- (b) to provide for separate receptacles or disposal bags for the storage of organic and bio-degradable wastes, recyclable or non-biodegradable wastes, and domestic hazardous wastes, so as to ensure that these different types of wastes do not get mixed
- (c) to keep such receptacles in good condition and order; and
- (d) to cause all such wastes, including rubbish, offensive matter, filth, trade refuse, carcasses of dead animals, excrementitious matters, 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 Commissioner may, by notice, specify

200. Provision of rain water harvesting structure

- (1) In every building owned or occupied by the Government or a statutory body or a company or an institution owned or controlled by the Government, rain water harvesting structure shall be provided by the Government or by such statutory body or company or institution, as the case may be, in such manner and within such time as may be prescribed.
- (2) Every owner or occupier of a building other than that referred to in sub-section (1) shall provide rain water harvesting structure in the building in such manner and within such period as may be prescribed in the bye-laws or otherwise
Explanation- Where a building is owned or occupied by more than one person, every such person shall be liable under this sub-section.
- (3) Without prejudice to any action that may be taken under the provisions of this Act, where the owner or occupier of the building fails to provide the rain water harvesting structure in the building within the period prescribed under sub-section (2) he shall, on conviction, be punished with fine which shall not be less than rupees ten thousand but which may extend to rupees twenty thousand.
- (4) No water connection from any public water supply system shall be permitted in newly constructed building unless the owner or occupier thereof produces a certificate from the concerned Municipal Corporation to the effect that rain water harvesting structure has been provided in the building.

Chapter XVIII

REGULATORY JURISDICTION**201. Regulation of parking of private vehicles on public places**

The Municipal Corporation shall regulate parking of vehicles on public places including footpaths and along roadside to ensure smooth flow of traffic and prevent inconvenience to the general public. In any case parking shall not be permitted on public place unless adequate space is available.

Provided that Municipal Corporation may having regard to availability of adequate space, permit parking on public places by general or special order subject to payment of a parking fee at such rate as may be prescribed by the Municipal Corporation.

202. Power to restrict or ban manufacture etc. of plastic bags

The Municipal Corporation shall have power to restrict or ban, by notification in the Official Gazette. manufacture, sale or use of any kind of plastic bags in any part or whole of the municipal area and specify that whoever contravenes the restriction or ban imposed shall on conviction, be punishable with simple imprisonment or fine or both if offence is continued after the date of first conviction.

203. Provision of municipal markets and slaughterhouses

- (1) The Commissioner may, either on his own or through any other agency, provide and maintain in the municipal area such number of municipal markets, slaughterhouses or stockyards, as he thinks fit, together with stalls, shops, sheds, pans and other buildings and conveniences for the use of persons carrying on trade or business and may provide and maintain in any such markets, buildings or other places, machines, weights, scales and measures for the weightment or measurement of goods sold thereon.
- (2) Subject to such directions as the Municipal Corporation may give in this behalf, the Commissioner or any other agency, as the case may be, may, after giving a notice, close any municipal market or slaughterhouse or stockyard or any portion thereof on and from the date specified in the notice, and the premises occupied for any municipal market, slaughterhouse or stockyard or any portion thereof so closed may be disposed of as the property of the Municipal Corporation.

204. Use of municipal markets

- (1) No person shall, without the general or special permission, in writing, of the Commissioner, sell, or expose for sale, any animal or article in any municipal market within the municipal area.

- (2) Any person contravening the provisions of sub-section (1) and any animal or article exposed for sale by such person may, by or under the order of the Commissioner, be summarily removed from the market by a police officer or any officer or other employee of the Municipal Corporation authorized by the Commissioner in this behalf.

205. Licensing markets, slaughterhouses and certain business

- (1) It shall be lawful for the Municipal Corporation to direct that no place not belonging to or vested in it, shall be used for the purposes specified in Act except under and in accordance with the conditions of a licence from the Municipal Corporation which may from time to time grant, individual cases.
- (2) Whoever uses or permits the use of any place contrary to such direction, without the licence required as aforesaid, or in contravention of any of the conditions or during the suspension or after the withdrawal of such licence shall be punished with fine which shall not be less than one thousand rupees but which may extend to two thousand rupees.
- (3) Upon a conviction being obtained in respect of any place under sub section (2) of this section, the Magistrate shall on the application of the Municipal Corporation, but not otherwise order such place to be closed, and thereupon appoint persons or take other steps to prevent such place being so used and every person who so uses or permits the use of place after it has been so ordered to be closed shall be punished with fine which shall not be less than fifty rupees but which may extend to one hundred rupees for each day during which he continues so to use, or permits such use of the place after it has been so ordered to be closed.
- (4) Any person aggrieved by an order of the Municipal Corporation under sub-section (1) granting, suspending, withholding or withdrawing any licence may within thirty days of the such order exclusive of the time requisite for obtaining a copy thereof appeal to the Deputy Commissioner and the order of the Appellate Authority shall be final and shall not be liable to be questioned in any court.

206. Opening, closing and letting of markets and slaughterhouses

- (1) The Municipal Corporation may from time to time open or close any public market or slaughterhouse. It may also either take charges for stalls or other rents or fees for the use by any person of any such market or slaughterhouse or from time to time sell by public auction or otherwise the privilege of occupying any stall or space in, or of otherwise using, any such market or slaughter house.
- (2) Any person who, without the permission or licence of the Municipal Corporation shall sell or expose for sale any article in the said market or use the said

slaughterhouse shall be punished with fine which shall not be less than one thousand rupees but which may extend to two thousand rupees.

- (3) It shall be lawful for the Municipal Corporation to lease for a period not exceeding one year at a time by public auction or private contract the collecting of any rent or fees, which may be imposed under sub-section (1).

207. Opening of new slaughterhouses

Notwithstanding anything contained in this Act, the Municipal Corporation shall, while establishing or permitting establishment of a new slaughterhouse, have regard to the public convenience and general public opinion and shall consider reasonable objection received from the public.

208. Power in respect of burial and burning places

- (1) The Municipal Corporation may, by public notice, order any burial or burning ground situated within municipal limits or within one kilometer thereof, which is certified by the Director of Public Health or District Medical and Health Officer to be dangerous to the health of persons living in the neighborhood. to be closed from a date to be specified in the notice and shall, in such case if no suitable place for burial and burning exists within a reasonable distance, provide a fitting place for the purpose before the aforesaid date.
- (2) No new burial or burning ground shall be made without the permission in writing of the Municipal Corporation and otherwise than in accordance with the terms and conditions of such permission.
- (3) Should any person, without the permission of the Municipal Corporation, bury or burn or cause or permit to be buried or burnt any corpse at any place which is not a burial or burning ground or in any burning or burial ground made or formed contrary to the provisions of this section or after the date fixed thereunder for closing the same, he shall be punished with fine as prescribed.

209. Regulation of certain trades in municipal limits

- (1) No place within the limits of a Municipal Corporation shall be used for any of the purposes that may be specified under the rules made in this behalf without a licence obtained from the Commissioner or any officer authorised by him and except in accordance with the condition, specified therein.
- (2) The Commissioner shall obtain approval of the Council for the list of trades prepared specifies under the rules every year before the end of May every year.
- (3) Rules made for the purpose of this section shall require the municipal council

- (a) to determine the licence fee and such other taxes or charges from every licensee and such restrictions and conditions of licence.
- (b) prescribe conditions of licence and penalty for violating the conditions of licence;
- (4) If the Municipal Corporation is satisfied that any building or place used or intended by any person to be used for any of the trades specified under this section, it shall require that person to obtain a licence on payment of such tax, fees as prescribed.
- (5) Licence granted under sub-section (4) may specify levy of fine for contravening the conditions of licence or cause of creating nuisance specified in the licence.
- (6) Adherence to conditions of licence for performance and shall be regulated in the manner prescribed by conducting periodic inspection.

210. Prohibition of public nuisances

- (1) As prescribed it shall be the duty of the Municipal Corporation through its Commissioner or any officer or any other agency authorized by it, to take adequate measures to detect acts of public nuisance and take administrative steps for prohibiting them.

Explanation- "Nuisance" includes any act, omission, place, animal or thing which causes or is likely to cause injury, danger, annoyance or offense to the sense of sight, smell, hearing, breath, modesty and dignity or disturbance to movement, work, rest or sleep, or which is or may be dangerous to life or injurious to health or property;

- (2) Any person, who commits a breach of any direction issued by the Municipal Corporation by that such person having committed or causing nuisance, shall for continued committing notice shall be deemed to have committed an offence under section 188 of the Indian Penal Code and may be prosecuted by the Municipal Corporation.

211. Prohibition of certain acts causing nuisance

- (1) Notwithstanding the provisions of any other by-law no person shall:
 - (a) do work on any premises or use any building or land for purposes calculated to disfigure such premises or to interfere with the convenience or comfort of other people or to become a source of danger to any person. Should the Municipal Corporation be of the opinion that this provision is being ignored,

the Municipal Corporation may instruct that such work or use be discontinued forthwith and that the previous condition be reinstated;

- (b) carry on any trade, business, profession or hobby on any premises in the municipal area which may in the opinion of the Municipal Corporation be a source or become a source of discomfort or annoyance to other people;
- (c) deposit, leave, spill, drop or place any fruit or vegetable peels, broken bottles, glass, refuse or thing which is offensive or likely to cause annoyance, danger or injury to persons in or upon any premises, street or public place;
- (d) allow the fencing of any premises to fall into a state of disrepair or to become unsightly or dilapidated;
- (e) allow any building or structure or any portion thereof on any premises to fall into a dilapidated, neglected or unsightly state, or fail to maintain the roof-water disposal system, pipes, sewers, drains, water fittings, waste water fittings, water closet fittings and all other appurtenances forming part of or attached to any building or structure in good and sound repair, or fail to maintain the walls of any building or structure free from dampness;
- (f) use or cause or permit to be used any shop and/or verandah of any shop or business premises or vacant land adjoining such shop or business premises for the purpose of storing, stacking, dumping, disposing, displaying or keeping articles or merchandise;
- (g) use or cause or permit any shop or business premises or vacant land adjoining such shop or business premises or any portion thereof which is open or visible to the public for the purpose of storing, stacking, dumping, disposing, or keeping any waste material, refuse, cartons, crates, containers or other articles of a like nature;
- (h) enclose or cause or permit the enclosing of any stoep or verandah of any shop or business premises by means of movable or immovable structures, objections, articles or devices otherwise than by such means as the Municipal Corporation may approve;
- (i) cause or allow the disturbance of the ordinary comfort, convenience, peace or quiet of other people by the utilisation or use of electrical appliances, machinery, malfunctioning air conditioning units or similar appliances or equipment.
- (j) defoul, misuse or damage a toilet provided in a public building or public place;
- (k) retaining a corpse on any premises without burning, burying or otherwise lawfully disposing it off, for so long a time after death; No person shall carry a corpse, or a part of a corpse, along any street without having or keeping such

corpse or part of a corpse decently covered or without taking such precautions to prevent risk of infection or injury to the community health;

- (l) carry or convey, or cause or permit to be carried or conveyed through or in any street or public place, any objectionable material or thing, liquid or solid, which is or may become offensive or dangerous or injurious to health, unless such objectionable material or thing is covered with a suitable material to prevent the creation of any nuisance;
- (m) drive or move any truck or other vehicle filled with litter unless such vehicles are so designed to cover the litter and loaded as to prevent any litter from being blown off or deposited upon any road, sidewalks, traffic islands, playground, garden or other public place.
- (n) Such other acts specified by the Municipal Corporation to cause public nuisance

Chapter XIX

MISCELLANEOUS**212. Municipal Corporation may prosecute**

- (1) The Commissioner may direct any prosecution for any public nuisance whatsoever or violation of any order or directions issued under this Act and may order proceedings to be taken for the recovery of any penalties specified in Schedule XI for punishment of any persons violating the provisions contravening any provision of the Act specified in Schedule XII. and for the of this Act or of any rule or bye-laws thereunder and may order the expenses of such prosecutions or other proceedings to be paid out of the Municipal Corporation fund.

Provided that no prosecution for an offence under this Act or rule or bye-laws framed there under shall be instituted except within six months after the commission of such offence.

- (2) Any prosecution under this Act or under any rules or bye-laws made thereunder may save as therein otherwise provided, be instituted before any Magistrate. and every fine or penalty imposed under or by virtue of this Act or any rule or bye-laws thereunder and also all claims Lo compensation or other expenses for the recovery of which no special provision is otherwise made in this Act may be recovered on application to such Magistrate by the distress and sale of any movable or immovable property within the limits of his jurisdiction belonging to the person from whom the money is claimable.

213. Powers with respect to prosecuting for offences

A Municipal Corporation may

- (a) compromise with any person who in the opinion of the Municipal Corporation has committed an offence punishable under this Act or any bye-law thereunder and on such compromise no proceedings shall be taken against such person in respect of such offence;
- (b) withdraw prosecutions under this Act or under any bye-law made thereunder; compound any offence against this Act or against any bye-law made thereunder which may by rules made by the State Government be declared compoundable;

Provided that the State Government may make rules to regulate the proceedings of persons empowered to compromise offences under this section.

214. Damages to municipal property how made good

If through any act, neglect or default, on account whereof any person shall have incurred any penalty imposed by or under this Act and any damage Lo the property of

the Municipal Corporation shall have been committed by such person. he shall be liable to make good such damage as well as to pay such penalty, and the amount of damage shall, in case of dispute, be determined by the Magistrate by whom the person incurring such penalty is convicted, and in case of non-payment of such damage on demand, the same shall be levied by distress, and such Magistrate shall issue his warrant accordingly.

215. Certain offences to be cognizable and bailable

Notwithstanding anything contained in the Code of Criminal Procedure, 1973 (Central Act No.2 of 1974), an offence punishable under this Act shall be cognizable and bailable.

216. Distress lawful though defective in form.

No distress levied by virtue of this Act shall be deemed unlawful, nor shall any party making the same be deemed a trespasser on account of any defect of form in any summons, conviction or warrant of distress, or other proceeding relating thereto, nor shall such party be deemed a trespasser ab initio on account of any irregularity afterwards committed by him; but all persons aggrieved by such irregularity may recover full satisfaction for the special damage in any court of competent jurisdiction.

217. Alternative procedure by suit

In lieu of any process of recovery allowed by or under this Act or in case of failure to realize by such process the whole or any part of any amount recoverable under this Act or of any compensation expenses, charges or damages payable under this Act, it shall be lawful for a Municipal Corporation to sue in any court of competent jurisdiction the person liable to pay the same.

218. Suits against Municipal Corporation or its officers

- (1) No suit shall be instituted against a Municipal Corporation or against the Mayor, Deputy Mayor, member, officer or servant of Municipal Corporation or against any person acting under the direction of any of them in respect of an act done or purporting to have been done in its or his official capacity. until the expiration of two months not after notice thereof in writing has been, in the case of a Municipal Corporation, left at its office and, in the case of the Mayor, Deputy Mayor, member, officer, servant or person delivered to him or left at his office or place or abode explicitly stating the cause of action, the nature of the relief sought, the amount of compensation claimed and the time and place of abode of the intending plaintiff, and the plaint shall contain a statement that such notice has been so delivered or left.

- (2) No action such as is described in sub-section (1) shall, unless it is an action for the recovery of immovable property or for a declaration of title thereto, be commenced otherwise than within six months next after the accrual of the causes of action.
- (3) Nothing in sub-section (1) shall be construed to apply to a suit wherein the only relief claimed is an injunction of which the object would be defeated by giving of the notice or the postponement of the commencement of the suit or proceeding.

219. Civil court not to grant temporary injunctions in certain cases

No civil court shall in the course of any suit grant any temporary injunction or make any interim order-

- (a) restraining any person from exercising the powers or performing the functions and duties of a member, Mayor, Deputy Mayor, officer or servant of a Municipal Corporation or a committee or sub-committee of a Municipal Corporation on the ground that such person has not been duly elected or appointed as such member, Mayor, Deputy Mayor, officer or servant, or
- (b) restraining any person or persons or any Municipal Corporation or committee or sub-committee of a Municipal Corporation from holding any election or from holding any election in any particular manner.

220. Power of compromises

- (1) The Municipal Corporation may compound or compromise in respect of any suit instituted by or against it or in respect, of any claim or demand arising out of any contract entered into by it under this Act, for such sum of money or other compensation as it shall deem sufficient.

Provided that, if any sanction in the making of any contract is required by this Act, the like sanction shall be obtained for compounding or compromising any claim or demand arising out of such contract.

- (2) The Municipal Corporation may make compensation out of the Municipal Corporation fund to any person sustaining any damage by reason of the exercise of any of the powers vested in it, its officers and servants under this Act.
- (3) The Municipal Corporation fund shall be liable to pay the expenses of any civil proceeding prosecuted or defended on behalf of the Municipal Corporation.

221. Mode of proof of municipal records

A copy of any receipt, application, plan, notice, order, entry in a register or other document in the possession of a Municipal Corporation shall, if duly certified by the legal keeper thereof or other person authorized by it in this behalf be received as prima facie evidence of the existence of the entry or document and shall be admitted

as evidence of the manners and transaction therein recorded in every case where, and to the same extent as. The original entry or document would, if produced have admissible to prove such matters.

222. Restrictions on the summoning of municipal servants to produce documents

No municipal officer or servant shall, in any legal proceeding to which a Municipal Corporation is not a party, be required to produce any register or document, the contents of which can be proved under the preceding section by a certified copy or to appeal- as a witness to prove the matter and transactions recorded therein unless by order of the court made for special cause.

223. Offences by companies

- (1) Where an 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,-

“company” means a body corporate. and includes a firm or other association of individuals, and

“director”, in relation to a firm, means a partner in the firm.

Chapter XX

RULES, REGULATIONS AND BYE-LAWS**224. Power of State Government to make rules and orders**

- (1) The State Government may make rules or orders generally for the purpose of carrying into effect the provisions of this Act and prescribe forms for any proceeding for which it considers that a form should be provided.
- (2) In particular, and without prejudice to the generality of the foregoing power, the State Government shall make rules —
 - (i) for prescribing the manner of determination of wards and their territorial jurisdiction.
 - (ii) for prescribing the manner of allotment of seats reserved for members of Scheduled Castes, Scheduled Tribes, the Backward Classes or for women and for rotation of reservation.
 - (iii) with regard to all matters relating to the preparation, revision, modification, updating and publication of electoral rolls;
 - (iv) for prescribing particulars which shall contain in the notice given for withdrawal of candidature from election on more than one seat;
 - (v) for prescribing the manner in which votes shall be given in an election and the manner in which votes shall be given and recorded by the voting machines;
 - (vi) with regard to all matters relating to presentation of an election petition, procedure to be followed and powers to be exercised by the District Judge in disposing the election petition;
 - (vii) for prescribing the terms and conditions on which and the charges or premium subject to the payment of which, the land deemed to have been placed at the disposal of the Municipal Corporation either granted or regularized to the Municipal Corporation under any law for the time being in force.
 - (viii) for regulating the sale or disposal of immovable property and land;
 - (ix) for prescribing the manner of preparing and maintaining records of urban land situated in the municipal limits;
 - (x) for prescribing the form of warrant for attachment and sale of property of the defaulter and for prescribing the manner in which the attached property may be sold;

- (xi) for prescribing the manner in which repaying capacity of a Municipal Corporation shall be ascertained for the purpose of granting loan or giving grantee for a loan raised by the Municipal Corporation;
 - (xii) for prescribing rates of the conversion charges for change of use of land and for prescribing the manner in which objections shall be invited and heard with respects to change of use of land;
- (3) All rules and orders made by the State Government under this section shall come into effect on or from the date of their publication in the Official Gazette.
- (4) All rules made after the commencement of this Act shall be laid, as soon as may be, after they are so made before the House of the State Legislature. while it is in session, for a period not less than fourteen days which may be comprised in one session or in two successive sessions and, if before the expiry of the session in which they are so laid or of the session immediately following, the House of the State Legislature makes any modification in any of such rules or resolves that any such rule should not be made, such rules shall, thereafter, have effect only in such modified form or be of no effect, as the case may be so however that any such modification or annulment shall be without prejudice to the validity of anything previously done thereunder.

225. Power of Greater Bengaluru Authority to make rules

The Greater Bengaluru Authority may make rules not inconsistent with this Act or with the rules made by the State Government-

- (i) for prescribing the procedure for conducting the business of the meeting of the Municipal Corporation;
- (ii) for prescribing the manner, of putting question by a member to the Mayor-in-Council, and of moving resolutions on the matters connected with the administration of the Municipal Corporation;
- (iii) for prescribing he manner of making and considering the motion expressing no confidence in the Mayor-in Council;
- (iv) for prescribing the powers, duties and functions, and the procedure for conducting the meetings, of the committees constituted;
- (v) for prescribing heads of accounts for prescribing manner and form in which accounts shall be kept;
- (vi) for prescribing the manner in which payments from Municipal Corporation funds shall be made;

- (vii) for transfer of surplus money from one head to another head with regard to all matter relating to preparation, presentation, adoption of budget estimates, preparation and maintenance of accounts and balance sheet etc;
- (viii) for prescribing the rate, date, and manner for imposing and levying the taxes;
- (ix) for prescribing the manner in which internal audit of the day-to-day accounts of the Municipal Corporation may be carried out;
- (x) for prescribing the form in which return shall be furnished by the owner or occupier on the requisition of the assessor;
- (xi) for prescribing the types of private sector participation agreements service provider agreements for the purpose of this Act;
- (xii) for prescribing the chapters, material and schemes to be incorporated in the Master Plan and Strategic Spatial Plan;
- (xiii) for prescribing the manner and the time in which water harvesting structure shall be provided in the buildings owned or occupied by the Government or statutory body or a company or a institution owned or controlled by the Government;

226. Power of Municipal Corporation to make Bye-laws

Every Municipal Corporation shall make rules, not inconsistent with this Act or with the rules made by the State Government.

- (i) with regard to all matters relating to imposition, levy, assessment and collection of the taxes under this Act;
- (ii) with regard to all matters relating to imposition, levy and collection of fees and tines under this Act;
- (iii) for regulating the construction of all kinds of buildings for prescribing all matters relating to the management of solid and bio-medical waste;
- (iv) with regard to determining the staff of officers and servants to be employed by the Municipal Corporation and the respective designations, duties, salaries, fees or other allowances of such officers and servants;
- (v) generally for the guidance of its officers and servants in all matters relating to the municipal administration;
- (vi) fixing the amount and nature of the security to be furnished by any officer or servant from whom it may be deemed expedient to require security;

- (vii) determining the mode and conditions of appointing, transferring, punishing or dismissing any officer or servant and delegating to officers designated in the rules the powers to appoint, transfer, fine, reduce suspend or dismiss any officer or servant;
- (viii) regulating the grant of leave to officers or servants and fixing the remuneration to be paid to the person if any, appointed to act for them whilst on leave; and
- (ix) authorizing the payment of contributions, at such rates and subject to such conditions as may be prescribed in such rule. to any pension or provident fund which may be established by the Municipal Corporation, or, with the approval of the Municipal Corporation, by the said officers and servants.

227. Power of Municipal Corporation to make regulations

- (1) Every Municipal Corporation may, from time to time, make bye-laws not inconsistent with this Act and the rules made thereunder-
- (a) for regulating the payments from the Municipal Corporation fund;
 - (b) for prescribing all matters relating to the imposition, levy, assessment and collection of user charges under this Act;
 - (c) for prescribing the form of and the manner of keeping of maps, drawings and description of underground utilities and maps of fire hydrants and sewerage man-holes;
 - (d) for regulating the permission for temporary erection of a booth or any other structure on any public place;
 - (e) for prescribing the terms and conditions subject to which the precautions to be taken during construction or repair of street. drain or premise;
 - (f) for regulating the erection of all kind of buildings;
 - (g) for determining the technical qualifications and experience for the person seeking licence to act as a plumber;
 - (h) for regulating the projections of the building under this Act;
 - (i) for the regulation and inspection of markets, public places used for the sale of articles and slaughter houses, all places used by or for animals which are for sale or hire, or the produce of which is sold, and for the proper and clean conduct of business therein; for regulating the sale of fruits and vegetables in the municipal markets or other charges to be levied for the use of any of them which belong to the Municipal Corporation;

- (j) prescribing the conditions on or subject to which, and the circumstances in which, and the areas or localities in respect of which, licences may be granted, refused, suspended or withdrawn for the use of any place not belonging to the Municipal Corporation:
 - (i) as a slaughter house;
 - (ii) as a market or shop for the sale of animals intended for human food, or of meat, or of fish, or as a market for the sale of fruits or vegetables;
 - (iii) as a dairy, hotel, restaurant, eating-house, coffee-house, sweet meat-shop, bakery, camping-ground, sarai, dhobi-ghat, flour mill, sawmill, ice-candy factory, food-grain, go-down, Municipal Corporation house, lodging-house other than a students' hostel under public or recognized control or for manufacturing ice or aerated water;
 - (iv) as a place for the preparation or manufacture of oil;
 - (v) for parching grain or Bengal grain on a large scale: or
 - (vi) for any other purpose for which the issuing of a licence may be prescribed, and providing for the inspection and regulation of the conduct of business in any place used as aforesaid. So as to secure cleanliness therein or to minimize any injurious, offensive or dangerous effect arising or likely to arise therefrom;
 - (vii) prohibiting the stabling or herding of horses, camels, donkeys, sheep or goats, otherwise than in accordance with such rules prescribed in such bye-laws in regard to the number thereof, and the places to be used for the purpose as may be necessary to prevent danger to the public health;
 - (viii) for the inspection of milk cattle; and prescribing and regulating the construction dimensions, ventilation, lighting, cleansing, drainage and water-supply of dairies and cattle-sheds in the occupation of persons following the trade of dairymen or milk sellers;
 - (ix) for securing the cleanliness of milk-stores, milk-shops and vessels used by milk-sellers or butter-men for milk or butter;
 - (x) for the registration of births, deaths and marriages, and the taking of a census within the Municipal Corporation and for enforcing the supply of such information as may be necessary to make such registration or census effective;
 - (xi) regulating the disposal of the dead and of the carcasses of dead animals and the maintenance of all places for the purpose in good order and in a safe sanitary condition, due regard being had to the religious usages of the

community or section of the community entitled to the use of such places for the disposal of the dead;

- (xii) enforcing the supply of information as to any cases of dangerous disease, and carrying out the provisions of this Act
- (xiii) enforcing the supply of such information by inhabitants of the Municipal Corporation as may be necessary to ascertain their respective liabilities to any tax imposed therein;
- (xiv) regulating the use of public bathing and washing places within municipal limits regulating sanitation and conservancy;
- (xv) regulating the conditions for the construction, use and disposal of houses intended for the homeless;
- (xvi) regulating the conditions on which permission may be given for the temporary occupation of or the creation projections over public streets;
- (xvii) regulating the structure and dimensions of plinths, walls, foundations, floors, roofs and chimneys of new buildings for the purpose of securing stability and the prevention of fires and for purposes of health;
- (xviii) regulating the erection or use of buildings for grain shops or grain stores, the use of sites for erection of buildings and, in localities intended for residential purposes, the erection or use of buildings for shops, market places, manufacturing, places of public resort or for any other purpose;
- (xix) preventing the erection of building without adequate provision being made for the laying out and location of streets;
- (xx) ensuring the adequate ventilation of buildings by the provision and maintenance of sufficient open space either internal or external and of doors and windows and other means for securing a free circulation of air;
- (xxi) regulating in any other particular manner not specially provided for in this Act, the construction, maintenance and control of drains, sewers, ventilation shafts, receptacles for dung and manure, cess-pools, water-closets, privies, latrines, urinals and drainage or sewage works of every description, whether the property of the Municipal Corporation or not;
- (xxii) determining the conditions, restrictions, norms and specifications for all kinds of constructions looking to the local need for the purpose of operation of any provision of this Act in conformity with the directions issued and restrictions prescribed if any from time to time, by the State Government;
- (xxiii) prohibiting the transit of any vehicles of such form, construction, weight or size, or laden with such machinery or other unwieldy objects as may be

deemed likely to cause injury to the roadway or any construction thereon, or risk or obstruction to other vehicles or to pedestrians, along or over any street, except under such conditions as to time, mode of traction or locomotion, use of appliances for protection of the roadway, number of lights and assistants and other general precautions as may be prescribed, either generally in such bye-laws or in special licences to be granted in each case under such terms as to time of application and payment of fees therefore as may be prescribed in such bye-laws;

- (xxiv) securing the protection of public parks, gardens and open spaces, vested in or under the control of the Municipal Corporation from injury or misuse, regulating their management and the manner in which they may be used by the public, and providing for the proper behaviour of persons in them;
 - (xxv) regulating or prohibiting any description of traffic in the streets and providing for the reduction of noise caused thereby;
 - (xxvi) for the licensing, inspection and proper regulation of places of public resort, recreation or amusement, clubs, gymkhanas, spas, massage parlours;
 - (xxvii) regulating the posting of bills and advertisements and the position, size, shape and style of sign-posts;
 - (xxviii) generally for the regulation of all matters relating to municipal administration; and every Municipal Corporation may prescribe fine for the infringement of any such bye-laws;
 - (xxix) hawking zones, street vending, food courts.
- (2) Every Municipal Corporation shall, before making any bye-laws under this section, publish, in such manner as shall in its opinion be sufficient for the information of persons likely to be affected thereby, a draft of the proposed bye-laws together with a notice specifying a date on or after which the draft will be taken into consideration and shall, before making the bye-laws, receive and consider any objection or suggestion with respect to the draft which may be made in writing by any person before the date so specified.