

THE GREATER BENGALURU GOVERNANCE BILL, 2024

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

(i) establish the Greater Bengaluru Authority for co-ordinating and supervising the development of the Greater Bengaluru Area;

(ii) establish not more than ten City Corporations in the Greater Bengaluru Area for effective, participatory and responsive governance;

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

(iv) integrate and streamline political accountability of all public authorities delivering services in the Greater Bengaluru Area;

(v) improve the quality of life of all citizens by instituting a decentralised, participative, efficient and equitable governance framework for Bengaluru; and

(vi) provide for matters incidental thereto.

WHEREAS the Bruhat Bengaluru Mahanagara Palike was established in 2008 and was governed under the provisions of the Karnataka Municipal Corporations Act, 1976 (Act 14 of 1977) and later by the provisions of Bruhat Bengaluru Mahanagara Palike Act, 2020 (Act 53 of 2020).

WHEREAS, the provisions of the Bruhat Bengaluru Mahanagara Palike Act, 2020 (Act 53 of 2020) are inadequate to govern Bengaluru as it did not institute any institutions that address the fragmentation of governance in Bengaluru due to the multiplicity of civic agencies and lack of coordination between them.

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

BE it enacted by the Karnataka State Legislature in the seventy fifth 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, 2024.

(2) It shall extend 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, on this behalf.

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

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

(2) “Administrator” means any officer appointed by the Government to exercise the powers and perform the functions and discharge duties conferred or imposed on the Greater Bengaluru Authority by or under this Act (including that of the elected council);

(3) “Association” means an association of body of persons, a trust, society, association or organization duly registered under Karnataka Societies Registration Act, 1960 (Karnataka Act 17 of 1960);

(4) “Authority” means the Greater Bengaluru Authority created under this Act;

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

(6) “Bio-medical waste” means any waste generated during diagnosis, treatment, immunization or any health services of human beings or animals or in research activities as may be discarded by any medical hospital, nursing home, clinics, pet care centers and practicing doctors pertaining thereto;

(7) “Bengaluru Metropolitan Region” means the area comprising the Bengaluru District, Bengaluru Rural District and such other areas that the Government may, by notification specify;

(8) “building” includes,-

(a) a house, out-house, stable, privy, shed, hut, wall, verandah, fixed platform, plinth, door step and any other structure built over a firm foundation including telecommunication tower or advertisement structure of whatever manner consisting of masonry, bricks, wood, mud, metal or any other material whatsoever;

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

foundations; and

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

(9) "Bye-law" means bye-laws made by the Greater Bengaluru Authority under this Act;

(10) "casual vacancy" means a vacancy occurring otherwise than by efflux of time to the office of elected Councillor to which election to be held by the State Election Commission, and "casual election" means an election held to fill up a casual vacancy arising out of death or resignation or demission of office of the councilor by whatsoever means;

(11) "Chief Commissioner" means the Chief Commissioner of the Greater Bengaluru Authority appointed under section 10;

(12) "City Corporation" means the Corporations established by the State, in accordance with the provisions of this Act including such areas to fall within the control and jurisdiction of this Act, by notification;

(13) "City Corporation Fund" means the consolidated fund of the City Corporation subject to the control of the City Corporation in accordance with such conditions prescribed under this Act;

(14) "Civic Authorities" means Civic Authorities constituted under section 4;

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

(16) "Commissioner" means the Commissioner of a City Corporation appointed under this Act;

(17) "Councillor" means a Councillor elected to a City Corporation under this Act;

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

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

(20) "Dangerous diseases" means any epidemic, endemic, or infectious disease contagious diseases as to be notified by the Government as dangerous disease under this Act or any other law, for time being in force, threatening safety and well-being of life;

(21) "Deputy Mayor" means a Deputy Mayor of a City

Corporation elected under this Act;

(22) "Election" means an election to fill any vacancy in the office of a Councillor;

(23) "Entertainment" means and includes any amusement event or provision of service which involves a performance, presentation, production or staging of any act and for the viewing of which any person or body of persons may be required to purchase a ticket to enter such an event or purchase a connection to view such a service;

(24) "Essential services" means services in which any City Corporation officer, servant, or other person is employed by or on behalf of the City Corporation, as may be notified by the Government;

(25) "Factory" means a factory as defined in the Occupational Safety, Health and Working Conditions Code, 2020 (Central Act 37 of 2020) and the Factories Act 1948 (Central Act 63 of 1948);

(26) "Filth" includes sewage, dung, dirt, swill, putrid and putrefying substances of all and any offensive matter;

(27) "Government" means the Government of Karnataka;

(28) "Guidance Value of site" means value of the vacant plot as specified under the provisions of the Karnataka Stamp Act, 1957 (Karnataka Act 34 of 1957);

(29) "Greater Bengaluru Area" means the larger urban area of the City of Bengaluru and such other areas as the State Government may, by notification specify in that behalf;

(30) "Greater Bengaluru Authority" means the Greater Bengaluru Authority constituted under this Act;

(31) "Infrastructure and environmental impact fee" means and include fees for usage of public roads and other infrastructure facilities provided and maintained by the City Corporation and debris generated, during the period of construction;

(32) "Khata" means a record of an immovable property maintained in the property tax register by the City Corporation;

(33) "Khatadar" is a person in whose name the khata is recorded by the City Corporation and is legally responsible to pay the property tax and the katha entry shall be presumed to be true until the contrary is proved or a new entry is lawfully substituted;

(34) "Khata Extract" is an extract issued by the City Corporation containing the specified details of immovable property;

(35) "land" includes land which is being built upon or is 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 the same situated on any street within the jurisdiction of the City Corporation;

(36) "lay-out" means a lay-out formed by an individual or body of persons or by any state authority whether incorporated or not, or

also issued with statutory licenses for its existence;

(37) "List of Representatives" is the list of nominees for the Ward Committee that every candidate contesting the elections to the City Corporation has to file under this Act;

(38) "Local Authority" means the Greater Bengaluru Authority, a City Corporations, Municipal Corporations, Municipalities, 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;

(39) "Mayor" means a Mayor of a City Corporation elected under this Act;

(40) "Market" includes any place, whether public or private, by whatever name called, where persons assemble for the trade of meat, fish, fruit, vegetables, livestock, or any other article of food of a perishable nature, or any other merchandise for which there is a collection of shops or warehouses or stalls, or premises let out to professionals, government or any other bodies, declared and licensed by the City Corporation as a market;

(41) "Medium term fiscal plan" means the fiscal plan prepared by the City Corporation for a period of five years;

(42) "Non-ticket-based entertainment" means and includes any entertainment which does not require the purchase of a ticket to enter the place of the entertainment;

(43) "Nuisance" shall include any act, omission, commission of such act at such places, which causes or is likely to cause injury, danger, annoyance, or offence to the sense of sight, smell or hearing, disturbance to rest or sleep, or which is or may be dangerous to human life, or injurious to health or property;

(44) "Occupier" includes any person who, for the time being, is paying or is liable to pay to the owner, the rent or any portion of the rent of the land or building in respect of which such rent is paid or payable, mesne profits, or otherwise using the building or land, as rent-free tenant, licensee, lessee, mortgagee, occupying the property in any capacity and includes an owner in occupation;

(45) "Occupancy Certificate" is a certificate issued by the City Corporation to occupy the premises, upon completion of construction of a building in accordance with the provisions of this Act;

(46) "Owner" includes the khatadar or any such person who, for the time being, receiving or is entitled to receive the amount of lease or the rent of any land or building whether on own account or as an agent, trustee, guardian or receiver or who should so receive, if the land or building or part thereof were to be let on lease or rent or such and similar terms;

(47) "Population" means the population as ascertained at the last preceding census of which relevant figures have been published;

(48) "Political party" means a political party registered under section 29A of the Representation of the People Act, 1951 (Central Act 43 of 1951);

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

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

(51) "Presiding Officer" means such an officer appointed by the State Election Commission to preside over one or more polling stations;

(52) "Property tax" means the tax levied on buildings or vacant land or such premises by the City Corporation as per this Act;

(53) "public authority" means any authority or body or agency established or constituted by the Central Government or a State Government involved in service delivery in the Greater Bengaluru Area and includes the Bangalore Development Authority, the Bengaluru Water Supply and Sewerage Board, Bangalore Metropolitan Transport Corporation, Bengaluru Solid Waste Management Corporation, Bengaluru Metro Rail Corporation Limited, the Bangalore Electricity Supply Company Limited and the Bengaluru Metropolitan Land Transport Authority;

(54) "Resident welfare association" means a voluntary association of residents registered under any law, for the time being in force;

(55) "Regulation" means a regulation made under this Act;

(56) "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;

(57) "Rules" means the rules made under this Act;

(58) "Schedule" means the Schedule appended to this Act;

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

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

(61) "Scrutiny fee" means fee collected to meet the establishment charges for processing the application for permitting building construction;

(62) "Self-help group" means a group of twenty or more people

from a homogeneous class of persons who come together for addressing their common problems;

(63) "Secretary" means the Secretary of the Ward Committee appointed under this Act;

(64) "Sectoral Committee" means a Sectoral Committee of the Greater Bengaluru Authority constituted under this Act;

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

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

(67) "Standing Committee" means the Standing Committee constituted under this Act;

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

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

(70) "Street alignment" means a line dividing the land comprised in and forming part of a street from the adjoining land;

(71) "tax" includes toll, rate, cess, fee or other import leviable under this Act;

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

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

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

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

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

(77) "Ward Committee" means the ward committee established under this Act;

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

(79) “Ward Sabha” means a Ward Sabha referred to under this Act;

(80) “Joint Commissioner” means the Joint Commissioner referred to under this Act and includes an Additional Commissioner; and

(81) “Zones of the Corporation” means such areas within the Corporation as may be notified by the Government under this Act.

CHAPTER - II

ESTABLISHMENT OF CIVIC AUTHORITIES IN THE GREATER BENGALURU AREA

3. Declaration of the Greater Bengaluru Area.- As soon as may be after the date of commencement of the Act, the Government shall, by notification, declare the larger urban area of the City of Bengaluru and such other areas the Government may specify, as the Greater Bengaluru Area:

Provided that the Government may, from time to time, modify the territorial limits of the Greater Bengaluru Area, by notification.

4. Civic Authorities in the Greater Bengaluru Area.- The following shall be the Civic Authorities in the Greater Bengaluru Area tasked with the powers to carry out the functions specified under this Act:

- (a) the Greater Bengaluru Authority;
- (b) the City Corporations; and
- (c) the Ward Committee.

5. Establishment of City Corporations.- (1) The Governor shall, having regard to the population of any area, the density of population therein, the revenue generated, the percentage of employment in non-agricultural activities, the economic importance, the infrastructural provisions available in the area and such other factors, establish such number of City Corporations, for such areas as may be defined, for the effective municipal governance of the Greater Bengaluru Area;

Provided that the total number of City Corporations in the Greater Bengaluru Area shall not exceed ten:

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

- (a) such area contains a population of not less than ten lakhs;
- (b) the density of population in such area is not less than five thousand inhabitants per square kilometer of the 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 three hundred crores per annum;
- (d) the percentage of employment in non-agricultural activities is not less than fifty percent of the total employment; and
- (e) such other factors as may be deemed necessary for consideration by the Government.

(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 the views so received under sub-section (2) before issuing the final notification.

6. Power to alter the boundaries of the City Corporations.- The Governor shall, having regard to the population of any area, the density of population therein, the revenue generated, the percentage of employment in non-agricultural activities, the economic importance, the infrastructural provisions available in the 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; or
- (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 Government shall issue a draft thereof and any affected person may submit her objection in writing to the Government within one month from the date of its publication, and the Government shall take such objections 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 Government within one month from the date of its publication, and the Government shall consider the views of the local authority before issuing the final notification.

7. Reconstitution of Bruhat Bengaluru Mahanagara Palike and other local authorities.- (1) As soon as may be after the date of commencement of this Act, the Governor may, having regard to the provisions of section 3, by notification, constitute such number of new City Corporations comprising of areas under the Bruhat Bengaluru Mahanagara Palike and such other local authorities in the Greater Bengaluru Area.

(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 Mahanagara Palike and such other local authorities notified under sub-section (1) shall cease to exist and all of their assets and liabilities shall vest in the Government until re-assigned to the reconstituted City Corporations.

Provided that in case a part of a local authority is included in the Greater Bengaluru Area then the said local authority jurisdiction shall stand accordingly modified from the date of the notification and its assets and liabilities shall proportionately vest with the Government corresponding to the part that vests in the Government and the decision of the Government as regards apportionment of the assets and liabilities shall be final in this regard.

(5) The Government shall draw up the transition provisions to transfer to the reconstituted City Corporations.

8. Relationship between Civic Authorities in the Greater Bengaluru Area.- (1) The Civic Authorities in the Greater Bengaluru Area shall exercise their authority in their specific domains as per the powers and functions vested in them under this Act and the rules and regulations made thereunder.

(2) The Greater Bengaluru Authority shall exercise such authority and discharge such functions as per provisions of this Act including with respect to

the City Corporations created under this Act.

(3) The Greater Bengaluru Authority shall discharge the role of coordinator among all the City Corporations and other agencies in the Greater Bengaluru Area.

CHAPTER - III

GREATER BENGALURU AUTHORITY

9. 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 an Authority for the Greater Bengaluru Area 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 Chief Minister who shall be the Ex-officio Chairperson;
- (b) The Minister in charge of Bengaluru Development, who shall be the Ex-officio Vice-Chairperson ;
- (c) The Chief Commissioner of Greater Bengaluru Authority, who shall be the Ex-officio Member Secretary;
- (d) The Minister in charge of Home Affairs - Ex-officio Member;
- (e) The Minister in charge of Urban Development - Ex-officio Member;
- (f) The Minister in charge of Transport - Ex-officio Member;
- (g) The Minister in charge of Energy - Ex-officio Member;
- (h) The Ministers in the State Government representing the legislature constituencies in the Greater Bengaluru Area - Ex-officio Members;
- (i) The Mayors of the City Corporations within the Greater Bengaluru Area - Ex-officio Members;
- (j) Two Members from each City Corporations within the Greater Bengaluru Area nominated by the City Corporation - Member;
- (k) The Commissioner, Bangalore Development Authority – Ex-officio Member;
- (l) The Chairman, Bangalore Water Supply and Sewerage Board– Ex-officio Member;
- (m) The Managing Director, Bangalore Metropolitan Transport Corporation– Ex-officio Member;
- (n) The Managing Director, Bangalore Metro Rail Corporation– Ex-officio Member;

- (o) The Managing Director, Bangalore Electricity Supply Company Limited– Ex-officio Member;
- (p) The Commissioner of Police, Bengaluru City– Ex-officio Member;
- (q) The Chief Executive Officer, Bengaluru Metropolitan Land Transport Authority– Ex-officio Member;
- (r) The Managing Director, Bengaluru Solid Waste Management Limited– Ex-officio Member;
- (s) The Chief Town planner, the Greater Bengaluru Authority– Ex-officio Member;
- (t) Engineer in Chief, the Greater Bengaluru Authority– Ex-officio Member; and
- (u) The Director, Karnataka State Fire and Emergency Services– Ex-officio Member;

(4) The Commissioners of the City Corporations in the Greater Bengaluru Area shall be ex-officio members of the Greater Bengaluru Authority but shall not have the right to vote.

(5) All the members of the House of the People and the State Legislative Assembly whose constituencies lie within or substantially within the Greater Bengaluru Area shall be permanent invitees to the Greater Bengaluru Authority and may attend the meetings but shall not have the right to vote.

(6) The executive heads of Department of Urban Land Transport, Bangalore Traffic Police, Karnataka Rail Infrastructure Development Enterprises Limited, Karnataka Tank Conservation and Development Authority, Karnataka State Disaster Management Authority and the Karnataka Slum Development Board and any other officer of any agency or department of the Government discharging municipal functions in the Greater Bengaluru Area as the Government may specify, shall be special invitees to the Greater Bengaluru Authority and may attend the meetings but shall not have the right to vote.

10. Chief Commissioner of Greater Bengaluru Authority.- (1) The State Government shall appoint an officer not below the rank of the Additional Chief Secretary to Government, as the Chief Commissioner of the Greater Bengaluru Authority.

(2) The Chief Commissioner shall hold office for a period of three years subject to the pleasure of the Government and may be transferred by the Government, as may be required for the effective administration of the Greater Bengaluru Authority.

(3) The Chief Commissioner shall be the Principal Executive Officer of the Greater Bengaluru Authority and shall, subject to the supervision and control of the Greater Bengaluru Authority, exercise the powers and perform

the functions specifically conferred or imposed upon him by or under this Act or by any other law in force for the time being.

(4) Subject to the approval of the Greater Bengaluru Authority and to other restrictions, limitations and conditions imposed by this Act or by any other law for the time being in force, whenever it is expressly so directed in this Act, the executive power for the purpose of carrying out the provisions of this Act with respect to the functions of the Greater Bengaluru Authority and of any other law for the time being in force which imposes any duty or confers any power on the Greater Bengaluru Authority shall vest in the Chief Commissioner, who shall also,-

- (a) perform all the duties and exercise all the powers specifically imposed;
- (b) conferred upon him by or under this Act or by any other law for the time being in force; and
- (c) in any emergency, take such immediate action for the service or safety of the public or the protection of the property of the Greater Bengaluru Authority, as the emergency shall appear to him or justify or require, notwithstanding that such action cannot be taken under this Act without the sanction, approval or authority of Greater Bengaluru Authority or of the Government:

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

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

(6) The Chief Commissioner may, with the approval of the Authority, by order in writing empower any officer of the Authority to exercise, perform or discharge any such power, duty or function under his control and subject to his revision and to such conditions and limitation, if any, as he shall think fit to specify.

(7) Notwithstanding anything contained in sub-section (2), the Chief Commissioner may be removed from office, whenever the Greater Bengaluru Authority so resolves by a majority of not less than two-thirds of its members, with the approval of the Government on the following grounds, namely:-

- (a) proved to be guilty of misconduct and neglect; or
- (b) incapacity to perform duties assigned to him.

11. Officers of the Greater Bengaluru Authority.- (1) The Government shall appoint additional officers to assist the Chief Commissioner in carrying out the functions relating to infrastructure, town planning, administration, law, finance and such other functions exercised by the Greater Bengaluru Authority under this Act. The Government shall by order determine, from time to time, the salaries and other terms and conditions of service of such officers.

(2) The Government may have such number of officers of the State Civil Service and All India Services on its cadre as Special or Additional or Joint or Deputy or Assistant Commissioners as the Government deems necessary and on such terms and conditions as the Government may decide.

(3) The Government shall depute a Chief Town Planner of the rank of the Director of Town and Country Planning who shall be subordinate to the Chief Commissioner and with such other officers from the Department of Town and Country Planning with qualification of master's degree in Town and Country Planning, who shall be subordinate to the Chief Commissioner, to assist the Greater Bengaluru Authority in the matter relating to Town planning.

(4) The Government shall appoint such agencies to manage the Municipal Solid Waste and other waste and in this regard shall appoint such officers with expertise, from the City Corporation.

(5) The Government shall depute an Engineer-in-Chief, Chief Finance Officer and Chief Law Officer as suitable to be the head of Engineering, Finance and Law departments of the Greater Bengaluru Authority.

(6) The Greater Bengaluru Authority shall, from time to time, prepare and submit for the sanction of the Government, a schedule of the officers and servants it deems necessary and proper to maintain for the purposes of this Act,. The salaries and other terms and conditions of service of such officers shall be as may be prescribed.

(7) No suit, prosecution or other legal proceedings shall lie against the Government, the Greater Bengaluru Authority and the City Corporation, its officers or servants or any person acting under the directions of the Government, the Greater Bengaluru Authority or the City Corporation, for anything done in good faith or intended to be done under this Act, or any rule, bye-law, regulation or order made under it.

12. Meetings of the Greater Bengaluru Authority.- (1) The Chairperson of the Greater Bengaluru Authority shall convene the meetings of

the Greater Bengaluru Authority in such a manner, that at least one meeting shall be held for every three months.

(2) The Chairperson shall preside over the meeting. In the absence of the Chairperson, the Vice-chairperson shall preside over the meeting and in the absence of the Chairperson and the Vice-chairperson, any other member chosen by the members present from amongst themselves shall preside over the meeting.

(3) The quorum required for the meeting is half the total members of the Greater Bengaluru Authority.

(4) All matters 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 Chairperson of the Greater Bengaluru Authority, or in his 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 specified 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.

13. Constitution of Executive Committee.- (1) The Greater Bengaluru Authority shall constitute an Executive Committee to assist in the discharge of its functions in the manner as may be specified in the regulations. The Executive Committee shall consist of the following members, namely:-

- (a) The Minister in charge of Bengaluru Development or any Minister nominated by the Chief Minister, who shall be the Chairperson;
- (b) The Chief Commissioner of the Greater Bengaluru Authority, who shall be the Member Secretary of the executive committee;
- (c) The Commissioners of the City Corporations in the Greater Bengaluru Area;
- (d) The Commissioner, Bangalore Development Authority;
- (e) The Chairman, Bangalore Water Supply and Sewerage Board;
- (f) Chief Town Planner, Greater Bengaluru Authority;
- (g) Engineer-in-Chief, Greater Bengaluru Authority; and
- (h) The Chairperson may invite such domain experts or other officers for such Committee meetings who shall attend the meetings as Special Invitees.

(2) The Chairperson of the Executive Committee shall convene its meetings in such a manner that at least one meeting is held in two months.

(3) Subject to the rules, and to the direction of the Authority, the Executive Committee shall exercise any powers and do any act or thing which may be exercised or done by the Authority.

(4) The procedure to be followed by the Executive Committee and all other matters relating to the Executive Committee shall be such as may be specified by regulations.

14. Functions of the Greater Bengaluru Authority.- (1) The Greater Bengaluru Authority shall perform the following functions, namely:-

(i) Financial Functions:

- (a) Such percentage of the revenues of the City Corporations within the Greater Bengaluru Area shall accrue to the Greater Bengaluru Authority as recommended by the Government;
- (b) The Government shall allocate, as per recommendations of the Finance Advisory Committee, such part of the funds to the City Corporations and other public authorities or agencies who are the agencies of the City Corporation to undertake specific functions on their behalf, including Bengaluru Solid Waste Management Limited, in the Greater Bengaluru Area so as to ensure balanced financial allocation to the City Corporations and other authorities so as to enable them to discharge their assigned duties and functions;
- (c) All financial allocations and releases of the Government to the City Corporations within the Greater Bengaluru Area, except statutory releases by the Central and the State Finance Commissions, shall be through the Greater Bengaluru Authority which will, in turn, allocate to the City Corporations and other authorities in a manner as may be prescribed with an aim to ensure balanced allocation of the funds to the entities within the Greater Bengaluru Area;
- (d) Approve the rates for property tax, property tax rebate rate for payment of full tax within one month of start of a financial year, extension of the rebate period, other taxes, fees, cess and user charges prescribed under this Act for the City Corporations in the Greater Bengaluru Area, with prior approval of the Government;
- (e) The Government shall accord approval to budget passed by the City Corporations. The public authorities shall consult the Authority before finalizing their action plans and budget and any directions issued by the Government shall be duly considered;
- (f) The Government shall accord administrative approval for works, schemes and expenditures which exceeds the power of the City Corporations, except for the releases by the State and Central

Government, for which the schemes and directions, as the case may be, shall apply;

- (g) Recommend to the Government, the new revenue streams, taxes and schemes for the City Corporations and other public authorities;
 - (h) Recommend to the City Corporations and public authorities the Asset Management strategies including land monetization; and
 - (i) Review the Medium-term fiscal plan and Capital budgets.
- (ii) Administrative Functions.: The Greater Bengaluru Authority shall exercise Administrative functions and powers on the administration of the City Corporations as decided by the Government.
- (iii) Coordination, Execution and Administration of Plans, Schemes and Major Projects:
- (a) Formulating schemes necessary for implementing the various plans prepared by the Greater Bengaluru Authority;
 - (b) Co-ordinating the execution of schemes made for the implementation of plans prepared by the Greater Bengaluru Authority and issuing directions for the same which shall be binding;
 - (c) Co-ordination and administration of major infrastructural and other projects in the Greater Bengaluru Area including those which may cut across the jurisdiction of multiple City Corporations;
 - (d) Establishment and administration of Geographical Information System, Intelligent Transport Systems and other information and technology-based solutions for co-ordinating the development of the Greater Bengaluru Area.
- (iv) Coordination and Supervision of Public Authorities:
- (a) Integrating and supervising the activities of public authorities like the Bangalore Development Authority, the Bengaluru Water Supply and Sewerage Board, Bangalore Metropolitan Transport Corporation, Bengaluru Solid Waste Management Corporation, Bengaluru Metro Rail Corporation Limited, the Bangalore Electricity Supply Company and such other bodies connected with municipal activities in the Greater Bengaluru Area in such a manner that all functions are streamlined and implemented in a citizen-friendly manner and issuing directions for the same which shall be binding; and

- (b) All the public authorities shall cooperate with the Greater Bengaluru Authority for successful coordination and obey its directions issued, in discharge of functions assigned in this Act.

15. Formulation and Execution of the major projects in the Greater Bengaluru Area.- (1) The Greater Bengaluru Authority shall be responsible for formulating major infrastructural projects in the Greater Bengaluru Area such as those which cut across the jurisdiction of multiple City 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; and
- (d) Administration of distribution and supply of water and sewerage to main lines;

(2) The Greater Bengaluru Authority may assign the task of planning the major infrastructural projects in the Greater Bengaluru Area to such public authorities or any other agencies, bodies carrying out civic functions in the Greater Bengaluru Area.

16. Economic Development Agency.- (1) The Greater Bengaluru Authority shall within one year of its constitution, establish an Economic Development Agency with the Minister for Bengaluru Development as its chairperson and such other members that the Authority may specify by regulations.

(2) The Economic Development Agency may 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 define the powers, functions and duties of the Economic Development Agency from time to time.

17. Climate Action Cell.- (1) The Greater Bengaluru Authority shall, within one year of its constitution, establish a Climate Action Cell, with the Chief Commissioner as the chairperson, tasked with the responsibility to formulate and implement Bengaluru Climate Action and Resilience Plan and such other plans and strategies for mitigating Greenhouse Gas emissions.

(2) The Climate Action Cell shall spearhead initiatives that ensure regular stakeholder coordination to facilitate timely implementation of actions as laid out in the Bengaluru Climate Action and Resilience Plan.

(3) The Climate Action cell shall be headed by the Additional Chief Town Planner of the Greater Bengaluru Authority.

18. Sectoral Committees.- (1) The Greater Bengaluru Authority with approval of the Government shall constitute Sectoral Committees consisting of such members to guide the Authority in the following sectors, namely:-

- (a) Urban, Regional and Town Planning;
- (b) Infrastructure and Transportation;
- (c) Environment and Climate Change;
- (d) Poverty and Inclusion; and
- (e) Information and Communication Technology.

(2) Each Sectoral Committee shall prepare plans that lay down the strategies of development and identify the major interventions needed to ensure common strategies across the City 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 Government and the Government 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 specified by the Authority by regulations.

19. Power of supervision and to issue directions to authorities.- (1) Notwithstanding anything contained in the Bangalore Water Supply and Sewerage Board Act, 1964 and Bangalore Development Authority Act, 1976, the Government 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 Government shall be entitled to call for periodic reports from such Public Authorities, agencies and department of the Government discharging municipal functions in the Greater Bengaluru Area, and shall be further entitled to issue instructions and recommendations to those regarding the performance of any of their functions contained in the provisions of their constituent statutes.

(3) 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 Government to take necessary action to carry out the directions issued above and recover expenses, if any, incurred therefore from the body concerned.

(4) Any dispute which arises between the public authorities and other bodies referred to above in respect of the directions issued to them shall be determined by the Government, whose decision shall be final.

20. Greater Bengaluru Authority Fund.- (1) The Greater Bengaluru Authority shall have a fund called the Greater Bengaluru Authority Fund which shall be operated by the Chief Commissioner or such officers as may be authorised by the Authority;

(2) The Greater Bengaluru Authority may receive grants, other than the grants from the Central and State Finance Commissions, from the State Government and the Central Government.

(3) The Greater Bengaluru Authority may receive the user fee charges for Municipal Solid Waste Management and Construction and Demolition Waste Management, collected from the City Corporations, as may be notified by the Government.

(4) The Government may, make a grant to the Authority of a sum equivalent to the establishment and administrative expenses of the Authority.

21. Finance Advisory Committee and its functions.- (1) The Government shall constitute a Finance Advisory Committee consisting of such members, not more than four, to review the financial position of the Greater Bengaluru Authority, City Corporations and other agencies of the City Corporation assigned to undertake specific functions on their behalf such as Bengaluru Solid Waste Management Limited etc, and make recommendations regarding the distribution of finances across these authorities or agencies in the Greater Bengaluru Area.

(2) Qualifications for appointment as, and the manner of selection of, members of the Finance Advisory Committee: The Chairman of the Committee shall be selected from among persons who have experience in public affairs, and the three other members shall be selected from among persons who,-

- (a) have special knowledge of the finances and accounts of Government; or
- (b) have wide experience in financial matters and in administration; or
- (c) have special knowledge of economics.

(3) Disqualifications for being a member of the Finance Advisory Committee: A person shall be disqualified for being appointed as, or for being, a member of the Committee, if,-

- (a) he is of unsound mind;
- (b) he is an undischarged insolvent;
- (c) he has been convicted of an offence involving moral turpitude; or
- (d) he has such financial or other interest as is likely to affect prejudicially his functions as a member of the Committee.

(4) The Finance Advisory Committee shall determine its own procedure and in the performance of its functions shall have all the powers of a civil court under the Code of Civil Procedure, 1908 (Central Act 5 of 1908), while trying a suit in respect of the following matters, namely:-

- (a) summoning and enforcing the attendance of witnesses;
- (b) requiring the production of any document; and
- (c) requisitioning any public record from any court or office.

(5) The Finance Advisory Committee shall have power to require any person to furnish information on such points or matters as in the opinion of the Commission may be useful for, or relevant to, any matter under the consideration of the Committee and any person so required shall, notwithstanding anything contained in any other law for the time being in force, be deemed to be legally bound to furnish such information within the meaning of section 211 of the Bharatiya Nyaya Sanhita (Central Act 45 of 2023).

(6) The term of the Finance Advisory Committee shall be six months:

Provided that the Government may, if so necessary, extend the term to maximum one year.

(7) The Finance Advisory Committee shall develop and recommend performance and outcome-based funding mechanisms to drive economic growth, financial sustainability, benchmark infrastructure levels, service delivery and improved revenue, cost performance in the City Corporations.

(8) The Finance Advisory Committee shall make recommendations regarding the allocation of grants and funds received from the Government to the City Corporations in the Greater Bengaluru Area, particularly considering the need for fair and equitable distribution of resources across City Corporations.

(9) The Finance Advisory Committee shall make recommendations on the distribution of financial resources between Public Authorities in the Greater Bengaluru area based on their levels of infrastructure and service delivery, financial position and performance and potential and requirements as medium term fiscal plan and capital budgets.

(10) The Finance Advisory Committee shall recommend measures to augment financial resources of City Corporations, Public Authorities and the Greater Bengaluru Authority through both tax and non-tax revenues.

(11) The Finance Advisory Committee shall review and recommend standards for Public Expenditure Management processes and systems, comprising financial reporting standards, budgeting standards, performance measurement and reporting standards and standards for related information systems for City Corporations.

(12) The allowances, terms and conditions and tenure of the members nominated under sub-section (1) shall be as may be specified by regulations.

(13) The Finance Advisory Committee shall make recommendations of grants to the City Corporations on account of revenue and capital expenditure in such a manner that,-

(a) Revenue grant shall be recommended to those corporations, if any, that have a revenue deficit:
Provided that the Finance Advisory Committee shall suggest measures to augment the revenue receipts and reduce the revenue expenditure.

(b) Capital grants shall be recommended based on capital budget submitted by the City Corporations:

Provided that in making its recommendations, the Finance Advisory Committee shall conduct a needs assessment and consider the resource availability of the City Corporation.

Provided further that the Finance Advisory Committee may recommend capital grants in the form of tied and untied grants based on the plans and schemes of the Greater Bengaluru Authority.

22. Allocation of Grants.- (1) The Government shall consider the recommendation made by the Finance Advisory Committee and allocate capital and revenue grants to City Corporations in the Greater Bengaluru Area in such a manner that ensures fair and equitable distribution of resources across City Corporations.

(2) The Government may allocate additional grants to such Public Authorities, agencies and Departments carrying out civic functions in the Greater Bengaluru Area for the implementation of any plan, scheme or project of the Greater Bengaluru Authority.

23. 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 Government.

24. Annual Report.- (1) The Greater Bengaluru 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 Government and the Government shall cause a copy of such report to be laid before both Houses of the State Legislature.

(2) The Greater Bengaluru Authority shall also submit a copy of its Annual Report and Budget to the City Corporations in Greater Bengaluru Area.

25. Power of Authority to borrow.- The Greater Bengaluru 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.

26. Accounts and Audit.- (1) The Greater Bengaluru 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 Greater Bengaluru 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 Greater Bengaluru Authority shall send a copy of such audited accounts and the report of the Auditor to the Government. The 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 Government.

27. Greater Bengaluru Security Force.- (1) There shall be

constituted and maintained a force to be called the Greater Bengaluru Security Force,-

- (i) for the better protection and security of the property owned by the City Corporations;
- (ii) for aiding the officers of the City Corporations in the detection and investigation of any matter relating to leakage of revenue or any tax payable to the City Corporation; and
- (iii) for effective communication and obtaining of any information regarding any design to commit or the commission of any offence by any person under this Act, any rule, bye-law or regulation or order made thereunder.

(2) The Greater Bengaluru Security Force shall consist of such number of supervisory officers and members as may be determined by the Authority and shall be appointed by the Chief Commissioner in accordance with such rules as may be prescribed.

(3) The Chief Commissioner shall exercise powers of superintendence and control over the Greater Bengaluru Security Force and matters relating to recruitment and conditions of service, the conduct and discipline of the members of the security force shall be governed by such rules as may be prescribed.

CHAPTER-IV

CITY CORPORATION AUTHORITIES

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

- (a) The Mayor;
- (b) The Commissioner;
- (c) The Joint Commissioners;
- (d) The Standing Committees;
- (e) the Zonal Committees;
- (f) the Ward Committees; and
- (g) Area Sabhas.

CHAPTER-V

CONSTITUTION OF THE CITY CORPORATION

29. Establishment of City Corporations.- (1) As soon as may be, after the commencement of this Act, there shall be established for the purposes of this Act, the City Corporations as under section 5.

(2) Save as otherwise provided in this Act or any other law for the time being in force, when an area is excluded from the Greater Bengaluru Area,-

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

(3) When a local area is included in the Greater Bengaluru Area, the Government shall decide, the City Corporation to which the said local area shall be a part of. The provisions of this Act and all taxes, notifications, rules, bye-laws, orders, directions and powers, levied, issued, made or conferred under this Act or any other law applicable to the Greater Bengaluru Area shall apply to the said area from the date of inclusion of such area within the Greater Bengaluru Area.

(4) Each City Corporation shall have perpetual succession and a common seal with power, subject to the provisions of this Act, to acquire, hold and dispose of property and may by the said name sue and be sued.

30. Erection and maintenance of boundary marks.- It shall be the duty of each City Corporation to cause at its own cost to be erected or setup and there after maintain at its own cost substantial boundary marks of such description and in such position as shall be approved by the Deputy Commissioner of the revenue district having jurisdiction, defining the limits or the altered limits, as the case may be, of the city which is subject to its authority:

Provided that in case of any dispute in this regard, the Government shall decide the same which shall be final.

31. Duration of the City Corporation.- Each City Corporation, shall continue for a period of five years from the date

appointed for its first meeting, unless dissolved earlier.

32. Delimitation of Wards.- (1) For the purposes of election of councilors, each City Corporation shall be divided into wards on the recommendation of the Delimitation Commission, in such manner that,-

- (a) the population of each of the wards within a City Corporation shall, as far as practicable, be the same though such a population may be different for different City Corporations; and
- (b) Wards shall be divided within the constituency of a member of legislative assembly and no wards shall be spread over to multiple constituencies.

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

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

(3) The Government shall by order determine,-

- (a) the wards into which each of the City Corporations, for the purpose of its elections, be divided:

Provided that the number of wards in each City Corporation shall not be more than two hundred and not less than fifty;

- (b) the extent of each ward; and
- (c) seats shall be reserved in a City Corporation,-
 - (i) for the Scheduled Castes; and
 - (ii) for the Scheduled Tribes:

and the number of seats so reserved for Scheduled Castes and Scheduled Tribes shall bear as nearly as may be, the same proportion to the total number of seats to be filled by direct election in each City Corporation as the population of the Scheduled Castes and of the Scheduled Tribes, respectively, in the said City Corporation bears to the total population of that Corporation.

- (d) Such number of seats which shall as nearly as may be, one third of

the total number of seats to be filled by direct election in each City 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 then 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 Scheduled Tribes and the Backward Classes under this sub-section shall not exceed fifty percent of the total number of seats in the City Corporation. In case, as per the number of seats reserved for the Scheduled Castes, the Scheduled Tribes and the Backward Classes together exceeds fifty percent of the total number of directly elected seats in the City Corporation, then the seats for the Backward Classes shall be proportionately reduced to ensure that the total reserved seats do not exceed fifty percent.

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

Provided that, the seats reserved in sub-sections (3) and (4) shall be allotted by rotations to different wards of the elections of the City Corporation.

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

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

33. Constitution of the City Corporation.- The City Corporation shall consist of,-

- (a) Such number of elected Councilors representing each ward determined by the Government;
- (b) the Government shall nominate such members from the residents of the city and such members shall not exceed ten percent of the Councillors:-
 - (i) who are persons having special knowledge and experience in municipal administration or matters relating to health, town planning or education; or
 - (ii) who are social workers;

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

- (c) the Members of the House of people whose constituencies are within the area of the City Corporation and the Members of the Council of States who are registered as voters in the City Corporation; and
- (d) the Members of Legislative Assembly whose constituencies are within the area of the City Corporation and the Members of Legislative Council who are registered as voters in the City Corporation.

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

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

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

(3) Any person who has been elected to be a Councillor shall not take his seat at a meeting of the City Corporation or do any act

as such Councillor unless he has made the oath or affirmation as laid down in sub-section (1).

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

35. Declaration of assets etc.- Every Councillor shall, not later than one month after the commencement of his term of office and in the same month of each succeeding year, file with the Mayor a declaration of all assets owned by him and any member of his family. Such declaration shall form part of the City Corporation records.

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

- (i) Directly elected at a general election shall be five years;
- (ii) nominated by the Government shall, subject to the pleasure of the Government, be, co-extensive with the term of the councillors, five years.

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

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

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

CHAPTER-VI

ELECTIONS

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

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

Election Commission.

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

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

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

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

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

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

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

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

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

40. Provision of polling stations.- The District Election Officer shall, with the previous approval of the State Election Commission, provide sufficient number of polling stations for every Ward within the area of his jurisdiction, and shall publish in such manner as the State Election Commission may direct, a list showing the polling

stations so provided and the polling areas or group of voters for which they have respectively been provided.

41. Appointment of Presiding Officers for polling stations.

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

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

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

42. Qualifications for being a Councilor.-Every person whose name is in the electoral roll of the wards of the City Corporations within the Greater Bengaluru Area, not being less than twenty one years of age and not disqualified under this Act or any other law for the time being in force, shall be qualified to be elected at the election for any ward of the City Corporations.

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

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

Provided that,-

- (i) the offence is one which involves moral turpitude; and
 - (ii) such sentence has not been reversed or quashed or the offence not pardoned; or
- (b) is so disqualified under any provision of the Constitution or by or under any law for the time being in force relating to elections to the State Legislative Assembly; or
 - (c) if he holds any office of profit under the Government of India

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

- (d) if he has been dismissed from service under a local authority or from Government service; or
 - (e) if, having been a legal practitioner, he has been dismissed or suspended from practice by order of a competent authority, the disqualification in the latter case being operative during the period of such suspension; or
 - (f) if he is of unsound mind and stands so declared by a competent court; or
 - (g) if he is an un-discharged insolvent; or
 - (h) if he is not a citizen of India or has voluntarily acquired the citizenship of a foreign State; or
 - (i) if he is so disqualified by any law for the time being in force for the purposes of election to the State Legislature;
 - (j) If he has, directly or indirectly, by himself or his partner, any share or interest in any work done by order of the City Corporation, or in any contract or employment with or under, or by or on behalf of the City Corporation;
 - (k) If he has in proceedings questioning the validity or regularity of an election been found to have been guilty of,-
 - (i) Any corrupt practice; or
 - (ii) any offence punishable under section 173 or section 174 of the Bharatiya Nyaya Sanhita 2023, or any offences pertaining to election unless a period of six years has elapsed since the date of the finding or the disqualification has been removed by order by the Government.
 - (l) If he fails to file Accounts of election expenses in time.
- (2) If any Councillor during the term for which he has been elected,-
- (a) Becomes subject to any disqualification specified in sub-

section(1),or

- (b) Votes or takes part as a Councillor in the discussions of any matter,-
 - (i) in which he has conflict of interest; or
 - (ii) in which he is engaged at the time in any proceeding against the City Corporation; or
- (c) absents himself from the meetings of the City Corporation during three consecutive months except with the leave of the City Corporation:

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

Provided further that, when an application is made by a Councillor to the City Corporation for leave to absent himself and the City Corporation fails to inform the applicant of its decision on the application within a period of seven days from the date of the application, the leave applied for shall be deemed to have been granted by the City Corporation.

(3) The Commissioner may, either suo motu or on a report made to him, after such enquiry as he deems fit, by order, decide, whether the seat of the person concerned has become vacant or not. As far as may be, such order shall be made within seven days from the date of receipt of the report or where action is taken suo motu, within thirty days from the initiation thereof.

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

Provided that, no order shall be passed under sub-sections (2) to (4) against any Councillor without giving him a reasonable opportunity of being heard.

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

45. Publication of results.- The names of persons elected and

nominated as Councillors, Mayor or Deputy Mayor of the City Corporation shall be published in the official Gazette.

46. 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 under section 45.

(2) An election petition may be presented on one or more of the grounds specified in section 43,-

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

(3) Every election petition shall be tried as expeditiously as possible and endeavor 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.

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

- (a) that on the date of his election a returned candidate was not qualified or was disqualified, to be chosen as a Councillor under this Act; or
- (b) that any corrupt practice has been committed by a returned candidate or his election agent or by any other person with the consent of a returned candidate or his election agent; or
- (c) that any nomination has been improperly rejected; or
- (d) that the result of the election, in so far as it concerns a returned candidate, has been materially affected,-
 - (i) by the improper acceptance of any nomination; or
 - (ii) by any corrupt practice committed in the interests of the returned candidate by an agent other than his election agent; or
 - (iii) by the improper reception, refusal or rejection of any vote or the

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

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

- (a) that no such corrupt practice was committed at the election by the candidate or his election agent and every such corrupt practice was committed contrary to the orders and without the consent of the candidate or his election agent;
- (b) that the candidate and his election agent took all reasonable means for preventing the commission of corrupt practices at the election; and
- (c) that in all other respects the election was free from any corrupt practice on the part of the candidate or any of his agents, then the court may decide that the election of the returned candidate is not void.

48. Procedure to be followed by the Court.- The procedure provided in the Code of Civil Procedure, 1908 (Central Act 5 of 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.

49. 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; or

- (c) 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.

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

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

51. Corrupt Practices.- 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, 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 own cost for the purpose of going to or coming from any such polling station shall not be deemed to be a corrupt practice under this clause.

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

(g) 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;

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

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

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

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

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

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

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

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

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

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

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

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

57. Prohibition of canvassing in or near polling stations.-(1)

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

- (a) Canvassing for votes;
- (b) Soliciting the vote of any voter; or
- (c) Persuading any voter not to vote for any particular candidate; or
- (d) Persuading any voter not to vote at election; or
- (e) Exhibiting any notice or sign (other than an official notice) relating to the election.

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

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

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

- (a) use or operate within or at the entrance of the polling station or in any public or private place in the neighbourhood thereof, any apparatus for amplifying or reproducing the human voice, such as a megaphone or a loudspeaker; or
- (b) shout or otherwise act in a disorderly manner, within or at the entrance of the polling station or in any public or private place in the neighbourhood thereof, so as to cause annoyance to any person visiting the polling station for the poll, or so as to interfere with the work of the officers and other person on duty at the polling station.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- (a) Fraudulently defaces or fraudulently destroys any nomination paper; or
- (b) Fraudulently defaces, destroys or removes any list, notice or

other document, affixed by or under the authority of a returning officer; or

- (c) Fraudulently defaces or fraudulently destroys any electronic voting machine or the official mark on any voting machine;
- (d) Without due authority supplies any electronic voting machine to any person or receives any electronic voting machine from any person or is in possession of any ballot paper or voting machine;
- (e) fraudulently puts into any electronic voting machine anything other than the control unit, ballot unit and voter verified paper audit trail(VVPAT)which he is authorized by law to put in; or
- (f) without due authority destroys, takes, opens or otherwise interferes with any voting machine then in use for the purposes of the election; or
- (g) fraudulently or without due authority, as the case may be, attempts to do any of the foregoing acts or willfully aids or abets the doing of any such acts.

(2) Any person guilty of an electoral offence under this section shall,-

- (a) if he is the returning officer or an assistant returning officer or a presiding officer at a polling station or any other officer or person employed on official duty in connection with the election, on conviction, be punished with imprisonment for a term which may extend to two years, or with fine, or with both;
- (b) if he is any other person, on conviction, be punished with imprisonment for a term which may extend to six months, or with fine, or with both.

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

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

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

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

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

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

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

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

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

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

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

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

- (a) has failed to lodge an account of election expenses within the time and in the manner required by or under this Act; and
- (b) has no good reason or justification for the failure;

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

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

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

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

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

(2) If the candidate does not make the choice referred to in sub-section (1), the Commissioner, in case the candidate is elected is from more than one ward within a single City Corporation, and the Chief Commissioner, in case the candidate is elected from more than one ward in more than one City Corporation, shall determine by lot and notify one ward from which such candidate shall serve.

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

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

73. Requisitioning of premises, vehicle, etc., for election purpose.- (1) If it appears to a Commissioner or an officer authorised by the State Election Commission for the conduct of elections to the City Corporation under this Act (hereinafter referred to as "the requisitioning authority") that in connection with an election under this Act,-

- (a) any premises is needed or is likely to be needed for the purpose of being used as a polling station or for the storage of ballot boxes after a poll has been taken; or
- (b) any vehicle, vessel or animal is needed or is likely to be needed for the purpose of transport of ballot boxes to or from any polling station or transport of members of the police force for maintaining order during the conduct of such

election, or transport of any officer or other person for performance of any duties in connection with such election, the requisitioning authority may by order in writing requisition such premises, or as the case may be, such vehicle, vessel or animal and may make such further orders as may appear to it to be necessary or expedient in connection with the requisitioning:

Provided that, no vehicle, vessel or animal which is being lawfully used by a candidate or his agent for any purpose connected with the election of such candidate shall be requisitioned under this sub-section, until the completion of the poll at such elections.

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

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

(4) In this section,-

- (a) "premises" means any land, building or part of a building and includes a hut, shed or other structure or any part thereof;
- (b) "vehicle" means any vehicle used or capable of being used for the purpose of road transport whether propelled by mechanical power or otherwise.

74. Payment of compensation.- (1) Whenever in pursuance of section 78, the requisitioning authority requisitions any premises, the City Corporation shall pay to the persons interested compensation, the amount of which shall be determined by the requisitioning authority by taking into consideration the following factors that is to say:-

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

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

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

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

(2) Whenever in pursuance of section 78, the requisitioning authority requisitions any vehicle, vessel or animal, the City Corporation shall pay to the owner thereof compensation, the amount of which shall be determined by the requisitioning authority on the basis of fares or rates prevailing in the locality for the hire of such vehicle, vessel or animal:

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

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

75. Power to obtaining information.- The requisitioning authority may with a view to requisitioning any property under section 78, or determining the compensation payable under section 79 by order require any person to furnish to such authority as may be specified in the order such information in his possession relating to such property as may be specified.

76. Power of Entry into and inspection of premises, etc.- (1) Any person authorised in this behalf by the requisitioning authority may enter into any premises and inspect such premises and any vehicle, vessel or animal therein for the purpose of determining whether, and if

so in what manner an order under section 78 should be made in relation to such premises, vehicle, vessel or animal or with a view to securing compliance with any order made under that section.

(2) In this section the expression "premises" and "vehicle" have the same meaning as in section 78.

77. Eviction from requisitioned premises.- (1) Any person remaining in possession of any requisitioned premises in contravention of any order made under section 78, may be summarily evicted from the premises by any officer empowered by the requisitioning authority in this behalf.

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

78. Release of premises from requisitioning.- (1) When any premises requisitioned under section 78, are to be released from requisitioning the possession thereof shall be delivered to the person from whom possession was taken at the time of the requisition or if there was no such person to the person deemed by the requisitioning authority to be the owner of such premises and such delivery of possession shall be a full discharge of the requesting authority from all liabilities in respect of such delivery but shall not prejudice any rights in respect of the premises which any other person may be entitled by due process of law to enforce against the person to whom possession of the premises is so delivered.

(2) Where the person to whom possession of any premises requisitioned under section 78, is to be given under sub-section (1) cannot be found or is not readily ascertainable or has no agent or any other person empowered to accept delivery on his behalf, requisitioning authority shall cause a notice declaring that such premises are released from the requisitioning to be affixed on some conspicuous part of such premises and on the notice board of the office of the City Corporation.

(3) When a notice is affixed on the notice board as provided in sub-section (2), the premises specified in such notice shall cease to be subject to requisitioning on and from the date of such affixing of the notice and be deemed to have been delivered to the person entitled to possession thereof and the requisitioning authority or City Corporation shall not be liable for any compensation or other claim in respect of such premises for any period after the said date.

79. Penalty for contravention of any order regarding requisition.- If any person contravenes any order made under section 78, or section 80, he shall on conviction be punished with imprisonment for a term which may extend to one year or with fine or with both.

CHAPTER VII

MAYOR, DEPUTY MAYOR, COMMISSIONER, STANDING COMMITTEE, WARD COMMITTEE, AREA SABHAS

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

81. Term of office of the Mayor and Deputy Mayor.- The Mayor or the Deputy Mayor shall hold office for a period of five years and shall be co-terminus with the term of office of the City Corporation.

82. Reservation of the office of the Mayor and Deputy Mayor.- There shall be reserved by the Greater Bengaluru Authority in the prescribed manner the office of Mayor and Deputy Mayor of the City Corporation, for the persons belonging to the Scheduled Castes, Scheduled Tribes, Other Backward Classes and women by rotation on occurrence of vacancy.

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

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

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

(4) Subject to the provisions of this Act, the Mayor shall have general powers of inspection and may give direction to the Commissioner with regard to the implementation of any resolution of the City Corporation or a standing committee in the discharge of any obligatory

and discretionary functions of the City Corporation, and the Commissioner shall comply with such directions. The Mayor may call any record of the City Corporation from the Commissioner and the records made available to him shall be returned by him within fifteen days from the date they are made available.

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

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

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

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

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

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

(3) The Deputy Mayor shall have the power to direct the CommissionertothetheAdministrationandAuditReportspreparedinti me.

(4) The Deputy Mayor shall discharge such functions of the Mayor as may be delegated to him by the Mayor.

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

Provided that in the event of the vacancy of either the office of the Mayor or the Deputy Mayor the resignation may be addressed to the Chief Commissioner, Greater Bengaluru Authority;

(2) The Chief Commissioner, Greater Bengaluru Authority shall hold elections to the Office of Mayor and Deputy Mayor in accordance

with such procedure prescribed within one month from the date of such vacancy.

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

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

86. Honoraria, fees or allowances.- (1) From out of the City Corporation funds such honoraria, fees or allowances as may be determined by the Government may be paid to Mayor, the Deputy Mayor and the Councilors.

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

Provided that, the limit shall be as prescribed.

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

87. Commissioner.- (1) The Commissioner shall be appointed by the Government in consultation with the Greater Bengaluru Authority

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

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

(4) The transfer of the Commissioner, shall take place by the Government in consultation with the Greater Bengaluru Authority and reasons shall be recorded for such transfer.

(5) The Commissioner may be transferred from office by the Government, upon there commendation of the Corporation or the Greater Bengaluru Authority on the following grounds, namely,-

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

(b) In capacity to perform duties assigned to him.

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

(1) Supervise and direct the Joint Commissioners and other sub-ordinate officers on such matters as necessary under the Act.

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

(3) Decide on certain internal matters as may be referred to him.

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

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

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

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

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

(6) Any powers, duties and functions conferred or imposed upon or vested in the City Corporation by any other law for the time

being in force shall, subject to the provisions of such law, be exercised, performed or discharged by the Commissioner.

(7) The Commissioner may, with the approval of the Greater Bengaluru Authority by order in writing from Chief Commissioner, Greater Bengaluru Authority empower any City Corporation officer to exercise, perform or discharge any such power, duty or function under his control and subject to his revision and to such conditions and limitation, if any, as he shall think fit to specify.

89. Commissioner to carry on correspondence.-All correspondence relating to any matter dealt with, by or under this Act or under any other law between the City Corporation and the Government or other authority shall be conducted by the Commissioner and the Commissioner shall send copies of such correspondence to the Greater Bengaluru Authority.

90. Delegation of Commissioner powers – The Commissioner on his own responsibility and by order in writing may delegate to any officer subordinate to him, any of his powers, duties and functions conferred on him under this act.

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

92. Control over City Corporation establishment.-The Commissioner shall specify the duties of persons borne on the City Corporation establishment and exercise powers of supervision and control over them and decide all questions relating to their conditions of service.

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

94. Appointment of officiating Commissioner in case of death, resignation or removal of Commissioner.-If any vacancy occurs in the office of the Commissioner on account of death, resignation or removal, the Government with consultation with Greater Bengaluru Authority may appoint another Officer not below

the rank of the Principal Secretary to Government to take the role of the acting Commissioner in his place for a term not exceeding six months, pending the appointment of a new Commissioner.

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

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

97. Powers and Functions of the Joint Commissioner.-The Joint Commissioner of a Zone shall perform the following functions, namely:-

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

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

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

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

98. Constituency Consultative Committee.- The Government shall constitute Constituency Consultative Committee, with such number of members as may be notified which shall perform the following functions, namely:-

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

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

(c) Monitor the implementations of any projects in the constituency;

(d) Receive any grievances from the general public relating to the functioning of any authority empowered under this Act;

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

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

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

(a) The Chairperson of the Zonal Committee shall be a councilor representing one of the wards within the Zone who shall be elected among councilors of the any such manner as may be prescribed.

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

(c) An Engineer who is in charge of the particular zone- Ex-officio Member;

(d) one person who is an expert in solid waste management nominated by Greater Bengaluru Authority; and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- (a) Standing Committee for Administration, Education and social justice;
- (b) Standing Committee for Revenue, finance and Audit;
- (c) Standing Committee for public works and engineering;
- (d) Standing Committee for public health and disaster management;
- (e) Standing Committee for Forest, Environment, Ecology, Lakes and Horticulture; and
- (f) Standing Committee for Town Planning and infrastructure.

(2) Each Standing Committee shall consist of five Councillors including Chairman, who shall be elected by the Council.

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

(4) The duration of the Standing Committee shall be thirty months.

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

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

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

(8) A member of the Standing Committee may resign his office at any time by notice in writing addressed to the chairman of the standing committee or where there is no Chairman to the Mayor and

delivered to the Chairman or as the case may be to the Mayor and such resignation shall take effect from the date on which it is delivered.

103. Constitution and Composition of the Ward Committee.-There shall be a Ward Committee for each Ward of the City Corporation.

(1) There shall be a Ward Committee for each ward in the City Corporation.

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

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

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

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

(ii) at least three women members; and

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

(a) its registered office shall be located within the jurisdiction of that ward;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

vacancy in it.

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

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

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

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

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

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

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

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

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

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

(f) ensure proper utilization of the funds allotted under

ward development scheme in the ward.

(g) approve the list of beneficiaries for beneficiary oriented schemes received from the Area Sabhas of the City Corporation;

(h) scrutinize list of ineligible beneficiaries submitted by the Area Sabhas and submit the said list to the City Corporation;

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

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

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

(l) ensure sewerage system maintenance in the ward;

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

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

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

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

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

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

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

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

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

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

107. Determination of Areas.-The Greater Bengaluru Authority shall, by order, determine,

(a) the areas into which each ward shall be divided; and

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

108. Constitution of Area Sabhas.- (1) Each ward shall be divided into such number of areas and there shall be an Area Sabha for each such area.

(2) All persons who are registered as voters in an area shall be members of that Area Sabha.

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

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

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

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

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

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

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

(4) The nodal officer shall be the convener of the Area Sabha

meetings and shall convene the meeting in consultation with the Area Sabha Representative.

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

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

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

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

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

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

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

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

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

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

(h) to assist in the activities of public health centres in the area;

(i) and to perform such other functions as may be prescribed.

112. Power of Councillors.- (1) Any Councillor may draw the attention of the proper authority to any neglect in the execution of City Corporation work, to any waste of City Corporation property or to the wants of any locality, and may suggest any improvements which he considers desirable.

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

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

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

CHAPTER VIII

City Corporation officers and servants and their appointments and Conditions of service

114. Appointment to certain posts under the City Corporations to Be made from Karnataka Municipal Administrative Service.-

(1) Not with standing anything contained in this Act or in any other law for the time being in force such of the posts under the City Corporation as are included in the Karnataka Municipal Administrative Service shall be filled by the Government by appointment of officers belonging to the Karnataka Municipal Administrative Service.

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

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

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

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

(3) The Government shall depute Additional Chief Town Planner of the rank of the Additional Director of Town and Country Planning, who shall be subordinate to the Commissioner and such other officers from the Department of Town and Country Planning with qualification of master's degree in Town and Country Planning who shall be subordinate to the Commissioner, to assist the city corporation in the matter relating to Town Planning.

(3) The City Corporation may appoint, special health officers for the purpose of making investigations and proposing preventive or remedial measures with special reference to the occurrence of any unusual mortality or the prevalence or apprehended outbreak of any dangerous disease within the city corporation; engineers, architects or experts in town improve mentor town planning for the purpose of preparing, executing or supervising any scheme of work under taken by the City Corporation;

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

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

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

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

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

CHAPTER IX

PROCEDURE OF THE CITY CORPORATION AND COMMITTEES

118. Proceedings of the City Corporation and standing committees. – (1) The first meeting of the City 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. It shall be presided over by the Regional Commissioner of the revenue region having jurisdiction.

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

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

119. Obligation on remaining City Corporation authorities to carry out resolutions of the City Corporation. –The Commissioner shall be bound to give effect to every resolution of the City Corporation unless such resolution is cancelled in whole or in part by the Government:

Provided that, if, in the opinion of the Commissioner any resolution of the City Corporation or a committee constituted under this Act contravenes any provision of this Act or any other law or of any rule, notification, regulation or bye-law made or issued under this Act or any other law, or is prejudicial to the interests of the City Corporation he shall, within forty five days of the passing of the resolution, refer the matter to the Government for orders and inform the City Corporation or the committee, as the case may be, of the action taken by him at its next meeting and until the orders of the Government on such reference are received, the Commissioner shall

not be bound to give effect to the resolution.

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

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

(a) Of any vacancy or defect in the constitution of the City Corporation or of any standing committee; or

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

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

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

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

of a standing committee such standing committee shall be deemed to have been duly constituted and to have had power to deal with the matters referred to in the minute.

124. The Commissioner's right to attend and take part in discussion but not to move resolution or to vote. – (1) The Commissioner shall have the right to attend the meetings of the City Corporation and of any standing committee and to take part in the discussion but shall not have the right to move any resolution or to vote.

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

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

- (2) The Mayor may prohibit any Councilor from voting on or par taking in the discussion of, any matter in which the Councilor is believed to have such interest or he may require the Councilor to absent himself during the discussion.
- (3) Such Councilor may challenge the decision of the Mayor, who shall thereupon put the question to vote and the decision of the meeting shall be final.

126. Submission of administration report.– (1) As soon as may be after the first day of April in every year and not later than such date as may be fixed by the Greater Bengaluru Authority the City Corporation shall submit to the Greater Bengaluru Authority and a copy thereof to the Government, a detailed report of the administration during the preceding year in such form as the Greater Bengaluru Authority may direct.

- (2) The Commissioner shall prepare such report and the City Corporation shall consider the report and forward the same to the Greater Bengaluru Authority and its copy to the Government, with its resolutions there on, if any.
- (3) Copies of the administration report shall be kept for sale at the City Corporation office.

CHAPTER X

ESSENTIAL SERVICES

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

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

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

(b) Neglect or refuse to perform his duties or willfully perform them in a manner which, in the opinion of the Commissioner or the Joint Commissioner of a Zone or such authorized officer, is inefficient.

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

(a) Withdraw or absent himself from his duties except in the case of illness or accident disabling him from the discharge of his duties, or

(b) Neglect or refuse to perform his duties or willfully perform them in a manner which in the opinion of such officer as the Government may specify in this behalf is inefficient.

CHAPTER-XI

POWER OF THE GOVERNMENT

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

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

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

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

(2) Any officer of the Government authorized by the Government or the Chief Commissioner, respectively, shall have power,

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

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

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

(3) The City Corporation and every City Corporation authority and all City Corporation officers and other City Corporation employees shall be bound to afford the officer authorised under sub-section (2) access at all reasonable time to the premises and properties of the City Corporation and to all records, accounts and other documents, the inspection of which he may consider necessary to enable him to discharge his duties.

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

130. Power of the Government to take action in respect of

matters pending un-disposed of before the City Corporation.- (1) The Government may at anytime call from the Commissioner the records relating to the business pending before the City Corporation and on receipt of such records, it may examine the same.

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

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

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

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

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

131. The Government power to direct the taking of action.- If, on receipt of any information or report obtained or otherwise the Government is of opinion,-

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

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

the City Corporation or the Commissioner shall comply with such orders:

Provided that no notice shall be necessary in urgent cases.

132. Power to appoint an officer to take action in default, at the expense of the City Corporation.- (1) If within the period fixed by an order issued any action directed under that section has not been duly taken, the Government may, by order,-

(a) appoint an officer of the Government to take the action so directed;

(b) fix the remuneration to be paid to him; and

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

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

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

133. Power to cancel resolution and orders.- (1) The Commissioner shall submit to the Government copies of all resolutions of the City Corporation.

(2) If the Government is of opinion that the execution of any resolution or order of the City Corporation or of any other authority or officer subordinate thereto or the doing of any act which is about to be done or is being done by or on behalf of the City Corporation is in contravention of or in excess of the powers conferred by this Act or of

any other law for the time being in force or is likely to lead to breach of the peace or to cause injury or annoyance to the public or to any class or body of persons or is prejudicial to the interest of the City Corporation, it may by order in writing, suspend the execution of such resolution or order, or prohibit the doing of any such act after issuing a notice to the City Corporation to show cause within the date to be specified which shall not to be less than fifteen days why, -

(a) the resolution or order may not be cancelled in whole or in part, or

(b) any bye-law or regulation concerned may not be repealed in whole or in part.

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

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

134. Power of the Government to dissolve the City Corporation.- (1) If in the opinion of the Government, a City Corporation is not competent to perform or makes default in the performance of any of the duties imposed on it or undertaken by it, by or under this Act or any other law for the time being in force or exceeds or abuses its powers or fails to carry out the directions or orders given or is acting in a manner prejudicial to the interests of the City Corporation, the Government may, by an order published, together with a statement of the reasons therefor, in the official Gazette, declare the City Corporation to be incompetent or in default or to have exceeded or abused its powers, or to have failed to carry out the directions given to it, or to have acted in a manner prejudicial to the interests of the City Corporation, as the case may be, and may dissolve it:

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

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

(a) all the Councillors of the City Corporation shall, on such date as may be specified in the order, cease to hold office as such

Councillors without prejudice to their eligibility for election under sub-section (8);

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

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

(3) The Government may direct that the Administrator shall be a whole-time officer and when such a direction is issued, he shall be paid out of the City Corporation funds such monthly salary and allowances as Government may from time to time, by order, determine and the City Corporation shall make such contribution towards the leave allowances, pension and provident fund of the officer as may be required by the conditions of service under the Government, to be paid by him or for him, as the case may be.

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

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

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

(7) When the City 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 City Corporation would have continued is less than six

months it shall not be necessary to hold an election under this section for constituting a City Corporation for such period.

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

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

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

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

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

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

(5) From the date of dissolution of the City Corporation, the Administrator shall in the discharge of his functions be guided by such directions in matters of policy involving public interest as the Government may by order specify; and if any question arises whether a

direction relates to a matter of policy involving public interest, the decision of the Government shall be final.

136. Establishment of performance management system.-

(1) The Government may establish a performance management system to improve the effectiveness of its officers and for the overall improvement of the management of the City Corporation and also establish mechanisms to monitor and review its performance.

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

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

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

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

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

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

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

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

CHAPTER-XII

PROPERTY OF THE CITY CORPORATION

137. Property of the City Corporation.- (1) The following properties shall belong to the City Corporation in which they are located unless specifically owned and controlled by the Government or specifically owned by any other entity:

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

(b) All public roads, streets, lanes, pathway, bridge, sky-walk, flyover, underpass, subway, public lamps, lamp post apparatus connected therewith appertaining thereto, all gates, markets, slaughterhouses, manure and refuge depots and public buildings of every description.

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

(3) The City Corporation may accept trust or gift of property of any nature, which shall vest with the City Corporation exclusively, on such terms of vesting.

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

Provided that any sale of an immovable property other than to the government or government owned entity, shall be through a public auction, the procedure of which shall be prescribed.

Provided further that the procedure of sale or transfer of immovable property of the Corporation to the Government or Government owned entities shall be as may be prescribed.

(2) The Commissioner may lease such immovable property of the City Corporation for a term not exceeding five (5) years with the previous sanction of the concerned Standing Committee.

(3) The Commissioner may lease such immovable property of the City Corporation for a term between five (5) and fifteen (15) years with the previous sanction of the Council.

(4) If the terms of any lease sought to be entered into by the City Corporation is beyond the period of fifteen (15) years and below thirty (30) years, the Commissioner may enter into such lease agreement only with the prior approval of the Government.

(5) The City Corporation may lease its immovable property for a maximum initial period of thirty (30) years and a renewal period, not exceeding the period of the original lease sought to be renewed or thirty years – whichever

is lesser

(6) No sale or lease shall be undertaken by the City Corporation without seeking the view of the concerned Standing Committee.

(7) The City Corporation shall specify such conditions for sale and lease, which shall be the basis for any approval that may be accorded by the Standing Committee or the Mayor under this chapter.

139. Acquisition of the property by the City Corporation.- (1) The Commissioner, if on behalf of the City Corporation seeks to acquire any immovable property, the Commissioner may do so provided such intent of acquisition is approved by the Mayor.

(2) Any acquisition that may be undertaken as per sub section (1) shall be in accordance with the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (Central Act 30 of 2013).

140. Property of the Government managed by the City Corporation.- (1) The Government may transfer any property belonging to itself to the City Corporation for its management, upon such terms and conditions that the Government may determine, from time to time.

(2) In the event that the Government is of the opinion, after obtaining the views of the Chief Commissioner of the Greater Bengaluru Authority or based on his report, that its properties are not being managed satisfactorily by the corporation or it has contravened such prescribed terms and conditions of management, the Government may transfer such properties to itself.

141. Power of the Government to manage the City Corporation property.- (1) If the City Corporation is unable to manage any immovable property belonging to itself, the Commissioner may, with approval of the Mayor, request the Government to manage such property.

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

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

142. Decision of claims to the property by or against the City Corporation.- (1) Where any property either moveable or immovable, is

claimed by or on behalf of the City Corporation or by any persons as against the City Corporation, the Commissioner and the Joint Commissioner of the Zone when so delegated by the Commissioner, shall conduct an enquiry after issuing notices and afford reasonable opportunity to the person concerned, and pass an order deciding the claims.

(2) The City Corporation or the person aggrieved by the above order made under sub section (1) may prefer the appeal to the Commissioner if the order is passed by the Joint Commissioner of the Zone and to the Chief Commissioner, Greater Bengaluru Authority if the order is passed by the Commissioner. The final appeal shall lie to the Karnataka Appellate Tribunal and the decision of the Tribunal shall be final.

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

143. Power of the City Corporation to manage private property.- (1) The City Corporation may, upon the request of such private persons, companies, trusts, societies and **any** other association, maintain such property belonging to them on such conditions as may be prescribed from time to time.

144. Maintenance of Property register.- (1) The City Corporation shall maintain a register of the immoveable property of the City Corporation. The property register shall contain the number allotted to the immoveable property by the City Corporation, its ownership, control or management by City Corporation with location, sketch, measurements, basis, boundary descriptions and such other details, duly specified.

(2) The Commissioner shall maintain the property register and update such list periodically.

(3) The Commissioner shall appoint such Estate Officers for carrying out day-to-day administration, management and such other responsibilities for the efficient management of the immoveable properties of the City Corporation.

(4) The Commissioner shall convey to the Chief Commissioner, Great Commissioner Authority, who shall maintain electronic records of the same and publish in the Website of the City Corporation, for the benefit of public domain.

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

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

CHAPTER XIII

CONTRACTS

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

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

a) Every contract concerning the affairs of a particular zone shall be made on behalf of the City Corporation by the Commissioner for amounts not exceeding five crores;

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

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

d) No contract shall be entered by the City Corporation without following such procedure as may be prescribed and the provisions of the Karnataka Transparency in Public Procurements Act, 1999 (Karnataka Act 29 of 2000).

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

(4) The City Corporation shall make available a common seal, which shall be affixed on every contract entered into by the Chief Commissioner, Greater Bengaluru Authority or the Commissioner on behalf of the City Corporation.

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

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

148. Preparation of model tender document.- (1) The City Corporation shall prepare a model tender document, which shall identify key terms of each tender and such a model tender shall be followed by all City Corporation authorities prior to the commissioning of any work.

149. Maintenance of data base.- (1) The Chief Commissioner, Greater Bengaluru Authority and the Commissioner shall maintain a register of contracts entered into by the City Corporation in such formats as may be prescribed.

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

Chapter – XIV

TAXATION

150. Revenues of the City Corporation.- (1) The revenues of the City Corporation shall consist of its receipts from the following sources-

- a. taxes levied by the City 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 City Corporation authorised under this Act.

151. Power to levy taxes, cesses, duties and Service Charges.- Each City Corporation shall have the power to levy the following taxes, cesses and duties:-

- a. Property Tax on lands and buildings;
- b. Service Charges on properties exempted from Property Tax;
- c. fee on advertisements;
- d. tax on professions, trade, callings and employments;
- e. solid waste management cess;
- f. infrastructure cess;
- g. urban land transport cess;
- h. Greater Bengaluru Authority cess and
- i. duty on transfers of immovable property in the form of additional stamp duty.
- j. Any other taxes or levies which may be assigned by law for assessment and/or collection by the City Corporation.

152. Levy of property tax.- (1) The property tax shall be levied by each City Corporation by resolution passed at such rates within the limits set by the Government in consultation with the Greater Bengaluru Authority, following the capital value system based on the Guideline Value of the buildings,

properties and lands notified under section 45B of the Karnataka Stamp Act, 1957 (Karnataka Act 34 of 1957).

(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) Each City 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 buildings or lands shall be maintained in the separate register:

(4) Provided that levy and collection of property tax under this sub-section from such building does not confer any right to regularize 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.

(5) 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.

(6) The Commissioner of the City Corporation shall have power to clarify any doubt as to classification of zones, capital value and class of property. The decision of the Commissioner of the City Corporation may be appealed to the Chief Commissioner of the Greater Bengaluru Authority whose decision in this regard shall be final.

(7) The City Corporation may prescribe the slabs for different classes of property.

153. Payment of Property Tax.- (1) The person primarily liable to pay the property tax, shall file the return on his property and accordingly pay the tax in two equal instalments. The property tax shall become due to be paid in a financial year as per last dates fixed for two equal installments – first being

30th May and second being 29th November of concerned financial year. However, the owner or occupier or person primarily liable to pay property tax may choose to pay property tax in one instalment.

Provided that in case the property tax is paid in single installment for the full year within one month from the date of commencement of the financial year, he shall be allowed a rebate at a rate, not exceeding five percent, on the tax payable, as Notified.

Provided further that the period of rebate may be extended by the Government upto the end of May of the financial year in which it become due.

(2) Before any owner or occupier submits any return, he 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 Government in consultation with the City Corporation 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 Commissioner shall from time to time issue guidelines for determining the capital 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 authorized officer may take up the cases for 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.

154. Scrutiny of tax return.- (1) For the purpose of 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 one week 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.

Provided that the said assessment and survey may be done remotely by use of technology including the drone/aerial/LIDAR images and Differential GPS devices and issue the show cause notice with the revised assessment based on the same affording an opportunity to the owner or person liable to pay the Property Tax to pay as per the revised assessment.

(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 including utilizing data regarding the property obtained through Geographical Information System and such other resources:

(3) 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.

(4) Upon 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 or otherwise and after suitable verification based on either the physical inspection or through use of remote/aerial technology proceed to re-assess the property, in the manner provided under this section;

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

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

- (i) Evaded Property Tax Amount = Rs 50
- (ii) Penalty for evasion = Rs 50
- (iii) 9% interest on the evaded property tax of Rs 50 shall be calculated as follows –

a. 9% interest on Rs 25 which is 50% of Rs 50, from 31st May 2021 until date of payment

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

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

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

Provided also that in case of properties which are in the Property tax registers but fail to pay the property tax by end of the financial year in which the tax becomes due, shall, for the twelve months after the end of the financial year in which the tax became due, pay an interest at a rate of 15% per annum on the unpaid tax, calculated until the date when the tax is paid.

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

(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 thirty days from the date of filing objections and a copy of the order shall be sent to the owner or occupier concerned.

155. Limitation period for assessment of property tax.- (1) The assessment of un-assessed properties or the reassessment of the properties

already paying the property tax under this section may be made at anytime when evasion is noticed or justified circumstances arise for the same:

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

(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.

156. Revision of Property Tax.- The property tax assessed and levied under this chapter shall be revised as and when there is a revision of the Guideline Value of the building, property or land under section 45B of the Karnataka Stamp Act 1957 (Karnataka Act 34 of 1957).

Provided that any revision of property tax due to addition, removal, change in use, alteration or variation in any building or land or property shall be applicable immediately and be applicable from immediate next property tax due date – 30th of May or 29th of November – as the case may be. The owner or occupier shall report such changes to the City Corporation within six months from the date of completion or occupation – whichever is earlier – and also file his revised property tax returns.

Provided that in case there is no revision in the Guideline Value of the buildings, properties or the lands under section 45B of the Karnataka Stamp Act, 1957 (Karnataka Act 34 of 1957) , in a year, the property tax shall stand revised by five percent every such year.

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

Provided further that nothing contained in this section shall be deemed to affect the power of State Government to direct an earlier revision of property tax.

157. 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.

158. 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) buildings and lands exclusively used for students hostels which are not conducted for profit, educational institutions of by Government or a Local Authority or duly recognized by the Government and the offices of Labour Associations registered under the Trade Union Act, 1926, and belonging to such Associations

(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:

(j) buildings or lands belonging to the Central Government or any State Government used for purposes of Government and not used or intended to be used for residential or commercial purposes;

(k) buildings or lands belonging to any Urban Development Authority constituted under the Karnataka Urban Development Authorities Act, 1987 ,

the Bangalore Development Authority, the Bangalore Water Supply and Sewerage Board the Karnataka Housing Board or any local authority the possession of which has not been delivered to any person, in pursuance of any grant, allotment or lease.

Provided that nothing contained in clauses (a), (c), (e) and (h) shall be deemed to exempt from property tax, any building or vacant land for which rent is payable by the person or persons using the same for 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. Provided that the service charges shall not be less than twenty five percent of the sum of the property tax and the cess payable.

159. 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.

160. 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.

161. Preparation and publication of property tax register.- (1) The Corporation shall maintain a property tax register in such manner as may be prescribed and which shall have details 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, capital value, property tax demand for the year, details of arrears and any other such particulars in respect of buildings or lands or both.

(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 such details as may be prescribed including but not limited to the details of the ownership, Unique Property Identification Number, buildings or lands or both and the property tax payable in relation to such buildings or lands or both.

(4) The above registers, property tax records and the certificates may be maintained & processed in electronic form in suitable databases using suitable software when so notified from time to time by the Commissioner of the City Corporation concerned and thereupon the said electronic database shall be the original records thereof and electronic processes be the valid processes for all the purposes of this Act.

162. Survey of lands and buildings and preparation of property tax register.- (1) The Commissioner shall, subject to the orders of the Corporation, 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.

Provided further that the said survey and associated activities may be carried out using technology and the Aerial & other imageries as may be approved by the Commissioner from time to time.

163. Demand for payment of property tax and appeal against such demand.- (1) If the property tax, including penalty leviable under this Chapter, is not paid after it has become due, the City Corporation may cause to be served

upon the person liable for payment of the same a notice of demand in such form as may be prescribed.

(2) If the person to whom a notice of demand has been served under sub-section (1) does not, within thirty days from the service of such notice of demand either,-

- a. pay the sum demanded in the notice; or
- b. prefer an appeal under sub-section (3) against the demand,

he shall be deemed to be in default and thereupon such sum shall be recovered along with the prescribed penalty & interest and in such manner as may be prescribed.

(3) Notwithstanding anything contained in this Chapter, any person disputing the claim in the notice of demand served under sub-section (1), may within thirty days after the service of such notice, appeal in such manner subject to such conditions and to such authorities as may be prescribed.

Provided that any person seeking to file an appeal shall deposit fifty percent of the demanded amount with the Corporation.

Provided further that in case of appeal being successful resulting in refund either in part or in full of the already deposited amount, the same shall be immediately refunded by the City Corporation or adjusted against any other pending property taxes or penalties or cesses or interest or other levies.

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

(5) If, for any reason the distraint, or a sufficient distraint of the defaulter's property cannot be effected, the Commissioner may attach the bank account or the immovable property of the defaulter in such manner as may be prescribed, till the recovery of the property tax due:

Provided that in case of non-payment of the demanded dues even after sixty days from the date of attachment of the immovable properties, the same

may be recovered by the distress sale of the immovable properties so attached. In doing so the demand dues together with the warrant fee and with such further sums as will satisfy the probable charges that may be incurred in connection with distress sale of the immovable property so attached.

Provided further that the Commissioner may prosecute the defaulter before a competent court.

164. Fee on advertisement.- Every person who erects, exhibits, fixes or retains, upon or over any land, building, wall or structure any advertisement or who displays any advertisement to public view in any manner whatsoever, in any place **whether** public or private, shall pay on every advertisement which is so erected, exhibited, fixed, retained or displayed to public view, an advertisement fee 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 also that no fee shall be levied under this section on any advertisement or a notice,-

- (a) of a public meeting, or corporation of the city, or
- (b) of an election to any legislative body, or
- (c) of a candidature in respect of such an election:

Provided further that such other exemptions from advertisement fee may be granted as approved by the Government and notified in the Rules or the Bye Laws.

165. Prohibition of advertisements without permission of the Commissioner.- (1) No advertisement shall, after the levy of the fee under this Chapter 139 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 Commissioner.

(2) The Commissioner shall not grant such permission if,-

- (a) the advertisement contravenes any bye-law made by the corporation;
- or
- (b) the fee, if any, due in respect of the advertisement has not been paid.

(3) Subject to the provisions of sub-section (2), in the case of an advertisement liable to the advertisement fee, the Commissioner shall grant permission for the period to which the payment of the fee relates:

166. Permission of the Commissioner to become void in certain cases.- (1) The permission for the advertisement or display granted under this Chapter 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.

167. Removal of unauthorised advertisement.- If any advertisement be erected, exhibited, fixed or retained contrary to the provisions of this Chapter 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.

Provided that in case of advertisement that is liable to pay advertisement fee and/or penalty, whether authorized or unauthorized, but delays to pay the same, he shall be liable to pay, in addition to the fee and/or penalty, an interest thereon at a rate of eighteen percent per annum calculated from the date of advertisement fee or penalty becoming due until the date of payment thereof.

Provided further that any unauthorized advertisement shall be liable to pay a penalty and also a fine as may be specified in the bye-laws or the Rules.

Provided further that the fine on unauthorized advertisements or displays may be recovered on the spot in the manner prescribed.

Any dues as per prescribed advertisement fees may be assessed, demand and show cause notices thereon issued and recoveries made, mutatis mutandis, as per manner provided for issuance of show cause notice, demand notice and the recovery of dues for the property tax under this Act.

Provided that for unauthorized advertisements the cost of removal thereof, in addition to other provisions, may be recovered by the seizure and sale of the unauthorized advertisement materials or in manner provided for recovery of the dues of the property tax.

168. Cesses that may be imposed.- Subject to any general or special orders of the State Government in this behalf, a City Corporation may impose and levy infrastructure cess, Solid Waste Management Cess and Urban Transport Cess, Greater Bengaluru Authority Cess at such rates and in such manner to be prescribed by the State Government.

169. Power to levy user charges.- The City 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,
- (f) at such rates as may be determined from time to time by regulations:

170. Levy of entertainment tax.- Entertainment tax shall be levied and collected by the Corporation over ticket-based entertainment, non-ticket based entertainment and televised entertainment, in accordance with the Act:

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

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

The dues for any entertainment which is liable to pay the entertainment tax but remains unpaid and or are delayed then the rate of interest for delay and penalty thereon shall be levied as prescribed for the unpaid property tax dues and recovered in a manner mutatis mutandis provided for the recovery of the dues of the property tax.

Provided that a City 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.

171. Power to levy fees and fines.- The City 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, godowns, 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.

172. Power to levy development charges.- The City 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.

173. Levy of surcharge on tax or fee.- The City 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.

174. Obligation of transferor and transferee to give notice of transfer.-(1) Whenever the title of any person primarily liable for the payment of the tax on any premises to or over such premises is transferred, the person whose title is transferred and the person to whom the same is transferred shall, within three months after the execution of the instrument of transfer or after its registration, if it be registered or after the transfer is effected, if no instrument be executed, give notice of such transfer to the Commissioner or the officer authorized in this regard in such format as may be prescribed.

Provided that in case of registered transactions wherein the Sub-Registrar directly communicates and notifies the transfer or transaction on the property to the Corporation, it shall not be obligatory on the part of the transferor and the transferee to give notice of the transfer.

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

(3) Whenever such transfer comes to the knowledge of the Commissioner or the authorized officer through such notice or otherwise, the name of the transferee shall be entered in the property tax register as per prescribed procedure in this regard.

(4) Every person who makes a transfer as aforesaid fails to give such a notice to the Commissioner shall, in addition to any other liability which he may incur through such neglect, continue to be liable for the payment of the property tax assessed on the premises transferred until he gives notice or until

the transfer shall have been recorded in the corporation registers, but nothing in this section shall be held to affect:

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

(5) Where the Commissioner or the officer authorized in this regard, either *suo-motu* or otherwise, after such enquiry as he considers necessary, is satisfied that any transfer of title was recorded in the Corporation register wrongly or by fraud or suppression of facts or by furnishing false, incorrect or incomplete material, may within a period of five years from the date of such recording of transfer of title, reopen the case and pass such order with respect thereto as he thinks fit:

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

Provided further that the limitation period of five years shall not apply in case of properties belonging to the government or the Corporation or any government agency or undertaking or authority.

(6) The appeals on any order passed by the authorized officer with respect to property tax and connected records shall lie to such authority as may be prescribed.

Provided that the Commissioner may review any original order or an order passed in appeal by an officer subordinate to him, either *suo motu* or otherwise, after such enquiry as he considers necessary if he is satisfied that any transfer of title was got recorded in the Corporation register wrongly or by fraud, misrepresentation, or suppression of facts or by furnishing false, incorrect or incomplete material, within a period of five years from the date of such recording of transfer of title and pass such order with respect thereto as he thinks fit:

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

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

175. 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 the Greater Bengaluru Area.

176. Power to effect recovery of the taxes, fees, cesses, interest, penalties etc; Any tax, fee, cess, levy, interest, penalty prescribed to be payable to the Corporation under this Act and is either not paid, in part or full, or paid with delay beyond the due date prescribed but where the method of recovery or the interest payable or penalty thereon is not prescribed, shall be charged interest rate & penalties same as one prescribed for the delayed payment of the property tax. All the recoveries of the said dues, if not paid, shall be recovered in a manner, mutatis mutandis, as applicable for recovery of the property tax dues.

177. Exclusive Jurisdiction of the Chief Commissioner, Greater Bengaluru Authority, Commissioners of the City Corporations and the Authorized Officers and bar of jurisdiction of Civil Courts.- (1) Save as otherwise provided in this Act, or any other law for the time being in force, a Chief Commissioner Greater Bengaluru Authority or the Commissioners of the City Corporations or the Authorized Officers shall have jurisdiction to determine, decide or dispose of, any matter which they are, by or under this Act, empowered to determine, decide or dispose of and no Civil Court shall exercise jurisdiction as to any of such matters.

(2) Subject to the exceptions hereinafter specified, no Civil Court shall exercise jurisdiction as to any of the following matters, namely:-

(a) claims against the Government relating to any property appertaining to any office or for any service whatsoever;

(b) objections,—

(i) to the amount or incidence of rate or assessment or demand or collection or procedures thereof for any tax or cess or fee or interest and penalties there on provided for under this Act, or

(ii) to the mode of assessment or levy or recovery, or to the principle on which such assessment or levy is fixed, or

(iii) to the validity or effect of the notification of survey and actions taken thereunder;

(c) claims connected with or arising out of any proceedings for the realisation of property tax or fees or cess or other demands recoverable as per procedure prescribed for recovery of the arrears of property tax under this Act, or any other law for the time being in force;

(d) claims to set aside, on account of irregularity, mistake, or any other ground, sales for recovery of arrears of property tax or other dues prescribed to be recovered as per procedure for recovery of arrears of property tax;

(e) claims against the Greater Bengaluru Authority or the City Corporations, –

(i) to be entered in the survey or municipal or authority records or any land or property tax record as liable for the property tax or as superior holder, inferior holder, occupant, mortgagee, landlord or tenant;

(ii) to have any entry made in any record of a property tax or survey, or

(iii) to have any such entry either omitted or amended;

(f) the distribution of property tax or allotment of property tax on partition of any land or property or building under this Act or any other law for the time being in force;

(g) claims against the Greater Bengaluru Authority or the City Corporations, –

(i) to hold land or property wholly or partly free from payment of property tax; or

(ii) to receive payments charged on or payable out of the property tax; or

(iii) to set aside any cess or rate payable under the provisions of any law for the time being in force; or

(iv) respecting the occupation of waste or vacant land belonging to Authority or the City Corporations;

(h) claims regarding boundaries fixed under this Act or under any other law for the time being in force, or to set aside any order passed by a competent officer under any such law with regard to boundary marks or survey marks:

178. Savings of certain suits.- Nothing in section 177 shall be held to prevent the Civil Courts from entertaining any of the following suits, namely:-

(a) suits between private parties for the purpose of establishing any private right, although it may be affected by any entry in any property tax or other records;

(b) suits between private parties for possession of any land or property.

179. Plaintiff to exhaust his right of appeal before instituting a suit or other proceeding against the Greater Bengaluru Authority and the City Corporations.- No Civil Court shall entertain any suit or other proceeding against the Greater Bengaluru Authority or the City Corporations within the Greater Bengaluru Areas on account of any act or omission of the Authority or the Corporations or any of its Officer, unless the plaintiff first proves that previously to the institution of the suit or other proceeding, he has presented all such appeals allowed by the law for the time being in force as, within the period of limitation allowed for bringing such suit or proceeding, it was possible to present.

180. Power of Civil Court to refer questions of jurisdiction to High

Court.- (1) If, in any suit instituted or in any appeal presented in a Civil Court, the Judge doubts whether he is precluded by this Chapter from entertaining and disposing of the suit or appeal, he may refer the matter to the High Court.

(2) The High Court may order the Judge making the reference, either to proceed with the case or to return the plaint.

(3) Every reference under this shall be heard by a Bench consisting of not less than two judges of the High Court.

(4) The order of the High Court on any such reference shall, subject to appeal, if any, to the Supreme Court, be final.

Provided that notwithstanding any such reference, the property tax or cesses or fees or other dues liable to be paid as per provisions of this Act or any other law for time being in force, shall continue to be payable and no stay or interim order thereon shall be issued by the Civil Court while referring the question of jurisdiction to the High Court.

CHAPTER XV

FINANCE, ACCOUNTS AND AUDIT

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

(2) All moneys received by or on behalf of the City Corporation by or under this Act or any other law, all taxes, tolls and other imposts, fines, fees, penalties paid to or levied by it under this Act, all proceeds of land or other property sold by the City Corporation and all rents accruing from its land or property and all interests, profits and other moneys accruing by gifts or transfers from the Government or private individuals or otherwise shall constitute the City Corporation fund and shall be held, applied and disposed of in accordance with the provisions of this Act, the rules and the regulations made there under or any other law for the time being in force.

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

(4) Every head of accounts specified under sub-section (2) shall be split in to a revenue account and a capital account and all items

of receipts and expenditures shall be kept appropriately under such revenue account or capital account, as the case may be.

(5) The City 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.

182. Application of the City Corporation Fund.- (1) The moneys credited to the City 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 there under and for payment of all sums payable out of the City Corporation Fund in accordance with the Karnataka Local Fund Authorities Fiscal Responsibility Act, 2003 (Karnataka Act 41 of 2003) or any other law for the time being in force in the manner prescribed.

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

183. Urban Transport Fund.- (1) There shall be constituted a Fund called the Urban Transport Fund which shall consist of,-

- (a) Urban Transport Cess collected under this Act;
- (b) All grants received from the State Government and Central Government, if any; and
- (c) Any other receipts, interest or any other form of income to this fund.

(2) The Urban Transport Fund shall be utilized for,-

- (a) co-ordinated planning, projects formulation and implementation relating to urban transport and their integrated management;
- (b) conducting studies, research, promotion and campaign to encourage for use of public transport;
- (c) capacity building in the urban local bodies, Public Authorities and in the State Government; and

(d) any other purpose as may be prescribed by the State Government.

(3) The Directorate of Urban Land Transport shall be the Secretariat to administer the fund constituted under sub-section (1).

(4) The accounts of all receipts and expenditure arising out of the Urban Transport Fund shall be kept in such manner and in such form as may be prescribed.

(5) The Government shall appoint one of its officers as the auditor who shall subject to supervision and control of the Principal Controller of State Audit and Accounts conduct audit of the Urban Transport Fund and he shall have access to all books of Accounts and to all receipts and expenditure relating to the Urban Transport Fund and the Director of Urban Land Transport or as the case may be the Director of Municipal Administration or the Commissioner of the City Corporation or any officer of City Corporation shall furnish to him any information concerning any receipt of expenditure which may be required by him.

(6) The Commissioner shall prepare Annual Report of the operation of the Fund and furnish the report to the Government for laying before each House of the State Legislature. Audit report and compliance in this regard shall also be laid before each House of the State Legislature.

184. Contribution to expenditure by the City Corporation.-

(1) If the expenditure incurred by the Government or by the City Corporation for any purpose authorised by rules is such as to benefit the inhabitants of the city, the City Corporation may make a contribution towards such expenditure.

(2) The Government may direct the City Corporation to show cause, within a period fixed by the Government in this behalf not being less than one month after receipt of the order containing the direction, why any contribution referred to in sub-section (1) should not be made.

(3) If the City Corporation fails to show cause within the said period to the satisfaction of the Government, the Government may direct it to make such contribution as it shall name and it shall be paid accordingly.

185. Attachment of City Corporation fund for recovery of money borrowed from the Government.- (1) If any money borrowed

by the City Corporation from the Government, whether before or after the commencement of this Act, or any interest or costs due in respect thereof, be not repaid according to the conditions of the loan, the Government may attach the City Corporation fund or any part thereof.

(2) After such attachment, no person except an officer appointed in this behalf by the Government shall in any way deal with the attached fund; but such officer may do all acts in respect thereof which any municipal authority, officer or servant might have done if such attachment had not taken place, and may apply the proceeds in satisfaction of the arrears and of all interest and costs due in respect thereof and all expenses caused by the attachment and subsequent proceedings:

Provided that no such attachment shall defeat or prejudice any debt for which the fund attached was previously charged in accordance with law; but all such prior charges shall be paid out of the proceeds of the fund before any part of the proceeds is applied to the satisfaction of the debt due to the Government.

186. Preparation of the City Corporation budget.- (1) Every committee shall submit a budget estimate to the Mayor which shall comprise of the required budgetary support for the implementation of the existing schemes, list of capital expenses, required man power and such other expenses for the purposes of effective implementation of this Act within a particular zone.

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

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

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

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

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

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

(b) Compliance to the medium-term fiscal plan;

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

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

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

187. Budget estimates to be prepared by the standing committee for taxation, finance and appeals or standing committee for taxation and finance.- (1) The standing committee for taxation and finance and appeal shall, on or as soon as may be, after the fifteenth day of January consider the estimates and proposals of the Commissioner and after having obtained proposals, if any, of other standing committees and such further detailed information, if any, as it shall think fit to require from the Commissioner and having regard to all the requirements of this Act, shall prepare there from, subject to such modifications and additions therein or thereto as it shall think fit, a budget estimate of the income and expenditure of the City Corporation for the next year.

(2) In such budget estimate, the standing committee shall,-

(a) provide for the payment, as they fall due of all instalments of principal and interest for which the City Corporation may be liable on account of loans;

(b) provide for the payment as it falls due, of any amount towards contributions, fees or such other amounts as may be payable by the City Corporation to the Government;

(c) allow for a cash balance at the end of the year of not less than one lakh of rupees under General Account Revenue.

(3) The Commissioner shall cause the budget estimate as finally approved by standing committee, to be printed and shall, not later than the first day of February, forward a printed copy thereof to each Councillor.

188. Power of City Corporation to alter budget grant.- The City Corporation may from time to time, for specific reasons to be explained

in writing, during the financial year,-

- (a) Increase the amount of any budget grant under any head;
- (b) Make an additional budget grant for the purpose of meeting any special or unforeseen requirement arising during the said year;
- (c) Transfer the amount of any budget grant or portion thereof under one head to the amount of budget grant under any other head; and
- (d) Reduce the amount of the budget grant under any head.

189. Obligation to pass budget before the beginning of the year.- (1) The City Corporation shall finally pass the budget estimate at least three weeks before the beginning of the year to which it relates and shall forthwith submit a copy thereof to the Government.

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

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

190. City Corporation may pass supplemental budget.-The City Corporation may, on the recommendation of the standing committee for taxation, finance and appeal during the year pass a supplemental budget estimate for the purpose of meeting any special or unforeseen requirements, arising during that year; so however that the estimated cash balance under General Account-Revenue at the close of the year shall not be reduced to less than one lakh of rupees:

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

191. Re-adjustment of income and expenditure to be made by the City corporation during the course of the official year whenever necessary.- (1) If it shall at any time during any year appear to the City Corporation upon the representation of the standing committee for taxation and finance, that, notwithstanding any reduction of budget grants that may have been made under this Chapter, the income of the City Corporation fund during the said year will not suffice to meet the expenditure sanctioned in the budget

estimate of the said year and to leave at the close of the year a cash balance of not less than one lakh of rupees under General Account-Revenue, it shall be incumbent on the City Corporation either to diminish the sanctioned expenditure of the year, so far as it may be possible to do with due regard to all the requirements of this Act, or to have recourse to supplementary taxation, or to adopt both of these expedients in such measure as may be necessary to secure an estimated cash balance of not less than one lakh of rupees under General Account-Revenue at the close of the year.

- (2) Whenever the City Corporation determines to have recourse to supplementary taxation in any year, it shall do so by increasing for the unexpired portion of the year the rate at which any tax or duty is being levied subject to the conditions, limitations and restrictions laid down in Chapter X.

192. Preparation of a medium-term fiscal plan.- (1) The Mayor or in consultation with the Commissioner, Standing Committee and ward Committees prepare a medium-term fiscal plan for the City Corporation in a manner as may be prescribed.

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

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

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

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

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

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

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

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

196. Investment of amount at the credit of the Sinking Fund.- (1) All moneys paid into a Sinking Fund shall, as soon as possible, be invested by the City 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 in to the Sinking Fund and shall be invested in the manner laid down in that sub-section.

(3) Moneys standing at the credit of two or more Sinking Funds may, at the discretion of the Municipality, be invested together as a common fund, and it shall not be necessary for the City 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.

197. Application of the sinking fund.- The City Corporation may apply a sinking fund or any part thereof, in or towards the discharge of the loan or part of a loan for which such fund was created, and until such loan or part is wholly discharged, shall not apply the same for any other purpose:

Provided that, when any loan or parts thereof have been consolidated the trustees shall transfer to the sinking fund of the consolidated loan so created such part of the sinking funds of the original loans as may be proportionate to the amount of the original loans incorporated in the consolidated loan.

198. Annual statement by the City Corporation.- (1).The City Corporation shall, at the end of every year submit to the Government a statement showing,-

(i)the amount, which has been invested during the year;

(ii)the date of the last investment made previous to the submission of the statement;

(iii)the aggregate amount of the securities then in their hands;
and

(iv)the aggregate amount which has, upto the date of the statement, been applied in or towards discharging loans.

(2)Every such statement shall be laid before the City Corporation and published.

199. Attachment of the City Corporation fund for recovery of money borrowed from the Government.- (1).If any money borrowed by the City Corporation from the Government, whether before or after the commencement of this Act, or any interest or costs due in respect thereof, be not repaid according to the conditions of the loan, the Government may attach the fund or any part thereof.

(2) After such attachment, no person except an officer appointed in this behalf by the Government shall in any way deal with the attached fund; but such officer may do all acts in respect thereof which any City Corporation authority, officer or servant might have done if such attachment had not taken place, and may apply the proceeds in satisfaction of the arrears and of all interest and costs due in respect thereof and all expenses caused by the attachment and subsequent proceedings:

Provided that, no such attachment shall defeat or prejudice

any debt for which the fund attached was previously charged in accordance with law; but all such prior charges shall be paid out of the proceeds of the fund before any part of the proceeds is applied to the satisfaction of the debt due to the Government

200. Appointment of the Chief Financial Officer.-(1) The City Corporation shall appoint with the approval of the Government, a Chief Financial Officer who shall guide the City Corporation on all financial matters and perform such duties as allocated by the Mayor or the Commissioner from time to time.

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

201. Annual Financial statement.-(1) The Commissioner, within two months of the close of a financial year, cause to be prepared an annual financial statement containing an income and expenditure account, cash flow statement and receipts and payments account for the preceding financial year in respect of the accounts of the City Corporation, and a balance sheet as of the last day of the preceding financial year, along with schedules to the above and notes to accounts including significant accounting policies including details of contingent liabilities and any other such information as may be useful in understanding the financial statements clearly.

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

202. Accounts and Audit.- (1) The accounts of all receipts and expenditure of the City Corporation shall be kept in such manner and in such form as may be prescribed.

(2) The Government shall appoint one of its officers as the City Corporation Chief Auditor who shall subject to the supervision and control of the Controller of State Accounts conduct an audit of the City Corporation accounts and for this purpose, he shall have access to the City Corporation accounts and to all receipts and expenditure relating thereto and the Commissioner shall furnish to him any information concerning any receipt or expenditure which may be required by him.

(3) Subject to the provisions of any law for the time being in force, the audit of all transactions of receipts and expenditure of the City Corporation shall be subject to technical guidance and supervision of the Comptroller and Auditor General of India and he shall send the

annual technical inspection report to Government for being placed before both Houses of the State Legislature.

(4) The Controller, State Audit and Accounts Department shall send Consolidated Annual Audited Report pertaining to the City Corporation to the Government for being placed before both Houses of the State Legislature.

(5) The Chief Auditor of City Corporation shall report to the prescribed City Corporation authority any material impropriety or irregularity which he may at any time observe in the expenditure or in the recovery of moneys due to the City Corporation or in the City Corporation accounts and shall furnish information in respect of such matter as may be laid down in the rules.

(6) He shall be paid such salary and allowances as the Government may determine and shall be entitled to privileges in accordance with the rules and regulations of the branch of the Government service to which he belongs and in force for the time being and the City Corporation shall make such contribution towards his leave, allowances, pension and provident fund as may be payable under such rules and regulations by him or on his behalf from the City Corporation fund.

CHAPTER XVI

STREETS

203. Vesting of Public streets in the City Corporation and their appurtenances. - (1) The following shall vest in the City Corporation, -

(a) All public streets in the City Corporation reserved under the control of the Government, with the pavements, stones and other materials thereof and all work materials, implements and other things provided for such streets;

(b) All sewers, drains, drainage works, tunnels and culverts whether made at the cost of the City Corporation fund or otherwise, in or alongside or under any street, whether public or private, and

(c) All works, materials, implements and other things appertaining thereto and all trees not being private property growing on public streets or by the side thereof.

- (2) The Government may, after consulting the City Corporation by notification withdraw any such street, sewer, drain, drainage work, tunnel, culvert or tree from the control of the City Corporation.
- (3) All public streets vesting in the City Corporation shall be under the control of the Commissioner of the respective City Corporation and shall be maintained, controlled and regulated by them in accordance with the bye-laws that are made in this behalf, and upon any such instructions issued by the Chief Commissioner, Greater Bengaluru Authority.

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

(2) The Commissioner for the City Corporation and the Joint Commissioner for his zone may also, at any time, close the whole or any part of a public street vested in the respective jurisdiction:

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

205. Powers of the Commissioner in respect of public streets. - (1) The Commissioner shall have the power to issue directions to the Joint commissioners of the Zone from time to time, as may be necessary.

- (2) The Commissioner shall have the power to take decisions in matters pertaining to streets that overlap two or more Zones and in respect of streets that overlap two or more City Corporations the Chief Commissioner of the Authority shall have the same power.

206. Power to make new public streets. – (1) The Joint Commissioner may at any time with the previous sanction of the Commissioner, -

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

- (2) The Greater Bengaluru Authority shall assist the City Corporations in carrying out their functions.
- (3) Reasonable compensation shall be paid to the owners and occupiers of any land or buildings which are acquired for or affected by any such purposes.
- (4) In determining such compensation, allowance shall be made for any benefit accruing to the owner or occupier concerned from the construction or improvement made by the Commissioner.

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

208. Power to prohibit use of public streets for certain kind of traffic. – (1) The Commissioner may prohibit vehicular traffic in any public street or any portion thereof so as to prevent danger, obstruction or inconvenience to the public or to ensure quietness in any locality.

- (2) The Commissioner may seek assistance from police to regulate traffic in streets as stipulated under section 69 of the Karnataka Police Act, 1963 (Karnataka Act 4 of 1964).

209. Owner's obligation when dealing with land as

building sites. -If the owner of any land utilizes, sells, leases out or otherwise dispose off any part of the land for the construction of buildings, he shall lay down and make a street or streets giving access to the plots and connecting them to an existing public or private street.

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

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

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

(3) Within sixty days after the receipt of any application under sub-section

(4) The ward committee shall either sanction the making of street on such conditions as it may think fit or disallow it or ask for further information with respect to it.

(5) Such sanction may be refused, -

(a) if the proposed street would conflict with any arrangements which have been made or which are in the opinion of the standing committee likely to be made, for carrying out any general scheme of street improvement;

(b) if the proposed street does not conform to the provision of the Act, the rules and bye laws referred to in sub-section (2); or

(c) if the proposed street is not designed so as to connect at one end with a street which is already open.

(6) No person shall layout or make any new private street without or otherwise than in conformity with the order of the ward

committee. If further information is asked for, no steps shall be taken to lay out or make the street until orders have been passed upon receipt of such information:

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

- (7) If the ward committee does not refuse sanction within sixty days from the receipt of the application under sub-section (1) or from the receipt of all the information asked for under sub-section (5), such sanction shall be deemed to have been given and the applicant may proceed to make the street, but not so as to contravene any of the provisions of this Act or the rules or bye-laws made under this Act.

211. Alteration or demolition of street made in breach of this Act.- (1) If any person lays out or marks any street referred to in this Act without or otherwise than in conformity with the alignment of roads or orders of the ward committee the Commissioner, may, whether or not the offender be prosecuted under this Act, by notice require the offender to,-

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

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

- (2) If any person on whom such notice is served fails to show sufficient cause to the satisfaction of the Commissioner why such street should not be so altered or demolished, the Commissioner may pass an order directing the alteration or demolition of such street.
- (3) If such work is not carried out within the time specified in the notice, the Commissioner may, if he thinks fit, execute it and the expenses incurred shall be paid by the owner referred to in sub-section (1) in such proportions as may be settled by the Commissioner.

212. Power to dispose of permanently closed streets.-

(1) When any public street is permanently closed, the City Corporation may dispose of the site or so much thereof as is no longer required making due compensation to any person injured by such closing.

(2) In determining such compensation, allowance shall be made for any benefit accruing to the same premises or any adjacent premises belonging to the same owner from the construction or improvement of any other public street, at or about the same time that the public street, on account of which the compensation is paid, is closed.

213. Acquisition of land and buildings for improvement of streets. -

(1) The Commissioner may subject always to such sanction as may be required, acquire,-

i. any land required for the purpose of widening, opening, extending or otherwise improving any public street or of making any new public street, and the building if any, standing upon such land;

ii. any land outside the proposed street alignment with the building if any, standing there upon with the city corporation may consider it expedient to acquire.

(2) Any land or building acquired under clause (b) of sub-section (1) may be sold, leased or otherwise disposed of, after public advertisement, and any conveyance made for that purpose may comprise such conditions as the standing committee thinks fit as to the removal of the existing building, if any, the description of the new building (if any) to be erected, the period within which the new building (if any) shall be completed and any other similar matters.

(3) The Commissioner may require any person to whom any land or building is transferred under sub-section (2) to comply with any conditions comprised in the said conveyance before it places him in possession of the land or building.

214. Powers to prescribe building line and street alignment. - The Commissioner may, -

(a) prescribe for any public street, a building line or a street alignment or both a building line and a street alignment;

(b) from time to time, but subject in each case to its receiving the authority of the City corporation in that behalf, define a fresh line

in substitution for any line so defined or any part thereof, provided that such authority shall not be accorded, -

(i) unless, at least one month before the meeting of the city corporation at which the matter is considered, public notice of the proposal has been given by the Commissioner by advertisement in the local newspapers and in the official Gazette, and also special notice thereof, signed by the Commissioner has been put up in the street or part of the street for which fresh line is proposed to be defined; and

(ii) until the city corporation has considered all objections to the said proposals made in writing and delivered at the city corporation office not less than three clear days before the day of such meeting.

215. Restriction on erection of or addition to buildings within street alignment or building line.-

(1) No person shall construct any portion of any building within a street alignment defined under this Chapter, provided however that the Commissioner may in his discretion permit additions to a building to be made within a street alignment, if such addition merely add to the height and rest upon an existing building or wall, upon the owner of the building executing an agreement binding himself and his successors in interest,-

(a) not to claim compensation in the event of the Commissioner at any time thereafter calling upon him or his successors to remove any building erected or added to in pursuance of such permission or any portion thereof; and

(b) to pay the expenses of such removal:

Provided that the Commissioner shall, in every case in which he gives permission, report his reasons, in writing to the Chief Commissioner, Greater Bengaluru Authority.

(2) If the Commissioner refuses to grant permission to erect or add to any building on the ground that the proposed site falls wholly or in part within a street alignment prescribed under this Chapter and if such site or portion thereof which falls within such alignment be not acquired on behalf of the city corporation within one year after the date of such refusal, the city corporation shall pay reasonable compensation to the owner of the site.

(3) No person shall erect or add to any building between a street alignment and a building line defined under this Chapter

except with the permission of the Commissioner who may when granting the permission impose such conditions as the Chief Commissioner, Greater Bengaluru Authority may lay down for such cases.

216. Setting back projecting building or wall.-

(1) When any building or part thereof abutting on a public street is within a street alignment defined under this Chapter the Commissioner may, whenever it is proposed,-

(a) to rebuild such building or take it down to an extent exceeding one-half thereof above the ground level such half to be measured in cubic meter; or

(b) to remove, reconstruct or make any addition to any portion of such building which is within the street alignment, in the order which he issues concerning the re-building, alteration or repair of such building require such building to be set back to the street alignment.

(2) When any building or any part thereof within the street alignment falls down or is burnt down or is, whether by order of the Commissioner or otherwise, taken down, the Commissioner may forthwith take possession on behalf of the city corporation of the portion of land within the street alignment thereof occupied by the said building and, if necessary, clear it.

(3) Land acquired under this section shall be deemed a part of the public street and shall vest in the city corporation.

(4) When any building is set back in pursuance of any requisition made under sub-section (1), or when the Commissioner takes possession of any land under sub-section(2), the city corporation shall forthwith make full compensation to the owner for any direct damage which he may sustain thereby.

Explanation.- The expression, "direct damage" as used in sub-section (4) with reference to land means, the market value of the land taken and the depreciation, if any, in the ordinary market value of the rest of the land resulting from the area being reduced in size; but does not include damage due to the prospective loss of any particular use to which the owner may allege that he intended to put the land, although such use may be injuriously affected by the reduction of site.

217. Additional power of the Commissioner to order settling back of buildings to regular line of street.-

(1) If any building or any part thereof is within the regular line of a public street and if, in the opinion of the Commissioner, it is necessary to set back the building to the regular line of the street, he may, if the provisions of section 216 do not apply, by written notice,-

(a) require the owner of such building to show cause within such period as is specified in such notice by a statement in writing subscribed by him or by an agent duly authorised by him in that behalf and addressed to the Commissioner, why such building or any part thereof which is within the regular line of the street shall not be pulled down and the land within the said line acquired by the Commissioner; or

(b) require the said owner on such day and at such time and place as shall be specified in such notice to attend personally or by an agent duly authorised by him in that behalf and show cause why such building or any part thereof which is within the regular line of the street shall not be pulled down and the land within the said line acquired by the Commissioner.

(2) If such owner fails to show sufficient cause to the satisfaction of the Commissioner why such building or any part thereof, which is within the regular line of the street shall not be pulled down and the land within the said line acquired as aforesaid, the Commissioner, may, with the approval of the Chief Commissioner Greater Bengaluru Authority, require the owner by a written notice, to pull down the building or the part thereof which is within the regular line of the street within such period as is prescribed in the notice.

(3) If within such period the owner of such building fails to pull down such building or any part thereof coming within the said line, the Commissioner may pull down the same and all the expenses incurred in so doing shall be paid by the owner.

(4) The Commissioner shall at once take possession on behalf of the city corporation of the portion of the land within the said line theretofore occupied by the said buildings and such land shall hence forward be deemed a part of the public street and shall vest as such in the city corporation.

Provided that, nothing in this section shall be deemed to apply to buildings vesting in the Government.

218. Power of the Commissioner and the Joint Commissioner of the Zone to order work to be carried out or to carry it out himself in default.-

(1) If any private street or part thereof is not levelled, paved, metalled, flagged, channelled, sewerred, drained, conserved or lighted to the satisfaction of the Commissioner or the Joint Commissioner of a Zone, he may by notice require the owners of such street or part and the owners of buildings and lands fronting or abutting on such street or part including in cases where the owners of the land and of the building thereon are different, the owners both of the land and of the building to carry out any work which in his opinion may be necessary and within such time as may be specified in such notice.

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

219. Right of owners to require streets to be declared public.- If the commissioner or the Joint Commissioner of a Zone, carries out work in accordance with section 218, he, with the requisition of majority of the owners can declare such a street to be a public street and thereupon the street shall vest in the city Corporation.

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

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

(3) It shall be the duty of the City Corporation to implement the provisions of the rules or bye-laws prescribed thereunder.

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

222. Removal of encroachments.-

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

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

(3) Pursuant to directing such a person to leave, and the person fails to leave, the Commissioner or Joint Commissioner of the Zone or the authorized officer may file a criminal complaint against such a person.

223. Precautions during repair of streets.-

(1) The Commissioner or the Joint Commissioner of the Zone shall, so far as is practicable during the construction or repair of any public street vested in the City Corporation-

(a) cause the same to be fenced and guarded;
(b) take proper precautions against accident by protecting the adjoining buildings;

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

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

224. Streets not to be opened or broken up and building materials not to be deposited thereon without permission.-

(1) No person or agency other than the Commissioner or Joint Commissioner of the Zone or a City Corporation employee shall, without the written permission of the Commissioner or Joint Commissioner of the Zone,

- (a) Open, break up, displace, take up or make any alteration in to any material that is forming part of any street; or
- (b) Deposit any building materials in any street

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

225. Right to receive compensation owing to any defect in public street. –

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

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

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

226. Naming of Public streets.-

(1) The Commissioner, with the sanction of the Mayor may,

with the sanction of the City Corporation, determine the name by which any street or public place vested in the City Corporation shall be known and may, at any time, alter the name of such a street:

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

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

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

227. Numbering of Buildings. –

(1) The Commissioner may cause a number to be affixed to the side or outer door of any building or to some place at the entrance of the premises.

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

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

228. Provision for lighting of Public Streets.-

(1) The City Corporation shall cause the public streets to be lighted and for that purpose shall provide such street lights as may be necessary.

(2) The Commissioner or Joint Commissioner of the Zone shall take measures for lighting in a suitable manner all such public streets and public places.

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

229. Prohibition of removal, of street lights. -

(1) No person shall, without lawful authority, take away or willfully or negligently break or throw down or damage,-

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

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

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

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

230. Power to allow certain projections and erections;-

(1) The Commissioner or Joint Commissioner of the Zone may grant a licence subject to such conditions and restrictions as he may think fit to the owner or occupier of any premises,-

(a) to put-up or continue to have verandahs, balconies, sun-shades, weather frames and the like to project over a street; or

(b) in streets in which the constructions of arcades has been sanctioned by the Corporation to put up or continue to have an arcade; or

(c) to construct any step or drain-covering necessary for access to the premises.

(2) The Commissioner or Joint Commissioner of the Zone may grant a licence subject to such conditions and restrictions as he may think fit for any temporary construction in any street or in any public place the control of which is vested in the City Corporation.

(3) No licence shall be granted under sub-section (1) if the projection or construction is likely to be injurious to health or cause public inconvenience or otherwise materially interfere with the use of the road as such.

(4) On the expiry of any period for which a licence has been granted under this section or after due communication of an order of suspension or revocation of such licence the Commissioner or Joint

Commissioner of the Zone may, without notice, cause any projection or construction put up under sub-section (1) or (2) to be removed, and the cost of so doing shall be recoverable in the manner from the person to whom the licence was granted.

(5) The City Corporation shall have power to lease road sides and street margins vested in the City Corporation for occupation on such terms and conditions and for such period as it may fix:

Provided that, no such road sides and street margins shall be leased out for any term exceeding three years without prior sanction of the Government:

Provided further that, if the Government considers that any occupation of a road side or street margin under a lease granted by the City Corporation under this section is likely to be injurious to health or cause public inconvenience or otherwise materially interfere with the use of the road side or street margin as such, the Government may direct the City Corporation to cancel or modify the lease and the City Corporation shall thereupon cancel or modify the lease accordingly.

CHAPTER XVII

REGULATION OF BUILDINGS AND TOWN PLANNING

231. Exercise of powers by a corporation to be in conformity with the provisions of the Karnataka Town and Country Planning Act, 1961.- Notwithstanding anything contained in this Act, a corporation or any officer or other authority required by or under this Act to exercise any power, or perform any function or discharge any duty,-

- (i) with regard to any matter relating to land use or development as defined in the Explanation to section 14 of the Karnataka Town and Country Planning Act, 1961 (Karnataka Act 11 of 1963), shall exercise such power, or perform such function or discharge such duty with regard to such land use or development plan or where there is no development plan, with the concurrence of the Planning Authority;
- (j) (ii) shall not grant any permission, approval or sanction required by or under this Act to any person if it relates to any matter in respect of which compliance with the provisions of the

Karnataka Town and Country Planning Act, 1961 is necessary unless evidence in support of having complied with the provisions of the said Act is produced by such person to the satisfaction of the corporation or the officer or other authority, as the case may be.

232. Building bye-laws. – The Greater Bengaluru Authority in its jurisdiction shall make common building bye-laws for the regulation and restriction of the use of sites or buildings and the bye-laws shall provide for the following: -

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

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

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

(d) Height of building sought to be constructed, relative to the width of the street;

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

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

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

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

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

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

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

(l) Provision of lifts within the building and provision for common amenities, ramps and amenities for differently challenged;

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

(n) Minimum plantation required with in a building site;

(o) Installation of rain water harvesting systems with in the building and provisions of renewable energy applications.

(p) Minimum quality of materials to be used during construction of building

233. Obligation to provide for rain water harvesting structure.

(1) Every owner who proposes to construct a building on a sital area of not less than 108 square metre shall provide for rain water harvesting structure for storage, use or for ground water recharge in such manner and subject to such conditions as may be provided in the regulations and guidelines issued;

(2) Every owner who proposes to construct a building on sital area of not less than 216 square metre or a n owner or occupier of a building having sital area of not less than 216 square metre, shall provide rain water harvesting structure for storage, foruse and for ground water recharge subject to such conditions as may be specified in the regulations and guidelines issued;

(3) Every owner who proposes to construct a building on sital area of not less than 1000 square meter or a owner of a building having sital area of not less than 1000 square meter, who has not provided rain water harvesting structure before the commencement of this Act, shall provide dual spiping system and rain water harvesting structure for storage and reuse based on roof area and ground water recharge based on paved and unpaved areas in such manner and subject to such conditions as may be specified in the regulations and guidelines issued;

Explanation.- For the purpose of this section. -

(a) “rain water harvesting” means collection and storage of rain water from roof top of a building or from a vacant land for use or for ground water recharge; and

(b) “ground water recharge” means recharging of open well or the bore well or the underground water as the case may be, by use of harvested rain water.

234. Relinquishment of area reserved for Road. – In case of owner or person responsible, request for sanction of building plan before the road widening is taken by the City Corporation or any other authority.

(1) The owner of building site shall relinquish free from all encumbrances the area required or reserved for road formation or widening in the master plan or as notified by the City Corporation before the sanction is accorded for the building plans under this act.

(2) The owner of building site is entitled to avail floor area ratio to be utilized in the remaining site, for the area of building site relinquished to the City Corporation.

(3) The area of building site relinquished to the City Corporation as per sub-section (1) will not be entitled for any type of compensation including development rights under section 14B of the Karnataka Town and Country Planning Act, 1961 (Karnataka Act 11 of 1963).

(4) Wherever, the permissible floor area ratio cannot be achieved in case of land surrendered free of cost for road formation or widening under this section Commissioner may consider relaxing setbacks and coverage to a maximum extent of twenty five percent as may be notified by the Government.

235. Building at corner of streets. -

(1) The City Corporation may require any building intended to be erected at the corner of two streets to be rounded off or displayed off to such height and to such extent otherwise as it may determine, and may require relinquishment of such portion of the site at the corner as it may consider necessary for public, convenience or amenity.

(2) For any land so relinquished to the City Corporation, the owner of site is entitled the benefit of floor area in accordance with section 234 of this Act.

236. Prohibition of construction without sanction. -No person shall construct any building or any structure of permanent nature or execute any of the work relating to the construction of building including addition, alteration or modification of an existing building with in the Greater Bengaluru Area, save and except in accordance with building bye-laws sanctioned under this Chapter, to under take such construction.

237. Application to construct or re-construct building. -

(1) Any person intending to construct or re-construct a building, shall send to the Commissioner or the Joint Commissioner of a Zone, as per area sought to be constructed, an application in writing for permission to execute the work together with a site plan of the land, floor plans, elevations and sections of the building, a specification of the work and such other documents as may be

prescribed.

Explanation. -'Building' in this sub-section shall include a wall or fence of whatever height bounding or abutting on any public street.

(2) Every document furnished under sub-section (1) shall contain such particulars and be prepared in such manner as may be required under rules or bye-laws.

238. Procedure for grant of sanction to building plan. –

(1) Any person intending to construct or reconstruct a building, shall by way of an application, as prescribed apply to the Commissioner or the Joint Commissioner of the Zone, depending upon the area sought to be built, for permission with such documents as may be prescribed to undertake such construction or re-construction.

(2) Upon receipt of the application under sub-section (1), the Commissioner or the Joint Commissioner of the Zone, as the case may be, on the verification and advice of the Additional Chief Town Planner about the application is in conformity with the act, the master plan and building bye-laws may grant permission to undertake construction or if the application does not conform to the act, master plan and building bye-laws, reject such applications.

(3) The Commissioner or the Joint Commissioner of the Zone, as the case may be, shall prescribe the conditions for the approval or rejection of building plans.

(4) While verifying such application the Commissioner or the Additional Chief Town Planner or the Joint Commissioner of the Zone, as the case may be, may seek for such information necessary to process the application from officers of the different sections of the City Corporation or from external departments.

(5) The Commissioner or the Joint Commissioner of the Zone, as the case may be, may, if necessary, refer any application received under sub-section (1) to the Chief Commissioner of Greater Bengaluru Authority who shall determine such application in consultation with the Chief Town Planner in accordance with the Act.

(6) The Commissioner or the Joint Commissioner of the Zone shall process application received under sub-section (1) within the prescribed time and in the event of the Commissioner or the Joint Commissioner of the Zone, as the case may be, not communicating the decision on such application within the prescribed time period,

the application shall be deemed to be approved:

Provided that, deemed approval shall not be accorded to those applications referred to the Chief Commissioner, Greater Bengaluru Authority under sub-section (5), or if the application is in contravention of any of the provisions of law or any rules or bye-laws made under this Act or the applicant has been endorsed to submit any additional information or comply with a mandatory requirement.

(7) Sanction plan accorded under this chapter shall be valid for a duration of five years, where after the person shall apply for permission afresh.

(8) Any person who has undertaken the construction in the absence of a sanctioned plan, but such construction is in accordance with the provisions of this chapter, rules, regulations and building bye-laws, shall pay such compounding fee as may be notified and apply for sanction plan in accordance with this Chapter.

(9) Any person who constructs a building not in accordance with the sanctioned plan, the Commissioner or officers authorized by him may direct such persons to undertake such modification or alteration of the building to ensure conformity to the sanctioned plan or to the condonable limits, as may be prescribed. Provided that any deviations that are allowed to be compounded under this Act or any other law for the time being in force, may be compounded as per provisions of the applicable law.

(10) The Commissioner or the Joint Commissioner of the Zone, as the case may be, or such officers authorized by him, may undertake such periodical physical verification of buildings as necessary for the purposes of enforcing the provisions of this Act.

(11) Notwithstanding anything contained in this chapter, the Commissioner or the Joint Commissioner of the Zone, as the case may be, shall have the power to order for the stoppage of any construction which in his opinion endangers the human life and safety in the vicinity.

(12) A plan sanctioned under this chapter shall be a public document stored and maintained either in physical or electronic form. It shall be published in the website of the City Corporation.

239. Period with in which the Commissioner or the Joint Commissioner of the Zone is to grant or refuse to grant permission to execute work. -

(1) With in thirty days after the receipt of such application

made above, for permission to execute any work or of any information or of documents or further information or documents required under rules or bye-laws, the Commissioner or the Joint Commissioner of the Zone, as the case may be, shall, by written order, either grant such permission or refuse on one or more of the grounds mentioned in this chapter, to grant it.

(2) If the Commissioner or the Joint Commissioner of the Zone, as the case may be, has not within the said period of thirty days passed any order, the applicant may address a letter to the Commissioner or the Joint Commissioner of the Zone, as the case may be, requesting him to pass necessary orders on his application, and the Commissioner or the Joint Commissioner of the Zone, as the case may be, shall, within a further period of thirty days from the date of receipt of such letter, by written order, either grant such permission or refuse, on one or more of the grounds mentioned the act.

240. Power of the Government to notify rate of fee to be levied by the City Corporations -

(1) The Government shall notify the rate of fee to be levied or compounding fee for sanction of building plans, plinth certificate and to issue occupancy certificate under this act by the City Corporations. While prescribing such rates, the Chief Commissioner shall consider all the costs related to the issue and execution of the approval, as he may deem fit.

(2) The Government shall notify the following fee at such rates based on the prevailing guidance value as notified by the Department of Stamps and Registration under the provisions of the Karnataka Stamp Act, 1957, namely: -

(a) rate of 'fee for issuance of licence' at such rate not exceeding 0.20 percent in case of residential buildings and in case of non-residential buildings not exceeding 0.30 percent of guidance value of the vacant site.

(b) rate of 'infrastructure and environment impact fee' for maintenance of public roads including fee for usage of public roads and other infrastructure facilities provided and maintained by City Corporation and debris generated during the period of construction, at such rate not exceeding 0.10 percent in case of residential buildings and in case of non-residential buildings 0.25 percent guidance value of the vacant site.

(c) However, such payment shall not give the right to occupy public road and footpath during construction of the building.

(d) rate of 'fee for plinth certificate' at such rate not exceeding 0.15 percent in case of residential buildings and in case of non-residential buildings

0.20 percent of guidance value of the vacant site.

(e) rate of 'scrutiny fee' for issue of building licence or plinth certificate or occupancy certificate at such rate not exceeding 0.10 percent in case of residential buildings and in case of non-residential buildings 0.20 percent of guidance value of the vacant site.

(f) rate of 'compounding fee' to be imposed at the time of issuance of occupancy certificate for not obtaining plinth certificate at the commencement of the construction at such rate not exceeding 0.15 in case of residential buildings and in case of non-residential buildings 0.25 percent of guidance value of the vacant site.

(g) rate of 'compounding fee' for condoning of deviated portion of construction up to the condonable limits, prescribed at such rate not exceeding 15 percent in case of residential buildings and in case of non-residential buildings 25 percent of guidance value of the vacant site.

(h) 'security deposit' as specified in the zoning regulation for ensuring that the construction is in accordance with the plan sanctioned;

(i) such other fee as specified by the Government from time to time under this Act and the Karnataka Town and Country Planning Act, 1961 (Karnataka Act 11 of 1963) and the rules made there under;

241. Levy of imposts, restriction and condition by the Commissioner. -

(1) The Commissioner or the Joint Commissioner of a Zone, as per area sought to be constructed, may grant such permission to execute the work together with a site plan of the land, floor plans, elevations and sections of the building subject to such restrictions and conditions, as may be specified in the bye-laws or he may refuse to grant such licence, subject to the conditions specified in this chapter;

(2) The Commissioner or the Joint Commissioner of a Zone, as per the area sought to be constructed, shall impose, charge and levy the following fee at such rates as notified by the Government for issue of building licence or grant of plinth certificate or issue of occupancy certificate, namely:-

(a) fee for issuance of licence;

(b) infrastructure and environment impact fee for maintenance of public roads including fee for usage of public roads and other infrastructure facilities provided and maintained by City Corporation and debris generated during the

period of construction, but this shall not give the right to occupy public road and footpath during construction of the building.

(c) scrutiny fee for issue of building licence, plinth certificate and occupancy certificate;

(d) compounding fee to be imposed at the time of issuance of occupancy certificate for not obtaining plinth certificate;

(e) rate of compounding fee for condoning of deviated portion of construction up to the condonable limits;

(f) security deposit to ensure that the construction is in accordance with plan sanctioned. Otherwise, security deposit shall be forfeited to the City Corporation;

(g) such other fee as specified by the Government from time to time under this Act and the Karnataka Town and Country Planning Act, 1961 (Karnataka Act 11 of 1963) and the rules made there under;

(h) charge and levy any other deposit or fee or cess specified under any other law in force.

242. Exemptions for Levy of imposts, restriction and conditions. -

(1) Nothing in this Act or in any rule or bye-law made thereunder shall be construed as requiring the taking out of any licence or the obtaining of any permission under this chapter or any such rule or bye-law in respect of any place in the occupation or under the control of the Central Government or the State Government or in respect of any property of the Central Government or the State Government.

Provided the concerned department shall send the intimation of taking up construction to the City Corporation along with the plans in accordance with the provisions of the act, rules, regulations and bye-laws;

(2) Notwithstanding anything contained in this Act no licence or permission shall be necessary for the Bengaluru Metropolitan Transport City Corporation in respect of the fixation or erection of posts showing places of stoppage of buses or erection or construction of passenger-shelters, ticket booths and bus stands on any road or land vested in the City Corporation.

Provided that no passenger-shelter, ticket booth or bus stand shall be erected or constructed under this section except with the previous sanction of the Government;

(3) In respect of passenger-shelters, ticket booths and bus stand erected or constructed under this section the Bengaluru Metropolitan Transport City Corporation shall be liable to pay to the City Corporation, such annual ground rent as may be agreed between them, and where there is no such agreement, as may be determined by the Government.

243. Power of the Government to exempt or reduce fee levied or charged or assessed.-

(1) The Government may, if in its opinion, it is necessary in the public interest so to do, by notification and subject to such restrictions and conditions and for such period as may be specified in the notification, exempt or reduce either prospectively or retrospectively, the fee payable under this Act for any Board or City Corporation or Organization owned or controlled by the Central Government or the State Government.

(2) The Government may, by notification cancel or vary any notification issued under sub-section (1).

(3) Where any restriction or condition specified under sub-section (1) is contravened or is not observed by a person or a declaration furnished under sub-section(1) is found to be wrong then such person shall be liable to pay by way of penalty an amount equal to twice the difference between the fee payable at the rates specified by or under the Act and the fee paid at the rates specified under the notification on the consideration in respect of which such contravention or non-observance has taken place or a wrong declaration is furnished:

Provided that, before taking action under sub-section (1), the person shall be given a reasonable opportunity of being heard.

244. Grounds on which approval of site for, or permission to construct building, may be refused. -

(1) 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 for the following reasons

(a) that the work or the use of the site for the work or any of the particulars comprised in the site plan, floor plans, elevations, sections, or specification would contravene some specified provisions of any law or some specified order, rule, master-plan or bye-law made under any law;

(b) that the application for such permission does not contain the particulars or is not prepared in the manner required under rules or bye-laws;

(c) that any of the documents specified under this chapter have not been signed as required under rules or bye-laws;

(d) that any information or documents required by the Commissioner under the rules or bye-laws has or have not been duly furnished;

(e) that streets or roads have not been made as required under Chapter XVI;

(f) that the proposed building would be an encroachment upon Government or City Corporation land;

(g) that the site of such building does not abut on a street or a projected street and there is no access to such building from any such street by a passage or pathway appertaining to such site and not less than five meters wide at any part and shall join of street or road of higher width.

(2) Refusal to approve a permission to construct or re-construct shall be supported by reasons specifically stated in the order.

245. Issue of Modified licence and extension of licence period.

(1) The owner or person responsible shall obtain modified building licence and sanction for plans if there are changes to be affected;

(a) in the sanctioned plan before or during construction;

(b) where additions or alterations are involved to be carried out to the existing building, where the proposal involves change of use or occupancy of part or whole of the building;

(c) in case of change in ownership of the building site during the construction;

(2) If the construction or reconstruction of the building is not completed within five years from the date of issue of licence or modified licence, the licence period may be extended up to a maximum period of further two years on the payment of scrutiny fee and licence fee, provided more than seventy percent of the permitted built up area is constructed.

246. Restriction on the power to sanction construction of a place of entertainment in certain cases. –Notwithstanding any thing contained in this Act or any rule or bye-law made there under, the construction of, or any addition to any building of public entertainment or any addition thereto, shall not, except with the previous approval of the Government, be sanctioned by the Commissioner, if the site of, or proposed site for, such building is, -

(a) Within a radius of two hundred meters from, -

- a) Any residential institution attached to are cognized educational institution such as a college, high school or girls school; or
- b) A public hospital with a large in door patient ward; or
- c) An orphanage containing one hundred or more in mates;or

(b) in any thickly populated residential area which is either exclusively residential or reserved or used generally for residential as distinguished from business purposes; or

(c) in any area reserved for residential purposes by any housing or planning scheme or otherwise under any enactment:

Provided that no permission to construct any building intended to be used for cinematograph exhibition shall be given unless the Government is satisfied that sanction to the plans and specifications have been obtained in accordance with the Karnataka Cinemas (Regulation) Act, 1964 (Karnataka Act 23 of 1964) and the rules made there under.

247. Building construction shall not be proceeded without plinth certificate: -

(1) Upon the approval of the sanction plan under this chapter and upon reaching the construction to plinth level of such building before two years from the date of sanction, the owner or person responsible shall obtain plinth certificate. Construction shall not be proceeded without obtaining plinth certificate. On the application made for issue of plinth certificate. -

(a) Commissioner or the Joint Commissioner of the Zone or officer authorized by him, shall carryout physical verification of building under construction.

(b) Upon the construction of building being carried out in compliance of the sanctioned plans, plinth certificate shall be issued within fifteen days from the date of application.

(c) If the commissioner or the Joint Commissioner of the Zone or officer authorized by him fails to approve plinth certificate within fifteen days from the date of receipt of application, the construction may be proceeded according to the sanctioned plans after the payment of prescribed fee for plinth certificate.

(d) If the construction is deviated from the sanctioned plan, but such construction is within the permissible limits of the regulations and building bye-laws, modified plan sanction along with plinth certificate may be accorded.

(2) The Government may notify the category of building which may exempt from obtaining plinth certificate.

248. Power of Commissioner or the Joint Commissioner of the Zone or the officer authorised to require alteration of work. -

(1) If the Commissioner or the Joint Commissioner of the Zone or officer authorised by him finds that the work. -

(a) is otherwise than in accordance with the plans or specifications which have been approved, or

(b) contravenes any of the provisions of this Act or any rule, bye-law, order or declaration made under this Chapter, he may by notice direct the owner of the building, within a time stipulate of not more than fifteen days, either,-

(i) to show cause why such alterations should not be made, or

(ii) to make such alterations as may be specified in the said notice, with the object of bringing the work into conformity with the said plans, specifications or provisions.

(2) If the owner does not show cause within the time stipulated therein, owner shall be bound to make the alterations specified in such notice.

(3) If the owner shows cause as aforesaid, the Commissioner shall by an order, cancel the notice issued under sub-section (1) or confirm the same subject to such modifications as he may think fit.

249. Grant of Occupancy certificate. -

(1) The owner or promoter, who has constructed a building in accordance with the provisions of this act, shall apply for issue of an Occupancy Certificate to the Commissioner or the Joint Commissioner of the Zone within one month from the date of completion of such construction and within the validity period of building licence;

(2) An application for issue of occupancy certificate shall be duly certified by an empaneled architect or engineer along with the as built floor wise plans and completion report of the building, that the building has been constructed in accordance with the sanctioned plans;

(3) Upon receiving the application for grant of occupancy certificate, the Additional Chief Town Planner by self or officers' subordinate to him as necessary, shall undertake such physical inspection of the building. On the verification and advice of the Additional Chief Town Planner, the Commissioner or the Joint Commissioner of the Zone may grant or reject the application for occupancy certificate.

(4) If the completion report issued by the architect or engineer is not in conformity with the sanctioned plans and building bye-laws,

the Commissioner or the Joint Commissioner of the Zone may upon hearing the concerned architect or engineer, levy such penalty or suspend or cancel his license as may be prescribed.

(5) The occupancy certificate may be granted by the Commissioner or the Joint Commissioner of the Zone subject to the constructed building being within the permissible limits or condonable limits prescribed under the provisions of this act, zonal regulations and building bye-laws.

(6) No person shall occupy or permit to be occupied any such building, or part of the 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 or the Joint Commissioner of the Zone in this behalf; or

(b) the Commissioner or the Joint Commissioner of the Zone has failed for thirty days after receipt of the notice of completion to intimate his refusal of the said permission.

(7) The Commissioner or the Joint Commissioner of the Zone may at any time withdraw, suspend or cancel the Occupancy certificate issued, if it is brought to the notice of the Commissioner that there has been breach committed under this Chapter

(8) The Government may notify the category of building which may be exempt from obtaining occupancy certificate.

250. Application of provisions to alterations and additions.

- (1) The provisions of this Chapter and of any rules or bye-laws made under this Act relating to construction and re-construction of the buildings shall also be applicable to any alteration thereof or addition thereto:

Provided that works of necessary repair which do not affect the position or dimensions of a building or any room in a building there in shall not be deemed an alteration or addition for the purpose of this section.

(2) If any question arises as to whether any addition or alteration is a necessary repair not affecting the position or dimensions of a building or room in a building therein, such question shall be referred to the standing committee, whose decision shall be final.

251. Demolition or alteration of buildings unlawfully commenced, continued or completed.

– (1) Construction or re-construction or portions which are unauthorized, unless regularized or demolished, shall be deemed to be continuing violation of the provisions of

this Act or the bye-laws or the regulations, as the case may be;

(2) The Commissioner or the Joint Commissioner of the Zone upon the receiving the information, either suo-moto or otherwise, that the construction or re-construction of any building, has been commenced, without obtaining permission, or is being carried on, or has been completed, otherwise than in accordance with the sanctioned plan or in breach of any of the provisions of this Chapter,

(3) The Commissioner or the Joint Commissioner of the Zone may delegate an officer not below the rank of Assistant Executive Engineer / Assistant Director of Town Planning to the site of construction, for verification and spot inspection. Such authorised officer shall issue a notice to the Owner or licensee or the person responsible, calling upon for documents, information or materials, giving seven days' time to furnish from the date of receipt thereof.

(4) Upon the scrutiny of the documents so furnished or not having been furnished, within the time stipulated, Commissioner or Joint Commissioner or an Officer authorized by him, within fifteen days from the date of sub clause above, being satisfied, shall pass a provisional order requiring the Owner or licensee or the person responsible to demolish such work which has been so executed and direct such alterations as may be necessary to bring the construction in conformity as aforesaid, and may also further direct, refraining from proceeding with the further development of the construction.

(5) Commissioner or Joint Commissioner or an Officer authorized by him, shall serve a copy of the provisional order made under sub-section (1) on the Owner or licensee or person responsible, together with a notice requiring him to show cause, in writing, within ten days, from the date of receipt of such notice, why the order should not be confirmed.

(6) If the Owner or licensee or person responsible fails to show cause to the satisfaction, the delegate shall pass an order confirming the provisional order, with such modifications as may be necessary.

(7) If the construction or re-construction of any building is commenced contrary to the provisions of this Chapter, and the Commissioner or the Joint Commissioner of the Zone is of the opinion that immediate action should be taken, then, notwithstanding anything contained in this Chapter, a notice to be given under sub-section (2) shall not be of less duration than twenty-four hours and shall be deemed to be duly served if it is served in electronic platform / online building plan approval software or affixed in some conspicuous part of the building to which the notice relates and published by proclamation at or near such building accompanied by beat of drum, and upon such affixation and publication, all persons concerned shall be deemed, to have been duly informed of the matters stated therein.

(8) The notices issued under this section shall be a public document.

The Commissioner or the Joint Commissioner of the Zone shall publish the same on the website of the City Corporation along with the publication of the sanctioned plan.

252. Time for complying with order and power to enforce in default. - (1) Whenever by any notice, requisition or order made under this chapter any person is required to execute any work, or to take any measures or do anything, a reasonable time shall be named in such notice, requisition or order within which the work shall be executed, the measures taken, or the thing done.

(2) If such notice, requisition or order is not complied with within the time so stipulated, then whether or not a fine is provided for such default and whether or not the person in default, is liable to punishment or has been prosecuted or sentenced to any punishment for such default, the Commissioner or the Joint Commissioner of the Zone or officer authorised by him may cause such work to be executed, or may take any measure or do anything which may, in his opinion, be necessary for giving due effect to the notice. requisition or order as aforesaid.

(3) If no penalty has been specially provided in this Act or bye-laws for failure to comply with such notice, the said person shall, on conviction, be punished with fine not exceeding twenty percent of prevailing guidance value of the site and building for such offence.

253. Power of the Commissioner or the Joint Commissioner of the Zone to suspend or revoke permission etc.— (1) The Commissioner or the Joint Commissioner of the Zone may suspend or revoke any licence, permission or sanction granted by him if: -

- (a) the grantee has evaded or committed breach of any of the restrictions or conditions subject to which such licence, permission or sanction was granted; or
- (b) the grantee is convicted for contravention of any of the provisions of this Act, or of any rule, bye-law or regulation made thereunder in respect of any matter relating to such licence, permission or sanction, or
- (c) the grantee has obtained the licence, permission or sanction by mis-representation or fraud:

Provided that the Commissioner or the Joint Commissioner of the Zone shall issue a show cause notice giving the grantee a reasonable opportunity of making representation against the proposed order.

- (2) The commissioner or the Joint Commissioner of the Zone shall also have the interim power to withdraw, suspend the licence to prevent the continuance of above breach and development of such construction pending action under this chapter.
- (3) The commissioner or the Joint Commissioner of the Zone in addition may also impose penalty as notified by the Government determined in accordance with Karnataka Stamp Act, 1957 (Karnataka Act 34 of 1957) and rules made under for such portion of the unauthorized development.

254. Compliance by the owner or person responsible for ensuring construction or occupancy to be in conformity with permissions accorded. –

(1) Neither the granting of licence nor the approval of plans and specifications or issue of permissions by the commissioner or the officers authorized by him during erection of the building or afterwards shall not in any way relieve the owner of the building or the promoter on behalf of the owner from full responsibility and safety in carrying out the construction in accordance with the licence and sanctioned plans.

(2) Failure of the owner or promoter, in the matter of execution of construction as per sanctioned plans shall be liable for punishment as may be prescribed.

(3) The violations from sanctioned plans beyond condonable limits prescribed, the violated portion of the building shall be demolished by the owner or promoter at his own cost and risk.

(4) The financial institutions shall not extend loan facilities for constructions carried out in violation of the sanctioned plans.

255. Penalty against jurisdictional officer/s delegated by commissioner for failing to prevent un-authorized deviations or constructions. –The jurisdictional officers delegated by the commissioner or the Joint Commissioner of the Zone, who is proved to have failed to prevent unauthorized deviation or construction that have taken place in his jurisdiction shall be liable for such punishment as may be

prescribed.

256. Power of the Government to regulate future construction of certain classes of buildings in particular streets or localities. – (1) The Government may give public notice of its intention to declare, -

(a) That in any streets or portions of streets specified in the notice;
(b) Continuous building will be allowed;
(c) the elevation and construction of the frontage of all buildings thereafter constructed or reconstructed shall, in respect of their architectural features be such as the standing committee may consider suitable to the locality; or

(d) that in any localities specified in the notice the construction of only detached buildings will be allowed; or

(e) that in any streets, portions of streets of localities specified in the notice, the construction of shops, warehouses, factories, huts or buildings of a specified architectural character or buildings designed for particular uses will not be allowed without the special permission of the Government.

(2) No objections to any such declaration shall be received after a period of three months from the publication of such notice.

(3) The Government shall consider all objections received within the said period and may then confirm the declaration, and before doing so, may modify it, but not so as to extend its effect.

(4) The Government shall publish any declaration so confirmed and it shall take effect from the date of publication.

(5) No person shall, after the date of publication of such declaration, construct or reconstruct any building in contravention of any such declaration.

257. Regularisation of certain unlawful buildings.- (1) Notwithstanding anything contained in this Act, when construction of any building is completed in contravention of the provisions of this Chapter and the building bye-laws, the Commissioner or the Joint Commissioner of the Zone may regularise building constructed at least one year prior to the date of notification of this Act subject to the following restrictions and such rules as may be prescribed and on payment of the amount specified in sub-section (2), namely:-

(a) Where the building is built abutting the neighbouring property or where the set back provided is less than the limit prescribed in bye laws, violation upto twenty-five percent in case of non-residential

buildings and fifty percent in case of residential buildings may be regularized:

Provided that the Premium Floor Area Ratio issued under section 18B or the Development Rights Certificates issued under section 14B of the Karnataka Town and Country Planning Act, 1961, (Karnataka Act 11 of 1963) may be utilized for such constructed buildings for the extents constructed in violation of the provisions of this Chapter as per provisions for utilization of the Premium Floor Area Ratio or the Development Rights Certificates under the Karnataka Town and Country Planning Act, 1961 (Karnataka Act 11 of 1963) and rules and regulations there under.

(b) No development made in the basement or usage in contravention of bye-law shall be regularized.

(c) The construction of building shall not be regularised if it violates the building line specified on any given road unless the owners of such building furnishes an under taking that the space between the building line and the road or foot path or margin will be given up free of cost at any time when required for the purpose of widening the road in question.

(d) The provisions of sub-sections (2) to (14) of section 76 FF of the Karnataka Town and Country Planning Act, 1961, (Karnataka Act 11 of 1963) shall apply mutatis mutandis for regularization of building under this section and application for regularization being made to the Commissioner or the Joint Commissioner.

- (2) Regularisation of any construction under this section shall be subject to payment of the prescribed amount which may be different for different types of contravention of building bye-laws:

Provided that the amount so prescribed shall not be less than,-

(a) six percent of the market value, determined in accordance with the provisions of Karnataka Stamp Act, 1957 (Karnataka Act 34 of 1957) and rules made there under, of the portion of the building built in violation of the provisions referred to above, if such violation of set back norms and permissible floor area ratio does not exceed twenty five percent;

(b) eight percent of the market value, determined in accordance with the Karnataka Stamp Act, 1957 (Karnataka Act 34 of 1957) and the rules made there under, of the portion of the building built in violation of the provisions referred to above, if such violation of set back norms and permissible floor area ratio exceeds twenty five percent but does not exceed fifty percent:

Provided further that where the portion of the building is built in violation of the provisions referred to above is being used or meant for non- residential purpose and amount payable for regularization of such portion shall be, -

a. twenty percent of the market value, determined in accordance with the Karnataka Stamp Act,1957 (Karnataka Act 34 of 1957) and the rules made there under, of the portion of the building built in violation of the provisions referred to above, if such violation of set back norms and permissible floor area ratio does not exceed twelve and a half percent;

b. thirty five percent of the market value, determined in accordance with the Karnataka Stamp Act,1957 (Karnataka Act 34 of 1957) and the rules made there under, of the portion of the building built in violation of the provisions referred to above, if such violation of set back norms and permissible floor area ratio exceeds twelve and a half percent but does not exceed twenty five percent.

(1) No person shall be liable to pay fine or fee for regularization under any other law if he has paid regularization fee under this Act for the same violations.

(2) All payments made under sub-section (1) shall be credited to a separate fund kept in the City Corporation called the urban areas infrastructure Development fund which shall be utilized in such manner, for the development of infrastructure, civic amenities, lighting, parks, drinking water, drainage system and for any other infrastructure, as may be prescribed.

258. Appeal against the decisions of the Commissioner and the Joint Commissioner. -

(1) Person aggrieved by the decision of the Commissioner may appeal to the Government and from the order of the Joint Commissioner of the Zone may appeal to the Commissioner of the City Corporation, within thirty days from the date of receipt of such decision.

(2) The Government or the Commissioner, City Corporation, as the case may be, shall decide the matters referred to it under sub-section (1) within the period of ninety days from thereof.

(3) The decision of the Government, shall be final.

CHAPTER XVIII PUBLIC HEALTH

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

260. City Corporation's power to order or undertake the inspection or sanitation of buildings or sites.- (1) Subject to such regulations as may be made in this behalf, the Commissioner or the Joint Commissioner of the Zone or any other officer authorised in this behalf may, either on her own or through any other agency or officer authorized by him in this behalf-

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

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

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

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

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

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

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

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

(3) If immediate action is necessary, the Commissioner or the Joint Commissioner of the Zone may himself before giving such notice or before the period of notice expires secure, take such measures, as he thinks fit to prevent the threat to health or safety, and the cost of so doing shall be recoverable from the owner or occupier of the building or land in the manner specified in the bye-laws.

261. Power to notify dangerous and communicable Diseases.- (1) On notification of the City Corporation of the existence of any dangerous and communicable disease in any public or private dwelling in the City Corporation area, the Commissioner or the Joint Commissioner of the Zone may undertake such measures as necessary for the prevention of the dangerous and communicable disease.

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

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

262. Disinfection of buildings and articles.- (1) If the Commissioner or the Joint Commissioner of the Zone or health officer is of opinion that the cleansing or disinfecting of a building or of any

part thereof, or of any article therein, which is likely to retain infection, will tend to prevent or check the spread of any dangerous disease, he may by notice, require the owner or occupier to cleanse or disinfect the same, in the manner and within the time specified in such notice.

(2) The owner or occupier shall, within the time specified as aforesaid, comply with the terms of the notice.

(3) If the Commissioner or the Joint Commissioner of the Zone or health officer considers that immediate action is necessary, or that the owner or occupier is, by reason of poverty or otherwise, unable effectually to comply with his requisition, the Commissioner or the Joint Commissioner of the Zone or health officer may himself without notice cause such buildings, or article to be cleansed or disinfected, and for this purpose may cause such article to be removed from the building or premises; and the expenses incurred by the Commissioner or health officer shall be recoverable from the said owner or occupier.

(4) However, such an action shall not be necessitated if the same is cost due to poverty of such owner or occupier.

263. Provision of places for disinfection and power to destroy infected articles.- (1) The Commissioner or the Joint Commissioner of the Zone may,-

(a) provide proper places with all necessary attendants and apparatus for the disinfection of conveyances, clothing, bedding or other articles, which have been exposed to infection from any dangerous disease; and

(b) cause conveyances, clothing, bedding or other articles brought for disinfection to be disinfected free of charge, or subject to such charges, as may be approved by the standing committee.

(2) The Commissioner or the Joint Commissioner of the Zone shall notify places at which conveyance, clothing, bedding or other articles which have been exposed to infection from any dangerous disease shall be washed and disinfected and no person shall wash or disinfect any such article at any place not so notified.

(3) The Commissioner or the Joint Commissioner of the Zone may direct any clothing, bedding or other article likely to retain infection from any dangerous disease to be disinfected or destroyed.

264. Power to order closure of places of public

purposes or entertainment.- In the event of prevalence of any dangerous disease within the city, the Commissioner or the Joint Commissioner of the Zone may, with the sanction of the standing committee, by notice, require the owner or occupier of any building, booth or tent used for purposes of public entertainment to close the same for such period as may be fixed by the standing committee.

265. Prohibition against transfer of infected articles.-No person shall, without previously disinfecting it, give, lend, let, hire, sell, transmit or otherwise dispose of, any article which he knows or has reason to know has been exposed to infection from any dangerous disease:

Provided that nothing in this section shall apply to a person who transmits with proper precautions any article for the purpose of having it disinfected.

266. Prohibition against infected person carrying on occupation.- If any person knows or has been certified by the health officer or a registered medical practitioner in the service of the Government or the City Corporation that he is suffering from a dangerous and communicable disease, he shall not engage in any occupation or carry on trade or business unless she can do so without any risk of spreading such communicable disease.

267. Prohibition against diseased person entering public conveyance.-(1) No person who is suffering from any dangerous and communicable disease shall enter a public conveyance without previously notifying to the owner or driver or person in charge of such conveyance that he is so suffering.

(2) No owner or driver or person in charge of a public conveyance shall be bound to convey any person suffering as aforesaid, unless and until the said person pays or tenders a sum sufficient to cover any loss and costs that may be incurred in disinfecting such conveyance.

(3) A court convicting any person of contravening sub-section (1) may levy, in addition to the penalty for the offence provided in this Act, such amount as the court deems sufficient to cover the loss and costs which the owner or driver must incur for the purpose of disinfecting the conveyance. The amount so imposed shall be awarded by the court to the owner or driver of the conveyance: Provided that in a case which is subject to appeal, such amount shall not be paid to the owner or driver before the period allowed for presenting the appeal has elapsed or if an appeal is presented, before the decision of the appeal.

(4) At the time of awarding compensation in any subsequent civil suit relating to the same matter, the court shall take into account any sum which the plaintiff shall have received under this section.

268. Disinfection of public conveyance after carriage of patients.-(1) The owner, driver or person in charge of any public conveyance in which any person suffering from a dangerous and communicable disease has been carried, shall forth with disinfect the conveyance or cause it to be disinfected.

(2) No such conveyance shall be used until the health officer or some person authorized by him in this behalf has granted a certificate stating that it may be used without causing risk of infection.

269. Letting of infected building.- (1) No person shall let or sub-let or for that purpose allow any person to enter a building or any part of a building in which he knows or has reason to know that a person has been suffering from a dangerous and communicable disease until the health officer has granted a certificate that such building may be re-occupied.

(2) For the purpose of sub-section (1), the keeper of a hotel or lodging house shall be deemed to let the same or part of the same to any person accommodated therein.

270. Minor suffering from dangerous and communicable disease not to attend school.- No person being the parent or having the care of charge of a minor who is or has been suffering form a dangerous and communicable disease or has been exposed to infection there from shall, after a notice from the health officer that the minor is not to be sent to school or college, permit such minor to attend school or college without having procured from the health officer a certificate (which shall be granted free of charge on application) that in his opinion such minor may attend without undue risk of communicating such disease to others.

271. Provision as to library books.- (1) No person who is suffering from an infectious disease shall take any book or use or cause any book to be taken for his use from or in any public or circulating library.

(2) A person shall not permit any book which has been taken from a public or circulating library, and is under his control, to be used by any person whom he knows to be suffering from an infectious disease.

(3) A person shall not return to any public or circulating library any book which he knows to have been exposed to infection from any infectious disease, or permit any such book which is under his control to be so returned, but shall give notice to the Commissioner that the book has been so exposed to infection and the Commissioner shall cause the book to be disinfected and returned to the library, or to be destroyed.

(4) The Commissioner shall pay to the proprietor of the concerned library the value of any book destroyed.

Explanation.- For the purposes of this section the Commissioner shall from time to time notify what diseases are to be deemed infectious.

272. Power to prohibit use of water likely to spread infection.-If the health officer certifies that the water in any well, tank or other place within the limits of the city is likely, if used for drinking, to endanger or cause the spread of any dangerous and communicable disease, the Commissioner or the Joint Commissioner of the Zone may, by public notice, prohibit the removal or use of such water for drinking and domestic purposes during a specified period.

273. Compulsory vaccination.-The City Corporation shall enforce vaccination throughout the city in such manner as may be prescribed and it may enforce vaccination throughout the city or in any part thereof, in respect of such person, to such extent and in such manner as may be prescribed.

274. Obligation to give information of dangerous and communicable disease.-Where an inmate of any dwelling place within the city is suffering from dangerous and communicable disease, the head of the family to which the inmate belongs and, on his default, the occupier or person in charge of such place, shall inform the Commissioner or the Joint Commissioner of the Zone, the health officer or the sanitary inspector of the division with the least practicable delay.

275. Prohibition to enter the city.- No person who has a dangerous and communicable disease shall enter the city from the date notified by the Commissioner without a certificate from a medical practitioner of such class as the Commissioner or the Joint Commissioner of the Zone may authorize stating that such person is no longer likely to produce dangerous disease by contact or near approach.

276. Power to stop dangerous quarrying.- If in the opinion of the Commissioner, the working of any quarry, or the removal of stone, earth or other materials from any place is dangerous to persons residing in or having legal access to the neighbourhood thereof or creates or is likely to create a nuisance, the Commissioner, may, with the approval of the standing committee, by notice, require the owner or person having control of the said quarry or place to discontinue working the same or to discontinue removing stone, earth or other material from such place or to take such order with such quarry or place, as he shall deem necessary for the purpose of preventing danger or of abating the nuisance arising or likely to arise there from.

277. Power to order filling in pools, etc., which are a nuisance and regulation of agriculture within the city.- If in the opinion of the Commissioner or the Joint Commissioner of the Zone,-

(a) Any pool, ditch, tank, well, pond, bog, swamp, quarry-hole, drain, cess-pool, pit, water-course or any collection of water; or

(b) Any land on which water may at anytime accumulate, is or is likely to become a breeding-place of mosquitoes or in any other respect a nuisance, the Commissioner or the Joint Commissioner of the Zone may, by notice, require the owner or person having control thereof to fill up, cover, weed, stock with weed, stock with larvicidal fish, treat with kerosene oil, or drain off the same in such manner and with such materials as the Commissioner or the Joint Commissioner of the Zone shall direct or to take such order with the same for removing or abating the nuisance as the Commissioner or the Joint Commissioner of the Zone shall direct.

(2) If a person on whom a requisition is made under sub section (1) to fill up, cover over, or drain off a well, delivers to the Commissioner or the Joint Commissioner of the Zone, within the time fixed for compliance therewith written objections to such requisition the Commissioner or the Joint Commissioner of the Zone shall report such objections to the standing committee and shall make further inquiry into the case, and he shall not institute any prosecution for failure to comply with such requisition except with the approval of the standing committee, but the Commissioner or the Joint Commissioner of the Zone may nevertheless, if he deems the execution of the work called for by such requisition to be of urgent importance, proceed in accordance with provisions of this Act and pending the standing committee's disposal of the question whether the said well shall be permanently filled up, covered over or otherwise dealt with, may cause such well to be securely covered over, so as to prevent the ingress of mosquitoes and in every such case the Commissioner shall

determine with the approval of the standing committee, whether the expenses of any work already done as aforesaid shall be paid by the owner or by the Commissioner out of the City Corporation fund or shall be shared and if so, in what proportions.

(3) On the report of the health officer that the cultivation of any specified crop, or the use of any specified manure or the irrigation of land in any place within the limits of the city is injurious to the public health, the City Corporation may, with the previous sanction of the Government by public notice, regulate or prohibit the cultivation, use of manure or irrigation so reported to be injurious:

Provided that when such cultivation or irrigation has been practised during the five years preceeding the date of such public notice with such continuity as the ordinary course of agriculture and husbandry admits of, compensation shall be paid from the City Corporation fund to all persons interested for any damage caused to them by such prohibition.

CHAPTER XIX

DISASTER MANAGEMENT

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

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

(3) The City Corporation shall prepare a Fire Hazard Response and Mitigation Plan every year as prescribed by the State Government after previous publication and publish the Plan in the Official Gazette.

CHAPTER XX

WASTE MANAGEMENT

279. Duty of the City Corporation and the Commissioner in handling solid waste.- (1) The Commissioner or the Joint Commissioner of the Zone shall co-ordinate with the department or such agency in collection, storing, transfer, processing and

disposal of municipal solid waste in accordance with Solid Waste Management Rules 2016.

(2) The Commissioner or the Joint Commissioner of the Zone shall co-ordinate with the department or such agency in collection, storing, transfer, processing and disposal of Construction and Demolition waste in accordance with Construction and Demolition Waste Management Rules 2016.

(3) The Commissioner or the Joint Commissioner of the Zone shall ensure and maintain clean environment and involve communities in promoting home composting and other such processes at the community level.

(4) The Commissioner or the Joint Commissioner of the Zone shall create public awareness through information about the need for ensuring proper waste management.

280. Entrustment of management and handling of solid wastes and billing and collection of charges.- (1) Notwithstanding anything contained elsewhere in this Act, for the purposes of management and handling of municipal solid wastes and Construction and Demolition waste for development of infrastructure, if any, and for collection, storage, transportation, processing and disposal of such solid wastes & Construction and Demolition waste, user fee may be levied, at such rate as the Corporation may fix, from time to time. Such user fee shall cover the costs fully or partly, for management and handling of municipal solid wastes/Construction and Demolition waste development to infrastructure, if any, for collection, storage, transportation, processing and disposal thereof.

(2) The City Corporation is also empowered to impose penalty for violators of provisions of Solid Waste Management Rules 2016& Construction and Demolition Waste Management Rules 2016.

281. Identification of places for disposal and final disposal of solid waste.- The Commissioner or the Joint Commissioner of the Zone 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 City Corporation area, and in such manner ,as it considers suitable:

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

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

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

283. Duty of the City Corporation for handling different types of waste.-

- (1) Bio-medical waste:

It shall be the duty of the City Corporation, through an agency or by itself to implement the provisions of the rules prescribed under this Act.

- (2) E-waste:

It shall be the duty of the City Corporation, through an agency or on its own, to implement the provisions of the rules prescribed under this Act.

(3) Plastic waste:

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

284. Responsibilities of commercial waste generators.-

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

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

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

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

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

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

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

286. Duties of Ward Committees with regards to waste management.- (1) The Ward Committees established under this Act shall work with the City Corporation for proper solid waste management and sanitation work in the ward.

(2) The Ward Committees will prepare Ward action plan which shall take into account consideration the Ward requirement, budgetary

allocations, infrastructure requirement while aligning it with the Ward Micro Plan and other policies of the City Corporation.

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

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

(5) In accordance with the Ward Action Plan, the Ward Committees shall assess the type and quantity of waste generated, manner of waste collection and waste processing and such other facilities that may help in proper waste management in their respective wards.

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

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

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

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

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

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

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

(2) The Ward Committee shall committee shall conduct regular checks in various parts of the Wards and other places of collection, transportation, processing and disposal of Solid Waste within its territorial limits to supervise compliance of various provisions of SWM Rules and this Act.

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

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

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

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

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

288. Training and public awareness.- The Commissioner or the Joint Commissioner of the Zone shall undertake training to educate its staff, informal waste pickers/collectors on collecting and transporting of Solid Waste in a segregated manner and processing the Solid Waste in a manner set out in the Solid Waste Management Rules and under this Act.

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

290. Penalties for contravention of waste management.-
(1) Whosoever contravenes or fails to comply with any of the provisions of the Waste Management rules or bye-laws shall be punished with a fine of not more than rupees two lakhs as determined by such applicable rules or byelaws.

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

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

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

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

CHAPTER – XXI URBAN HERITAGE

292. Protection, Conservation and Maintenance of Urban Heritage. – (1) The Corporation shall be responsible,-

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

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

(c) To provide the guidelines with regard to demolition,

protection, conservation or re-building of and alterations or additions to the existing building those are to be designated and conserved in heritage areas.

(2) The Corporation in consultation with the Greater Bengaluru Authority shall issue regulations or bye-laws for the implementation of this chapter in accordance with those orders, rules, regulations, bye-laws or guidelines issued by the Central Government or the State Government from time to time.

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

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

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

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

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

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

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

(3) The Heritage Conservation Committee shall comprise of:

(i)	The Chief Commissioner	Chair person
(ii)	The Chief Town Planner, Greater Bengaluru Authority	Member-Secretary
(iii)	The Commissioner of all City Corporations in Greater Bengaluru Authority	Member
(iv)	Additional Chief Town Planners of all City Corporations in Greater Bengaluru Authority	Member
(v)	An Architect from Public Works Department	Member
(vi)	A Structural Engineer with experience of ten years in the field and membership of the Institution of Engineers, India	Member
(vii)	An Architect having ten years of experience nominated by the Government	Member
(viii)	An Urban Designer nominated by the Government	Member
(ix)	A Conservation Architect with five years of experience nominated by the Government	Member
(x)	An Environmentalist with in-depth knowledge and ten years" experience in the field nominated by the Government	Member
(xi)	A Historian having in-depth knowledge and ten years" experience in the field nominated by the Government	Member
(xii)	A Natural historian having in-depth knowledge and 10 years" experience in the field nominated by the Government	Member
(xiii)	A Representative of the central Archaeological Department	Member
(xiv)	A Representative of the State Archaeological Department	Member

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

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

(6) The tenure of the Chairperson and Members of the

Committee, other than any official representative, shall be three years.

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

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

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

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

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

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

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

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

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

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

298. Ownership not affected.- (1) Being listed as a heritage building requires the usage of the building to be in harmony with the conditions prescribed for, based on its Grade and does not impose any restriction on the sale or purchase of such a

building and does not require permission from the City Corporations or Heritage Conservation Committee.

(2) The City Corporations shall have the first right of refusal over sale of any listed heritage building.

CHAPTER XXII LICENSES AND FEES

299. Granting of license.- (1) The Commissioner or the Joint Commissioner of the Zone shall have the power to grant license in matters pertaining to the following subjects:

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

(b) Establishment and operation of Trade Establishments;

(c) Establishment and operation of Slaughter houses;

(d) Establishment and operation of Restaurants;

(e) Establishment and operation of Industries;

(f) Establishment and operation of Commercial under takings;

(g) Establishment and operation of Corporate Offices;

(h) Establishment of Service apartments, paying guest accommodation;

(i) Establishment and operation of Shared office and living spaces;

(j) Establishment and operation of Hospitals and nursing homes;

(k) Establishment and operation of Rest houses;

(l) Establishment and operation of Theatres, fairs, circuses and places of public amusement;

(m) Establishment and operation of Milk Trade;

(n) Keeping of animals and birds;

(o) Establishment of Stables, cattle shed sand cow houses;

(p) Providing for Places for burial of the dead;

(q) Establishment of Food trucks or any cart stands;

(r) Erection of Advertisement sin public places

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

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

301. Licenses and written permission to specify conditions on which they are granted.- (1) Whenever it is provided in this Act that a licence or a written permission may be given for any purpose, such licence or written permission shall specify the period for which and the restrictions and conditions subject to which, the same is granted, and shall be given under the signature of Commissioner or the Joint Commissioner of the Zone or of a City Corporation officer empowered to grant the same for that particular zone.

(2) Every application for a license or permission shall be addressed to the Commissioner or the Joint Commissioner of the Zone every such license or written permission granted, shall be subject to payment of such fee as may be fixed by the City Corporation in such manner as may be prescribed, different rates may be fixed for different licences or permission by the City Corporation

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

(4) If any premises are used in contravention of the terms of the license granted or is being used even after the license has been suspended or revoked by the Commissioner or the Joint Commissioner of the Zone, the Commissioner or the Joint Commissioner of the Zone may at any time by written notice require that the same shall be discontinued by the person so using it.

302. Power of the Commissioner or the Joint Commissioner of the Zone to stop use of premises used in contravention of licenses.- If the Commissioner or the Joint Commissioner of the Zone is of the opinion that any eating House, lodging house, hotel, boarding house, tea shop, coffee house, cafe, restaurant, refreshment room or other place where the public are admitted for repose or for consumption of any food or drink or where food is sold or prepared for sale or any theatre, circus, cinema house, dancing hall or similar other place of public resort, recreation or amusement is kept open without a licence or otherwise than in conformity with the terms of a licence granted in respect thereof, he may stop the use of any such premises for any such purpose for a specified period by such means as he may consider necessary.

303. Inspection of places where sale is carried out.-

The Commissioner or the Joint Commissioner of the Zone shall make provision for the constant and vigilant inspection of animals, carcasses, meat, poultry, flesh, fish, fruit, vegetables, corn, bread, flour, milk, ghee, butter, oil and any other articles exposed or hawked about for sale or deposited in or brought to any place for the purpose of sale or preparation for sale.

304. Power of the Commissioner or the Joint Commissioner for the purposes of inspection:

(1) The Commissioner or the Joint Commissioner of the Zone or any person authorized by him in writing for the purpose may, without notice, enter any slaughter house or any place where animals, poultry or fish intended for food are exposed for sale or where articles of food are being manufactured or exposed for sale at any time by day or night when the slaughter, exposure for sale or manufacture is being carried on and inspect the same and any utensil or vessel used for manufacturing, preparing or containing any such article.

(2) If the Commissioner or the Joint Commissioner of the Zone or any person so authorized by him has reason to believe that in any place any animal intended for human food is being slaughtered or any carcass is being skinned or cut up or that any food is being manufactured, stored, prepared, packed, cleansed, kept or exposed for sale or sold without, or otherwise than in conformity with a licence, he may enter any such place without notice, at any time by day or night for the purpose of satisfying himself whether any provision of this Act, bye-laws, or regulations or any condition of a licence is being contravened.

(3) No claim shall lie against the Commissioner or the Joint Commissioner of the Zone or any person acting under his authority or the City Corporation for any damage or inconvenience caused by the exercise of powers under this section or by the use of any force necessary for effecting entry in to any place under this section.

(4) In any legal proceedings in respect of powers exercised under this section in which it is alleged that any animals, poultry, fish or articles of food were not kept, exposed, hawked about, manufactured, prepared, stored, packed or cleansed for sale, or were not intended for human food, the burden of proof shall lie on the party so alleging.

305. Appeal to the Chief Commissioner.- (1) Any person aggrieved by any notice issued or action taken or proposed to be taken by the Commissioner or the Joint Commissioner of the Zone

under section 304 may appeal to the Chief Commissioner and anyone aggrieved by any notice issued or action taken or proposed to be taken by the Joint Commissioner of the Zone may appeal to the Commissioner.

(2) The decision of the Chief Commissioner shall be final.

306. Period of limitation for appeals.- In any case in which no time is laid down in the foregoing provisions of this Act for the presentation of an appeal allowed there under such appeal shall be presented, -

(a) Where the appeal is against an order granting a licence or permission, within sixty days after the date of the publication of the order on the notice board of the City Corporation; and

(b) in other cases within sixty days after the date of receipt of the order or proceeding against which the appeal is made.

307. Summons to attend and give evidence or produce documents.- The Commissioner or the Joint Commissioner of the Zone may summon any person to attend before him, and to give evidence or produce documents, as the case may be, in respect of any question relating to taxation, or inspection, or registration or to the grant of any licence or permission under the provisions of this Act.

308. Consequences of failure to obtain licences, etc., or breach of the same.- (1) If, under this Act, or any rule, bye-law or regulation made under it the licence or permission of the City Corporation, the standing committee or Commissioner or the Joint Commissioner of the Zone, the registration in the office of the City Corporation is necessary for the doing of any act, and if such act is done without such licence or permission or registration then,-

(a) The Commissioner or the Joint Commissioner of the Zone may, by notice, require the person so doing such act to alter, remove, or as far as practicable restore to its original state the whole or any part of any property, movable or immovable, public or private, affected thereby within a time to be specified in the notice.

(b) the Commissioner or the Joint Commissioner of the Zone or any officer duly authorised by him may also enter into or on any building or land where such act is done and take all such steps as may be necessary to prevent the continuance of such act; and

(c) if no penalty has been specially provided in this Act for so doing such act, the person so doing it shall be liable on conviction by a magistrate to a fine not exceeding fifty thousand rupees for every such offence.

(1) No claim shall lie against the Commissioner or the Joint Commissioner of the Zone or any other person for any damage or inconvenience caused by the exercise of the power given under this section or by the use of the force necessary for the purpose of carrying out the provisions of this section.

309. Recovery of expenses from persons liable and limitation or liability of occupier.-(1) The Commissioner or the Joint Commissioner of the Zone may recover any reasonable expenses incurred from the person or any one of the persons to whom the notice, requisition or order was addressed in the same manner as the tax on buildings or lands and may in executing work or taking measures under section 308, utilise any materials found on the property concerned or may sell them and apply the sale proceeds in or towards the payment of the expenses incurred.

(2) If the person to whom notice is given is the owner of the property in respect of which it is given, the Commissioner or the Joint Commissioner of the Zone may (whether any action or other proceeding has been brought or taken against such owner or not) require the person if any, who occupies such property, or any part thereof, under the owner to pay to the City Corporation instead to the owner the rent payable by him in respect of such property, as it falls due, up to the amount recoverable from the owner under sub-section (1) or to such smaller amount as the Commissioner or the Joint Commissioner of the Zone may think proper, and any amount so paid shall be deducted from the amount payable by the owner.

(3) For the purpose of deciding whether action should be taken under sub-section (2) the Commissioner or the Joint Commissioner of the Zone may require any occupier of property to furnish information as to the sum payable by him as rent on account of such property and as to the name and address of the person to whom it is payable; and such occupier shall be bound to furnish such information.

(4) The provision of this section shall not affect any contract made between any owner and occupier respecting the payment of expenses of any such work as aforesaid.

CHAPTER XXIII
RULES, REGULATIONS AND BYE-LAWS

310. 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, with previous publication -

- a. for prescribing the manner of determination of wards and their territorial jurisdiction.
- b. 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.
- c. with regard to all matters relating to the preparation, revision, modification, updating and publication of electoral rolls;
- d. for prescribing particulars which shall contain in the notice given for withdrawal of candidature from election on more than one seat;
- e. 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;
- f. 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;
- g. 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 City Corporation either granted or regularized to the City Corporation under any law for the time being in force.
- h. for regulating the sale or disposal of immovable property and land;
- i. for prescribing the manner of preparing and maintaining records of urban land situated in the municipal limits;

- j. 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;
- k. for prescribing the manner in which repaying capacity of a City Corporation shall be ascertained for the purpose of granting loan or giving grantee for a loan raised by the City Corporation;
- l. 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.

311. Power of the Greater Bengaluru Authority to make regulation.- The Greater Bengaluru Authority may make regulations with the prior approval of the Government, not inconsistent with this Act or with the rules made by the Government:

- (a) for prescribing the procedure for conducting the business of the meeting of the City Corporation,
- (b) 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 City Corporation;
- (c) for prescribing the manner of making and considering the motion expressing no confidence in the Mayor;
- (d) for prescribing the powers, duties and functions, and the procedure for conducting the meetings, of the committees constituted;
- (e) for prescribing heads of accounts for prescribing manner and form in which accounts shall be kept;
- (f) for prescribing the manner in which payments from City Corporation

funds shall be made;

(g) 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;

(h) for prescribing the rate, date, and manner for imposing and levying the taxes;

(i) for prescribing the manner in which internal audit of the day-to-day accounts of the City Corporation may be carried out;

(j) for prescribing the form in which return shall be furnished by the owner or occupier on the requisition of the assessor,

(k) for prescribing the types of private sector participation agreements service provider agreements for the purpose of this Act;

(l) for prescribing the chapters, material and schemes to be incorporated in the Master Plan and Strategic Spatial Plan;

(m) 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 of a company of an institution owned or controlled by the Government,

312. Power of City Corporation to make Bye-laws.- Every City Corporation shall, with the approval of the Government, make bye-laws, not Inconsistent with this Act or with the rules made by the State Government.

(a) with regard to all matters relating to imposition, levy, assessment and collection of the taxes under this Act,

(b) with regard to all matters relating to imposition, levy and collection of fees and tines under this Act;

(c) for regulating the construction of all kinds of buildings for prescribing all matters relating to the management of solid and bio-medical waste.

(d) with regard to determining the staff of officers and servants to be employed by the City Corporation and the respective designations, duties, salaries, fees or other allowances of such officers and servants,

(e) generally for the guidance of its officers and servants in all matters relating to the municipal administration;

(f) 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,

(g) 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;

(h) 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

(i) 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 City Corporation, or, with the approval of the City Corporation, by the said officers and servants.

313. Power of City Corporation to make regulations.- (1) Every City Corporation may from time to time, with the approval of the Government make regulations not inconsistent with this Act and the rules made thereunder-

- (a) for regulating the payments from the City 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 City 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 City 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, City 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 there from;

(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 census within the City 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 City 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 City 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 City 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 behavior 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 City Corporation may prescribe fine for the infringement of any such bye-laws,

(xxix)hawking zones, street vending, food courts.

(2) Every City 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.

CHAPTER XXV MISCELLANEOUS

314. Indemnity to Government, Corporation authorities, officers and servants.- No suit, prosecution or other legal proceedings shall lie against the Government or the Authority or any Corporation authority, officer, or servant or any person acting under the direction of the Government or any Corporation authority, officer or servant, in respect of anything done in good faith done or intended to be done under this Act, or any rule, bye-law, regulation or order made under it.

315. Sanction for prosecution of Mayor, Deputy Mayor, etc.- When the Mayor or Deputy Mayor, or any councillor or the Chief Commissioner or any officer of Government working in the corporation on deputation is accused of any offence alleged to have been committed by him while acting or purporting to act in the discharging of his official duty, no magistrate shall take cognizance of such offence except with the previous sanction of the Government.

316. Assessment, etc., not to be impeached.- (1) No assessment or demand made and no charge imposed under the authority of this Act shall be impeached or affected by reason of any clerical error or by reason of any mistake,-

(a) in respect of the name, residence, place of business or occupation of any person, or

(b) in the description of any property or thing, or

(c) in respect of the amount assessed, demanded or charged:

Provided that the provisions of this Act have in substance and effect been complied with and no proceedings under this Act shall, merely for defect in form, be quashed or set aside by any court.

(2) No suit shall be brought in any court to recover any sum of money collected under the authority of this Act or to recover damages on account of any assessment, or collection of money made under the said authority:

Provided that, the provisions of this Act have in substance and effect, been complied with.

(3) No distraint or sale under this Act shall be deemed unlawful, nor shall any person making the same be deemed a trespasser, on account of any error, defect or want of form in the bill, notice, schedule, form, summons, notice of demand, warrant of distraint, inventory or, other proceeding relating thereto, if the provisions of this Act, the rules and the bye-laws have, in substance and effect been complied with:

Provided that every person aggrieved by any irregularity may recover satisfaction for any special damage sustained by him.

317. Duties of police officers.- It shall be the duty of every police officer,-

(a) to communicate without delay to the appropriate corporation officer any information which he receives of the design to commit or of the commission of any offence under this Act or any rule, bye-law or regulations made under it;

(b) to assist the Chief Commissioner or the Commissioner or any corporation officer or servant of any person to whom the Chief Commissioner or the Commissioner has lawfully delegated powers reasonably demanding his aid for the lawful exercise of any power vesting in the Chief Commissioner or the Commissioner in such corporation officer or servant or person under this Act or any such rule, bye-law or regulation, and for all such purposes he shall have the same powers which he has in the exercise of his ordinary police duties.

318. Power of police officer to arrest persons.- (1) If any police officer sees any person committing an offence against any of the provisions of this Act or of any rule, bye-law or regulation made under it, he shall, if the name and address of such person are unknown to him and if the said person on demand declines to give his name and address or gives a name and address which such officer has reason to believe to be false, arrest such person.

(2) No person arrested under sub-section (1) shall be detained in custody,-

(a) after his true name and address are ascertained, or

(b) without the order of a magistrate for any longer time, not exceeding twenty four hours from the hour of arrest than is necessary for bringing him before a magistrate.

319. Exercise of powers of police officer by the Authority or the Corporation servants.- The Government may empower any corporation officer or servant or any class of Authority or the corporation officers or servants to exercise the powers of a police officer for the purposes of this Act.

320. Prohibition against obstruction of proceedings of corporation, standing committee, Mayor, etc.- No person shall obstruct any proceedings of the corporation or any standing committee, the Mayor or Deputy Mayor, and Councillor, the Commissioner or any person employed by the corporation or any person with whom the Commissioner has entered into a contract on behalf of the corporation in the performance of their duty or of anything which they are empowered or required to do by virtue of or in consequence of this Act or of any rule, bye-law, regulation or order made under it.

321. Prohibition against removal of mark.- No person shall remove any mark setup for the purpose of indicating any level or direction incidental to the execution of any work authorised by this Act or any rule, bye-law, regulation or order made under it.

322. Liability of Commissioner, Joint Commissioner of the Zone and councillor for loss, waste or misapplication of fund, etc.- (1) The Commissioner and Joint Commissioner of the Zone, every councillor shall be liable for the loss, waste or misapplication of any money or other property owned by or vested in the corporation, if such loss, waste, or misapplication is a direct consequence of his willful neglect or misconduct and a suit for compensation may be instituted against him by the corporation with the previous sanction of the Government.

(2) Every such suit shall be commenced within three years after the date on which the cause of action arose.

323. Prohibition against removal or obliteration of notice.- No person shall, without authority in that behalf remove, destroy, deface or otherwise obliterate any notice exhibited by or under the orders of the corporation, a standing committee or the Commissioner.

324. Prohibition against unauthorised dealings with public place or materials.- No person shall, without authority in that behalf, remove

earth, sand or other material or deposit any matter or make any encroachment, from, in, or on any land vested in the corporation or water-courses (not being private property), or in any way obstruct the same.

325. Form of notices and permissions.- All notices and permissions given, issued or granted, as the case may be, under the provisions of this Act shall be in writing or through electronic form /online.

326. Proof of consent of the Authority, Corporation authorities or the officers.-Whenever under this Act or any rule, bye-law or regulation made under it, the doing of or omitting to do anything or the validity of anything depends upon the approval, sanction, consent, concurrence, declaration, opinion or satisfaction of,-

(a) the corporation, a standing committee or the Chief Commissioner of the Authority or the Commissioner of the City Corporation; or

(b) any corporation officer, a written document signed in the case of (a), by the Chief Commissioner or the Commissioner and in the case of (b) by the said officer, purporting to convey or set forth such approval, sanction, consent, concurrence, declaration, opinion or satisfaction, shall be sufficient evidence thereof.

327. Signatures on documents.- (1) Every licence, permission, notice, bill, schedule, summons, warrant or other document which is required by this Act or by any rule, bye-law or regulation made under it to bear the signature of the Chief Commissioner or the Commissioner of the City Corporation or of any Authority or the Corporation officer shall be deemed to be properly signed if it bears the facsimile of the signature or digital signature of the Chief Commissioner or the Commissioner or of such corporation officer, as the case may be, stamped thereupon.

(2) Nothing in sub-section (1) shall be deemed to apply to a cheque drawn upon the corporation fund or to any deed of contract.

328. Publication of notification.- Save as otherwise provided, every notification under this Act shall be published in the official Gazette, in English and in Kannada.

329. Publication of order, notice or other documents.- Every order, notice or other documents, directed to be published under this Act or any rule, bye-law or regulation made under it shall unless a different method is prescribed by this Act or by the corporation or the standing committee, as the case may be, be translated into Kannada and deposited in the office of the corporation and copies thereof in English and in Kannada shall be pasted in a conspicuous position at such office and on website of the Corporation and

at such other places as the corporation or standing committee, as the case may be, may direct; and a public proclamation shall be made by beat of drum in the locality affected or by advertisement in the local newspapers that such copies have been so pasted and that the originals are open to inspection at the office of the corporation.

330. Publication in newspapers.- Whenever it is provided by this Act or by any rule, bye-law or regulation made under it that notice shall be given by advertisement in the local newspapers or that a notification or any information shall be published in the same, such notice, notification or information shall be inserted in at least one English and one Kannada newspaper published in the city.

331. Notice of prohibition or setting apart of places.- Whenever the corporation, a standing committee or the Chief Commissioner shall have set apart anyplace for any purpose authorised by this Act or shall have prohibited the doing of anything in any place, the Commissioner shall forthwith cause to be put up a notice in English and in Kannada at or near such place. Such notice shall specify the purpose for which such place has been set apart or the act prohibited in such place.

332. Method of serving documents or notices.- (1) When any notice or other document is required by this Act or by any rule, bye-law, regulation or order made under it to be served on or sent to any person, the service or sending thereof may be effected,-

- (a) by giving or tendering the said document to such person; or
- (b) by e-mail or through electronic means; or
- (c) if such person is not found, by leaving such document at his last known place of abode or business or by giving or tendering the same to his agent, clerk or servant or some adult member of his family; or
- (d) if such person does not reside in the city and his address elsewhere is known to the Commissioner, by sending the same to him by registered post; or
- (e) if none of the means aforesaid be available, by affixing the same in some conspicuous part of such place of abode or business.

(2) When the person is an owner or occupier of any building or land it shall not be necessary to name the owner or occupier in the document, and in the case of joint owners and occupiers it shall be sufficient to serve it on, or send it to, one of such owners or occupiers.

(3) Whenever in any bill, notice, form or other document served or sent under this Act, a period is fixed within which any tax or other sum is to be paid or any work executed or anything provided, such period shall, in the absence

of an express provision to the contrary in this Act, be calculated from the date of such service or sending by registered post.

333. Recovery by occupier of sum leviable from owners.- If the occupier of any building or land makes on behalf of the owner thereof any payment for which under this Act, the owner, but not the occupier is liable, such occupier shall be entitled to recover the same from the owner and may deduct it from the rent then or thereafter due by him to the owner.

334. Obstruction of owner by occupier.- (1) If the occupier of any building or land prevents the owner from carrying into effect in respect thereof any of the provisions of this Act the Commissioner may by an order require the said occupier to permit the owner, within eight days from the date of service of such order, to execute all such works as may be necessary.

(2) Such owner shall, for a period during which he is prevented as aforesaid, be exempted from any fine or penalty to which he might otherwise have become liable by reason of default, in executing such works.

335. Execution of work by occupier in default of owner.- If the owner of any building or land fails to execute any work which he is required to execute under the provisions of this Act or of any rule, bye-law, regulation or order made under it, the occupier of such building or land may, with the approval of the Commissioner, execute the said work, and shall be entitled to recover from the owner the reasonable expenses incurred in the execution thereof and may deduct the amount thereof from the rent then or thereafter due by him to the owner.

336. Time for complying with order and power to enforce in default.- (1) Whenever by any notice, requisition or order made under this Act or under any rule, bye-law or regulation made under it, any person is required to execute any work, or to take any measures or do anything, a reasonable time shall be named in such notice, requisition or order within which the work shall be executed, the measures taken, or the thing done.

(2) If such notice, requisition or order is not complied with within the time so named, then whether or not a fine is provided for such default and whether or not the person in default, is liable to punishment or has been prosecuted or sentenced to any punishment for such default, the Chief Commissioner in case of Authority and the Commissioner in case of the City Corporation, may cause such work to be executed, or may take any measure or do anything which may, in his opinion, be necessary for giving due effect to the notice ,requisition or order as aforesaid.

(3) If no penalty has been specially provided in this Act for failure to comply with such notice, the said person shall, on conviction, be punished with fine not exceeding five thousand rupees for such offence.

337. Power of the Commissioner to agree to receive payment of expenses in instalments.- Instead of recovering any such expenses as aforesaid in the manner provided under this Act the Commissioner may, if he thinks fit and with the approval of the standing committee take an agreement from the person liable for the payment thereof, to pay the same in installments of such amounts and at such intervals as will secure the payment of the whole amount due, with interest thereon at the rate of nine per cent per annum, within a period of not more than five years.

338. Power to declare expenses on certain works as improvement expenses.- If the expenses to be recovered have been incurred or are to be incurred in respect of any work mentioned as per specified provisions of this Act or in any rule made under this Act in which this section is made applicable to such expenses, the Commissioner may, if he thinks fit and with the approval of the standing committee, declare such expenses to be improvement expenses.

339. Improvement expenses by whom payable.- (1) Improvement expenses shall be a charge on the premises, in respect of which or for the benefit of which then same shall have been incurred and shall be recoverable in instalments of such amounts, and at such intervals, as will suffice to discharge such expenses together with interest thereon within such period not exceeding five years as the Commissioner may in each case determine.

(2) The said instalments shall be payable by the owner or occupier of the premises on which the expenses are charged:

Provided that when the occupier pays any such instalment he shall be entitled to deduct the amount thereof from the rent payable by him to the owner or to recover the same from the owner.

340. Redemption of charge for improvement expenses.- At any time before the expiration of the period for the payment of any improvement expenses, the owner or occupier of the premises on which the expenses are charged may redeem such charge by paying to Commissioner such part of the said expenses as are still payable.

341. Application of term "public servant", to corporation

officers, agents and sub-agents.- Every councillor, officer or servant, every contractor or agent for the collection of any corporation tax, fee or other sum due to the corporation and every person, employed by any such contractor or agent for the collection of such tax, fee, or sum shall be deemed to be a public servant within the meaning as under clause (28) of section 2 of the Bharatiya Nyaya Sanhita.

342. Offences by companies.- (1) Where any offence under this Act has been committed by a company, every person who, at the time the offence was committed, was in charge of, and was responsible to, the company for the conduct of the business of the company, as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this sub-section shall render any such person liable to any punishment provided in this Act if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1) where an offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of or is attributable to any neglect on the part of any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation.- For the purpose of this section,-

(a) "company" means a body corporate, and includes a firm, a society, an Association of persons;

(b) "director" in relation to a firm means a partner in the firm.

343. Official display of flag.- (1) No person shall fly any flag other than the National Flag or a flag approved by the Government on the office of the Corporation.

(2) Whoever contravenes sub-section (1) shall be punished with imprisonment for a term which may extend to three months or with fine which may extend to rupees five thousand or with both and in the case of continuing contravention with a further fine which may extend to rupees five hundred for each day during which the contravention continues.

344. Bidding prohibited.- (1) No employee or officer of the

corporation having any duty to perform in connection with the sale of movable or immovable property by or on behalf of the corporation under this Act shall directly or indirectly bid for or acquire interest in any property sold at such sale.

(2) Any person who contravenes the provisions of sub-section (1) shall be punished with fine which may extend to five hundred rupees and shall also be liable to dismissal from service.

345. Effect of absorption of Panchayat area into a Corporation area .- If any local area consisting of one or more revenue villages in respect of which a Panchayat area has been constituted under the Karnataka Gram swaraj and Panchayat Raj Act, 1993 is included in a Corporation area by virtue of a notification under this Act then, notwithstanding anything contained in this Act or in the Karnataka Gram swaraj and Panchayat Raj Act, 1993 , but subject to the provisions of this Act, with effect from the date on which such area is included in a Corporation area , the following consequences shall ensue, namely:-

(a) the Grama Panchayat of such local area (here-in after referred to as the panchayat) shall cease to exist and the Taluk Panchayat and Zilla Panchayat within the jurisdiction of which such area is situated shall cease to have jurisdiction over such area;

(b) the unexpended balance of the Grama Panchayat Fund and the property (including arrears of rates, taxes and fees) belonging to the panchayat and all rights and powers which, prior to such notification, vested in the panchayat shall, subject to all charges and liabilities affecting the same, vest in the corporation of the Corporation area (hereinafter referred to as the corporation);

(c) any appointment, notification, notice, tax, order, scheme, licence, permission, rule, bye-law or form, made, issued, imposed or granted under the Karnataka Gram Swaraj and Panchayat Raj Act, 1993 , immediately before the said date in respect of the said local area shall continue in force and be deemed to have been made, issued, imposed or granted under this Act until it is superseded or modified by any appointment, notification, notice, tax, order, scheme, licence, permission, rule, bye-law or form, made, issued, imposed or granted under this Act;

(d) all budget estimates, assessments, assessment lists, valuations or measurements, made or authenticated under the Karnataka Panchayat Raj Act, 1993, immediately before the said date in respect of the said local area shall be deemed to have been made or authenticated under this Act.

(e) all debts and obligations incurred and all contracts made by or on behalf of the panchayat immediately before the said date and subsisting on the said date shall be deemed to have been incurred and made by the corporation in exercise of the power conferred on it by this Act.

(f) all officers and servants in the employ of the panchayat immediately

before the said date shall become officers and servants of the corporation under this Act and shall, until other provision is made in accordance with the provision of this Act receive salaries and allowances and be subject to the conditions of service to which they were entitled or subject immediately before such date:

Provided that, it shall be competent to the corporation, subject to the previous sanction of the Government to discontinue the services of any officer or servant, who, in its opinion, is not necessary or suitable for the requirements of the service under the corporation after giving such officer or servant such notice as is required to be given by the terms of his employment and every officer or servant whose services are dispensed with shall be entitled to such leave, pension, provident fund and gratuity as he would have been entitled to take or receive on being invalidated out of service, as if the panchayat in the employ of which he was, had not ceased to exist;

(g) all proceedings pending on the said date before the panchayat shall be deemed to be transferred to and shall be continued before the corporation;

(h) all appeals pending before any authority shall, so far as may be practicable, be disposed of as if the said local area had been included in the larger urban area when they were filed; all prosecutions instituted by or on behalf of the panchayat and all suits or other legal proceedings instituted by or against the panchayat or any officer of the panchayat pending on the said date shall be continued by or against the corporation as if the said local area had been included in the Corporation area when such prosecutions, suits or proceedings were instituted;

(i) all arrears of rates, taxes and fees vesting in the corporation shall, notwithstanding that such rates and fees cannot be levied under this Act, be recoverable in the same manner as a tax recoverable under this Act;

(j) until the reconstitution of the corporation in accordance with the provisions of this Act, notwithstanding anything to the contrary contained in this Act, such number of persons ordinarily resident in the local area included in the Corporation area who are nominated by the Government shall be additional councillors of the corporation.

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

347. Transitory Provisions.- Any rule, notification, order or appointment, made or issued under the Karnataka Municipal Corporations Act, 1976 (Karnataka Act No. 14 of 1977), the Bruhat Bengaluru Mahanagara Palike Act, 2020 (Karnataka Act No. 53 of 2020) and Rules made thereunder

or otherwise providing for or relating to any of the matters for the furtherance of which this Act is enacted, before the date of commencement of this Act and in force on the date of commencement of this Act, to the extent they are not inconsistent with the provisions of this Act, shall continue to be in force and effective as if they are made or issued or appointed under the corresponding provisions of this Act unless and until superseded by anything done or any action taken or any rules, notification, order or appointment made under this Act.

348. Repeal and Savings.- (1) The provisions of the Bruhat Bengaluru Mahanagara Palike Act, 2020 (Karnataka Act No. 53 of 2020) and Rules made thereunder are hereby repealed.

Provided that, such repeal shall not affect,-

- (a) anything done or any action taken under the said Act; or
- (b) the previous operation of the said Act or anything duly done or suffered thereunder; or
- (c) any right, privilege, obligation or liability acquired, accrued or incurred under the said Act; or
- (d) any penalty or punishment incurred in respect of any offence committed under the said Act:

Provided further that, the provisions of section 6 of the Karnataka General Clauses Act, 1899 (Karnataka Act III of 1899) shall be applicable in respect of repeal of the said Act.

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

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

(2) Notwithstanding anything contained in sub-section (1), any tax, duty, fee, or cess imposed under the said Act may, notwithstanding that such tax, duty, fee or cess cannot be imposed under the provisions of this Act, be continued to be levied and recovered as if the provisions of such enactments, the rules, bye-laws, orders and notifications made or issued thereunder relating to such levy and recovery had not been repealed.

SCHEDULE - I

(1) Core Functions.-

- (i) Urban planning including town planning,
- (ii) Regulation of land-use including protection of public land from encroachment and construction of buildings,
- (iii) Planning for economic and social development,
- (iv) Roads including flyover, underpass, subway, traffic islands, footpath road crossing facility, skywalk and bridges,
- (v) Water supply for domestic, industrial and commercial purposes,
- (vi) Public health, sanitation including storm water drains, conservancy and solid and liquid waste management,
- (vii) Fire services,

- (viii) Urban forestry, protection of the environment, promotion of ecological aspects and maintenance of environmental hygiene,
- (ix) Safe guarding the interests of persons with physical and mental disabilities,
- (x) Slum improvement and upgradation including providing basic facilities,
- (xi) Urban poverty alleviation,
- (xii) Provision and maintenance of urban amenities and facilities such as parks, gardens, playgrounds, public markets, bathing and washing ghats, waiting sheds for travelers.,
- (xiii) Promotion of cultural, educational and aesthetic aspects,
- (xiv) Establishment and maintenance of burial and burning grounds, cremations, cremation grounds and electric crematoriums,
- (xv) Cattle pounds, care and veterinary services including prevention of cruelty to animals,
- (xvi) Collection and updating of vital statistics including registration of births, deaths and marriages,
- (xvii) Provision and maintenance of public amenities including street lighting, parking spaces for vehicles, bus stops and public conveniences like toilet facilities at public places,
- (xviii) Regulation of slaughter houses and tanneries and sale of meat, fish and other perishable food stuffs among others.

(2) General Functions.-

- (i) Organising voluntary workers and promote community participation in all development activities,
- (ii) Organise campaign for thrift,
- (iii) Awareness building against social evils such as dowry, domestic violence, abuse of children, casteism, homophobia, and xenophobia,
- (iv) Organize legal awareness campaigns among weaker sections, campaign against economic offences, adherence to civic duties, and promoting communal harmony,
- (v) Organise relief activities during natural calamities and maintain relief centres like hospitals, dispensaries, asylums, rescue homes, maternity house sand child welfare centres ,etc.,
- (vi) Mobilising local resources in cash or in kind,
- (vii) Organise and promote resident welfare associations, neighbor hood groups and committees, and self-help groups with focus on the poor,
- (viii) Disclosure and dissemination of information of public interest,

- (ix) Maintenance of public properties,
- (x) Issue of licence to dangerous and offensive trades and industries,
- (xi) Issue of licence to domestic pet animals,
- (xii) Conservation and preservation water including of bodies gardens and green spaces,
- (xiii) Conservation and preservation of places and buildings of historical and cultural importance,
- (xiv) Promoting energy efficiency and build awareness son climate change,
- (xv) Promote introduction of Information Technology and e-Governance in the working of the City Corporation.

(3) Sector-wise functions.-

(i) Urban Planning including Town Planning:

- (a) Planned development of new areas for human settlement, erection and maintenance of boundary marks defining the limits or any alteration in the limits,
- (b) Measures for beautification of the City Corporation area by setting up fountains, providing recreational areas, improving river banks, and landscaping,
- (c) Integration of the development plans and schemes of the municipal area with the district or regional development plan,
- (d) Preparation and keeping upto date of appropriate maps, data and records of lands within City Corporation and utility to which such lands are from time to time put;

(ii) Environment and Social Forestry:

- (a) Organise campaigns for environmental awareness,
- (b) Motivating local action for its upgradation, planting of trees, etc.,
- (c) Reclamation of waste lands, promotion of social forestry and maintenance of open spaces,
- (d) Establishment and maintenance of nurseries, promotion of greenery;

(iii) Small Scale Industries:

- (a) Promotion of handicrafts,
- (b) Formulate and implement self-employment schemes in industrial sector,
- (c) Implementation of the entrepreneur development programmes;

(iv) Housing:

- (a) Identify the homeless, provision of house sites and houses, implementation of shelter rejuvenation programmes,
- (b) Mobilise fund necessary for housing;

(v) Education and Culture:

- (a) Run the pre-primary, primary, higher secondary and technical schools, vocational training centres, and implement literacy programmes,
- (b) Promote civic education, adult education, social education including family planning, environmental education and non formal education,
- (c) Promotion of cultural activities including music, physical education, sports and theatres and infrastructure there for,
- (d) Advancement of science and technology in urban life,
- (e) Organization, establishment and maintenance of art galleries and botanical or zoological collections,
- (f) Maintenance of City Corporation office, and of all public monuments and places of historical, artistic and other importance,
- (g) Presentation of awards to persons of distinction, paying homage on death to persons of repute,
- (h) Holding and regulation of fairs, festivals, industrial and health exhibitions;

(vi) Public Works:

Construct and maintain the roads except National Highways, State Highways and major District roads within the City Corporation, and buildings for institutions including those transferred from Government.

(vii) Public Health and Sanitation:

- (a) Run dispensaries, primary and public health centres and hospitals under all systems of medicines, child welfare centres and mother care homes,
- (b) Organise remedial and other preventive measures against disease,
- (c) Implement family welfare programmes,
- (d) Organise mass inoculation campaigns for eradication of infectious diseases,
- (e) Reclamation of unhealthy localities, removal of noxious vegetation and abatement of all nuisances,
- (f) Maintenance of all public tanks and regulating the re excavation, repair and up-keep of all tanks, wells and other sources of water-supply and provision for unfiltered water supply for non-domestic uses,
- (g) Public vaccination, prophylactic inoculations, vector control

- (h) Maintenance of ambulance service,
- (i) Advancement of civic consciousness of public health and general welfare by organizing discourses, seminars and conferences,
- (j) Prevention of food adulteration and control of eating-houses,
- (k) Effective implementation of national and state strategies and programmes for prevention and control of diseases;

(viii) Social Welfare:

- (a) Run Anganwadis, and institutions for the welfare of persons with disability, urban poor among others;
- (b) Sanction and distribute pension to persons with disability, widows, urban poor, distribute unemployment wages, and implement Group Insurance Scheme to the poor,
- (c) Implementation of programmes for liberation and rehabilitation of scavengers and their families,
- (d) Campaigns for dissemination of information, vital for public welfare,
- (e) Securing or removal of dangerous buildings and places, obstructions and projections in or upon streets, bridges and other public places;

(ix) Eradication of poverty:

- (a) Develop skills and implement self-employment and group employment schemes for the poor, especially for women,
- (b) Create community assets to get continuing benefit to the poor;

(x) Development of Persons belonging to Scheduled Caste/Scheduled Tribe:

- (a) Implementation of beneficiary-oriented schemes under Special Component Plan (SCP) and Tribal Sub Plan(TSP)and provide basic facilities in the residential centres and financial assistance for the Scheduled Caste/Scheduled Tribe,
- (b) Run nursery schools, vocational training centres for the Scheduled Caste/Scheduled Tribe;

(xi) Public Distribution System:

- (a) Examine complaints against public distribution system and find out and implement remedial measures,
- (b) Organise campaigns against offences relating to weights and measures,
- (c) General supervision of shops and other public distribution system and to provide guidance;

(xii) Disaster Relief:

(a) Maintain relief centres and organise relief activities like provision to hospitals, dispensaries, asylums, rescue homes, maternity houses, and child welfare centres, crematorium, burial ground among other

SCHEDULE - II

	GRADE-I	GRADE-II	GRADE-III	HERITAGE PRECINCTS
Definition	Heritage Grade-I comprises Buildings and Precincts of National or historic importance, embodying Excellence in architectural style, design, Technology and Material usage and/or aesthetics; They may be associated with a historic event, personality, Movement or institution. They have Been and are The prime Landmarks of The region. All natural	Heritage Grade-II comprises of buildings And precincts of Regional or local importance possessing special architectural or Aesthetic merit, or cultural or historical significance though of a lower scale than Heritage Grade-I. They are local Land marks, which Contribute to the Image and identity of the region. They May be the work of master crafts folks or maybe	Heritage Grade-III comprises buildings And precincts of Importance for townscape; that evoke architectural aesthetic, or sociological interest though not as much as in Heritage Grade-II. These Contribute to Determine the Character of the Locality and can be representative of lifestyle of a particular community or region and may also be distinguished by setting, or special	A heritage Precinct is an Area of heritage value. It may consist of a number of buildings and spaces, such as streets, with cultural or heritage significance worth recognition and conservation, or it may be an area where the relationship between various elements, creates a special sense of place like mass, scale, building material, typology, roof profile and shapes or

	Sites shall fall Within Grade-I.	Models of Proportion and ornamentation or designed to Suit a particular climate.	Character of the Façade and Uniformity of height, width and scale.	containing architectural style or elements. Precincts are of different importance and are made up of different types of elements such as houses, trees, commercial properties and public spaces
				Combining to create a unique significance.
Objective	Deserves careful preservation	Deserves intelligent conservation	Deserves intelligent conservation (though on a lesser scale than Grade-II and special protection to unique features and attributes)	Precincts deserve appropriate repair and maintenance and very sensitive development i.e. regarding the mass, scale and setting. It also requires conservation of its heritage and cultural significance

Scope for Change	no interventions shall be permitted either on exterior or interior of the heritage building or natural features unless it is necessary in the interest of strengthening and prolonging the life of the buildings/or precincts or any part or features thereof. For this purpose, absolutely essential and minimum changes shall be allowed and they must be in conformity with the original	Grade-II(A): Internal changes and adaptive re-use may be allowed, subject to strict scrutiny. care should be taken to ensure the conservation of all special aspects for which it is included in Heritage Grade-II. Grade-II(B): In addition to the above, extension or additional building on the same plot or compound may in certain circumstances, be allowed provided that the extension/ additional building is in harmony with (and does not detract from)the existing heritage building/(s)or	internal changes and adaptive re-use may by and large be allowed. Changes may include extensions and additional buildings on the same plot or compound. However, any changes Should be such that they are in harmony and should be such that they do not detract from the existing heritage building/precinct especially in	Sensitive additions, alterations, extensions and interior renovations shall be permissible but these should not alter the character of the building/precinct. The new interventions may be contemporary but subtle or inspired by the original character and not tasteless imitation. Reconstruction is permissible
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		<p>precincts especially in terms of height and façade and provided that the additional building is not larger than the original building in terms of mass and scale.</p>		
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	<p>and minimum changes shall be allowed and they must be in conformity with the original</p>	<p>certain circumstances, be allowed provided that the extension/ additional building is in harmony with (and does not detract from) the existing heritage building/(s) or precincts especially in terms of height and façade and provided that the additional building is not larger than the original building in terms of mass and scale.</p>	<p>terms of height and façade and provided that the extension/ additional building is not larger than the original building in mass and scale</p>	<p>but only for buildings that are totally structurally unsafe as certified by a structural engineer and corroborated by the Heritage Conservation Committee. The reconstruction should not follow the prevailing bye laws but should be in such a manner which ensures that the building/ precinct</p>
				<p>character is not diminished, yet allows for growth and good urban design. Urban Design Guidelines Should be prepared separately for each of the listed heritage</p>

			precincts as extension of the bye laws. All constructions within heritage precincts should be governed by the said guidelines
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STATEMENT OF OBJECTS AND REASONS

It is considered necessary to constitute the Greater Bengaluru Authority to,-

- (i) institute civic authorities and provide the core principles, institutions and processes for effective urban governance in the Greater Bengaluru Area;
- (ii) establish the Greater Bengaluru Authority for co-ordinating and supervising the development of the Greater Bengaluru Area;
- (iii) establish not more than ten City Corporations in the Greater Bengaluru Area for effective, participatory and responsive governance;
- (iv) empower Ward Committees to become basic units of urban governance and facilitate community participation;
- (v) integrate and streamline political accountability of all public authorities delivering services in the Greater Bengaluru Area;
- (vi) improve the quality of life of all citizens by instituting a decentralised, participative, efficient and equitable governance framework for Bengaluru; and
- (vii) provide for matters incidental thereto.

Hence, the Bill.

FINANCIAL MEMORANDUM

There is no extra expenditure involved in the proposed legislative measure.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause -310	Empowers the State Government to make rules with previous notification regarding the matters enumerated in the Bill.
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The proposed delegation of legislative power is normal in character.

**D.K SHIVAKUMAR
DEPUTY CHIEF MINISTER**