



GOVERNMENT OF KARNATAKA

DEPARTMENT OF
LAW AND PARLIAMENTARY AFFAIRS

KARNATAKA ACT No. 14 of 1977

**THE KARNATAKA MUNICIPAL CORPORATIONS
ACT, 1976 AND RULES THEREUNDER**

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**THE KARNATAKA MUNICIPAL
CORPORATIONS ACT, 1976.**

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Sub. National Systems Unit,
National Institute of Educational
Planning and Administration
17-B, Seelamjee Marg, New Delhi-110016
DOC. No. D-5853
Date.....26-2-91.....

**THE KARNATAKA MUNICIPAL CORPORATIONS
ACT, 1976.**

Arrangement of Sections

PREAMBLE

CHAPTER I

Preliminary

Sections:

1. Short title, extent and commencement
2. Definitions

CHAPTER I

Establishment of Corporation

3. Establishment of Corporation, etc
4. Inclusion and exclusion of areas in, or from the city
5. Erection and maintenance of boundary marks

CHAPTER II

Municipal Authorities

6. Municipal Authorities
7. Constitution of the Corporation
8. Term of office of Councillors
9. Participation by Assembly Member
10. Mayor and Deputy Mayor
11. Standing Committees
12. Chairman of the Standing Committees
13. Construction of reference to standing committees and Chairman
- 13A. Social Justice Committee
14. Commissioner and his term of office, etc

Sections:

15. Salary and other conditions of service of the Commissioner
16. Acting Commissioner
17. Honoraria, fees or allowances
18. Oath of allegiance to be taken by councillors
19. Declaration of assets, etc.
20. Power to make rules regarding election of Mayor, Deputy Mayor and members and chairman of standing committees

CHAPTER IV**Election**

21. Determination of divisions, etc
22. Right to vote
23. Electoral rolls
24. Commissioner to fix date of elections
25. Qualification of candidates
26. General disqualification for becoming a councillor
27. Corrupt practices entailing disqualification
28. Disqualification for being a voter arising out of conviction and corrupt practice
29. Disqualification for being an election agent
30. Equality of votes
31. Prohibition of simultaneous membership
32. Publication of results of elections
33. Election petition
34. Relief that may be claimed by the petitioner
35. Grounds for declaring elections to be void
36. Procedure to be followed by the court
37. Decision of the court
38. Appeal
39. Corrupt practices
40. Promoting enmity between classes in connection with election
41. Prohibition of public meetings on the day preceding the election day and on the election day.

Sections:

42. Disturbances at election meetings
43. Restrictions on the printing of pamphlets, posters, etc
44. Maintenance of secrecy of voting
45. Officers, etc., at elections not to act for candidates or to influence voting
46. Prohibition of canvassing in or near polling stations
47. Penalty for disorderly conduct in or near polling stations
48. Penalty for misconduct at the polling station
49. Penalty for illegal hiring or procuring of conveyance at elections
50. Breaches of official duty in connection with elections.
51. Penalty for Government servants for acting as election agent, polling agent or counting agent
52. Removal of ballot papers from polling station to be an offence
53. Other offences and penalties therefor
54. Prosecution regarding certain offences
55. Power to make rules regulating the election of councillors.
56. Bar of suits relating to elections, etc

CHAPTER V

Powers and functions of the Corporation and other authorities

57. General powers of the corporation
58. Obligatory functions of the corporations
59. Discretionary functions of the corporation
60. Powers and functions of the Mayor
61. Functions of the Deputy Mayor
62. Functions of standing committees
63. Delegation of powers to Commissioner by standing committee
64. Functions of the Commissioner
65. Commissioner to carry on correspondence
66. Delegation of Commissioner's ordinary power
67. Delegation of Commissioner's extraordinary powers

Sections:

- 68. Custody of records
- 69. Control over Corporation establishment
- 70. Power of councillors

CHAPTER VI**Procedure of the Corporation and Committees**

- 71. Proceedings of the corporation and standing committees
- 72. Obligation laid on remaining municipal authorities to carry out resolutions of the corporation
- 73. Corporation may call for extracts from proceedings, etc., from the standing committee, etc
- 74. The corporation or a standing committee may require Commissioner to produce documents and furnish returns, reports, etc.
- 75. Joint transaction with other local authorities
- 76. Proceedings of corporation, etc., not vitiated by disqualification, etc., of members thereof
- 77. Record of proceeding
- 78. Proceedings of meetings to be good and valid until contrary is proved
- 79. Commissioner's right to attend and take part in discussion but not to move resolution or to vote
- 80. Councillors to refrain from taking part in discussion and voting on questions in which they have pecuniary interest
- 81. Submission of administration report to Government.

CHAPTER VII**Corporation officers and Servants and their Appointment and Conditions of Service**

- 82. Appointment of Engineer, Health Officer, etc
- 83. Appointment to certain posts under the corporations to be made from Karnataka Municipal Administrative Service
- 84. Appointment to other posts on the corporation establishment

Sections:

- 85. Special appointments
- 86. Power of Government to appoint special health officers
- 87. Contribution in respect of Government servants
- 88. Establishment schedule
- 89. Reservation of posts for appointment
- 90. Punishment for corporation officers and other employees
- 91. Power of Government to make rules regarding the conditions of service applicable to employees
- 91A. Transfer of employees

CHAPTER VIII**Essential Services**

- 92. Declaration of Essential Services, etc
- 93. Power of Government to declare emergency

CHAPTER IX**Power of Government**

- 94. Power of Government to call for records and to cause inspection to be made
- 95. Power of Government to take action in respect of matters pending undisposed of before the corporation
- 96. Government's power to direct the taking of action
- 97. Government's power to appoint an officer to take action in default, at the expense of corporation
- 98. Submission of copies of resolution to Government and Government's power to cancel resolution and orders
- 99. Power to Government to supersede corporation
- 100. Power to appoint Administrator in certain cases
- 101. Maximum period of supersession, etc
- 102. Revision

CHAPTER X**Enumeration of Taxes**

- 103. Taxes which may be imposed
- 104. Procedure preliminary to imposing a tax

Sections:

105. Power to sanction, modify and impose conditions
106. Publication of sanctioned resolutions with notice
107. Power to suspend, reduce or abolish any existing tax
108. Description and class of property tax
109. Method of assessment of property tax
110. General exemptions
111. Property tax a first charge on property and movables
112. Property tax from whom and when payable
113. Vacancy remission
114. Obligation of transferor and transferee to give notice of transfer
115. Owner's obligation to give notice of construction or reconstruction or demolition of building
116. Remission of tax in areas included or extended in the middle of half-year
117. Commissioner's power to call for information and to enter upon premises and to condone omission to give notice
118. Provisions regarding tax on carriages and animals
119. Exemptions
120. Composition
121. Requisition on occupier to furnish statement of persons liable to tax
122. Payment of tax and grant of licence
123. Power to require number to be affixed to carriage
124. General provisions regarding cart-tax
125. Power to remit tax on carts kept for less than fifteen days or not used
126. Seizure of vehicles not bearing numbers
127. Procedure after seizure
128. Octroi
129. Power to examine articles liable to octroi
130. Presentation of bills for octroi
131. Penalty for selling articles liable to octroi without a licence,

Sections:

- for being in possession of any such article on which octroi has not been paid
- 132. Power to seize article for non-payment of octroi
- 133. Power to keep account current with firm or public body in lieu of levying octroi on introduction of goods
- 134. Tax on advertisement
- 135. Prohibition of advertisements without written permission of Commissioner
- 136. Permission of the Commissioner to become void in certain cases
- 137. Owner or person in occupation to be deemed responsible
- 138. Removal of unauthorised advertisement
- 139. Collection of tax on advertisement
- 140. Duty on transfer of immovable properties
- 141. Provisions applicable on the introduction of transfer duty
- 142. Power to make rules regarding assessment and collection of transfer duty
- 143. Power to assess in case of escape from assessment
- 144. Fixed charges and agreements for payment in lieu of taxes
- 145. Power of Government to suspend or prohibit levy of objectionable taxes
- 146. Power of Government to require corporation to impose taxes
- 147. Rules in Schedule III
- 148. Corporation to revise taxes

CHAPTER XI**Finance, Accounts and Audit**

- 149. Corporation fund
- 150. Accounts and Audit
- 151. Financial rules
- 152. Contribution for supply of water to the inhabitants of the City of Bangalore
- 153. Contribution to expenditure by other local authorities

Sections:

154. Power of corporation to borrow money
155. Time for repayment of money borrowed under section 1554
156. Limit of borrowing powers
157. Form and effect of debentures
158. Payment to survivors of joint payees
159. Receipt by joint holder for interest or dividend.
160. Maintenance and investment of sinking funds
161. Application of sinking fund
162. Annual statement by trustees
163. Power of corporation to consolidate loans
164. Priority of payments for interest and repayment of loans over other payment
165. Attachment of corporation fund for recovery of money borrowed from Government
166. Estimates of expenditure and income to be prepared annually by the Commissioner
167. Budget estimates to be prepared by the standing committee for taxation and finance
168. Consideration of budget estimate by the corporation
169. Procedure of Corporation
170. Obligation to pass budget before the beginning of the year
171. Corporation may pass supplemental budget
172. Reduction or transfer of budget grants
173. Re-adjustment of income and expenditure to be made by the corporation during the course of the official year whenever necessary

CHAPTER XII

Property and Contracts

174. Corporation property
175. Acquisition of property and interest therein
176. Disposal of property and interest therein
177. Procedure for acquisition of immovable property under the Land Acquisition Act, 1894

Sections:

- 178. Provision relating to land and other properties
- 179. Objects not provided for by this Act
- 180. Power of corporation to determine whether works shall be executed by contract
- 181. Powers of several authorities to sanction estimates
- 182. General provisions relating to contracts
- 183. Invitation of tenders
- 184. Saving of certain irregularities
- 185. Security for performance of contracts

CHAPTER XIII

Water Supply and Sewerage

- 186. Application of Chapter
- 187. Construction of works
- 188. Trespass on water supply premises
- 189. Prohibition of building over water mains
- 190. Control over house connection
- 191. Payment to be made for water supplied
- 192. Private water supply for domestic purposes
- 193. Supply of water for domestic purpose not to include any supply for certain specified purposes
- 194. Water supply for domestic purposes not to be used for non-domestic purposes
- 195. Power to supply water for non-domestic purposes
- 196. Supply of water to Government and local authorities
- 197. Public Water supply
- 198. Power to lay mains
- 199. Power to lay service pipes, etc
- 200. Provision of fire hydrants
- 201. Power to require owners of premises to set up pumps, etc
- 202. Supply of water
- 203. Laying of supplying pipes, etc
- 204. Power to require separate service pipes
- 205. Stopcocks

Sections:

- 206. Power to provide meters
- 207. Presumption as to correctness of meters
- 208. Prohibition of waste or misuse of water
- 209. Power to enter premises to detect waste or misuse of water
- 210. Power to test water fittings
- 211. Water pipes, etc., not to be placed where water will be polluted
- 212. Power to cut off water supply
- 213. Joint and several liability of owners and occupiers for offence in relation to water supply
- 214. Non-liability of corporation when supply is reduced (or not made in certain cases)
- 215. Right of user of conduits, lines, etc
- 216. Power of owner of premises to place pipes through land belonging to other persons
- 217. Power to execute work after giving notice to the person liable
- 218. Work connected with water supply to be done by licensed plumber
- 219. Prohibition of certain acts relating to water supply
- 220. Bye-laws regarding water supply
- 221. Vesting of sewers, etc., in corporation
- 222. Maintenance of sewers and sewage disposal works
- 223. Certain matters not to be passed into corporation sewers
- 224. Application by owners and occupiers to drain into corporation sewer
- 225. Drainage of undrained premises
- 226. New premises not to be erected without drains
- 227. Power to drain group or block of premises by combined operations
- 228. Power of Commissioner to close or limit the use of private drains in certain cases
- 229. Use of drain by a person other than the owner

Sections:

- 230. Sewage and rainwater drains to be distinct
- 231. Power to require owner to carry out certain works for satisfactory drainage
- 232. Appointment of places for emptying of sewers and disposal of sewage
- 233. Connection with sewers not to be made without permission
- 234. Buildings and private streets not to be erected or constructed over sewers without permission
- 235. Right of user of property for laying sewers
- 236. Power of owner of premises to lay sewer through land belonging to other persons
- 237. Power to execute work after giving notice to the person liable
- 238. Power to affix shafts, etc., for ventilation of sewer or cesspool
- 239. Power to examine and test sewers, etc., believed to be defective
- 240. Work connected with the corporation sewerage system to be done by licensed plumber
- 241. Prohibition of certain acts relating to sewerage
- 242. By-laws regarding sewerage
- 243. Inspection of corporation water works or sewerage works by persons appointed by Government
- 244. Execution of works by Government agency
- 245. Provision of public privies
- 246. Licensing of public privies
- 247. Provision of privies by owner or occupier
- 248. Provision of privies and urinals for labourers
- 249. Provision of privies and urinals for markets, cart stands and cattle stands
- 250. Privies to be screened from view
- 251. Power to carry wire, pipes, drains, etc., through private property

Sections:

- 252. Prohibition against making connection without permission
- 253. Power to require railway level, etc., to be raised or lowered
- 254. Power of corporation in respect of works outside the city
- 255. Provision for removal of filth
- 256. Public notice ordering deposit of rubbish and filth by occupier
- 257. Removable of rubbish and filth accumulating in large quantities on premises
- 258. Provision for daily cleaning of streets and removal of rubbish and filth
- 259. Rights of property of corporation in things deposited in receptacles
- 260. Directions as to removal of rubbish and filth and preparation of compost manure from rubbish and filth
- 261. Maintenance of establishment for removal of rubbish and filth.
- 262. Prohibition of the practice of employing persons for carrying nightsoil as head-load
- 263. Prohibition against accumulation of rubbish and filth on premises, etc
- 264. Contribution from person having control over places of pilgrimage, etc.

CHAPTER XIV

Streets

- 265. Vesting of public streets and their appurtenances in corporation
- 266. Maintenance and repair of streets
- 267. Power of authorities in regard to streets
- 268. Power to adopt, construct or alter any sub-way, bridge, etc
- 269. Power to dispose of permanently closed streets
- 270. Acquisition of land and buildings for improvement of streets
- 271. Powers to prescribe building line and street alignment

Sections:

- 272. Restriction on erection of or addition to buildings within street alignment or building line
- 273. Setting back projecting building or wall
- 274. Additional power of Commissioner to order setting back of buildings to regular line of street
- 275. Setting forward building to improve line of street
- 276. Projected streets
- 277. Temporary closure of streets
- 278. Protection of appurtenances and materials of streets
- 279. Power of the Corporation to recover expenses caused by extraordinary traffic
- 280. Owner's obligation to make a street when disposing of land as building sites
- 281. Making of new private streets
- 282. Alteration or demolition of street made in breach of section 281
- 283. Power of Commissioner to order work to be carried out or to carry it out himself in default
- 284. Right of owners to require streets to be declared public
- 285. Prohibition against obstructions in streets
- 286. Prohibition and regulation of doors, ground-floor, windows and bars opening outwards
- 287. Removal of encroachment
- 288. Power to allow certain projections and erections
- 289. Precautions during repair of streets
- 290. Prohibition against removal of bars and lights
- 291. Making holes and causing obstruction
- 292. Licence for work on building likely to cause obstruction
- 293. Naming or numbering of public streets
- 294. Numbering of buildings

Sections:

CHAPTER XV
Regulation of Buildings
GENERAL POWERS

295. Building bye-laws
296. Power of corporation to regulate future construction of certain classes of buildings in particular streets or localities
297. Buildings at corner of streets
298. Prohibition against use of inflammable materials for building, etc., without permission
299. Application to construct or re-construct building
300. Prohibition against commencement of work without permission
301. Period within which Commissioner is to grant or refuse to grant permission to execute work
302. Reference to standing committee if Commissioner delays grant or refusal, of approval or permission
303. Grounds on which approval of site for or permission to construct building, may be refused
304. Restriction on the power to sanction construction of place of entertainment in certain cases
305. Special powers for suspending permission to construct buildings
306. Lapse of permission if not acted upon within two years.
307. Inspection by Commissioner
308. Power of Commissioner to require alteration of work
309. Stoppage of work endangering human life
310. Completion certificate and permission to occupy or use
311. Provisions not to apply to huts
312. Application of certain sections to wells
313. Application to construct or re-construct huts
314. Prohibition against commencement of work without permission
315. Period within which Commissioner is to grant or refuse to grant permission to execute the work

Section:

- 316. Reference to standing committee if Commissioner delays to grant permission
- 317. Grounds on which permission to construct or re-construct hut may be refused
- 318. Lapse of permission if not acted upon within six months
- 319. Maintenance of external walls in repair
- 320. Application of provisions to alterations and additions
- 321. Demolition or alteration of buildings or well-work unlawfully commenced, carried on or completed

CHAPTER XVI

Nuisances

- 322. Precautions in case of dangerous structures
- 323. Precautions in case of dangerous trees
- 324. Precautions in case of dangerous tanks, wells, holes, etc
- 325. Precaution against fire
- 326. Prohibition of construction of wells, tanks, etc., without the Commissioner's permissions
- 327. Power to stop dangerous quarrying
- 328. Power to order filling in pools, etc., which are a nuisance and regulation of agriculture within the city
- 329. Power to order cleansing of insanitary private water course, spring, tank, well, etc., used for drinking
- 330. Duty of Commissioner in respect of public well or receptacle or stagnant water
- 331. Prohibition against contaminating water supply
- 332. Untenanted buildings or lands
- 333. Removal of filth or noxious vegetation
- 334. Abatement of nuisance from dust, smoke, etc
- 335. Fencing of buildings or lands and pruning of hedges and trees
- 336. Limewashing and cleaning of buildings
- 337. Further power with reference to insanitary buildings
- 338. Building unfit for human habitation

Sections:

- 339. Abatement of crowding in dwelling house or dwelling place
- 340. Power of Commissioner to use or sell materials of dangerous building taken down, etc
- 341. Limitation of compensation

CHAPTER XVII
Licenses and Fees

- 342. Exemptions
- 343. Prohibition in respect of lodging houses
- 344. Prohibition in respect of keeping animals and birds and feeding animals
- 345. Destruction of stray pigs and dogs
- 346. Licences for places in which animals are kept
- 347. General powers of control over stables, cattle-sheds and cow-house
- 348. Provision of halting places, cart-stands, etc
- 349. Prohibition of use of public places or sides off public street as cart-stand, etc
- 350. Recovery of cart-stand fees, etc
- 351. Licence for private cart-stand
- 352. Removal of carcasses of animals
- 353. Purposes for which places within the limits of the city or within five kilometres thereof may not be use without licence and payment of proportionate tax to local body concerned in the latter case
- 354. Application to be made for reconstruction, establishment or installation of factory or workshop or work-place in which steam or other power is to be employed
- 355. Commissioner may issue directions fo abatement of nuisance caused by steam or other power
- 356. Prohibition of use of steam-whistle or steam-trumpet without permission of the Commissioner

Sections:

357. Power of Commissioner to require owner of factory, workshop etc., to put up and maintain the factory, workshop, etc., in a cleanly state
358. Power of Commissioner to require owner or occupier of factory, etc., to discontinue the use of such factory
359. Commissioner may enter any factory, workshop or workplace
360. Power of Government to pass orders or give directions to Commissioner
361. Provision of places for bathing and for washing animals
362. Provision of public bathing-houses, wash-houses, etc
363. Prohibition against washing by washermen at unauthorised places
364. Provision of corporation slaughter-houses
365. Licence for slaughter-houses
366. Slaughter of animals during festivals and ceremonies
367. Slaughter of animals for sale or food
368. Public markets
369. Power of municipal authorities in respect of public markets
370. Commissioner's control over public markets
371. Establishment of private markets
372. Licensing private markets
373. Period of licence
374. Licence fee for private markets
375. Sale in un-licensed private market
376. Powers of Commissioner in respect of private markets
377. Suspension or refusal of licence in default
378. Power of Commissioner to make regulations for markets, bazaars, slaughter houses and places set apart for sacrifice of animals
379. Duty of expelling lepers, etc., from markets and private markets
380. Acquisition of rights of private persons to hold power to expel disturbers

Sections:

- 381. Butcher's, fishmonger's and poulterer's licence
- 382. Power to prohibit or regulate sale of animals, birds or articles in public streets
- 383. Decision of disputes as to whether places are markets
- 384. Duty of Commissioner to inspect
- 385. Power of Commissioner for purposes of inspection
- 386. Preventing inspection by Commissioner
- 387. Power of Commissioner to seize diseased animal, noxious food, etc
- 388. Removing or interfering with articles seized
- 389. Power to destroy articles seized
- 390. Production of articles, etc., seized before magistrates and powers of magistrate to deal with them
- 391. Registration or closing of ownerless places for disposal of dead
- 392. Licensing of places for disposal of dead
- 393. Provision of places by the corporation for burial and burning grounds and crematoria
- 394. Register of registered, licensed and provided places and prohibition of use of other places
- 395. Report of burial and burnings
- 396. Prohibition against making of vault or grave in any place of public worship
- 397. Prohibition against use of burial and burning grounds dangerous to health or overcrowded with graves
- 398. Prohibition in respect of corpse
- 399. Fencing, etc., of private burial ground
- 400. Grave digger's licence

CHAPTER XVIII

Prevention of Diseases**DANGEROUS DISEASES**

- 401. Power to notify dangerous diseases
- 402. Obligation of medical practitioner to report dangerous diseases

Sections:

- 403. Power of entry into suspected places
- 404. Provision of conveyance for carriage of patients
- 405. Powers to order removal of patients to hospitals
- 406. Disinfection of buildings and articles
- 407. Destruction of huts and sheds when necessary
- 408. Provision of places for disinfection and power to destroy infected articles
- 409. Prohibition against transfer of infected articles
- 410. Prohibition against infected person carrying on occupation
- 411. Prohibition against diseased person entering public conveyance
- 412. Disinfection of public conveyance after carriage of patients
- 413. Letting of infected building
- 414. Power to order closure of places of public entertainment
- 415. Minor suffering from dangerous disease not to attend school
- 416. Provision as to library books
- 417. Power to prohibit use of water likely to spread infection
- 418. Compulsory vaccination
- 419. Obligation to give information of small-pox
- 420. Prohibition of inoculation for small-pox

CHAPTER XIX

Rules, regulations and Bye-laws

RULES

- 421. Power of Government to make rules
- 422. Power to make regulations
- 423. Power to make bye-laws
- 424. Power to give retrospective effect to certain bye-laws and penalties for breaches of bye-laws
- 425. Sanction of bye-laws by Government
- 426. Condition precedent to making of bye-laws
- 427. Power of Government to make rules in lieu of bye-laws
- 428. Publications of rules and bye-laws

Sections:

- 429. Publication of regulations
- 430. Exhibition of rules, bye-laws and regulations

CHAPTER XX**Penalties**

- 431. General provision regarding penalties specified in the schedules
- 432. Penalties for voting as councillor, acting as Mayor, Deputy Mayor when not entitled and for failure to hand over documents
- 433. Penalty for acquisition by any councillor, the Commissioner or any corporation officer of interest in contract or work
- 434. Penalty for omission to take out licence for vehicle or animal
- 435. Penalty for wilfully preventing distraint
- 436. Penalty for unlawful building
- 437. Notice to certain class of officers and servants of the corporation before discharge
- 438. Wrongful restraint of Commissioner and his delegates
- 439. Penalty for not giving information or giving false information
- 440. Penalty for disobeying requisition under section 150 and schedule IX
- 441. Penalty for unauthorised use of corporation property
- 442. Penalty for leaving vehicle or animal in dangerous position in public street

CHAPTER XXI**Procedure and Miscellaneous**

- 443. General provisions regarding licences, registrations and permissions
- 444. Appeal from Commissioner to standing committee
- 445. Period of limitation for appeals
- 446. Power of person conducting election and other inquiries

Sections:

- 447. Summons to attend and give evidence or produce documents
- 448. Form of notices and permissions
- 449. Proof of consent of municipal authorities or corporation officers
- 450. Signature on documents
- 451. Publication of notification
- 452. Publication of order, notice or other documents
- 453. Publication in newspapers
- 454. Notice of prohibition or setting apart of places
- 455. Method of serving documents
- 456. Recovery by occupier of sum leviable from owners
- 457. Obstruction of owner by occupier
- 458. Execution of work by occupier in default of owner
- 459. Commissioner's power of entry to inspect, survey or execute the work
- 460. Power to enter on lands adjacent to works
- 461. Consequences of failure to obtain licences, etc., or of breach of the same
- 462. Time for complying with order and power to enforce in default
- 463. Recovery of expenses from persons liable and limitation or liability of occupier
- 464. Recovery of surcharge and charges how made
- 465. Power of Commissioner to agree to receive payment of expenses in instalments
- 466. Power to declare expenses on certain works as improvement expenses
- 467. Improvement expenses by whom payable
- 468. Redemption of charge for improvement expenses
- 469. Relief to agents and trustees
- 470. Recovery of sums due as taxes
- 471. Determination by District Court of sums payable

Sections:

- 472. Proceedings before District Court
- 473. Recovery of sums payable by distress
- 474. Limitation for recovery of dues
- 475. Procedure in dealing with surplus sale proceeds
- 476. Power of Government to direct person in custody of corporation fund to pay Government and other dues
- 477. Period of limitation for making complaints
- 478. Cognizance of offences
- 479. Imprisonment of default of payment and application of fines
- 480. Payment of Compensation for damage to Corporation property
- 481. Recovery of tax, etc., by suit
- 482. Institution of suits against municipal authority, officers and agents
- 483. Provisions respecting institution, etc., of civil and criminal actions and obtaining legal advice
- 484. Legal cell
- 485. Indemnity to Government, municipal authorities, officers and servants
- 486. Liability of Commissioner and councillor for loss, waste or misapplication of fund, etc
- 487. Sanction for prosecution of Mayor, Deputy Mayor, etc
- 488. Assessment, etc., not to be impeached
- 489. Duties of police officers
- 490. Power of police officer to arrest persons
- 491. Exercise of powers of police officer by corporation servants
- 492. Corporation security force
- 493. Application of term "public servant", to corporation officers, agents and sub-agents
- 494. Prohibition against obstruction of proceedings of corporation, standing committee, Mayor, etc
- 495. Prohibition against removal of mark
- 496. Prohibition against removal or obliteration of notice

Sections:

- 497. Prohibition against unauthorised dealing with public place or materials
- 498. Bidding prohibited
- 499. Offence by companies
- 500. Effect of absorption of panchayat area into a city
- 501. Effect of absorption of a part of a panchayat area into a city
- 501A. Effect of absorption of a municipality or sanitary board area, notified area or a town board area into a city
- 501B. Effect of absorption of a part of a municipality or a sanitary board or notified area or town board into a city
- 501C. Effect of declaration of a city municipality and some other area as a city under this Act.
- 501D. Removal of difficulties
- 502. Special provision as to rural areas
- 503. Declaration of city municipality as a city under this Act
- 503A. Constitution of the first corporation, etc
- 504. The provisions of the Karnataka Agricultural Produce Marketing (Regulation) Act, 1966 not affected
- 505. Exercise of powers by a corporation to be in conformity with the provisions of the Karnataka Town and Country Planning Act, 1961
- 506. Transitional and transitory provisions
- 507. Repeal and savings
- 508. Orders for bringing this Act into force.

KARNATAKA ACT NO. 14 OF 1977

*(First published in the Karnataka Gazette Extraordinary on the
First day of June 1977)*

THE KARNATAKA MUNICIPAL CORPORATIONS ACT, 1976.

*(Received the assent of the President on the Thirty first day of May
1977)*

Amended by Acts 24 of 1978, 11 of 1979, 21 of 1979, 28 of 1980, 40 of 1980, 1982 8 of 13 of 1983 32 of 1986 and 2 of 1989.)

An Act to consolidate and amend the laws relating to the establishment of Municipal Corporations in the State of Karnataka.

WHEREAS it is expedient to consolidate and amend the laws relating to the establishment of Municipal Corporations in the State of Karnataka;

Be it enacted by the Karnataka State Legislature in the Twenty eighth Year of the Republic of India as follows:—

CHAPTER I

Preliminary

1. Short title, extent and commencement.—

(1) This Act may be called the Karnataka Municipal Corporations Act, 1976.

(2) It extends to the whole of the State of Karnataka.

(3) It shall come into force at once in the cities of Bangalore and Hubli-Dharwar and in other areas on such date as the Government may, by notification, appoint and different dates may be appointed in respect of different areas.

2. Definitions.—

In this Act, unless the context otherwise, requires,—

(1) “building” includes,—

(a) a house, out-house, stable, privy, shed, hut, wall, verandah, fixed platform, plinth, doorstep and any other such structure whether of masonry, bricks, wood, mud, metal or any other material whatsoever;

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

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

(2) “bye-law” means a bye-law framed by the corporation under this Act;

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

(4) “city” means any local area constituted to be a city under section 3 subject to any extension, contraction or alteration of the limits of such area that may be made under this Act;

(5) “Commissioner” means the Commissioner appointed under section 14 and includes a person appointed to act as Commissioner under section 16;

(6) “corporation” means a corporation established under this Act;

(7) “councillor” means a person who is duly elected as a member of the corporation under this Act;

(8) “dangerous disease” means—

(a) anthrax, chicken pox, cholera, diphtheria, enteric fever, leprosy, measles, plague, pulmonary tuberculosis, rabies, small pox, and

(b) any other disease notified by Government under this Act;

(9) "drain" includes a house drain, sewer, tunnel, pipe, ditch, gutter or channel and any cistern, flush-tank, septic tank or other device for carrying off or treating sewage, offensive matter, polluted water, sullage, waste water, rain water or sub-soil water and any culvert, ventilation shaft or pipe or other appliance or fitting connected therewith, and any ejectors, compressed air mains, sealed sewage mains and special machinery or apparatus for raising, collecting, expelling or removing sewage or offensive matter from any place;

(10) "essential services" means services in which any municipal officer, servant or other person is employed by or on behalf of the corporation and which are specified in Schedule II;

(11) "factory" means a factory as defined in the Factories Act, 1948;

(12) "filth" includes sewage, dung, dirt, swill, putrid and putrefying substances and all offensive matter;

(13) "Government" means the State Government;

(14) "hut" means any building which is constructed principally of wood, mud, leaves, grass or thatch and includes any temporary structure of whatever size or any small building of whatever material made;

(15) "land" includes land which is being built upon or is built upon or covered with water, benefits to arise out of land, things attached to the earth or permanently fastened to anything attached to the earth and rights created by law over any street;

(16) "lay-out" means a lay-out formed by an individual or body of persons, whether incorporated or not;

(17) "licensed plumber," "licensed surveyor," "licensed architect," "licensed engineer" and "licensed structural designer" respectively mean a person licensed by the corporation as plumber, surveyor, architect, engineer or structural designer under this Act;

(18) "local authority" means a municipal corporation, a municipal council, notified area committee, sanitary board, development authority city improvement board, town improvement board, *Zilla Parishad and Mandal Panchayat constituted under any law for the time being in force;

(19) "market" includes any place where persons assemble for the sale of, or for the purpose of exposing for sale, livestock, food for live-stock, meat, fish, fruit, vegetables, flowers, animals intended for human food or any other articles of human food whatsoever, with or without the consent of the owner of such place, notwithstanding that there may be no common regulation of the concourse of buyers and sellers and whether or not any control is exercised over the business of or the persons frequenting the market by the owner of the place, or any other person;

(20) "municipal authority" means a municipal authority established under this Act;

(21) "municipal water works" means water works belonging to or vesting in the corporation;

(22) "nuisance" includes any act, omission, place or thing, which causes or is likely to cause injury, danger, annoyance or offence to the sense of sight, smell or hearing or disturbance to rest or sleep or which is or may be dangerous to life or injurious to health or property;

(23) "occupier" includes any person for the time being paying or liable to pay to the owner the rent or any portion of the rent of the land or building or part of the same in respect of which the word is used or damages on account of the occupation of such land, building or part and also a rent-free tenant;

¹[(24) x x)

(25) "offensive matter" includes animals carcasses, dung, dirt and putrid or putrefying substances other than sewage;

(26) "owner" includes the person for the time being receiving or entitled to receive, whether on his own account or as agent, trustee, guardian, manager or receiver for another person or for any religious or charitable purpose, the rent or profits of the property in connection with which the word is used:

(27) "pouira-karmika" means a person employed in collecting or removing filth, in cleansing drains or slaughter houses or in driving carts used for the removal of filth excluding night soil;

(28) "premises" includes messuages, buildings and lands of any tenure whether open or enclosed, whether built upon or not and whether public or private;

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

(30) "private street" means any street, road, square court, alley, passage or riding path, which is not a "public street" but does not include a pathway made by the owner of premises on his own land to secure access to or the convenient use of such premises;

(31) "public street" means any street, road, square, court, alley, passage or riding path over which the public have a right of way whether a thoroughfare or not and includes.—

(a) the road-way over any public bridge or causeway,

(b) the foot-way attached to any such street, public bridge or causeway, and

(c) the drains attached to any such street, public bridge or causeway and the land, whether covered or not by any pavement verandah or other structure which lies on either side of the roadway upto the boundaries of the adjacement property, whether that property is private property or property belonging to the Government or the corporation;

(32) "rateable value" means the value of any building or land fixed in accordance with the provisions of this Act and the rules for the purpose of assessment to property tax;

(33) "regulation" means a regulation framed under this Act;

(34) "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;

(35) "Schedule" means a Schedule appended to this Act;

(36) "Scheduled Castes" shall have the same meaning as in the Constitution of India;

(37) "Scheduled Tribes" shall have the same meaning as in the Constitution of India;

(38) "Sewage" means night soil and other contents of latrines, urinals, cesspools or drains and polluted water from sinks, bath-rooms, stables, cattle sheds and other like places and includes trade effluents and discharges from manufactories of all kinds;

(39) "Sewer" means a closed conduit for carrying of sewage, offensive matter, polluted water, waste water or sub-soil water;

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

(41) "tax" includes ¹[x x x] toll, rate cess, fee or other impost leviable under this Act;

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

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

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

(45) "whole number" when used with reference to the councillors of the corporation, means the total number of councillors holding office at the time.

CHAPTER II

Establishment of Corporation

3. Establishment of Corporation, etc.—

(1) The Government may, by notification, declare any local area with a population of not less than two lakhs as at the last preceding census and where such area is already ²[having one or more local authorities if the total annual income of such local authority or all such local authorities as the case may be] is not less than one crore of rupees, to be a city and establish for the said city a corporation;

1. Omitted by Act 21 of 1979, S-9 (31.3.79)

2. Substituted by Act 28 of 1980, S-2 (1.6.1977)

Provided that—

(i) the name of the city shall, ¹[where the local area having two or more local authorities from the city] be as determined by the Government; and

(ii) no such notification shall be issued except after consulting the local authority, if any, concerned.

(2) The corporation shall be a body corporate by the name “the corporation of the city of.....” and shall have perpetual succession and common seal with power, subject to the provisions of this Act, to acquire, hold and dispose of property and to contract and may, by the said name, sue and be sued.

4. Inclusion and exclusion of areas in, or from the city.—

(1) The Government may, subject to the provisions of subsection (2), by notification,—

(a) include within the limits of the city, any local area adjacent thereto; or

(b) exclude from the limits of the city any local area comprised therein;

and every such notification shall define the limits of the local area to which it relates.

(2) No such notification shall be issued unless a draft thereof is,—

(a) published in the Official Gazette for the information of all persons likely to be, affected thereby inviting objections and suggestions within ²[one month] from the date of publication; and

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

1. Substituted by Act 28 of 1980. S-2 (1-6-1977)

2. Substituted by Act 11 of 1979. S-2 (17,11,1978)

(3) Save as otherwise provided in this Act or any other law for the time being in force, when a local area is excluded from the city,—

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

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

(4) When a local area is included in the city, 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 city shall apply to the said area from the date of inclusion of such area within the city.

5. Erection and maintenance of boundary marks.—

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

CHAPTER III

Municipal Authorities

6. Municipal Authorities.—

The following shall be the municipal authorities of the corporation charged with carrying out the provisions of this Act, namely:—

- (a) the corporation
- (b) the standing committees; and
- (c) the Commissioner.

7. Constitution of the Corporation.—

(1) The Government may, from time to time, by notification, determine the total number of councillors for a corporation;

Provided that such number shall be not less than fifty and not more than one hundred.

(2) Seats shall be reserved in the corporation for the scheduled castes and the scheduled tribes, ¹[and women]. The number of seats reserved.—

(a) for the scheduled castes and the scheduled tribes shall bear, as nearly as may be, the same proportion to the total number of seats in the corporation as the population of the scheduled castes and the scheduled tribes in city bears to the total population of the city:

Provided that at least one seat shall be reserved for the scheduled tribes where the population of such tribes is not less than five hundred.

²[(b) for women shall be, as nearly as may be, twenty per cent of the total number of councillors.]

(3) All the councillors shall be elected in the manner provided in this Act.

(4) The reservation for the scheduled castes and the scheduled tribes shall cease to have effect after the period specified in Article 334 of the Constitution of India:

Provided that this sub-section shall not apply to any representation in the corporation until the expiry of the term of office of the councillors then in office.

(5) Nothing contained in sub-section (2), shall be deemed to prevent the members of the scheduled castes and the scheduled tribes or women and labourers from standing for election to the non-reserved seats.

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1. Substituted by Act 24 of 1978 S-2 (29.8.1978)
 2. Substituted by Act 13 of 1983 S-2 (24.2.83)

8. Term of office of councillors.—

(1) Save as otherwise provided in this Act, the term of office of the councillors elected at a general election shall be five years extendible by Government, by notification, for reasons to be recorded, by such period or periods not exceeding one year. The term shall commence on the date of publication of the names of councillors under section 32 or immediately after the expiry of the term of office of the outgoing councillors or the period supersession under section 99, or the period of appointment of an administrator under section 100, whichever is later.

(2) Where the names of councillors elected are published on more than one date, the date on which the names of not less than two thirds of the total number of councillors are published shall be deemed to be the date of publication for purposes of sub-section (1).

(3) The date from which the term of office of not less than two-thirds of the total number of councillors commences under this section shall, for purposes of this Act, be deemed to be the date from which the corporation is duly constituted and the corporation so constituted shall be competent to exercise all the powers and perform all the functions of the corporation.

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

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

(5) A councillor may resign his office at any time by notice in writing addressed to the Mayor and delivered to him and such resignation shall take effect from the date on which it is delivered.

9. Participation by Assembly Member.—

A member of the State Legislative Assembly representing a part or whole of the city ¹[and a nominated member of the State Legislative Assembly if he is ordinarily a resident of the city] shall be entitled to attend the meetings of the corporation and the Standing Committees and take part in the proceedings thereat but shall not have the right to vote on any subject or to contest any elected post in the corporation and the Standing Committees.

10. Mayor and Deputy Mayor.—

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

- (a) one of its councillors to be the Mayor, and
- (b) one other councillors to be the Deputy Mayor

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

(3) The retiring Mayor or the Deputy Mayor shall be eligible for re-election.

(4) If any casual vacancy occurs in the office of the Mayor or Deputy Mayor, the corporation shall, after the occurrence of the vacancy, choose one of the councillors to fill the vacancy and every Mayor or Deputy Mayor so elected shall hold office so long as the person in whose place he is elected would, but for the occurrence of the vacancy, have held office.

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

1. Inserted by Act 32 of 1986

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

(7) The resignation under sub-section (5) or sub-section (6) shall take effect on the date on which it is delivered.

11. Standing Committees.—

(1) There shall be three standing committees in the case of corporations other than the Corporation of the City of Bangalore, namely:—

- (a) the standing committee for taxation and finance.
- (b) the standing committee for public health; and
- (c) the standing committee for works.

“(1A) There shall be the following standing committees for the Corporation of the City of Bangalore:

- (a) the standing committee for taxation and finance;
- (b) the standing committee for public health;
- (c) the standing committee for education;
- (d) the standing committee for town planning and improvement; and
- (e) the standing committee for accounts.”

(2) Each standing committee shall consist of seven councillors of the corporation elected at its first meeting 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 the single transferable vote.

(3) No councillor shall be a member of more than one standing committee at the same time.

(4) The Mayor and the Deputy Mayor shall ex-officio be members of all the standing committees but they shall not have the right of voting.

(5) The term of office of the members of the standing committee shall be one year from the date of their election. A person shall cease to be a member of the standing committee if he ceases to be a councillor or if he absents himself without the permission of the standing committee for three consecutive meetings of the standing committee.

(6) Where a casual vacancy occurs in the membership of a standing committee it shall be filled by the corporation by the election of another councillor. 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.

(7) 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 and delivered to him and such resignation shall take effect from the date on which it is delivered.

12. Chairman of the standing committees.—

(1) Each standing committee shall elect one of its members as Chairman.

(2) Such Chairman shall hold office until his successor is elected but shall be eligible for re-election.

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

(4) If any casual vacancy occurs in the office of the chairman, the standing committee concerned shall, after the occurrence of such vacancy, elect one of its members to fill such vacancy, and every person so elected shall continue in office so long only as the person in whose place he is elected would, but for the occurrence of the vacancy have held.

13. Construction of reference to standing committees and chairman.—

(1) Whenever in this Act the expression 'standing committee' occurs it shall, unless the context otherwise requires, be deemed to refer to the particular standing committee to which the power or duty in connection with which the expression is used is assigned by or under this Act, and all references to the standing committee in any other other law shall be construed as reference to the particular standing committee to which the power or duty, is conferred or imposed by such law.

(2) Any reference made to a 'chairman' of the standing committee by or under this Act or under any other law shall be construed as a reference to the Chairman of the particular standing committee to which the power or duty in connection with which the reference is made is assigned by or under this Act or under such law.

¹[13.A. Social Justice Committee.—

*[(1) ¹[In addition to the standing committees specified in section 11, there shall be a Social Justice Committee of the corporation consisting of Mayor and six other members elected by the councillors belonging to the Scheduled Castes and Scheduled Tribes and the women councillors FROM AMONG THEMSELVES in accordance with the system of proportional representation by means of the single transferable vote.']]

(2) The Mayor shall, ex-officio, be a member and be the Chairman of the social justice committee. The said Committee, shall, subject to such instructions as the corporation may give from time to time, perform such functions as may be prescribed for securing social justice to persons belonging to the Scheduled Castes, Scheduled Tribes and other weaker sections of society and women].

14. Commissioner and his term of office, etc.—

(1) The Commissioner shall be appointed by the Government after consultation with the Mayor. He shall not be a member of the

1. Inserted by Act 28 of 1980 S-3 (10.9.1980)

2. Substituted by Act 32 of 1986.

corporation and he shall, subject to the pleasure of the Government, ordinarily hold office for a period of two years.

(2) Notwithstanding anything in sub-section (1), the Commissioner shall be removed from office whenever the corporation so resolves by a majority of not less than two-thirds of its members.

15. Salary and other conditions of service of the Commissioner.—

(1) The Commissioner shall be paid out of the corporation fund such monthly salary and allowances as the Government may, from time to time, by order determine.

(2) The Commissioner shall be a wholetime officer of the corporation and shall not engage in any other profession, trade or business whatsoever.

(3) When a salaried servant of the Government is appointed as the Commissioner, there shall be paid to the Government out of the corporation funds such sum by way of contribution towards his pension, leave salary and other allowances as may be required to be paid by him or on his behalf under the conditions of service applicable to him.

(4) The Commissioner shall be entitled to such leave as the Government may be order from time to time specify. The leave may be granted to the Commissioner by the Government and when such leave is granted, he shall be paid out of the corporation funds such leave salary and allowances as the Government may determine.

16. Acting Commissioner.—

During the absence of the Commissioner, the Government may appoint a person to act as the Commissioner and every person so appointed shall exercise the powers and perform the duties conferred and imposed by this Act or any other law for the time being in force on the Commissioner and shall be subject to all the liabilities, restrictions

and conditions to which the Commissioner is liable and shall receive such monthly salary and allowances, not exceeding the salary and allowances for the time being payable to the Commissioner, as the Government may determine.

17. Honoraria, fees or allowances.—

(1) From out of the corporation funds such honoraria, fees or allowances as may be determined by the Government may be paid to Mayor, the Deputy Mayor and the councillors.

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

Provided that the limit so prescribed shall not be more than rupees twenty-five thousand and different limits may be prescribed for different corporations.]

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

18. Oath of allegiance to be taken by councillors.—

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

“I, A.B., having been elected a councillor
Swear in the name of God
of this corporation do _____ that I
solemnly affirm

1. Inserted by Act 32 of 1986

will bear true faith and allegiance to the Constitution of India, and that I will faithfully discharge the duty upon which I am about to enter.”

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

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

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

19. Declaration of assests etc.—

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

(2) If any councillor fails to file the declaration referred to in sub-section (1) or files the same knowing it to be false or incorrect he shall cease to be a councillor.

(3) Any question whether disqualification under sub-section (2) has occurred shall be decided, on reference made by the corporation, by Government and the decision of Government thereon shall be final.

Explanation.—For purposes of this section family means the spouse and dependant children of the councillor.

20. Power to make rules regarding election of Mayor, Deputy Mayor and members and chairmen of standing committees.—

(1) The election of the Mayor or the Deputy Mayor and members and chairmen of standing committees and the determination of disputes relating to such election and the filling up of vacancies in the said offices shall be in accordance with such rules as may be prescribed.

(2) Any dispute relating to the validity of the election of Mayor or Deputy Mayor or member or chairman of a standing committee shall be decided by the District Court having jurisdiction. An appeal shall lie to the High Court from an order of the District Court within a period of thirty days from the date of such order 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 such period.

CHAPTER IV

Election

21. Determination of divisions, etc.—

(1) For purposes of elections Government shall, by notification, determine,—

(a) the divisions into which the city shall, be divided and the extent of each division;

(b) the number of seats which may be allotted to each division which may be ¹[one or more;]

1. Substituted by Act 24 of 1978 S-3 (29.9.1978)

(c) the number of seats reserved for the Scheduled Castes, the Scheduled Tribes, ¹[and women] and the divisions in which such seats shall be reserved.

²[(1A) No notification under sub-section (1) shall be called in question in any court of law;]

(2) The ratio between the number of councillors to be elected from each division and the population of that division as ascertained at the last preceding census shall so far as practicable be the same throughout the city.

²[Provided that the reference in this sub-section to the last preceding census shall until the relevant figures for the first census taken after the year 2000 have been published be construed as reference to the 1971 census.]

(3) The State Government may make rules for the purposes of sub-sections (1) and (2).

22. Right to vote.—

Every person whose name is in the ³[Electoral roll] referred to in section 23 shall, unless disqualified under any law for the time being in force, be disqualified to vote at the election of a councillor for the division ¹[x x x] to which such ³[role pertain]*

23. Electoral Rules.—

*[³(1) The electoral roll of the Karnataka Legislative Assembly for the time being in force for such part of the constituency of the Assembly as is included in any division referred to in sub-section (1) of section 21, shall for the purposes of this Act be deemed to be the electoral roll for such division:

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1. Substituted by Act 24 of 1978, S-3 (29.9.1978)
 2. Inserted by Act 13 of 1983, S-3 (24.2.1983)
 3. Substituted by Act 2 of 1990 (5.1.90)

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

24. Commissioner to fix date of elections.—

(1) All vacancies in the office of councillors shall be filled by elections which shall, subject to approval of Government, be fixed by the Commissioner to take place on such dates within three months before the occurrence of vacancies as he thinks fit:

Provided that Government may, for sufficient cause permit holding of such elections on any later date.

(2) A casual vacancy in the office of a councillor shall be filled at a casual election which shall be fixed by the Commissioner to take place as soon as may be after the occurrence of the vacancy:

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

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

25. Qualification of candidates.—

¹[(1) No person shall be qualified for election as a councillor unless his name is included in the electoral roll of any division of the city and in respect of any seats reserved for the Schedule Castes or the Schedule Tribes or women such person is a member of any such Caste or Tribe or is a woman as the case may be.]

1. Substituted by Act 24 of 1978, S-6 (29.9.78)

(2) No member of the State Legislature representing a part or whole of the ¹[city and no person who is] disqualified from being a member of the State Legislature, no servant of the corporation and no whole time servant of the State Government or Central Government shall be qualified for election or for holding office as a councillor.

26. General disqualification for becoming a councillor.—

(1) A person shall be disqualified for being chosen as and for being a councillor—

(a) if he has been sentenced by a criminal court to imprisonment for an offence punishable with imprisonment for a term, exceeding six months, provided that 91) the offence is one which involves moral turpitude and 92) such sentence has not been reversed or quashed or the offence not pardoned; or

(b) if he is convicted of an offence under the provisions of the Untouchability Offence Act, 1955 (Central Act 22 of 1955) or the Prevention of Food Adulteration Act, 1954 (Central Act 37 of 1954);

(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 a deaf, mute; or

1. Substituted by Act 24 of 1978, S-6 (29.9.1978)

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

(h) if he is an undischarged insolvent; or

(i) if he is not a citizen of India or has voluntarily acquired the citizenship of a foreign State, or is under any acknowledgment of allegiance or adherence to a foreign State; or

(j) if he is less than twenty five years of age; or

(k) if, save as hereinafter provided, he has directly or indirectly, by himself or his partner, any share or interest in any work done by order the Corporation, or in any contract or employment with or under, or by or on behalf of the Corporation; or

(l) if he is employed as paid legal practitioner on behalf of the Corporation or accepts employment as legal practitioner against the Corporation; or

(m) if he is a licensed surveyor, or plumber or water supply contractor of the Corporation or is a partner of a firm of which any such licensed person is a partner; or

(n) if he fails to pay arrears of any kind due by him otherwise than as an agent, receiver, trustee or an executor to the Corporation within three months after a notice in this behalf has been served upon him; or

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

(i) any corrupt practice, or

(ii) any offence punishable under section 171E or section 171F of the Indian Penal Code; or any offence punishable under section 40 or section 52 or clause (a) of sub-section (2) of section 53 of this Act,

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;

Provided that—

(a) a person shall not be deemed to have incurred any disqualification under clause (c) by reason only of receiving,—

(i) any pension, or

(ii) any allowance or facility approved by the Government for serving as president or vice-president or as councillor;

(b) the disqualification in clauses (a) and (d) shall cease to operate after the expiry of four years from the date of such sentence, dismissal or removal or earlier by an order the Government;

(c) a person shall not be deemed to have incurred disqualification under clause (k) by reason of his—

(i) having any share or interest in any lease, sale or purchase of any immovable property or in any agreement for the same, or

(ii) having a share or interest in any joint stock company otherwise than as managing director or agent or in any literary association registered under the Societies Registration Act or in any co-operative society which shall contract with or be employed by or on behalf of the Corporation, or

(iii) having a share or interest in any newspaper in which any advertisement relating to the affairs of the Corporation may be inserted, or

(iv) holding a debenture or being otherwise interested in any loan raised by or on behalf of the Corporation, or

(v) having a share or interest in the occasional sale of any article in which he regularly trades, to the Corporation to a value not exceeding in any official year fifty rupees or such higher amount not exceeding five hundred rupees as may be prescribed, or

(vi) having a share or interest in the occasional letting out on hire to the Corporation or in the hiring from the Corporation, of

any article for an amount not exceeding in any official year fifty rupees or such higher amount not exceeding five hundred rupees as may be prescribe.

(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, directly or indirectly, by himself or his partner, any such share or interest as is described in sub-clauses (i), (ii), (iii) or (v) of clause (c) of the proviso to sub-section (1) whatever may be the value of such share or interest, or

(ii) in which he is professionally interested on behalf of a principal or other person, or

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

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

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

Provided further that when an application is made by a councillor to the Corporation for leave to absent himself and the Corporation fails to inform the applicant of its decision on the application within a period of one month from the date of the application, the leave applied for shall be deemed to have been granted by the Corporation, the Divisional Commissioner may, either *suo motu* or on 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 thirty days from the date of receipt of the report or where action is taken *suo motu*, within thirty days from the initiation thereof.

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

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

27. Corrupt practices entailing disqualification.—

The corrupt practices specified in section 39 shall entail disqualification for being a councillor for a period of six years counting from the date on which the finding of the court as to such practice takes effect under this Act.

28. Disqualification for being a voter arising out of conviction and corrupt practice.—

If any person—

(a) is convicted of an offence punishable with imprisonment under section 171E or section 171F of the Indian Penal Code (Central Act 45 of 1860) or an offence punishable under section 40 or section 52 or clause (a) of sub-section (2) of section 53 of this Act; or

(b) is upon the trial of an election petition under this Act found guilty of any corrupt practice, he shall for a period of six years from the date of conviction or from the date of which such finding takes effect be disqualified for voting at an election.

29. Disqualification for being an election agent.—

Any person who is for the time being disqualified under sections 26, 27 or 28 for being a councillor or for voting at elections, shall, so long as the disqualification subsists, also be disqualified for being an election agent at the election.

30. Equality of votes.—

If there is equality of votes between two or more candidates, the Commissioner shall decide by drawing lots which candidate shall be deemed to have been elected.

31. Prohibition of simultaneous membership.—

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

(2) If the candidate does not make the choice referred to in sub-section 91), the Commissioner shall determine by lot and notify the division from which such candidate shall serve.

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

32. Publication of results of elections.—

All elections of the Mayor and Deputy Mayor and all elections of councillors shall be notified by Government in the Official Gazette.

33. Election petition.—

(1) No election of a councillor shall be called in question except by an election petition presented for adjudication to the District

Court having jurisdiction, within thirty days from the date of the publication of the result of election under section 32.

(2) An election petition may be presented on one or more of the grounds specified in section 35.—

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

(3) A petitioner shall join as respondents to his petition all the candidates at the election.

(4) An election petition,—

(a) shall contain a concise statement of the material facts on which the petitioner relies;

(b) shall set forth full particulars of any corrupt practice that the petitioner alleges, including as full a statement as possible of the names of the parties alleged to have committed such corrupt practice and the date and place of the commission of each such practice; and

(c) shall be signed by the petitioner and verified in the manner laid down in the Code of Civil Procedure, 1908 (Central Act 5 of 1908) for the verification of pleadings.

(5) Every election petition shall be tried as expeditiously as possible and endeavor shall be made to conclude the trial within six months from the date of presentation of the election petition under subsection (1):

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

(6) Any schedule or annexure to the petition shall also be signed by the petitioner and verified in the same manner as the petition.

34. Relief that may be claimed by the petitioner.—

A petitioner may, in addition to claiming a declaration that the election of all or any of the returned candidates is void, claim a further declaration that he himself or any other candidate has been duly elected.

35. Grounds for declaring elections to be void.—

(1) Subject to the provisions of sub-section (2), 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—

(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.

36. Procedure to be followed by the court.—

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

37. 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 any of the returned candidates to be void and the petitioner or any other candidate to have been duly elected.

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

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

(b) that but for the votes obtained by returned candidate by corrupt practices the petitioner or such other candidate would

have obtained a majority of the valid votes, the court shall, after declaring the election of the returned candidate to be void, declare the petitioner or such other candidate as the case may be, to have been duly elected.

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

38. Appeal.—

An appeal shall lie to the High Court from an order of the District Court under section 37 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.

39. Corrupt practices.—

The following shall be deemed to be corrupt practices for purposes of this Act, namely:—

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

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

(3) the appeal by a candidate or his agent or by any other person with the consent of a candidate or his election agent to vote or refrain from voting for any person on the ground of his religion, race,

caste, community or language or the use of, or appeal to religious symbols or the use of, or appeal to national symbols, such as the national flag or the national emblem, for the furtherance of the prospects of the election of that candidate or for prejudicially affecting the election of any candidate;

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

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

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

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

Provided further that the use of any public transport vehicle or any railway carriage by any voter at his own cost for the purpose of

going to or coming from any such polling station shall not be deemed to be a corrupt practice under this clause.

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

(7) the holding of any meeting in which intoxicating liquors are served;

(8) 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;

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

Explanation.—(a) In this section, the expression “agent” includes an election agent, a polling agent and any person who is held to have acted as an agent in connection with the election with the consent of the candidate.

(b) For the purposes of clause (8), a person shall be deemed to assist in the furtherance of the prospects of a candidate’s election if he acts as an election agent, or a polling agent or a counting agent of that candidate.

40. 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.

41. Prohibition of public meetings on the day preceding the election day and on the election day.—

(1) No person shall convene, hold or attend any public meeting within any division within twenty-four 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 division.

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

42. 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 two hundred and fifty rupees.

(2) This section applies to any public meeting in connection with corporation elections held in any division 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.

43. Restrictions on the printing of pamphlets, posters etc.—

(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) For the purposes, of this section,—

(a) any process for multiplying copies of a document other than copying it by hand, shall be deemed to be printing and the expression 'printer' shall be construed, accordingly; and

(b) 'election pamphlet or poster' means any printed pamphlet, hand-bill or other document distributed for the purposes of promoting or prejudicing the election of a candidate or group of candidates under this Act or any placard or poster having reference to an election, but does not include any hand-bill, placard or poster merely announcing the date, time, place and other particulars of an election meeting or routine instructions to election agents or workers.

(4) Any person who contravenes any of the provision 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 two thousand rupees, or with both.

44. Maintenance secrecy of voting.—

(1) Every officer, clerk, agent or other person who performs any duty in connection with the recording or counting of votes at an election under this Act shall maintain and aid in maintaining, the secrecy of the voting and shall not, except for some purpose authorised by or under any law, communicate to any person any information 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 three months or with fine or with both.

45. Officers, etc., at elections not to act for candidates or to influence voting.—

(1) No person who is a returning officer or an assistant returning officer or a presiding or polling officer at an election under this Act or an officer or clerk appointed by the returning officer or the presiding officer to perform any duty in connection with such election shall, in the conduct or management of the election, do any act (other than the giving of vote) for the furtherance of the prospects of the election of a candidate.

(2) No such person as aforesaid and no member of a police force, shall endeavor,—

(a) to persuade any person to give his vote at an election; or

(b) to dissuade any person from giving his vote at an election;

(c) to influence the voting of any person at an election in any manner.

(3) Any person who contravenes 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, or with both.

46. 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; or
- (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 two hundred and fifty rupees.

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

47. 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 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 wilfully 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.

(4) Any police officer may take 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.

48. Penalty for misconduct at the polling station.—

(1) Any person who, during the hours fixed for the poll at any polling station, misconducts himself or fails to obey the lawful directions of the presiding officer, may be removed from the polling station by the presiding officer or by any police officer on duty or by any person authorised in this behalf by such presiding officer.

(2) The powers conferred by sub-section (1) shall not be exercised so as to prevent any voter who is otherwise entitled to vote at a polling station from having an opportunity of voting at that station.

(3) If any person who has been so removed from a polling station re-enters the polling station without the permission of the presiding officer, he shall, on conviction, be punished with imprisonment for a term which may extend to three months, or with fine, or with both.

(4) An offence punishable under sub-section (3) shall be cognizable.

49. Penalty for illegal hiring or procuring of conveyances at elections.—

If any person is guilty of any such corrupt practice as is specified in clause (6) of section 39 at or in connection with an election he shall, on conviction, be punished with fine which may extend to two hundred and fifty rupees.

50. Breaches of official duty in connection with elections.—

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

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

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

51. Penalty for Government servants 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.

52. Removal of ballot papers from polling station to be an offence.—

(1) Any person who at any election fraudulently takes or attempts to take a ballot paper out of a polling station or wilfully 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 woman to be searched, the search shall be made by another woman with strict regard to decency.

(3) Any ballot paper 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.

53. 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 ballot paper or the official mark on any ballot paper; or

(d) without due authority supplies any ballot paper to any person or receives any ballot paper from any person or is in possession of any ballot paper; or

(e) fraudulently puts into any ballot box anything other than the ballot paper which he is authorised by law to put in; or

(f) without due authority destroys, takes, opens or otherwise interferes with any ballot box or ballot papers 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 wilfully 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.

54. Prosecution regarding certain offences.—

No court shall take cognizance of any offence under section 45 or under section 50 or under clause (a) of sub-section (2) of section 53 unless there is a complaint made by order of, or under authority from, such officer as may be prescribed.

55. Power to make rules regulating the election of councillors.—

(1) The Government may make rules to provide for or regulate all or any of the following matters for the purpose of holding elections of councillors under this Act, namely:—

(a) the appointment of a returning officer, assistant returning officers, presiding officers and polling officers for the conduct of elections;

(b) the nomination of candidates, form of nomination papers, objection to nominations and scrutiny of nominations;

(c) the symbols that may be chosen by candidates representing political parties and other candidates at elections and the restriction to which their choice is subject.

(d) the deposits to be made by candidates, time and manner of making such deposits and the circumstances under which such deposits may be refunded to candidates or forfeited to the corporation;

(e) the withdrawal of candidates;

(f) the appointment of agents of candidates;

(g) the procedure in contested and uncontested elections and the special procedure at elections in divisions where any seat is reserved for the Scheduled Castes or Scheduled Tribes or women; ¹[x x]

(h) the date, time and place for poll and other matters relating to the conduct of elections including—

(i) the appointment of polling station for each division,

(ii) the hours during which the polling station shall be kept open for the casting of votes.

(iii) the printing and issue of ballot papers,

(iv) the checking of votes by reference to the electoral roll,

(v) the marking with indelible ink of the left forefinger or any other finger or limb of the voter and prohibition of the delivery of any ballot paper to any person if at the time such person applies for such paper he has already such mark so as to prevent personation of voters,

(vi) the manner in which votes are to be given and in particular in the case of illiterate voters or of voters under physical or other disability,

(vii) procedure to be followed in respect of challenged votes and tendered votes,

(viii) the scrutiny and counting of votes, the declaration and publication of the results and the procedure in case of equality of votes,

(ix) the custody and disposal of papers relating to elections,

(x) the suspension of poll in case of any interruption by riot, violence or any other sufficient cause and the holding of a fresh poll,

(xi) the holding of a fresh poll in the case of destruction of or tampering with ballot boxes before the count,

(xii) the countermanding of the poll in the case of the death of a candidate before the poll;

(i) the fee to be paid on an election petition;

(j) any other matter relating to elections or election disputes in respect of which the Government deems it necessary to make rules under this section.

(2) In making any rule under this section the Government may provide that any contravention thereof shall, on conviction, be punished with fine which may extend to one hundred rupees.

56. Bar of suits relating to elections, etc.—

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

CHAPTER V

POWERS AND FUNCTIONS OF THE CORPORATION AND OTHER AUTHORITIES

57. General powers of the corporation.—

(1) Subject to the provisions of this Act, the rules, the regulations and the bye-laws made thereunder, the municipal government of the city shall vest in the corporation.

(2) Without prejudice to the generality of the provisions of sub-section (1), it shall be the duty of the corporation to exercise such powers, perform such functions and discharge such duties as are conferred on it by and under this Act and consider all periodical statements relating to the receipts and disbursements and all progress reports and pass such resolutions thereon, as it thinks fit.

58. Obligatory functions of the corporations.—

It shall be incumbent on the corporation to make reasonable and adequate provision by any means or measures which it is lawfully competent to use or to take, for each of the following matters, namely—

(1) erection of substantial boundary marks of such description and in such positions as shall be approved by the Government defining the limits or any alteration in the limits of the city;

(2) the watering and cleansing of all public streets and public places in the city and the removal of all sweepings therefrom;

(3) the collection, removal, treatment and disposal of sewage, offensive matter and rubbish and the preparation of compost manure from such sewage, offensive matter and rubbish;

(4) the construction, maintenance and cleaning of drains and drainage works and of public privies, water closets, urinals and similar conveniences;

(5) the lighting of public streets, municipal markets and places of resort vested in the corporation;

(6) the maintenance of a corporation office and of all public monuments and open spaces and other property vesting in the corporation and keeping a true and correct account of all corporation property;

(7) the naming or numbering of streets and of public places vesting in the corporation and the numbering of premises;

(8) the regulation and abatement of offensive and dangerous trades or practices;

(9) the maintenance, change and regulation of places for the disposal of the dead and the provision of new places for the said purpose and disposing of unclaimed dead bodies;

(10) the construction or acquisition and maintenance of public markets and slaughter houses and the regulation of all markets and slaughter houses;

(11) the maintenance of an ambulance service and service for conveying dead bodies to crematoriums;

(12) the destruction of birds or animals causing nuisance, or of vermin and confinement or destruction of stray or ownerless dogs;

(13) laying out new public streets;

- (14) maintaining or aiding schools for pre-primary education;
- (15) the construction or acquisition and maintenance of cattle ponds;
- (16) establishing and maintaining a system of public vaccination;
- (17) the reclamation of unhealthy localities, the removal of noxious vegetation and generally the abatement of all nuisances;
- (18) the planing and maintenance of trees on road sides and elsewhere;
- (19) the construction, maintenance, alteration and improvement of public streets, bridges, sub-ways, culverts, cause-ways and the like;
- (20) the removal of obstructions and projections in or upon streets, bridges and other public places;
- (21) the management and maintenance of all municipal water works and the construction or acquisition of new works necessary for a sufficient supply of water for public and private purposes;
- (22) preventing and checking the spread of dangerous diseases;
- (23) the securing or removal of dangerous building and places;
- (24) the construction and maintenance of residential quarters for the poura karmikas;
- (25) the provision of public parks, gardens, playgrounds and recreation grounds;
- (26) the regulation of lodging houses, camping grounds and rest houses in the city;

(27) establishing and maintaining compost plants for disposal of sewage;

(28) supplying, constructing and maintaining in accordance with the general system approved by the corporation, receptacles, fittings, pipes and other appliances whatsoever on or for the use of premises for receiving and conducting the sewage thereof into drains under the control of the corporation;

(29) taking measures to meet any calamity affecting the public;

(30) fulfilment of any obligation imposed by or under this Act or any other law for the time being in force and discharge of functions in respect of any matter entrusted to the corporation by Government by notification;

(31) subject to adequate provision being made for the matters specified above, the provision of relief to destitute persons in the city in times of famine and scarcity and the establishment and maintenance of relief works in such times.

59. Discretionary functions of the corporation.—

The corporation may, in its discretion, provide, either wholly or in part, for all or any of the following matters, namely:—

(1) the organisation, maintenance or management of institutions within or without the city for the care of persons who are infirm, sick or incurable, or for the care and training of the blind, deaf, mute or otherwise disabled mothers or infants or school children;

(2) the organisation, maintenance or management of maternity and infant-welfare homes or centres;

(3) the provision of milk to expectant or nursing mothers or infants or school children;

(4) the organisation, maintenance or management of chemical or bacteriological laboratories for the examination or analy-

sis of water, food or drugs, for the detection of diseases or for research connected with public health;

(5) the organisation, maintenance or management of swimming pools, public wash houses, bathing places and other institutions designed for the improvement of public health;

(6) the construction and maintenance, in public streets or places, of drinking fountains for human beings and water-troughs for animals;

(7) survey of buildings or lands;

(8) the provision of music for the people;

(9) encouraging the development of planning and maintenance of trees and plants on private land and within private compounds;

(10) maintenance of health museums;

(11) construction or maintenance of infirmaries or hospitals for animals;

(12) the organisation or maintenance, in times of scarcity of shops or stalls for the sale of necessaries of life;

(13) the building or purchase and maintenance of residence for corporation officers and servants;

(14) the grant of loans for building purposes to corporation servants on such terms and subject to such conditions as may be prescribed by the corporation;

(15) any other measures for the welfare of corporation servants;

(16) the establishment and maintenance or the aiding of, museums and art galleries, botanical or zoological collections and the purchase or construction of buildings therefor;

(17) contribution towards any public fund raised for the relief of human suffering caused by natural calamities within the city or for the public welfare;

(18) the preparation or presentation of addresses to persons of distinction;

(19) granting rewards for information regarding the infringement of any provisions of this Act, or of the rules, bye-laws and regulations;

(20) the building or purchase and maintenance of suitable dwelling for the poor and working classes;

(21) the provision of shelter to destitute or homeless persons and any form of poor relief;

(22) with the previous sanction of the Government, the making of a contribution towards any public ceremony or entertainment in the city;

(23) any measure not herein before specifically named, likely to promote public safety, health, convenience or instruction.

60. Powers and functions of the Mayor.—

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

(2) 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 corporation or a standing committee in the discharge of any obligatory and discretionary functions of the corporation, and the commissioner shall comply with such directions. The Mayor may call any record of the 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.

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

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

(5) 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.

(6) 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.

61. 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 Commissioner to get the Administration and Audit Reports prepared in time in time.

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

62. Functions of standing committees.—

The standing committee for taxation and finance shall deal with all matters relating to finance, taxation, accounts and audit and all other matters not specifically assigned to the standing committee for public health or the standing committee for works, which are required to be dealt with by or under this Act.

(2) The standing committee for public health shall deal with all matters relating to public health and sanitation.

The standing committee for works shall deal with all matters relating to public works, town planning and improvement.

(4) The corporation shall, by regulations framed for the purpose, determine the powers and duties of each standing committee, not specially provided for in this Act and may by regulations provide for a conference of two or more standing committees or for the appointment out of such committee of a joint committee for any purpose in respect of which they may be jointly interested.

(5) The standing committee for taxation and finance, in addition to the powers and duties assigned to it under the regulations,—

(a) shall supervise the utilization of the budget grants;

(b) shall have access to the accounts of the corporation, and may require the Commissioner to furnish any clarification which it considers to be necessary as to the receipts and expenditure of the corporation fund;

(c) may conduct a monthly audit of the corporation accounts and shall be bound to check the monthly abstract of receipts and disbursements for the preceding month as furnished by the Commissioner; and

(d) may, subject to the approval of the corporation, write off the amount of any loss, or depreciation caused to corporation property which appears to the committee to be irrecoverable:

Provided that where the amount of any such loss or depreciation exceeds rupees one thousand it shall not be written off except with the previous sanction of the Government.

¹[(5A) Notwithstanding anything contained in the foregoing sub-sections, the functions, powers and duties of each standing committee of the Corporation of the City of Bangalore shall be such, as

may be prescribed by regulations. The Corporation may by regulation also provide for a conference of two or more standing committees or for the appointment, out of such committees, of a Joint Committee for any purpose in respect of which they may be jointly interested.”]

(6) The corporation shall sanction such staff as may reasonably be required by the standing committees to discharge their respective functions.

63. Delegation of powers to Commissioner by standing committee.—

(1) Wherever it is provided by the Act or any other law for the time being in force that the Commissioner may take action subject to the approval, sanction, consent or concurrence of a standing committee, the standing committee may, by resolution in writing authorise him to take action in anticipation of its approval, sanction, consent or concurrence subject to such conditions, if any, as may be specified in such resolution.

(2) Whenever the Commissioner, in pursuance of such resolution, takes any action in anticipation of the approval sanction, consent or concurrence of a standing committee he shall forthwith inform the committee of the action so taken.

64. Functions of the Commissioner.—

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

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

(b) in any emergency take such immediate action for the service or safety of the public or the protection of the property of the corporation as the emergency shall appear to him to justify or to 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 the standing committee concerned and to the corporation the action he has taken and the reasons for taking the same and the amount of cost, if any, incurred or likely to be incurred in consequence of such action which is not covered by a current budget grant under the provisions of this Act.

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

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

65. Commissioner to carry on correspondence.—

All correspondence relating to any matter dealt with, by or under this Act or under any other law between the corporation and the Government or other authority shall be conducted by the Commissioner and the Commissioner shall send copies of such correspondence to the Mayor.

66. Delegation of Commissioner's ordinary power.—

Subject to the rules made by the State Government, the Commissioner may delegate to any officer of the Corporation subordinate to him, any of his ordinary powers, duties and functions.

67. Delegation of Commissioner's extraordinary powers.—

The Commissioner may on his own responsibility and by order in writing authorise the health officer, the engineer, the revenue officer or any other officer who is the head of a department working under the Commissioner, or any person in temporary charge of the duties of any of the officers aforesaid to exercise the extraordinary powers conferred on him by clause (b) of sub-section (1) of section 64.

68. Custody of records.—

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

69. Control over Corporation establishment.—

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

70. Power of councillors.—

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

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

CHAPTER VI
PROCEDURE OF THE CORPORATION AND
COMMITTEES

71. Proceedings of the corporation and standing committee.—

(1) The first meeting of the corporation after the general election shall be held as early as possible after the publication, publication of the results of such election and shall be convened by the Commissioner. It shall be presided over by the Divisional Commissioner of the revenue division having jurisdiction.

(2) The meetings of the corporation and the standing committees shall be held in the office of the corporation and the business before them shall be disposed of in accordance with the prescribed procedure. Notices of such meetings shall be issued by the council secretary who in the case of meetings of the corporation shall do so in consultation with the Mayor and the 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 chairman which may be considered if supplementary agenda in respect thereof has been circulated among the councillors or members before the meeting.

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

72. Obligation laid on remaining municipal authorities to carry out resolutions of the corporation.—

The committees constituted under this Act and the Commissioner shall be bound to give effect to every resolution of the corporation unless such resolution is cancelled in whole or in part by the Government:

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

73. Corporation may call for extracts from proceedings, etc., from the standing committee, etc.—

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

74. The corporation or a standing committee may require Commissioner to produce documents and furnish returns, reports, etc.—

(1) Save as otherwise provided in sub-section (3), the corporation or a standing committee may at any time require the Commissioner,—

(a) to produce any record, correspondence, plan or other document which is in his possession or under his control as Commissioner, or which is recorded or filed in his office or in the office of any corporation officer or servant subordinate to him;

(b) to furnish any return, plan, estimate, statement, account or statistics concerning or connected with any matter pertaining to the administration of this Act;

(c) to furnish a report by him or to obtain from any officer subordinate to him and furnish, with his own remarks thereon, a report upon any subject concerning or connected with the administration of this Act.

(2) Except as is hereinafter provided, every such requisition shall be complied with by the Commissioner with out unreasonable delay; and it shall be incumbent on every corporation officer and servant to obey any order made by the Commissioner in pursuance of any such requisition:

Provided that if, on such requisition as aforesaid being made, the Commissioner shall declare that immediate compliance therewith would be prejudicial to the interests of the corporation or of the public, and shall if so required by the corporation or the standing committee, as the case may be, refer the question to the Mayor whose decision shall be final.

(3) Notwithstanding anything contained in this Act the Commissioner shall not produce or be called upon to produce by the corporation, a standing committee or any other committee, Mayor or Deputy Mayor, any record, correspondence or other document which is in his possession or his control and which is the subject matter of correspondence with the Government except in cases where the Commissioner considers that the production of any record, correspondence or other document is necessary in the interests of the corporation.

75. Joint transaction with other local authorities.—

(1) The corporation may and if so required by the Government shall, join with a local authority or with a combination of local authorities,

(a) in appointing a joint committee out of their respective bodies for any purposes in which they are jointly interested and in appointing a chairman of such committee:

(b) in delegating to any such committee powers to frame terms binding on each such body as to the construction and future maintenance of any joint work and any power which might be exercised by any of such bodies; and

(c) in framing and modifying rules for regulating proceedings of any such committees in respect of the purpose for which the committee is appointed.

(2) When the corporation has requested concurrence of any other local authority under the provisions of sub-section (1) in respect of any matter and such other local authority has refused to concur, the Government may pass such orders as it deems fit requiring the concurrence of such other local authority in the matter aforesaid and such other local authority shall comply with such orders.

(3) If any difference of opinion arises between the corporation and any other local authority which has joined the corporation under this section, the matter shall be referred to the Government whose decision thereon shall be final and binding on both the parties.

76. proceedings of corporation, etc., not vitiated by disqualification, etc., of members thereof.—

(1) No act done or proceeding taken under this Act shall be questioned merely on the ground,—

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

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

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

77. Record of proceedings.—

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

78. Proceedings of meetings to be good and valid until contrary is proved.—

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

79. 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 corporation and of any standing committee and to take part in the discussion but shall not have the right to move any resolution or to vote.

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

80. Councillors to refrain from taking part in discussion and voting on questions in which they have pecuniary interest.—

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

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

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

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

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

81. Submission of administration report to Government.—

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

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

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

CHAPTER VII

Corporation officers and servants and their appointment and conditions of service

82. Appointment of Engineer, Health Officer etc.—

(1) The Government shall appoint for every corporation such officers of the State Civil Services as it considers suitable to be the Engineer, Health Officer, Revenue Officer, Chief Account Officers and Council Secretary for the efficient functioning of the corporation and such officers shall be heads of their respective departments in the corporation and they shall be subordinate to the Commissioner. The Government may also appoint one or more Deputy Commissioners and Assistant Commissioners who shall exercise such powers and discharge such functions as may be specified in the rules. They shall be subordinate to the Commissioner.

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

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

(4) Every officer of the Government appointed under sub-sections (1) and (2) shall be paid by the corporation such salary as may be determined by the Government from time to time which shall be met out of the corporation fund and shall be entitled to leave and other privileges in accordance with the rules and regulations applicable to the Government service to which he belongs and in force for the time being, and the corporation shall make such contribution towards his leave allowances, pension and provident fund as may be payable under such rules and regulations by him or on his behalf.

83. Appointment to certain posts under the corporations to be made from Karnataka Municipal Administrative Service.—

(1) Notwithstanding anything contained in this Act or in any other law for the time being in force such of the posts under every 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 under the rules framed under the proviso to Article 309 of the Constitution of India, the officers of the Karnataka Municipal Administrative Service referred to in sub-section (1) shall, for the period of their service under the corporation, be governed by the provisions of this Act, the rules, the regulations or the bye-laws framed thereunder.

(3) Every corporation shall contribute such percentage of its revenues in such manner and at such times as the Government may be 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 referred to in sub-section (1), for the period of their service.

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

84. Appointment to the other posts on the corporation establishment.—

(1) Subject to the provision of sections 85 and 86 appointment to posts on the corporation establishment other than borne on the cadre of the Karnataka Municipal Administrative Service, and the posts referred to in section 82 shall be made by the commissioner in accordance with this Act, the rules and the regulations framed thereunder.

(2) If any officer appointed under sub-section (1) is a Government servant, he shall be entitled to leave and other privileges in accordance with the rules and regulations applicable to the Government service to which he belongs and in force for the time being and the corporation shall make such contribution towards his salary, leave allowances, pension and provident fund as may be payable under such rules and regulations by him or on his behalf.

85. Special appointments.—

The corporation may appoint.—

(a) special health officers for the purpose of making investigations and proposing preventive or remedial measures with special reference to the occurrence of any unusual mortality or the prevalence or apprehended outbreak of any dangerous disease within the city;

(b) engineers, architects or experts in town improvement or town planning for the purpose of preparing, executing or supervising any scheme of work undertaken by the corporation;

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

Provided that—

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

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

86. Power of Government to appoint special health officers.—

In the event of the occurrence of any unusual mortality or the prevalence or apprehended outbreak of any dangerous disease within the city, Government, if it considers that immediate action is necessary, may, on its own motion appoint a special health officer wholly or partly at the expense of the corporation fund:

Provided that—

(a) such appointment shall not be for more than six months; and

(b) the corporation shall not be bound to pay more than five hundred rupees per mensem on account thereof.

87. Contribution in respect of Government servants.—

(1) if an officer or servant serving or having served under the corporation is or has been transferred from or to the service of the

Government or is employed partly under the Government and partly by the corporation, the corporation shall make such contribution towards his leave allowances, pension and provident fund as may be required to be made by him or on his behalf under the rules and regulations of the branch of Government service to which he belongs.

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

88. Establishment schedule.—

(1) The Commissioner shall lay before the standing committee for taxation and finance a Schedule setting forth the designations and grades of the officers and servants who should in his opinion constitute the corporation establishment and embodying his proposals with regard to the salaries, fees and allowances payable to them.

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

(3) The corporation shall sanction such schedule with or without modifications as it thinks fit and may from time to time amend it at the instance of the Commissioner and standing committee:

Provided that no new office shall be created without the sanction of the Government if the maximum monthly salary exceeds ¹[nine hundred] rupees.

(4) No officer or servant shall be entertained on the corporation establishment unless he is a member of the Karnataka Municipal Administrative Service, or has been appointed under section 82, section 85 or section 86 or unless his office and emoluments are included in the Schedule sanctioned under sub-section (1).

89. Reservation of posts for appointment.—

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

90. Punishment for corporation officers and other employees.—

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

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

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

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

Provided that this sub-section shall not apply—

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

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

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

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

91. Power of Government to make rules regarding the conditions of service applicable to employees.—

(1) The Government may by rules provide for the following matters, namely:—

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

(b) the procedure to be followed in imposing any penalty under sub-section (1) of section 90, suspension pending departmental inquiries before the imposition of such penalty and the authority by whom such suspensions may be ordered; the officer or authority to whom an appeal shall lie under sub-section (4) of that section;

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

¹[91A. Transfer of employees.—

(1) Notwithstanding anything contained in this Act, or in any other law the State Government may transfer any officer or servant

1. Inserted by Act 40 of 1981, S-2 (12.8.1981)

of a corporation to a corresponding post in any other corporation or in any local authority constituted or deemed to have been constituted under any law made by the State Legislature or in the Government.

(2) The officer or servant transferred under sub-section (1) shall, subject to any rule or other provision made under this Act or under article 309 of the constitution be entitled to the same remuneration and be subject to the same terms and conditions of service and to same rights and privileges as to pension gratuity and provident fund and such other matters as he would have held under the corporation from which he was so transferred.]

CHAPTER VIII

Essential Services

92. Declaration of Essential Services, etc.—

(1) The corporation may from time to time declare such classes of its services as it considers necessary to be essential services.

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

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

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

93. Power of Government to declare emergency.—

If the Government is of the opinion that the stoppage or the cessation of the performance of any of the essential services will be

prejudicial to the safety or health or the maintenance of services essential to the life of the community in the corporation, it may, by notification declare that an emergency exists in the city and that in consequence thereof no member of such of the essential services and for such period as may be specified in the notification, notwithstanding any law for the time being in force or any agreement, shall,—

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

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

CHAPTER IX

Power of Government

94. Power of Government to call for records and to cause inspection to be made.—

(1) The Government may at any time require the 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 corporation or any of the municipal authorities;

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

(2) The Government may depute any officer to inspect or examine any corporation department or office or any service or work undertaken by the corporation or any of the municipal authorities or any property belonging to the corporation and to report thereon and the corporation and every municipal authority and all corporation officers

and other corporation employees shall be bound to afford the officer so deputed access at all reasonable times to the premises and properties of the corporation and to all records, accounts and other documents the inspection of which he may consider necessary to enable him to discharge his duties.

95. Power of Government to take action in respect of matters pending undisposed of before the corporation.—

(1) The Government may at any time call for from the Commissioner the records relating to the business pending before the corporation and on receipt of such records, it may examine the same.

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

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

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

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

(3) Every order passed by 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 corporation.

96. Government's power to direct the taking of action.—

If, on receipt of any information or report obtained under sections 94 and 95 or otherwise Government is of opinion—

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

(b) that adequate financial provision has not been made for the performance of any such duty,

Government may, after giving notice of not less than fifteen days, by order, direct the 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 corporation or the Commissioner shall comply with such orders:

Provided that no notice shall be necessary in urgent cases.

97. Government's power to appoint an officer to take action in default, at the expense of corporation.—

(1) If, within the period fixed by an order issued under section 96 any action directed under that section has not been duly taken, the Government, may, by order—

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

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

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

(2) For the purpose of taking action directed as aforesaid, the officer appointed under sub-section (1) shall have power to make such contracts as the necessary and may exercise any of the powers

conferred on any municipal 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 municipal authority.

(3) 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 of money which may in their opinion be required for giving effect to their orders be borrowed by debenture and on the security of all or any of the said taxes at such rate of interest and upon such terms as to the time of repayment and otherwise as may be specified in the notification.

(4) The provisions of sections 154 to 165 shall, as far as may be, apply to any loan raised in pursuance of this section.

98. Submission of copies of resolution to Government and Government's power to cancel resolution and orders.—

(1) The Commissioner shall submit to the Government copies of all resolutions of the corporation.

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

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

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

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

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

99. Power of Government to supersede corporation.—

(1) If in the opinion of Government the corporation is not competent to perform or makes default in the performance of any of the duties imposed on it or undertaken by it, by or under this Act or any other law for the time being in force or exceeds or abuses its powers or fails to carry out the directions or orders given by Government to it under this Act or any other law or is acting in a manner prejudicial to the interests of the corporation, the Government may, by an order published, together with a statement of the reasons therefor, in the Official Gazette declare the corporation to be incompetent or in default or to have exceeded or abused its powers, or to have failed to carry out the directions given to it, or to have acted in a manner prejudicial to the interests of the corporation, as the case may be, and may subject to the provisions of section 101 supersede it for a period to be specified in the order:

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

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

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

(b) during the period of supersession of the corporation, all powers and duties conferred and imposed upon the corporation

and the standing committees of the corporation by or under this Act or any other law shall be exercised and performed by an Administrator appointed by Government in that behalf;

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

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

(4) During the period of supersession of the corporation references in any enactment or law for the time being in force to the Mayor of the corporation shall be construed as references to the Administrator appointed under clause (b) of sub-section (2).

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

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

(7) If, after enquiry made, the Government so directs the notwithstanding the expiry of the term of the councillors of the superseded corporation, the period of supersession with all the consequences aforesaid shall from time to time either prospectively or retrospectively be continued by an order published as aforesaid on such date as may be fixed by the Government for the reconstitution of the corporation.

(8) After the corporation is superseded its shall be reconstituted by the election of councillors under the provisions of this Act and the rules made thereunder applicable thereto,—

(a) if no direction has been made under sub-section (7) before such date as is fixed in the order of supersession; and

(b) if a direction has been made under sub-section (7) before such date as is fixed under that sub-section.

(9) At any time after an order is made under this section, Government may, by order published in the Official Gazette together with a statement of the reasons thereon, curtail the period of supersession and direct that before the expiry of the period as curtailed, the corporation shall be reconstituted by the election of councillors under the provisions of this Act and the rules made thereunder.

(10) An order of supersession of the corporation under sub-section (1) or an order under sub-section (7) or an order under sub-section (9) 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.

100. Power to appoint Administrator in certain cases.—

(1) Whenever,—

(a) the ordinary elections to the corporation under this Act or any proceedings consequent thereon have been stayed by an order of a competent court or authority;

(b) the election of all the councillors or more than two-thirds of the councillors has been declared by a competent court or authority to be void;

(c) the term or the extended term of office of the councillors has expired and the new corporation has not been constituted in accordance with the provision of this Act; or

(d) all the councillors or more than two-thirds of the councillors have resigned;—

Government shall, by notification, appoint an Administrator, for such period as may be specified in the notification and may, by like notification, curtail¹ [or extend either prospectively or retrospectively] the period of such appointment.

1. Substituted by Act 40 of 1981, S-4(16/1977)

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

(3) The provisions of sub-sections (3), (4) and (5) of section 99 shall *mutatis mutandis* be applicable in respect of the Administrator appointed under sub-section (1).

101. Maximum period of supersession etc.—

No order of supersession or appointment of Administrator under section 99 or section 100 shall remain in force for a period exceeding one year:

Provided that for reasons to be recorded in writing Government ¹[may continue either prospectively or retrospectively] such order for a further period not exceeding six months:

Provided further that such order ¹[may be continued either prospectively] or retrospectively a period beyond one year and six months if for reasons beyond the control of Government, which shall be recorded in writing, it is necessary to do so.

102. Revision.—

Government may call for the records of any proceedings of a corporation, a standing committee, the Commissioner or any officer subordinate to the corporation for the purpose of satisfying itself as to the correctness, legality or propriety of any order or proceeding and may, after giving a reasonable opportunity of being heard, pass such order with respect thereto as it thinks fit, which shall be complied with.

1. Substituted by Act 40 1981 S-5 (1.6.1977)

CHAPTER-X TAXATION

Enumeration of Taxes

103. Taxes which may be imposed.—

Subject to the general or special orders of Government, a corporation shall,—

(a) after observing the preliminary procedure required by section 104, and

(b) with the sanction of the Government and at rates not exceeding those specified in ¹[Schedules III, IV, V, VII and VIII] levy any one or more of the following taxes:—

(i) a tax on buildings or lands or both situated within the city (hereinafter referred to as the property tax);

(ii) a tax on carriages and animals;

(iii) a tax on carts;

²[(iv) x x x x]

(v) a toll on vehicles other than motor vehicles paying vehicles tax under the Karnataka Motor Vehicles Taxation Act, 1957 (Karnataka Act 35 of 1957) entering the corporation limits;

(vi) a tax on advertisement;

(vii) a duty on certain transfers of property in the shape of an additional stamp duty;

(viii) a general sanitary cess for the construction or maintenance or both of public privies and for the removal and disposal of refuse;

(ix) a water-rate or water-rates for water supplied by the corporation which may be imposed in the form of a tax assessed on buildings and lands, or in any other form, including that of charges for such supply, fixed in such mode or modes as shall be best adapted to the

1. Substituted by Act 21 of 1979, S-9 (31-3-1979)

2. Omitted by Act 21 of 1979, S-9 (31-3-1979)

varying circumstances of any class of cases or of any individual case;

Provided that the tax on carts shall be at the rate specified in section 124.

104. Procedure preliminary to imposing a tax.—

A corporation, before imposing a tax, shall observe the following preliminary procedure:—

(a) it shall, by resolution passed at a total general meeting select for the purpose one or other of the taxes specified in section 101 and in such resolution specify so far as may be applicable—

(i) the classes of persons or of property or of land which the corporation proposes to make liable and any exemption which it proposes to make;

(ii) the amount or rate at which the corporation proposes to assess each such class;

[(iii) xxx]

(b) when such resolution has been passed, the corporation shall publish in the Official Gazette and in such other manner as may be prescribed, a notice of such resolution in the prescribed form;

(c) any inhabitant of the city objecting to the imposition of the said tax on to the amount or rate proposed or to the classes of persons or property to be made liable thereto or to any exemptions proposed may, within one month from the publication in the Official Gazette of the said notice, send his objection in writing to the corporation; the corporation shall take all such objections into consideration, or shall authorise the standing committee for taxation and finance to consider the same and report thereon and unless it decides to abandon the proposed tax, shall submit such objections with its opinion thereon and any modifications proposed in accordance therewith, together with copy of the notice aforesaid to Government.

105. Power to sanction, modify and impose conditions:—

Government may either refuse to sanction the resolution submitted under section 104 or may return it to the corporation for further consideration, or if no objection which is in its opinion sufficient, was made to the proposed tax within one month from the publication of the said notice, may sanction the said resolution either,—

(a) without modification, or

(b) subject,—

(i) to such modifications not involving an increase of the amount to be imposed, or

(ii) to such conditions as to the application within the corporation to any purpose or purposes of this Act, specified in such conditions, of the whole or any part of the proceeds of such tax as it transmits.

106. Publication of sanctioned resolutions with notice:—

(1) All resolutions sanctioned under section 105 with all modifications subject to which the sanction is given shall be published by the corporation in the Official Gazette and in the offices of the corporation in city together with a notice reciting the sanction and the date and number thereof, and the tax as prescribed by the resolutions so published shall, from a date which shall be specified in such notice and which shall not be less than one month from the publication of such notice, be imposed accordingly, and the proceeds thereof shall be applied by the corporation in accordance with all conditions, if any, subject to which the sanction is given under section 105:

Provided that:—

(a) a tax leviable by the year,—

(i) shall not come into force except on one of the following dates, namely, the first day of April, the first day of July, the first day of October, the first day of January in the official year in which such notice is published, and

(ii) if it comes into force on any day other than the first day of April shall be leviable by the quarter till the first day of April then next ensuing;

(b) on or before the day on which a notice is issued under this section, the corporation shall publish further details as may be required, as regards the dates on which the tax or the instalments, if any, thereof, shall be payable;

(c) if the levy of tax, or of a special portion of a tax, has been sanctioned for a fixed period only, the levy shall cease at the conclusion of that period, except in regard to the unpaid arrears which may have become due during the period.

(2) The publication of a notice under this section shall be conclusive evidence that the tax has been imposed in accordance with the provisions of this Act and the rules or bye-laws made thereunder.

107. Power to suspend reduce or abolish any existing tax.—

(1) The corporation may, except as otherwise provided in clause (b) of the proviso to section 146 at any time for sufficient reason 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.

108. Description and class of property tax.—

(1) If the corporation by a resolution determines that a property tax shall be levied, such tax shall be levied on all buildings and lands within the city save those exempted by or under this Act or any other law.

(2) The property tax shall be levied, at such percentage, not being less than twenty per cent and not more than twenty five per cent of the rateable value of buildings and lands as may be fixed by the corporation:

Provided that the percentage so fixed may be different in different areas and for different classes of buildings and lands.

Explanation.— For purposes of this section, ‘buildings’ includes any land appurtenant to such building used as garden and grounds for the more beneficial enjoyment of such buildings, not exceeding thrice the area occupied by such building.

(3) For the purposes of assessing the property tax, the rateable value of any building or land shall be determined by the Commissioner:

Provided that the rateable value of any building or land the tax for which is payable by the Commissioner shall be determined by the Mayor.

109. Method of assessment of property tax.—

(1) Every building shall be assessed together with its site and other adjacent premises occupied as appurtenances thereto unless the owner of the building is a different person from the owner of such site or premises.

(2) The rateable value of a building or land shall be deemed to be the gross annual rent at which such building or land may at the time of assessment reasonably be expected to let from month to month or from year to year less a deduction in the case of buildings only of sixteen and two-thirds per cent of such annual rent and the said deduction shall be in lieu of all allowance for repairs or on any other account whatever:

Provided that—

(a) in the case of—

(i) any Government or railway building; or

(ii) any building of a class not ordinarily let, the gross annual rent of which cannot in the opinion of the commissioner be estimated, the rateable value of the premises shall be deemed to be six per cent of the total of the estimated market value of the land at the time

of assessment and the estimated cost of erecting the building at such time after deducting for depreciation a reasonable amount which shall in no case be less than ten per cent of such cost, and

(b) machinery and furniture shall be excluded from valuations under this section.

III. General exemptions.—

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 purpose;

(b) choultries for the occupation of which no rent is charged and choultries 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 under sub-section (3) of section 394;

(h) Government lands set apart for free recreational purposes and all such other Government land as may be notified by it, from which in the opinion of the Government no income could be derived;

(i) building or lands exclusively used for,—

(a) students hostels which are not established or conducted for profit;

(b) educational purposes by recognised educational institutions;

(c) the offices of Labour Associations registered under the Trade Union Act, 1926 and belonging to such Association;

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

(k) buildings or lands belonging to the City of Mysore Improvement Trust Board, the Bangalore Development Authority, the Karnataka Housing Board or any local authority the possession of which has not been delivered to any person, in pursuance of any grant, allotment or lease;

(l) land which is registered as land used for agricultural purposes in the revenue accounts of Government and is actually used for the cultivation of crops:

Provided that nothing contained in clauses (a), (c) and (e) shall be deemed to exempt from property tax, any building or land for which rent is payable by the person or person using the same for the purposes referred to in the said clauses:

Provided further that for purposes of clause (j), a certificate issued by Government or any officer duly authorised by Government that any building or land is used for purposes of Government and not used or intended to be used for residential or commercial purposes shall be binding on the corporation.

111. Property tax a first charge on property and movables.—

The property tax on building 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.

112. 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:

¹[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 so held—

(i) from the lessor if the premises are let;

(ii) from the superior lessor if the premises are sub-let;

(iii) from the person in whom the right to let the premises vests, if they are unlet.

(2) If any land has been let for any term exceeding one year to a tenant and such tenant or any person deriving title howsoever from such tenant has built upon the land the property tax assessed upon the said land and upon the building erected thereon shall be primarily payable by the said tenant or such person whether or not the premises be in the occupation of the said tenant or the person.

(3) The property tax shall be paid by the person primarily liable within sixty days after the commencement of every half-year.

1. Substituted by Act 24 of 1978, S-9 (29-8-1978)

(4) If default is made in making payment in accordance with sub-section (3), the person liable to pay the tax shall pay a penalty at the rate of five per cent per annum of the amount of tax remaining unpaid after the expiry of the period specified in sub-section (3):

Provided that the Commissioner may, if in his opinion there is sufficient cause for the delay in making the payment of the property tax, remit the whole or any part of the penalty payable in respect of any half-year by any person.

(5) If any premises assessed to property tax is let, and its rateable value exceeds the amount of rent payable in respect thereof to the person upon whom under the provisions of this section the said tax is leviable, that person shall be entitled to receive from his tenant the difference between the amount of property tax levied upon him and the amount which would be leviable upon him if the said tax was calculated on the amount of rent payable to him.

(6) If the land or building is sub-let and its rateable value exceeds the amount of rent payable in respect thereof to the tenant by his sub-tenant, or the amount of rent payable in respect thereof to a sub-tenant by the person holding under the sub-tenant, the tenant shall be entitled to receive from his sub-tenant or the sub-tenant shall be entitled to receive from the person holding under him, as the case may be, the difference between any sum recovered under this section from such tenant or subtenant and the amount of property tax which would be leviable in respect of the said premises if the rateable value thereof were equal to the difference between the amount of rent which such tenant or sub-tenant receives and the amount of rent which he pays.

(7) Any person entitled to receive any sum under this section shall have, for the recovery thereof, the same rights and remedies as if such sum were rent payable to him by the person from whom he is entitled to receive the same.

III. Vacancy remission.—

(1) When any building, whether ordinarily let or occupied by the owner himself has been vacant and unlet for thirty or more consecutive days in any half-year, the Commissioner shall remit so much, not exceeding one-half of such portion of the tax as relates to the building only, as is proportionate to the number of days during which the building was vacant and unlet in the half-year.

(2) Every claim for remission under subsection (1) shall be made during the half-year in respect of which the remission is sought, or in the following half-year and not afterwards.

(3) (a) No claim for such remission shall be entertained unless the owner of the building or his agent has previously thereto delivered a notice to the Commissioner,—

(i) that the building is vacant and unlet; or

(ii) that the building will be vacant and unlet from a specified date either in the half-year in which notice is delivered or in the succeeding half-year.

(b) The period in respect of which the remission is made shall be calculated—

(i) if remission is sought in respect of the half-year in which notice is delivered, from the date of delivery of the notice or from the date on which the building became vacant and unlet, whichever is later, and

(ii) if remission is sought in respect of the half-year succeeding that in which the notice is delivered, from the commencement of the half-year in respect of which remission is sought or from the date on which the building became vacant and unlet, whichever is later.

(c) Every notice under clause (a) shall expire with the half-year succeeding that during which it is so delivered, and shall have no effect thereafter.

114. (Obligation of transferor and transferee to give notice of transfer.—

(1) Whenever the title of any person primarily liable to the payment of the property 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.

(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) The notice to be given under this section shall be in such form as the Commissioner may direct and the transferee or the person to whom the title passes, as the case may be, shall, if so required, be bound to produce before the Commissioner any documents evidencing the transfer or succession.

(4) Every person who makes a transfer as aforesaid without giving such 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 under section 1111.

(5) Notwithstanding anything contained in this Act, in respect of any building or land belonging to the City of Mysore Improvement Trust Board, the Bangalore Development Authority or

the Karnataka Housing Board or any local authority the possession of which has been delivered to any person in pursuance of any grant, allotment or lease by the Board or local authority concerned, the transfer of title of any person primarily liable to the payment of property tax shall not be recorded in the corporation registers without consulting the Board or local authority concerned.

115. Owner's obligation to give notice of construction or re-construction or demolition of building.—

(1) (a) If any building in the city is constructed or re-constructed, the owner shall give notice thereof to the Commissioner, within fifteen days from the date of completion or occupation of the building whichever is earlier.

(b) If such date falls within the last two months of a half-year, the owner shall, subject to notice being given under clause (a), be entitled to a remission of the whole of the tax or enhanced tax, as the case may be, payable in respect of the building only, for that half-year.

(c) If such date falls within the first four months of a half-year, the owner shall, subject to notice being given under clause (a), be entitled to a remission of so much not exceeding a half of the tax or enhanced tax, as the case may be, payable in respect of the building only, for that half-year as it proportionate to the number of days in that half-year preceding such date.

(2) (a) If any building in the city is demolished or destroyed, the owner shall, until notice thereof is given to the Commissioner, be liable for the payment of the property tax for which he would have been liable had the building not been demolished or destroyed.

(b) If such notice is given within the first two months of a half-year, the owner shall be entitled to a remission of the whole of the tax payable in respect of the building only, for that half-year.

(c) If such notice is given within the last four months of a half-year, the owner shall be entitled to a remission of so

much, not exceeding a half of the tax payable in respect of the building only, for that half-year as is proportionate to the number of days in that half-year succeeding the demolition or destruction, as the case may be.

116. Remission of tax in areas included or extended in the middle of half-year.—

(1) If any area is included in the city, the owner of every building or land in such area shall,—

(a) if the date of such inclusion falls within the last two months of a half-year, not be liable to pay any property tax in respect thereof for that half-year; and

(b) if such date falls within the first four months of a half-year, be entitled to a remission of so much, not exceeding a half of the property tax payable in respect thereof for that half-year as is proportionate to the number of days in that half-year preceding such date.

(2) If any area is excluded from the city, the owner of every building or land in such area shall be entitled.—

(a) if the date of such exclusion falls within the first four months of a half-year, to a remission of the whole of the property tax payable in respect thereof for that half-year; and

(b) if such date falls within the last four months of a half-year, to a remission of so much, not exceeding a half of the property tax payable in respect thereof for that half-year as is proportionate to the number of days in that half-year succeeding such date.

(3) No remission shall be granted under sub-section (2) in respect of any building or land unless an application for such remission is made to the Commissioner within three months from the date of the exclusion of the area in which the building or land is situated.

117. Commissioner's power to call for information and to enter upon premises and to condone omission to give notice.—

(1) For the purpose of assessing the property tax, the Commissioner may, by notice, call upon the owner or occupier of any

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

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

(3) The commissioner may, at his discretion condone omissions to give notice under sections 113, 114, 115 or 116 giving his reasons in writing for every such condonation.

118. Provisions regarding tax on carriages and animals.—

(1) If the corporation by a resolution determines that a tax on carriages and animals shall be levied, the Commissioner shall levy the said tax half-yearly on carriages and animals kept within the city which are of the kinds specified in Schedule V.

(2) The rates of the tax shall be determined by the corporation, provided always that they shall not exceed the maxima laid down in Schedule V.

(3) Every person having possession, custody or control of any taxable carriage or animal shall be liable for the full half-yearly tax if the carriage or animal has been kept within the city for an aggregate period of not less than sixty days in the half-year.

(4) If such aggregate period exceeds fifteen days but is less than sixty days, a moiety only of the half-yearly tax shall be leviable.

(5) If such aggregate period does not exceed fifteen days, no tax shall be leviable for the half-year.

(6) Every person having possession, custody or control of any taxable carriage or animal within the city shall, until the contrary is shown, be presumed to have kept the same within the city for sixty days in the half-year.

(7) Notwithstanding anything contained in sub-section (1), no person shall be liable to taxation during any half-year on account of any carriage or animal in respect of which the full tax for the same half-year has already been paid by some other person.

119. Exemptions.—

The carriage and animal tax shall not be levied on,—

(a) carriages and animals belonging to the State Government or the Government of India;

(b) carriages and animals belonging to councillors or members of the city police or officers or servants of the corporation employed on outdoor duties, provided that the exemption under this class shall extend only to a carriage or animal required to be kept by any such councillor, member, officer or servant for the discharging of his official duties;

(c) carriages and animals kept solely for sale by carriage-makers and dealers;

(d) carriages which have been under repair or standing at carriage-maker's workshop during the whole of the half-year;

(e) animals which during the whole of the half-year have been kept in any institution for the reception of infirm or diseased animals or which are certified by a veterinary surgeon to have been unfit for use during the whole of the half-year.

120. Composition.—

With the sanction of the standing committee or in accordance with the regulations the Commissioner may compound, for any period not exceeding one year, with any livery stable-keeper or other

person keeping carriages and animals for sale or hire, for a certain sum to be paid in lieu of the carriage and animal tax.

121. Requisition on occupier to furnish statement of persons liable to tax.—

(1) The Commissioner may by notice require the occupier of any premises to furnish him with a statement,—

(a) showing the name and address of every person who has possession, custody or control of any carriage or animal which is kept in such premises and liable to the carriage and animal tax;

(b) containing a description of every such carriage or animal.

(2) The occupier shall sign the statement and transmit it to the corporation office within one week from the date of receipt of the notice by him.

122. Payment of tax and grant of licence.—

(1) Every person liable to pay tax on a carriage or animal under section 118 shall, not later than fifteen days from the date of commencement of the half-year concerned, pay the amount of such tax in respect of such carriage or animal.

(2) When any person pays the amount of tax due in respect of any carriage or animal, the Commissioner shall grant him a licence to keep such carriage or animal for the period to which the payment relates.

123. Power to require number to be affixed to carriage.—

(1) The Commissioner may direct that a corporation number shall be affixed to every carriage let out for hire within the city.

(2) The number affixed under sub-section (1) shall be registered in the corporation office.

124. General provisions regarding cart tax.—

(1) If the corporation by a resolution determines that a tax shall be levied on carts, the Commissioner shall levy the said tax half-yearly at the rate or rates which shall not exceed eight rupees per cart per half-year fixed by the corporation and from the date specified in a notice published for the purpose under section 104 on all classes of carts kept within the city:

Provided that no person shall be liable to tax during any half-year on account of any cart in respect of which the tax for the same half-year has already been paid by some other person:

Provided further that in the case of a single bullock cart the tax shall not exceed four rupees half-yearly:

Provided also that in fixing the said rates, the corporation shall have regard to the extent of damage caused by different classes of carts to the road.

(2) Every owner of any such cart shall register it once in every half-year in the corporation office.

(3) The Commissioner may direct that a corporation number shall be affixed to every registered cart.

(4) The Commissioner shall notify certain days in every half year for the registration and numbering of carts and the payment of the tax.

(5) All registrations made and numbers affixed under this section shall be entered in a book to be kept for the purpose at the corporation office.

(6) Such book shall be open to the inspection of any taxpayer at all reasonable times without charge.

(7) Nothing in this section shall apply to,—

- (a) gun carriages, ordinance carts or wagons or such other property of the State Government or the Government of India, and
- (b) carts kept solely for sale by cart-makers and dealers.

125. Power to remit tax on carts kept for less than fifteen days or not used.—

The Commissioner may remit the whole or portion of the cart tax in respect of any cart which is shown to his satisfaction to have been kept within the city for an aggregate period not exceeding fifteen days in the half-year or to have been under repair or standing at a cart-maker's workshop during the whole of the half-year.

126. Seizure of vehicles not bearing numbers.—

If a corporation number is not affixed to a carriage or cart in pursuance of a direction issued under section 123 or 124 as the case may be, the Commissioner may, at any time seize and detain the vehicle and the animal, if any, by which it is drawn:

Provided that no vehicle shall be seized or detained when actually employed in the conveyance of any passenger or goods.

127. Procedure after seizure.—

(1) If a vehicle or animal is detained under section 126 and the owner or other person entitled thereto does not claim the same and pay the tax, if any, due thereon within ten days from the date of seizure, the Commissioner may direct that the vehicle or animal shall be sold in public auction and the proceeds of the sale applied to the payment of,—

- (i) the tax, if any, due on the vehicle or animal sold;
- (ii) such penalty not exceeding the amount of the tax as the Commissioner may direct; and
- (iii) the charge incurred in connection with the seizure, detention and sale.

(2) If there is surplus after such payment, the Commissioner shall, on demand made within six months from the date of sale, make it over to the owner or other person entitled thereto. If no such demand is made, such surplus be forfeited to the corporation.

(3) If the owner of the vehicle or animal or other person entitled thereto claims the same within ten days from the date of seizure

or at any time before the sale, it shall be returned to him on payment of,—

- (i) the tax due thereon;
- (ii) such penalty not exceeding the amount of the tax as the Commissioner may direct; and
- (iii) the charges incurred in connection with the seizure and detention.

[128 to 133 x x x]

134. Tax on advertisement.—

Every person who erects, exhibits, fixes or retains, upon or over any land, building, wall or structure any advertisement or who displays any advertisement to public view in any manner whatsoever, in any place whether public or private, shall pay on every advertisement which is so erected, exhibited, fixed, retained or displayed to public view, a tax calculated at such rates and in such manner and subject to such exemptions, as the corporation may, with the approval of the Government, by resolution determine:

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

Provided further that no tax shall be levied under this section on any advertisement or a notice—

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

Provided also that no such tax shall be levied on any advertisement which is not a sky-sign and which,—

- (a) is exhibited within the window of any building ; or
- (b) relates to the trade or business carried on within the land or building upon or over which such advertisement is exhibited, or

to any sale or letting of such land or building or any effects therein or to any sale, entertainment or meeting to be held upon or in such land or building; or

(c) relates to the name of the land or building, upon or over which the advertisement is exhibited, or to the name of the owner or occupier of such land or building; or

(d) relates to the business of any railways; or

(e) is exhibited within any railway station or upon any wall or other property of a railway except any portion of the surface of such wall or property fronting any street.

Explanation 1.— The word ‘structure’ in this section shall include any movable board on wheels used as an advertisement or an advertisement medium.

Explanation 2.— The expression ‘sky-sign’ shall, in this section, mean any advertisement supported on or attached to any post, pole, standard, frame-work or other support wholly or in part upon or over any land, building, wall or structure which, or any part of which shall be visible against the sky from some point in any public place and includes all and every part of any such post, pole, standard, frame-work or other support. The expression ‘sky-sign’ shall also include any balloon, parachute or other similar device employed wholly or in part for the purposes of any advertisement upon or over any land, building or structure or upon or over any public place but shall not include,—

(a) any flag-staff, pole, van or weather-cock, unless adapted or used wholly or in part for the purpose of any advertisement; or

(b) any sign, or any board, frame or other contrivance securely fixed to or on the top of the wall or parapet of any building, or on the cornice or blocking course of any wall, or to the ridge of a roof:

Provided that such board, frame or other contrivance be of one continuous face and not openwork, and does not extend in height more than one meter above any part of the wall, or parapet or ridge to, or against, or on which it is fixed or supported; or

(c) any advertisement relating to the name of the land or building, upon or over which the advertisement is exhibited, or to the name of the owner or occupier of such land building; or

(d) any advertisement relating exclusively to the business of a railway, and placed wholly upon or over any railway, railway station, yard, platform or station approach belonging to a railway, and so placed that it cannot fall into any street or public place; or

(e) any notice of land or buildings to be sold, or let, placed upon such land or buildings.

Explanation 3.—‘Public place’ shall, for the purpose of this section, mean any place which is open to the use and enjoyment of the public, whether it is actually used or enjoyed by the public or not.

135. Prohibition of advertisements without written permission of Commissioner.—

(1) No advertisement shall, after the levy of the tax under section 134 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—

(i) the advertisement contravenes any bye-law made by the corporation; or

(ii) the tax, if any, due in respect of the advertisement has not been paid.

(3) Subject to the provisions of sub-section (2), in the case of an advertisement liable to the advertisement tax, the Commissioner shall grant permission for the period to which the payment of the tax relates and no fee shall be charged in respect of such permission:

Provided that the provisions of this section shall not apply to any advertisement erected, exhibited, fixed or retained on the premises of a railway relating to the business of a railway.

136. Permission of the Commissioner to become void in certain cases.—

The permission granted under section 135 shall become void in the following cases, namely:—

(a) If the advertisement contravenes any bye-law 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.

137. Owner or person in occupation to be deemed responsible.—

When any advertisement is erected, exhibited, fixed or retained upon or over any land, building, wall, hoarding or structure in contravention of the provisions of section 134 or section 135 or after the written permission for the erection, exhibition, fixation or retention thereof for any period shall have expired or become void, the owner or

person in occupation of such land, building, wall, hoarding or structure shall be deemed, to be the person who has erected, exhibited, fixed or retained such advertisement in such contravention unless he proves that such contravention was committed by a person not in his employment or under his control or was committed without his connivance.

138. Removal of unauthorised advertisement.—

If any advertisement be erected, exhibited, fixed or retained contrary to the provisions of section 134 or section 135 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.

139. Collection of tax on advertisement.—

The Commissioner may form out the collection of any tax on advertisement leviable under section 134 for any period not exceeding one year at a time on such terms and conditions as may be provided for in the bye-laws.

140. Duty on transfer of immovable properties.—

A duty on transfer of immovable property shall be levied in the form of an additional stamp duty in addition to the stamp duty imposed by the Kamataka Stamp Act, 1957 on instruments of sale, gift, mortgage, exchange or lease in perpetuity of all immovable properties situated within the limits of the city at a rate not exceeding two per centum on, as the case may be, the market value of the property which is the subject matter of sale or gift, or the amount secured by the mortgage, the market value of the property of greatest value which is the subject matter of exchange, or on the value of the rent for the first ten years in the case of a lease, as set forth in the instrument.

141. Provisions applicable on the introduction of transfer duty.—

On the introduction of duty on transfer,—

(a) section 28 of the Karnataka Stamp Act, 1957 shall be read as if it specifically required the particulars to be set forth separately in respect of property situated within and outside the city;

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

142. Power to make rules regarding assessment and collection of transfer duty.—

The Government may make rules not inconsistent with this Act for regulating the collection of the duty, the payment thereof to the corporation and the deduction of any expenses incurred by the Government in the collection thereof.

143. Power to assess in case of escape from assessment.—

Notwithstanding anything to the contrary contained in this Act or the rules made thereunder, if for any reason any person liable to pay any of the taxes or fees leviable under this chapter has escaped assessment in any half-year or year, the Commissioner may, at any time within six years from the date on which such person should have been assessed, serve on such person a notice assessing him to the tax or fee due and demanding payment thereof within fifteen days from the date of such service; and the provisions of this Act and the rules made thereunder shall, so far as may be, apply as if the assessment was made in the half-year or year to which the tax or fee relates.

144. Fixed charges and agreements for payment in lieu of taxes.—

(1) The corporation may, instead of imposing a water-rate or where a water-rate has been imposed, in individual cases, instead of levying a rate imposed in respect of the supply of water belonging to the

corporation to or for use in connection with any private lands or buildings,—

(a) fix at rates not exceeding such as shall be specified in the rules in force under section 421 charges for such supply according to the quantity used, as ascertained by measurement; or

(b) arrange with any person on his application to supply on payment, periodically or otherwise, water belonging to the corporation in such quantities or for such purposes (whether domestic, ornamental, or irrigational or for trade, manufacture or any other purpose), on such terms and subject to such conditions as it shall fix by agreement with such person:

Provided that,—

(i) the meters, connection-pipes and all other works necessary for and incidental to such supply and all repairs, extensions and alterations of such works shall be under the control of the corporation and the expense thereof shall, so far as not inconsistent with the rules or bye-laws be defrayed by the persons liable for the charges or payments fixed in respect of such supply; and

(ii) such supply of water shall be and shall be deemed to have been granted, subject to all such conditions as to the limit or stoppage thereof, and as to the prevention of waste or misuse, as are prescribed in the bye-laws for the time being in force.

(2) The corporation may compound for a period not exceeding one year at a time, with any person for a sum to be fixed in accordance with a scale approved by the corporation and to be paid monthly, quarterly or half yearly, in advance in lieu of all tolls payable in respect of any vehicle belonging to such person and issue a pass for the free admittance of the vehicle or animal within the limits of the city, provided that the sum charged shall not be less than one-half of the amount which such person would have been liable to pay if the vehicle had to pay toll once every day during the period for which the pass is issued.

(3) Every sum claimed by a corporation due under subsection (1) as charges, payments or expenses, or as lumpsum under section 120, shall, for the purposes of this Chapter be deemed to be, and shall be recoverable in the same manner as an amount claimed on account of a tax recoverable under this Chapter:

Provided that nothing in this section shall affect the right or power of a corporation to contract with any person to supply for use beyond the limits of the city at such rates and on such conditions as the corporation may think fit, any quantity of water belonging to the corporation but not required for the purposes of this Act.

145. Power of Government to suspend or prohibit levy of objectionable taxes.—

(1) If it shall at any time appear to the Government on complaint made or otherwise, that any tax or fee leviable by a corporation, is unfair in its incidence, or that the levy thereof, or of any part thereof, is obnoxious to the interests of the general public, the Government may require the said corporation, within such period as it shall fix in this behalf to take measures for removing any objection which appears to it exist to the said tax or fee, and if within the period so fixed, such requirements shall not be carried into effect to the satisfaction of the Government, it may, by notification suspend the levy of such tax or of such part thereof, until such time as the objection thereto shall be removed.

(2) The Government may at any time, by a notification rescind any such suspension.

146. Power of Government to require corporation to impose taxes.—

Whenever it appears to the Government that the balance of the corporation fund of any corporation is insufficient for meeting the expenditure incurred under section 292 or for the performance of any duties in respect of which it shall have been declared under section 97

to have committed default, the Government may by notification require the corporation to impose within the city, any such tax specified in the notification as may be imposed under section 103 if no such tax is for the time being imposed thereon, or to enhance any existing tax in such manner or to such extent as the Government considers fit, and the corporation shall forthwith proceed to impose or enhance in accordance with the requisition such tax under the provisions of this Chapter, as if a resolution of the corporation has been passed for the purpose under section 104:

Provided that,—

(a) the Government shall take into consideration any objection which the corporation or any inhabitant of the city may make against the imposition or enhancement of such tax;

(b) it shall not be lawful for the corporation to abandon or modify or to abolish such tax when imposed ; and

(c) the Government may at any time cancel or modify any requisition made by it under this section, and the levy of the tax or enhancement, except in regard to arrears accrued and due shall thereupon cease or be modified accordingly.

147. Rules in Schedule III.—

The rules and tables embodied in Schedule III shall be read as part of this Chapter.

148. Corporation to revise taxes.—

(1) The corporation shall revise any tax imposed by it once every five years and whenever enhancement of the rate is evidenced necessary, shall levy the enhanced rates after observing the procedure prescribed for the imposition of taxes.

(2) Notwithstanding anything in sub-section (1), the Government may, at any time, direct the Corporation to revise any tax imposed by it and the Corporation shall so revise after observing the procedure prescribed for the imposition of taxes.

CHAPTER XI
FINANCE, ACCOUNTS AND AUDIT

149. Corporation fund.—

All moneys received by or on behalf of the corporation by or under this Act or any other law, all taxes, tolls and other imposts, fines, fees, penalties paid to or levied by it under this Act, all proceeds of land or other property sold by the corporation and all rents accruing from its land or property and all interest, profits and other moneys accruing by gifts or transfers from the Government or private individuals or otherwise shall constitute the corporation fund and shall be held, applied and disposed of in accordance with the provisions of this Act, the rules and the regulations made thereunder or any other law for the time being in force.

150. Accounts and Audit.—

(1) The accounts of all receipts and expenditure of the corporation shall be kept on such manner and in such form as may be prescribed.

(2) The Government shall appoint one of its officers as the Corporation Chief Auditor who shall ¹[subject to the supervision and control of the Controller of State Accounts] conduct an audit of the corporation accounts and for this purpose, he shall have access to the corporation accounts and to all receipts and expenditure relating thereto and the Commissioner shall furnish to him any information concerning any receipt or expenditure which may be required by him.

(3) The Corporation Chief Auditor shall report to the prescribed municipal authority any material impropriety or irregularity which he may at any time observe in the expenditure or in the recovery of moneys due to the corporation or in the corporation accounts and shall furnish information in respect of such matter as may be laid down in the rules.

(4) He shall be paid such salary and allowances as the Government may determine and shall be entitled to privileges in

1. Inserted by Act No.32 of 1986.

accordance with the rules and regulations of the branch of Government service to which he belongs and in force for the time being and the corporation shall make such contribution towards his leave, allowances, pension and provident fund as may be payable under such rules and regulations by him or on his behalf from the corporation fund.

151. Financial rules.—

Save as otherwise provided in this Act, the financial rules of the corporation shall be as prescribed.

152. Contribution for supply of water to the inhabitants of the City of Bangalore.—

Notwithstanding anything contained in this Act, the Corporation of the City of Bangalore shall make such contribution to the Bangalore Water supply and Sewerage Board for supply of water for the benefit of such class of inhabitants of the City of Bangalore in accordance with such arrangements as the said corporation has entered into with the said Board before the commencement of this Act.

153. Contribution to expenditure by other local authorities.—

(1) If the expenditure incurred by the Government or by any local authority for any purpose authorised by rules is such as to benefit the inhabitants of the city, the corporation may make a contribution towards such expenditure.

(2) The Government may direct the corporation to show cause, within a period fixed by the Government in this behalf not being less than one month after receipt of the order containing the direction, why any contribution referred to in sub-section (1) should not be made.

(3) If the corporation fails to show cause within the said period to the satisfaction of the Government, the Government may direct it to make such contribution as it shall name and it shall be paid accordingly.

154. Power of corporation to borrow money.—

(1) The corporation may, in pursuance of any resolution passed at a special meeting, borrow by way of debenture or otherwise on the security of all or any of the taxes, duties, fees and dues authorised by or under this Act, any sums of money which may be required,—

- (a) for the construction of works,
- (b) for the acquisition of lands and buildings, or
- (c) to pay off any debt due to Government, or
- (d) to repay a loan previously raised under this Act or any other law previously in force:

Provided that,—

(i) no loan shall be raised without the previous sanction of the Government, and

(ii) the amount of the loan, the rate of interest and the terms including the date of floating, the time and method of repayment and the like shall be subject to the approval of the Government.

(2) When any sum of money has been borrowed under sub-section (1)—

(a) no portion thereof shall, without the previous sanction of the Government, be applied to any purpose other than that for which it was borrowed, and

(b) no portion of any sum of money borrowed under clause (a) of sub-section (1) shall be applied to the payment of salaries or allowances to any corporation officers or servants other than those exclusively employed upon the works for the construction of which the money was borrowed.

155. Time for repayment of money borrowed under section 154.—

The time for the repayment of any money borrowed under section 154 shall in no case exceed sixty years, and the time for the

repayment of any money borrowed for the purpose of discharging any previous loan shall not, except with the express sanction of the Government, extend beyond the unexpired portion of the period for which such previous loan was sanctioned.

156. Limit of borrowing powers.—

Notwithstanding anything hereinafter contained, the borrowing powers of the corporation shall be limited so that the sum payable annually for interest and for the maintenance of the sinking funds as hereinafter provided, and for interest and repayment of any sums borrowed otherwise shall not, except with the express sanction of the Government, exceed ten per cent of the rateable value of buildings and lands as determined under Chapter X.

157. Form and effect of debentures.—

All debentures issued under this Chapter shall be in such form as the corporation, with the previous sanction of the Government, may determine, and shall be transferable in such manner as shall be therein expressed; and the right to sue in respect of the moneys secured by any of such debentures shall vest in the holders thereof for the time being without any preference by reason of some such debentures being prior in date to others.

158. Payment to survivors of joint payees.—

When any debenture or security issued under this Act is payable to two or more persons jointly, and either or any of them dies, then, the debenture or security shall be payable to the survivors of such persons:

Provided that nothing in this section shall affect any claim by the representative of a deceased person against such survivor or survivors.

159. Receipt by joint holder for interest or dividend.—

When two or more persons are joint holders of any debenture or security issued under this Act, any one of such persons may give

an effectual receipt for any interest or dividend payable in respect of such debenture or security, unless notice to the contrary has been given to the corporation by any other of such persons.

160. Maintenance and investment of sinking funds.—

(1) The corporation shall maintain sinking funds for the repayment of money borrowed on debentures issued and shall pay by quarterly instalments into such sinking funds such sum as will be sufficient for the repayment within the period fixed for the loan of all moneys borrowed on debentures issued.

(2) All moneys paid into the sinking funds shall, as soon as possible, be invested by the Commissioner in,—

(a) securities of the Government or the Government of India, or

(b) securities guaranteed by the Government, and shall be invested in the joint names of the Commissioner and Secretary to Government, Finance Department and the Controller, State Accounts Department, to be held by them as trustees for the purpose of repaying at due date the debentures issued by the corporation. Every such investment shall be reported by the Commissioner to the corporation within fifteen days.

(3) All dividends and other sums received in respect of any such investment shall, as soon as possible after receipt, be paid into the sinking fund and invested in the manner laid down in sub-section (2).

(4) When any part of a sinking fund is invested in corporation debentures, or is applied in paying off any part of a loan before the period fixed for repayment, the interest which would otherwise have been payable on such debentures or on such part of the loan shall be paid into the sinking fund and invested in the manner laid down in sub-section (2).

(5) Any investment made under this section may, subject to the provisions of sub-section (2), be varied or transposed.

161. Application of sinking fund.—

The aforesaid trustees 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 under section 163, 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.

162. Annual statements by trustees.—

(1) The aforesaid trustees shall, at the end of every year submit to the corporation a statement showing,—

(a) the amount which has been invested during the year under section 160;

(b) the date of the last investment made previous to the submission of the statement;

(c) the aggregate amount of the securities then in their hands; and

(d) the aggregate amount which has, upto the date of the statement, been applied under section 161 in or towards discharging loans.

(2) Every such statement shall be laid before the corporation and published.

163. Power of corporation to consolidate loans.—

(1) Notwithstanding anything to the contrary contained in this Chapter, the corporation may consolidate all or any of its loans and for that purpose may invite tenders for a new loan to be called the "Corporation Consolidated Loan, 19....." and invite the holders of corporation debenture to exchange their debentures for scrip of such loan.

(2) The terms of any such consolidated loan and the form of its scrip and the rates at which exchange into such consolidated loan shall be permitted, shall be subject to the prior approval of Government.

(3) The period for the extinction of any such consolidated loan shall not, without sanction of the Government extend beyond the farthest date within which any of the loans to be consolidated would be otherwise repayable.

(4) The corporation shall provide for the repayment of any such consolidated loan by a sinking fund in the manner laid down in section 160 having regard to the amount transferred to such sinking fund under section 161.

164. Priority of payments for interest and repayment of loans over other payment.—

All payments due from the corporation for interest on and repayment of loans shall be made in priority to all other payments due from the corporation.

165. Attachment of corporation fund for recovery of money borrowed from Government.—

(1) If any money borrowed by the corporation from the Government, whether before or after the commencement of this Act, or any interest or costs due in respect thereof, be not repaid according to the conditions of the loan, the Government may attach the corporation fund or any part thereof.

(2) After such attachment, no person except an officer appointed in this behalf by the Government shall in any way deal with the attached fund; but such officer may do all acts in respect thereof which any municipal authority, officer or servant might have done if such attachment had not taken place, and may apply the proceeds in satisfaction of the arrears and of all interest and costs due in respect thereof and of 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.

166. Estimates of expenditure and income to be prepared annually by the Commissioner.—

The Commissioner shall, on or before the fifteenth day of January each year prepare and submit to the standing committee a budget containing a detailed estimate of income and expenditure for the ensuing year, and, if it is in his opinion necessary or expedient to vary taxation or to raise loans shall submit his proposals in regard thereto.

167. Budget estimates to be prepared by the standing committee for taxation and finance.—

(1) The standing committee for taxation and finance 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 therefrom, subject to such modifications and additions therein or thereto as it shall think fit, a budget estimate of the income and expenditure of the corporation for the next year.

(2) In such budget estimate, the standing committee shall—

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

(b) provide for the payment as it falls due, of any amount towards contributions, fees or such other amounts as may be payable by the corporation to the Government,

(c) allow for a cash balance at the end of the year of not less than one lakh of rupees under General Account—Revenue.

(3) The 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.

168. Consideration of budget estimate by the corporation.—

At a meeting of the corporation which shall be called for some day in the first week of February the budget estimate prepared by the standing committee shall be laid before the corporation.

169. Procedure of corporation.—

The corporation may refer the budget estimate back to the standing committee for further consideration and re-submission within a specified time or adopt the budget estimate or any revised budget estimate submitted to it either as it stands or subject to such alteration as it deems expedient:

Provided that the budget finally adopted by the corporation shall make adequate and suitable provision for each of the matters referred to in clauses (a) and (b) of sub-section (2) of section 167.

170. Obligation to pass budget before the beginning of the year.—

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

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

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

171. Corporation may pass supplemental budget.—

The Corporation may, on the recommendation of the standing committee for taxation and finance, during the year pass a

supplemental budget estimate for the purpose of meeting any special or unforeseen requirements, arising during that year; so however that the estimated cash balance under General Account-Revenue at the close of the year shall 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.

172. Reduction or transfer of budget grants.—

(1) The standing committee for taxation and finance may, if it thinks necessary at any time during the year,—

- (a) reduce the amount of a budget grant; or
- (b) transfer and add the amount or a portion of the amount of one budget grant to the amount of any other budget grant:

Provided that—

(i) due regard shall be had, when making any such reduction or transfer, to all the requirements of this Act;

(ii) the aggregate sum of the budget grants contained in the budget estimate adopted by the corporation shall not be increased except by the corporation under section 171:

(iii) every such reduction or transfer shall be brought to the notice of the corporation at its next meeting.

(2) If any such reduction or transfer is of an amount exceeding rupees five hundred, the corporation may pass with regard thereto such order as it thinks fit, and it shall be incumbent on the standing committee and the Commissioner to give effect to the said order.

173. Re-adjustment of income and expenditure to be made by the corporation during the course of the official year whenever necessary.—

(1) If it shall at any time during any year appear to the corporation upon the representation of the standing committee for

taxation and finance, that, notwithstanding any reduction of budget grants that may have been made under section 172, the income of the corporation fund during the said year will not suffice to meet the expenditure sanctioned in budget estimate of the said year and to leave at the close of the year a cash balance of not less than one lakh of rupees under General Account—Revenue, it shall be incumbent on the corporation either to diminish the sanctioned expenditure of the year, so far as it may be possible so to do with due regard to all the requirements of this Act, or to have recourse to supplementary taxation, or to adopt both of these expedients in such measure as may be necessary to secure an estimated cash balance of not less than one lakh of rupees under General Account—Revenue at the close of the year.

(2) Whenever the corporation determines to have recourse to supplementary taxation in any year, it shall do so by increasing for the unexpired portion of the year the rate at which any tax or duty is being levied subject to the conditions, limitations and restrictions laid down in Chapter X.

CHAPTER XII

Property and Contracts

174. Corporation property.—

(1) All property of the nature herein specified, and not being specially reserved by Government, shall be vested in and belong to the corporation and shall, together with all other property of whatsoever nature or kind not being specially reserved by Government, which may become vested in the corporation, be under its direction, management and control and shall be held and applied by it as trustee, subject to the provisions and for the purposes of this Act, that is to say—

(a) all public parks, playgrounds, and open spaces reserved for ventilation;

(b) all public lamps, lamp posts and apparatus connected therewith or appertaining thereto;

(c) all gates, markets, slaughter houses, manure and refuse depots and public buildings of every description.

(2) The corporation may accept trusts relating exclusively to the furtherance of purposes to which the corporation funds may be applied.

175. Acquisition of property and interest therein.—

Subject to the provisions of section 174, the Commissioner may, for the purposes of this Act, acquire on behalf of the corporation movable or immovable property within or without the city or any interest in such property:

Provided that—

(a) the Commissioner shall be bound by any resolution of the standing committee fixing terms, rates or maximum prices for a particular case or for any class of cases;

(b) the sanction of the standing committee shall be required for the exchange of any immovable property, for the taking of any property on lease for a term exceeding twelve months, or for the acceptance of any gifts or bequest of property burdened by an obligation; and

(c) the sanction of the corporation and the Government shall be required:—

(i) for the acceptance or acquisition of any immovable property if the value of the property which it is proposed to accept, acquire or give in exchange exceeds one thousand rupees;

(ii) for the taking of any property on lease for a term exceeding three years; or

(iii) for the acceptance of any gift or bequest of property burdened by an obligation if the value of such property exceeds one thousand rupees.

176. Disposal of property and interest therein.—

(1) Subject to the provisions of section 182, the Commissioner may dispose of by sale or exchange of any corporation movable property the value of which does not exceed two thousand rupees in each instance or grant for any term not exceeding twelve months a lease of any corporation immovable property or a lease or concession of any right of fishing or grazing or of gathering and taking fruit and the like:

Provided that such lease or concession shall be subject to the condition that the grantee shall not erect any permanent structure on the demised premises:

Provided further that every such disposal, lease or concession made or granted by the Commissioner shall be reported to the standing committee within fifteen days.

(2) With the sanction of the standing committee the Commissioner may dispose of by sale or exchange any corporation movable property the value of which does not exceed five thousand rupees in each instance, or grant for any term not exceeding three years a lease of any corporation immovable property or a lease or concession of any such right as aforesaid.

(3) With the sanction of the corporation the Commissioner may lease, sell or otherwise dispose of any corporation movable property.

(4) The sanction of the standing committee under sub-section (2) or that of the corporation under sub-section (3) may be given either generally or for any class of cases or specially for any particular case.

(5) The Commissioner may lend or let out on hire any corporation movable property on such conditions for such periods as may be specified in the regulations.

(6) Notwithstanding anything contained in this Act,—

(a) no movable property exceeding such sum in value as may be prescribed shall be sold otherwise than by public auction;

(b) (i) no property whether movable or immovable of whatever value shall be transferred free of cost or for an upset price;

(ii) no lease of any immovable property exceeding five years shall be granted;

(iii) no immovable property shall be disposed of by sale or by other transfer, except with the previous sanction of the Government.

177. Procedure for acquisition of immovable property under the Land Acquisition Act, 1894.—

Any immovable property which any municipal authority is authorised by this Act to acquire may be acquired under the provisions of the Land Acquisition Act, 1894, and on payment of the compensation awarded under the said Act in respect of such property and of any other charges incurred in acquiring it, the said property shall vest in the corporation.

178. Provision relating to land and other properties.—

(1) Any land or other property transferred to the corporation by the Government shall not, unless otherwise expressly provided in the instrument of transfer, belong by right of ownership to the corporation, but shall vest in it subject to the terms and conditions of the transfer and on the contravention of any of the said terms and conditions, the land or other property with all things attached thereto, including all fixtures and structures thereon, shall vest in the Government and it shall be lawful for the Government by order to resume possession thereof.

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

179. Objects not provided for by this Act.—

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

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

180. Power of corporation to determine whether works shall be executed by contract.—

The corporation may determine either generally for any class of cases or specially for any particular case whether the Commissioner shall execute works by contract or otherwise.

181. Powers of several authorities to sanction estimates.—

The power of the several authorities to sanction estimates shall be as prescribed.

182. General provisions relating to contracts.—

(1) The corporation may enter into any contract and perform such contracts as it may consider necessary or expedient for carrying into effect the 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 shall be made by or on behalf of the corporation by the Commissioner;

(b) no contract for any performance which, in accordance with the provisions of this Act, the Commissioner may not carry out without the sanction of one or other municipal authorities or of the Government shall be made by him unless such sanction has been given;

(c) any contract involving any expenditure exceeding such limits as may be specified in the rules shall be made by the Commissioner unless the requirement regarding the procedure to be followed has been followed, and unless the authority which is competent to accord sanction has accorded such sanction and where the sanction to be accorded is by the Government unless such sanction has been accorded by the Government.

(3) These provisions shall apply to any variation of the contract involving an increase of such percentage over the expenditure involved in the original contract as may be prescribed.

(4) Subject to such rules as may be made in this behalf every contract to be entered into by the Commissioner on behalf of the corporation shall be entered into in such manner and form as would bind him if it were made on his own behalf and may in like manner and form be varied or discharged.

Provided that—

(a) the common seal of the corporation shall be affixed to every contract, which, if made between private persons, would require to be under seal; and

(b) every contract for the execution of any work or the supply of any materials or goods which will involve an expenditure exceeding one thousand rupees shall be in writing and shall be sealed with the common seal of the corporation and shall specify,—

(i) the work to be done or the materials or goods to be supplied, as the case may be;

(ii) the price to be paid for such work, materials or goods, and

(iii) in the case of a contract for work, the time within which the work or specified portions thereof shall be completed.

(5) The common seal of the corporation shall remain in the custody of the Commissioner and shall not be affixed to any contract or

other instrument except in the presence of the Commissioner and the Commissioner shall sign the contract or instrument in token that the same was sealed in his presence.

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

183. Invitation of tenders.—

(1) At least seven days before entering into any contract or the execution of any work or the supply of any materials or goods which will involve an expenditure exceeding ¹[ten thousand] rupees, the Commissioner shall give notice by advertisement inviting tenders for such contract:

Provided that such advertisement shall be published only in such newspapers having such circulation as may be prescribed:

Provided further that the standing committee may at the instance of the Commissioner and for reasons which shall be recorded in its proceedings, authorise the Commissioner to enter into a contract without inviting tenders.

(2) On receipt of the tenders made in pursuance of the notice given under sub-section (1), the Commissioner may, subject to the provisions of section 182, accept any tender which appears to him, upon a view of all the circumstances, to be the most advantageous, but he shall not reject all the tenders without the sanction of the standing committee.

184. Saving of certain irregularities.—

When work is given on contract at unit rates and the number of units is not precisely determinable, the contract shall not be deemed to contravene the provisions of section 182 or section 183 merely by reason of the fact that the pecuniary limits laid down therein are eventually exceeded.

1. Substituted in Act No.32 of 1986.

185. Security for performance of contracts.—

The commissioner shall take sufficient security for the due performance of every contract into which he enters after a tender has been accepted, and may take security for the due performance of any other contract into which he enters.

CHAPTER XIII**Water Supply and Sewerage****186. Application of Chapter.—**

(1) This Chapter shall not apply to any city for which separate water supply and sewerage arrangements are made by or under any law for the time being in force.

187. Construction of works.—

(1) The corporation may with the sanction of the Government construct, lay or erect filtration plants, reservoirs, machinery, conduits, pipes or other works for supplying water to the city and may provide tanks, reservoirs, machinery mains, fountains and other conveniences within the city for the use of the inhabitants.

(2) The corporation may cause existing water works to be maintained and supplied with water or it may close any such works and substitute other such works and may cause them to be maintained and supplied with water.

188. Trespass on water supply premises.—

No person shall except permission duly obtained from the Commissioner, enter no land vested in the corporation along which a conduit or pipe runs or on any premises connected with water supply.

189. Prohibition of building over water mains.—

(1) Without the permission of the Commissioner, no building, wall or other structure shall be newly erected and no street shall be constructed over any corporation water main.

(2) If any building, wall or other structure be so erected or any street be so constructed, the Commissioner may cause the same to be removed or otherwise dealt with as shall appear to him fit and expenses thereby incurred shall be paid by the persons contravening the provisions of sub-section (1).

190. Control over house connections.—

All house connections, whether within or without the premises to which they belong, with the water supply main shall be under the control of the corporation but shall be altered repaired, and kept in proper order at the expense of the owner of the premises to which they belong or for the use of which they were constructed and in conformity with the bye-laws made in that behalf.

191. Payment to be made for water supplied.—

Notwithstanding anything contained in any law, contract or instrument, for all water supplied under this Act payment shall be made at such rates, at such times and under such conditions as may be specified by bye-laws and different rates may be prescribed for supply of water for different purposes.

192. Private water supply for domestic purposes.—

(1) The Commissioner may, on application by the owner or occupier of any building, arrange in accordance with the bye-laws to supply water thereto for domestic consumption and use.

(2) It shall not be lawful for the owner of any dwelling house which may be newly constructed or reconstructed to occupy it or cause or permit it to be occupied until he has obtained a certificate from the Commissioner that there is provided within, or within a reasonable distance of the house, such supply of wholesome water as appears to the Commissioner to be sufficient for the domestic consumption and use of the inmates of the house.

(3) Where on any land, there are two or more super-structures, and the owner of the land is not the owner of all the super-

structures, the Commissioner may, if it appears to him that the super-structures are without a proper supply of water for domestic consumption and use and that such supply can be furnished from the main not more than thirty-five meters distant from any part of any such super-structure, by notice require the owner of the land to obtain such supply.

193. Supply of water for domestic purpose not to include any supply for certain specified purposes.—

The supply of water for domestic purposes shall not be deemed to include any supply—

- (a) for any trade, manufacture or business;
- (b) for gardens or for purposes of irrigation;
- (c) for building purposes;
- (d) for fountains, swimming baths, public baths or tanks or for any ornamental or mechanical purposes;
- (e) for animals, where they are kept for sale or hire for the sale of their produce or any preparation therefrom;
- (f) for the consumption and use by the inmates of hotels, boarding houses and residential clubs;
- (g) for the consumption and use by the persons resorting to theatres and cinemas;
- (h) for constructing or for watering streets; or
- (i) for washing vehicles where they are kept for sale or hire; but shall be deemed to include a supply—
 - (i) for flushing privies or drains; and
 - (ii) for all baths other than swimming baths or public baths.

194. Water supply for domestic purposes not to be used for non-domestic purposes.—

No person shall, without the written permission of the Commissioner use or allow to be used for other than domestic purposes water supplied for domestic purposes.

195. Power to supply water for non-domestic purposes.—

(1) The Commissioner may with the sanction of the standing committee supply water for any purposes other than a domestic purpose on such terms and conditions consistent with the bye-laws made thereunder on receiving a written application specifying the purpose for which such supply is required and the quantity likely to be consumed.

(2) When an application under sub-section (1) is received, the Commissioner may, subject to such charges and rates as may be fixed by the bye-laws, lay or allow to be laid the necessary pipes and water fittings of such dimensions and description as may be prescribed by the bye-laws and may arrange for the supply of water through such pipes and fittings.

196. Supply of water to Government and local authorities.—

The corporation may supply water to the Government or any other local authority on such terms as to payment, the period and the conditions of supply as shall be determined by it.

197. Public water supply.—

(1) The corporation shall provide a supply of wholesome drinking water within the city and shall erect sufficient stand pipes, fountains and other conveniences for the gratuitous of water.

(2) The Commissioner may close a public hydrant or other convenience when it is no longer required for the supply of wholesome water to the public.

198. Power to lay mains.—

(1) Notwithstanding anything contained in any other law for the time being in force, the corporation may lay a main whether within or outside the local limits of the city,—

(a) in any street or any land vested in the Government, the corporation or any other local authority;

(b) with the consent of every owner and occupier of any land not forming part of a street, in, over or on that land, and may inspect, repair, alter or renew or may at any time remove any main so laid:

Provided that where the consent required for the purpose of this sub-section is withheld, the corporation may, after giving the owner or occupier of the land a written notice of its intention so to do, lay of the main in, over or on that land without such consent.

(2) Where the corporation, in exercise of the powers under this section, lays a main in, over or on any land not forming part of a street or land referred to in clause (b) of sub-section (1), or inspects, repairs, alters, renews or removes a main so laid in, over or on any such land it shall pay compensation to every person interested in that land for any damage done to, or injurious affection of that land by reason of the inspection, laying, repair, alteration, renewal or removal of the main.

199. Power to lay service pipes, etc.—

(1) The corporation may in any street or in any land referred to in clause (b) of sub-section (1) of section 198 whether within or outside the local limits of the city lay such service pipes with such stopcocks and other water fittings as it may deem necessary for supplying water to premises and may from time to time inspect, repair, alter or renew and may at any time remove any service pipe laid in such street or land whether by virtue of this section or otherwise.

(2) Where a service pipe has been lawfully laid in, over or on land not forming part of a street or land referred to in sub-section (1),

such officers as the Commissioner may authorise may enter upon that land and inspect, repair, alter, renew or remove the pipe or lay a new pipe in substitution thereof but shall pay compensation for any damage done in the course of such action.

200. Provision of fire hydrants.—

(1) The Commissioner shall fix hydrants on water mains (other than trunk mains) at such places as may be most convenient for affording a supply of water for extinguishing any fire which may break out and shall keep in good order and from time to time renew every such hydrant.

(2) To denote the situation of every hydrant placed under this section, letters, marks or figures shall be displayed prominently on some wall, building or other structure near such hydrant.

(3) As soon as any such hydrant is completed, the Commissioner shall deposit a key thereof at such place where a public fire engine is kept and in such other places as he deems necessary.

(4) The corporation may, at the request and expense of the owner or occupier of any factory, workshop, trade premises or place of business situated in or near a street in which a pipe is laid (and not being a trunk main) and being of sufficient dimensions to carry a hydrant fix on the pipe and keep in good order and renew one or more fire hydrants, to be used only for extinguishing fires as near as conveniently may be to that factory, workshop, trade premises place of business.

(5) The corporation shall allow all persons to take water for extinguishing fires from any pipe on which a hydrant is fixed without any payment.

201. Power to require owners of premises to set up pumps, etc.—

The owner of every premises when so required by the corporation shall provide a pump and set up electric pumps or other con-

trivances whereby water may be caused to reach to the top of the topmost storey of such premises.

202. Supply of water.—

The Commissioner may permit the owner, lessee or occupier of any premises to connect the premises by means of supply pipes for conveying through the premises supply of water for his domestic purposes from the corporation water works subject to the requirements of section 203:

203. Laying of supplying of pipes etc.,—

(1) An owner, lessee or occupier of any premises who desires to have supply of water for his domestic purposes from the corporation water works shall comply with the following requirements, namely:—

(a) he shall give to the Commissioner fourteen days' notice of his intention to lay the necessary supply pipe; and

(b) he shall lay the supply pipe at his own expense having first obtained as respects any land not forming part of a street, the consent of the owner or occupiers thereof:

Provided that where any part of the supply pipe is to be laid in a street he shall not himself break open the street or lay that part of the pipe.

(2) Upon the receipt of the notice referred to in sub-section (1), the Commissioner shall lay the necessary communication pipe and any part of the supply pipe which is to be laid in a street and shall connect a communication pipe with the supply pipe.

(3) The expenses reasonably incurred by the Commissioner in executing the work which he is required or authorised by this section to execute shall be repaid to the corporation by the person by whom the notice was given and may be recovered from such person as an arrear of water rate under this Act:

Provided that if under the provision of this section the Commissioner lays a main in lieu of the supply pipe the additional cost incurred in laying the main instead of a supply pipe shall be borne by him.

(4) Notwithstanding anything contained in the foregoing provisions of this section, the Commissioner may, within a reasonable time after the service of the notice upon him, require the person giving the notice to pay to it in advance, the cost of the work as estimated by the corporation or to give security for payment thereof to its satisfaction.

(5) If any payment made to the corporation under sub-section (4) exceeds the expenses which it would be entitled to recover from the person giving the notice, the excess shall be repaid by it and if and so far as those expenses are not covered by the payment, the corporation may recover the balance from such person as an arrear of water rate under this Act;

204. Power to require separate service pipes.—

The corporation may require the provision of a separate service pipe for each of the premises supplied or to be supplied by it with water.

(2) If in the case of any premises already supplied with water but not having a separate service pipe, the corporation gives notice to the owner of premises requiring the provision of such a pipe, the owner shall, within three months, lay so much of the required pipe as will constitute a supply pipe and is not required to be laid in a street and the corporation shall, within fourteen days after the owner has done so, lay so much of the required pipe as will constitute a communication pipe or a supply pipe to be laid in a street and make all necessary communications.

(3) If an owner upon whom a notice has been served under sub-section (2) fails to comply therewith the corporation may itself

execute the work which the owner was required to execute and recover the expenses reasonably incurred by it in executing the work as an arrear of water rate under this Act,

205. Stopcocks.—

(1) On every service pipe laid the corporation may fit a stopcock enclosed in a cover box or a pit of such size as may be reasonably necessary.

(2) Every stopcock fitted on a service pipe shall be placed in such position as the corporation deems most convenient:

Provided that—

(a) a stopcock in private premises shall be placed as near as is reasonably practicable to the street from which the service pipe enters those premises; and

(b) a stopcock in a street shall be placed as near to the boundary thereof as is reasonably practicable.

206. Power to provide meters.—

(1) The corporation may provide a water meter and attach the same to the service pipe in premises connected with the corporation water works.

(2) The expenses of attaching a meter under sub-section (1) shall be paid by the owner of the premises.

(3) The use, rent to be paid for such use, maintenance and testing of meters shall be regulated by the bye-laws.

207. Presumption as to correctness of meters.—

Whenever water is supplied by the corporation through a meter, it shall be presumed that the quantity indicated by the meter has been consumed until the contrary is proved.

208. Prohibition of waste or misuse of water.—

(1) No person shall wilfully or negligently cause or suffer any water fitting which he is liable to maintain—

(a) to be or remain so out of order or so in need of repair; or

(b) to be or remain so constructed or adopted or to be so used, that the water supplied to him by the corporation is or is likely to be wasted, misused or unduly consumed, or contaminated before use, or that foul air or an impure matter is likely to return into any pipe belonging to, or connected with a pipe belonging to the corporation.

(2) If any water fitting which any person is liable to maintain is in such a condition or so constructed or adapted as aforesaid, the corporation, without prejudice to any action under any other provision of this Act, may require that person to carry out any necessary repairs or alterations and if he fails to do so within forty eight hours may itself carry out the work and recover from him the expenses reasonably incurred by it in so doing, as an arrear of water rate payable under this Chapter.

209. Power to enter premises to detect waste or misuse of water.—

The Commissioner or any officer authorised by the corporation may, between sunrise and sunset, enter any premises supplied with water by the corporation in order to examine if there is any waste or misuse of such water and the Commissioner or such officer shall not be refused admittance to the premises nor shall he be obstructed by any person in making his examination.

210. Power to test water fittings.—

The Commissioner or other officer may test any water fitting used in connection with water supplied by the corporation.

211. Water pipes, etc., not to be placed where water will be polluted.—

(1) No water pipe shall be laid in a drain or on the surface of an open channel or house gully or within six meters of a cesspool or in any position where the pipe is likely to be injured or the water therein polluted, and except with the approval of the corporation no cistern shall be constructed within six meters of a privy or cesspool.

(2) No privy or cesspool shall be constructed or made within six meters of any water pipe or cistern or in any position where the pipe or cistern is likely to be injured or the water therein polluted.

212. Power to cut off water supply.—

(1) The Commissioner may cut off the supply of water from any premises,—

(a) if the premises are unoccupied;

(b) if the owner or occupier neglects to comply with any lawful order or requisition regarding water supply issued by the Commissioner within the period specified therein;

(c) if any charges or any other sum due for water or for the cost of making a connection or the hire of a meter or the cost of carrying out any work or test connected with the water supply which is chargeable to any person by or under this Act is not paid within fifteen days after a bill for such charges or sums has been presented or served;

(d) if after receipt of a notice from the Commissioner requiring him to refrain from so doing, the owner or occupier continues to use the water or to permit it to be used in contravention of the provisions of this Act or any rule or bye-law made thereunder;

(e) if the owner or occupier wilfully or negligently damages his meter or any pipe or tap conveying water;

(f) if the owner or occupier refuses to admit the Commissioner or any person authorised by him in this behalf into the premises

which he proposes to enter for the purpose of executing any work or of placing or removing any apparatus or of making any examination or inquiry in connection with the water supply or prevents the Commissioner or any person authorised by him doing such work, from placing or removing such apparatus or making such examination or inquiry;

(g) if any pipes, taps, works or fittings connected with the water supply are found on examination by the Commissioner or any person authorised by him to be out of repair to such an extent as to cause waste or contamination of water,

(h) if the owner or occupier causes pipes, taps, works or fittings connected with the corporation water supply to be placed, removed, repaired or otherwise interfered with in contravention of the provisions of this Act, the rules or bye-laws made thereunder:

Provided that the Commissioner shall not cut off the supply of water unless notice of not less than three days has been given to the owner or occupier of the premises.

(2) (a) The owner and the occupier of the premises shall be jointly and severally liable for the payment of all the sums referred to in clause (c) of sub-section (1).

(b) The sums referred to in clause (a) shall be a charge on the premises.

(3) The expenses of the cutting off the supply shall be payable by the owner and occupier of the premises jointly and severally.

(4) In respect of any premises from which water supply is cut off under clause (c) of sub-section (1) as soon as any money for non-payment of which water has been cut off together with the expenses of cutting off the supply has been paid by the owner or occupier, the Commissioner shall cause water to be supplied as before on payment of the cost of re-connecting the premises with the water works.

(5) Action taken under this section against any person shall be without prejudice to any penalties to which he may otherwise be liable.

213. Joint and several liability of owners and occupiers for offence in relation to water supply.—

If any offence relating to water supply is committed under this Act on any premises connected with the corporation water works, the owner, the person primarily liable for the payment of the charges for water, and the occupier of the said premises shall be jointly and severally liable for such offence.

214. Non-liability of corporation when supply is reduced or not made in certain cases.—

The corporation shall not be liable to any penalty or damages for cutting off the supply of water or for not supplying water in the case of unusual drought, other unavoidable cause or accident, or the necessity for relaying or repairing pipes.

215. Right of user of conduits, lines, etc.—

(1) The corporation may place and maintain conduits and lines of mains or pipes over, under, along or across any immovable property whether within or outside the local limits of the city without acquiring the same, and may at any time for the purpose of examining, repairing, altering or removing any conduits, for lines of mains or pipes, enter on any property over, under, along or across which the conduits or lines of mains or pipes have been placed:

Provided that the corporation shall not acquire any right other than a right of user in the property over, under, along or across which may any conduit or line of mains or pipes is placed.

(2) In the exercise of the powers conferred upon it by this section, the corporation shall cause as little damage and inconvenience as may be possible, and shall make full compensation for any damage or inconvenience caused by it.

216. Power of owner of premises to place pipes through land belonging to other persons.—

(1) If it appears to the corporation that the only or most convenient means of water supply to any premises is by placing or carrying any pipe over, under, along or across the immovable property of another person, it may by order in writing, authorise the owner of the premises to place or carry such pipe over, under, along or across or such immovable property:

Provided that before making any such order the corporation shall give to the owner of the immovable property a reasonable opportunity of showing cause within such time as may be specified in the bye-laws made in this behalf as to why the order should not be made:

Provided further that the owner of the premises shall not acquire any right other than a right of user in the property over, under, along or across which any such pipe is placed or carried.

(2) Upon the making of an order under sub-section (1), the owner of the premises may, after giving reasonable notice of his intention so to do, enter upon the immovable property with assistants and workmen at any time between sunrise and sunset for the purpose of placing a pipe over, under, along or across such immovable property or for the purpose of repairing the same.

(3) In placing or carrying a pipe under this section, as little damage as possible shall be done to the immovable property and the owner of the premises shall—

(a) cause the pipe to be placed or carried with the least practicable delay;

(b) fill in, reinstate and make good at his own cost with the least practicable delay, any land opened, broken up or removed for the purpose of placing or carrying such pipe; and

(c) pay compensation to the owner of the immovable property and to any other person who sustains damage by reason of the placing or carrying of such pipe.

(4) If the owner of the immovable property, over, under, along or across which a pipe has been placed or carried under this section whilst such immovable property was not built upon, desires to erect any building on such property, the corporation shall, by notice in writing require the owner of the premises to close, remove or divert the pipe in such manner as shall be approved by him and to fill in, re-instate and make good the immovable property as if the pipe had not been placed or carried over, under along or across the same:

Provided that no such requisition shall be made unless in the opinion of the corporation it is necessary or expedient for the construction of the proposed building or the safe enjoyment thereof that the pipe should be closed, removed or diverted.

217. Power to execute work after giving notice to the person liable.—

(1) When under the provisions of this Chapter any person may be required or is liable to execute any work, the corporation may, in accordance with the provisions of this Act and of any bye-law made in this behalf, cause such work to be executed after giving such person an opportunity of executing the same within such time as may be specified by it for this purpose.

(2) The expenses incurred or likely to be incurred by the corporation in the execution of any such work shall be payable by the said person and the expenses incurred by the corporation in connection with the maintenance of such work shall be payable by the person or persons enjoying the amenities and conveniences rendered possible by such work.

(3) The expenses referred to in sub-section (2) shall be recoverable from the person or persons liable therefor as an arrear of water charges payable under this Chapter.

218. Work connected with water supply to be done by licensed plumber.—

(1) No person other than a licensed plumber shall execute any work connected with water supply and no person shall permit any such work to be executed except by a licensed plumber:

Provided that if, in the opinion of the Commissioner the work is of a trivial nature, he may grant permission in writing for the execution of such work by a person other than a licensed plumber.

(2) Every person who employs a licensed plumber to execute any work shall, when so required, furnish to the Commissioner the name of such plumber.

(3) When any work is executed except in accordance with the provisions of sub-section (1), such work shall be liable to be dismantled at the discretion of the corporation without prejudice to the right of the corporation to prosecute under this Act the person at whose instance such work has been executed.

(4) The corporation may make bye-laws for the guidance of licensed plumbers and a copy of all such bye-laws shall be attached to every licence granted to plumbers by the corporation.

(5) The corporation may prescribe the charges to be paid to licensed plumbers for any work done by them under or for any of the purposes of this Chapter.

(6) No licensed plumber shall, for any work referred to in sub-section (5), demand or receive more than the charge prescribed therefor under that sub-section.

(7) The corporation shall make bye-laws providing for—

(a) the exercise of adequate control on all licensed plumbers;

(b) the inspection of all works carried out by them;

and

(c) the hearing and disposal of complaints made by the owners or occupiers of premises with regard to the quality of work done, material used, delay in execution of work, and the charges made by a licensed plumber.

(8) No licensed plumber shall contravene any of the bye-laws made in this behalf or execute carelessly or negligently any work under this Act or make use of bad materials, appliances or fittings.

(9) If any licensed plumber contravenes sub-section (8), his licence may be suspended or cancelled whether he is prosecuted under this Act or not.

219. Prohibition of certain acts relating to water supply.—

(1) No person shall—

(a) wilfully obstruct any person acting under the authority of the corporation in setting out the lines of any works or pull up or remove any pillar, post or stake fixed in the ground for the purpose of setting out the lines of such work or deface or destroy any works made for the same purpose ; or

(b) wilfully or negligently break, injure, turn on, open, close, shut off or otherwise interfere with any lock, cock, valve, pipe, meter or other work or apparatus belonging to the corporation; or

(c) unlawfully obstruct the flow of or flush, draw off or divert or take water from any water work belonging to the corporation or any water course by which any such water is supplied; or

(d) obstruct any officer or other employee of the corporation in the discharge of his duties under this Chapter or refuse or wilfully neglect to furnish him with the means necessary for the making of any entry, inspection, examination or inquiry thereunder in relation to any water; or

(e) bathe in, at or upon any water work or wash or throw or cause to enter therein any animal, or throw any rubbish, dirt or filth

into any water work or wash or clean therein any cloth, wool or leather or the skin of any animal or cause water of any sink, or drain or any steam engine or boiler or any polluted water to turn or be brought into any water work, or do any other act whereby the water in any water work is fouled or likely to be fouled.

(2) Nothing in clause (b) of sub-section (1) shall apply to a consumer closing the stopcock fixed on the service pipe supplying water to his premises so long as he has obtained the consent of any other consumer whose supply will be affected thereby.

220. Bye-laws regarding water supply.—

(1) The corporation may make bye-laws relating to water supply to carry out the purpose of this Chapter.

(2) In particular and without prejudice to the generality of the foregoing provision, such bye-laws may provide for—

(a) the power of the corporation—

(i) to stop the supply of water, whether for domestic purposes or not, or for gratuitous use; and

(ii) to prohibit the sale and use of water for the purpose of business;

(b) the connection of supply pipes for conveying to any premises a supply of water from corporation water works;

(c) the making and renewing connections with corporation water works;

(d) the power of the corporation to take charge of private connections;

(e) the power of the corporation to alter the position of connections;

(f) the equitable distribution of water supplied to occupiers;

(g) the size, material, quality, description and position of the pipes and fittings to be used for the purpose of any connection with or any communication from any corporation water works and the stamping of pipes and fittings and fees for such stamping;

(h) the size, material quality and description of pipes, cisterns and fittings which are found on an examination to be so defective that they cannot be effectively repaired;

(i) the provision and maintenance of meters when water is supplied by measurement;

(j) the prohibition of fraudulent and unauthorised use of water and the prohibition of tampering with meters;

(k) The maintenance of pipes, cisterns and other water works;

(l) the licensing of plumbers and fitters, and for the compulsory employment of licensed plumbers and fitters;

(m) any other matter which is to be or may be provided for by bye-laws made under this Chapter.

(3) In making any bye-law under this section, the corporation may provide that a breach thereof shall be punishable with fine which may extend to one hundred rupees and in case of continuing breach with an additional fine which may extend to ten rupees for every day during which the breach continues after receipt of a notice from the corporation to discontinue such breach.

221. Vesting of sewers, etc., in corporation.—

(1) All public sewers, all sewers in, alongside or under any public street within the city and all sewage disposal works whether constructed out of the corporation fund or otherwise, and all works materials and things appertaining thereto, shall vest in the corporation.

(2) All public and other sewers which are vested in the corporation are hereafter in this Act referred to as corporation sewers.

(3) For the purposes of enlarging, deepening or otherwise repairing or maintaining any such sewer or sewage disposal work so much of the sub-soil appertaining thereto as may be necessary for the said purpose shall be deemed also to vest in the corporation.

(4) All sewers and ventilation-shafts, pipes and all appliances and fittings connected with the sewerage works constructed, erected or set up out of the funds of the corporation in or upon premises not belonging to the corporation whether—

(a) before or after the date on which a corporation is established under this Act, and

(b) for the use of the owner or occupier of such premises or not, shall, unless the corporation has otherwise determined, or does at any time otherwise determine, vest in the corporation.

222. Maintenance of sewers and sewage disposal works.—

The corporation shall maintain and keep in repair all corporation sewers and sewage disposal works and shall construct as many new drains and sewage disposal works as may from time to time be necessary for effectual sewerage of the city.

223. Certain matters not to be passed into corporation sewers.—

(1) No person shall throw, empty or turn into any corporation sewer or into any drain or sewer communicating with a corporation sewer,—

(a) any matter likely to injure the sewer or to interfere with the free flow of its contents, or to affect prejudicially the treatment and disposal of its contents; or

(b) any chemical, refuse or waste, steam or any liquid of a temperature higher than forty-five degrees centigrade, being refuse or steam which, or a liquid of which, when so heated, is, either alone or in combination with the contents of the sewer, dangerous, or the cause of a nuisance, or prejudicial to health; or

(c) any dangerous petroleum.

(2) In this section, the expression “dangerous petroleum” has the same meaning as in the Petroleum Act, 1934 (Central Act 30 of 1934).

224. Application by owners and occupiers to drain into corporation sewer.—

(1) Subject to such conditions as may be laid down in the bye-laws, the owner or occupier of any premises having a private drain, owner or occupier of any premises having a private drain, or the owner of any private drain within the city may apply to the corporation to have his drain made to communicate with the corporation sewers and thereby to discharge foul water and surface water from those premises or that private drain:

Provided that nothing in this sub-section shall entitle any person to discharge directly or indirectly into any corporation sewer—

- (i) any trade effluent from any trade premises except in accordance with the bye-laws made in this behalf; or
- (ii) any liquid or other matter the discharge of which into corporation sewers is prohibited by or under this Act or any other law.

(2) Any person desirous of availing himself of the provisions of sub-section (1) shall give to the corporation notice of his proposals, and at any time within one month after receipt thereof, the Commissioner may by notice to him refuse to permit the communication to be made, if it appears to him that the mode of construction or condition of the drain is such that the making of the communication would be prejudicial to the sewerage system, and for the purpose of examining the mode of construction and condition of the drain he may, if necessary, require it to be laid open for inspection.

(3) The Commissioner may, if he thinks fit, construct such part of the work necessary for connecting a private drain with a corporation sewer as is in or under a public street and in such a case, the

expenses incurred by the Commissioner shall be paid by the owner or occupier of the premises, or as the case may be, the owner of the private drain and shall be recoverable from the owner or occupier as an arrear of charges payable under this Act.

225. Drainage of undrained premises.—

(1) Where any premises are in the opinion of the Commissioner without sufficient means of effectual drainage and a Corporation sewer or some place approved by the corporation for the discharge of filth and other polluted and obnoxious matter is situated at a distance of not exceeding thirty five meters from any part of the said premises, he may, by written notice require the owner of the said premises—

(a) to make a drain emptying into such corporation sewer or place;

(b) to construct a closed cesspool or soakage pit and fittings as may appear to the Commissioner necessary for the purpose of gathering and receiving the filth and other polluted and obnoxious matter from the conveying the same off the said premises and of effectually flushing such drain and every fixture connected therewith;

(c) to remove any existing drain or other appliance or thing used or intended to be used for drainage which is injurious to health;

(d) to provide a closed drain in substitution of an open drain or to provide such other appliance or thing either newly or in substitution of any existing appliance or thing or to provide both a closed drain and such other appliance or thing in substitution of the existing open drain and other appliance or thing, which is or is likely to be injurious to health,

(e) to provide and set up all such appliances and fittings as may appear to the Commissioner to be necessary for the purpose of gathering and receiving the waste water from floors and galleries of buildings when they are washed, and conveying the same through

spouts by downtake pipes so as to prevent such waste from discharging directly on streets or inside any lower portion of the premises;

(f) to carry out any work to improve or re model an existing drain which is inadequate, insufficient or faulty.

(2) Where in any case not provided for in sub-section (1) any premises are, in the opinion of the Commissioner without sufficient means of effectual drainage, he may, by written notice, require the owner of the premises—

(a) to construct a drain up to a point to be specified in such notice which shall not be less than thirty five meters from any part of the premises; or

(b) to construct a closed cesspool or soakage pit and drain or drains emptying into such cesspool or soakage pit.

(3) Any requisition for the construction of any drain under sub-section (2) may contain any of the details specified in sub-section (1).

(4) Where the owner of any premises to whom a notice has been issued under sub-section (2) fails to execute the work within three months from the date of receipt of such notice, the Commissioner shall cause such work to be executed and thereupon, the provisions of section 237 shall apply as if the said work is executed in accordance with the said section.

226. New premises not to be erected without drains.—

(1) In areas in which corporation sewers are provided it shall not be lawful to erect or to re-erect any premises or to occupy any such premises unless—

(a) a drain be constructed of such size, materials and description, at such level and with such fall as shall appear to the Commissioner to be necessary for the effectual drainage of such premises;

(b) there have been provided and set up on such premises such appliances and fittings as may appear to the Commissioner to be necessary for the purposes of gathering or receiving the filth and other polluted and obnoxious matter from, and conveying the same off, the said premises and of effectually flushing the drain of the said premises and every fixture connected therewith.

(2) The drain so constructed shall empty into a corporation sewer.

(3) The provisions of this section shall be applicable to premises any part of which is situated within a distance of thirty five metres from a corporation sewer.

227. Power to drain group or block of premises by combined operations.—

(1) If it appears to the Commissioner that any group or block of premises may be drained more economically or advantageously in combination than separately, and a corporation sewer of sufficient size already exists or is about to be constructed within thirty five metres of any part of that group or block of premises the Commissioner may cause that group or block of premises to be drained by a combined operation.

(2) The expenses incurred in carrying out any work under sub-section (1) in respect of any group or block of premises shall be paid by the owners of such premises in such proportion as the Commissioner may determine and shall be recoverable from them as an arrear of charges payable under this Act.

(3) Not less than fifteen days before any such work is commenced, the Commissioner shall give to each such owner,—

(a) written notice of the nature of the proposed work,
and

(b) an estimate of the expenses to be incurred in respect thereof and of the proportion of such expenses payable by him.

(4) The Commissioner may require the owner of such group or block of premises to maintain the work executed under this section.

228. Power of Commissioner to close or limit the use of private drains in certain cases.—

Where a drain connecting any premises with a corporation sewer is sufficient for the effectual drainage of such premises and is otherwise un-objectionable but is not, in the opinion of the Commissioner adopted to the general system of sewerage in the city he may, by written notice addressed to the owner of the premises, direct—

(a) that such drain be closed, discontinued or destroyed and that any work necessary for that purpose be done; or

(b) that such drain shall, from such date as may be specified in the notice in this behalf, be used for filth and polluted water only or for rainwater and unpolluted sub-soil water only:

Provided that—

(i) no drain may be closed, discontinued or destroyed by the Commissioner under clause (a) except on condition of his providing another drain equally effectual for the drainage of the premises and communicating with any corporation sewer which he thinks fit; and

(ii) the expenses of the construction of any drain so provided by the Commissioner and of any work done under clause (a) shall be borne by the corporation.

229. Use of drain by a person other than the owner.—

(1) Where the Commissioner either on receipt of an application from the owner of any premises or otherwise is of the opinion that the only, or the most convenient means of effectual drainage of the premises into a corporation sewer is through a drain belonging to another person, the Commissioner may by notice in writing require the owner of such drain to show cause within a period specified in the notice as to why an order under this section should not be made.

(2) Where no cause is shown within the specified period or the cause shown appears to the Commissioner invalid or insufficient, the Commissioner may, by order in writing either authorise the owner of the premises to use the drain or declare him to be joint owner thereof.

(3) An order made under sub-section (2) may contain directions as to—

(a) the payment of rent or compensation by the owner of the premises;

(b) the construction of a drain for the premises for the purpose of connecting it with the aforesaid drain;

(c) the entry upon the land in which the aforesaid drain is situate with assistants and workmen at all reasonable hours;

(d) the respective responsibilities of the parties for maintaining, repairing, flushing, cleaning and emptying the aforesaid drain.

230. Sewage and rain water drains to be distinct.—

Whenever it is provided in this Chapter that steps shall or may be taken for the effectual drainage of any premises, it shall be competent for the Commissioner to require that there shall be one drain for filth and polluted water and an entirely distinct drain for rain water and unpolluted sub-soil water or both rain water and unpolluted sub-soil water each emptying into a separate corporation sewer or corporation drain or other suitable places.

231. Power to require owner to carry out certain works for satisfactory drainage.—

For the purpose of efficient drainage of any premises, the Commissioner may, by notice in writing—

(a) require any courtyard, alley or passage between two or more buildings to be paved by the owner or owners of such buildings with such materials and in such manner as may be approved by the corporation; and

(b) require such paving to be kept in proper repair.

232. Appointment of places for the emptying of sewers and disposal of sewage.—

The Commissioner may cause any or all of the corporation sewers to empty into and all sewage to be disposed of at such place or places as he considers suitable:

Provided that on and after such date as may be appointed by corporation in this behalf no sewage shall be discharged into any water-course until it has been so treated as not to affect prejudicially the purity and quality of the water into which it is discharged.

233. Connection with sewers not to be made without permission.—

Without the written permission of the Commissioner no person shall, for any purpose whatsoever, at any time make or cause to be made any connection or communication with any sewer referred to in section 226 constructed or maintained by, or vested in, the corporation.

234. Buildings and private streets not to be erected or constructed over sewers without permission.—

(1) Without the written permission of the Commissioner no private street shall be constructed and no building, well fence or other structure shall be erected on any corporation sewer constructed or maintained by, or vested in, the corporation.

(2) If any private street be constructed or any building wall, fence or structure erected on any sewer as aforesaid without the written permission of the Commissioner, the Commissioner may remove or otherwise deal with the same as he thinks fit.

(3) The expenses incurred by the Commissioner in so doing shall be paid by the owner of the private street or of the building, fence, wall or other structure or, as the case may be, by the person offending and shall be recoverable as an arrear of charges payable under this Act.

235. Right of user of property for laying sewers.—

(1) The corporation may place and maintain sewer over, under, along or across any immovable property whether within or outside the local limits of the corporation, without acquiring the same, and any officer or servant of the corporation may at any time for the purpose of examining, repairing, altering or removing any sewer enter on any property over, under, along or across which the sewers have been laid:

Provided that the corporation shall not acquire any right other than a right of user in property over, under, along or across which any sewer is laid.

(2) In the exercise of the powers conferred under this section, the corporation shall cause as little damage as may be possible, and shall make full compensation for any damage caused by it.

236. Power of owner of premises to lay sewer through land belonging to other persons.—

(1) If it appears to the Commissioner that the only or more convenient means of sewerage of any premises is by laying any sewer over, under, along or across the immovable property of another person, the Commissioner may, by order in writing, authorise the owner of the premises to lay or carry such sewer over, under, along or across such immovable property:

Provided that before making any such order the Commissioner shall give to the owner of the immovable property a reasonable opportunity of showing cause within forty five days as to why such an order should not be made:

Provided further that the owner of the premises shall not acquire any right other than a right of user in the property over, under, along or across which any such sewer is laid.

(2) Upon the making of an order under sub-section (1), the owner of the premises may, after giving reasonable notice of his intention so to do, enter upon the immovable property with assistants

and workmen at any time between sunrise and sunset for the purposes of laying a sewer over, under, along or across such immovable property or for the purpose of repairing the same.

(3) In laying a sewer under this section, as little damage as possible shall be done to the immovable property and the owner of the premises shall—

(a) cause the sewer to be laid with the least practicable delay;

(b) fill in, reinstate and make good at his own cost and with the least practicable delay, any land opened, broken up or removed for the purpose of laying such sewer; and

(c) pay compensation to the owner of the immovable property and to any other person who sustains damage by reason of the laying of such sewer.

(4) If the owner of the immovable property, over, under, along or across which a sewer has been laid under this section whilst such immovable property was not built upon desires to erect any building on such property, the Commissioner shall, by notice in writing, require the owner of the premises to close, remove or divert the sewer in such manner as shall be approved by him and to fill in, reinstate and make good the immovable property as if the sewer had not been laid over, along or across the same:

Provided that no such requisition shall be made unless in the opinion of the Commissioner it is necessary or expedient for the construction of the proposed building or the safe enjoyment thereof that the sewer should be closed, removed or diverted.

237. Power to execute work after giving notice to the person liable.—

(1) When under the provisions of this Chapter any person may be required or is liable to execute any work, the Commissioner, in accordance with the provision of this Act and of any bye-laws made in

this behalf, cause such work to be executed after giving such person an opportunity of executing the same within such time as may be specified by it for this purpose.

(2) The expenses incurred or likely to be incurred by the Commissioner in the execution of any such work shall be payable by the said person and the expenses incurred by the Commissioner in connection with the maintenance of such work shall be payable by the person or persons enjoying such amenities and convenience rendered possible by such work.

(3) The expenses referred to in sub-section (2) shall be recoverable from the person or persons liable therefor as an arrear of charges payable under this Act.

238. Power to affix shafts, etc., for ventilation of sewer of cesspool.—

For the purpose of ventilating any sewer or cesspool, whether vested in the corporation or not, the Commissioner may, in accordance with the bye-laws made in this behalf, erect upon any premises or affix to the outside of any building or to any tree any such shaft or pipe as may appear to it to be necessary.

239. Power to examine and test sewers, etc., believed to be defective.—

(1) Where it appears to the Commissioner that there are reasonable grounds for believing that a private sewer or cesspool is in such condition as to be prejudicial to health or to be a nuisance or that a private sewer communicating directly or indirectly with a corporation sewer is so defective as to admit sub-soil water, he may examine its condition and for that purpose may apply any test, other than a test by water under pressure, and if he deems it necessary, open the ground.

(2) If, on examination, the sewer or cesspool is found to be in proper condition, the Commissioner shall, as soon as possible reinstate any ground which has been opened by him and make good the damage done by him.

240. Work connected with the corporation sewerage system to be done by licensed plumber.—

(1) No person other than a licensed plumber shall execute any work connected with the corporation sewerage system and no person shall permit any such work to be executed except by a licensed plumber:

Provided that if, in the opinion of the corporation engineer, the work is of a trivial nature he may grant permission in writing for the execution of such work by a person other than a licensed plumber.

(2) The provisions of section 218 shall be applicable in respect of any work connected with any drain as they are applicable in respect of any work connected with water supply.

241. Prohibition of certain acts relating to sewerage.—No person shall—

(a) wilfully obstruct any person acting under the authority of the corporation or the Commissioner in setting out the lines of any works or pull up or remove any pillar, post or stake fixed in the ground for the purpose of setting out lines of such work, or deface or destroy any works, made for the same purpose; or

(b) wilfully or negligently break, injure, turn on, open, close, shut off or otherwise interfere with any lock, cock, valve, pipe, or other work or apparatus belonging to the corporation; or

(c) unlawfully obstruct the flow of or flush, draw or divert or take sewage from any sewage work belonging to the corporation; or

(d) obstruct any officer or other employee of the corporation in the discharge of his duties under this Chapter or refuse or wilfully neglect to furnish him with the means necessary for the making of any entry, inspection, examination or inquiry thereunder in relation to any sewage work.

242. Bye-laws regarding sewerage.—

(1) The corporation may make bye-laws relating to sewerage to carry out the purposes of this Chapter.

(2) In particular and without prejudice to the foregoing provisions, such bye-laws may provide for—

(a) the regulation or prohibition to the discharge or deposit of offensive or obstructive matter, polluted water or other polluted and obnoxious matter into sewers;

(b) the regulation in any manner not specifically provided for in this Act, of the construction, alteration, maintenance, preservation, cleaning and repairs of sewers, ventilation shafts, pipes, latrines, urinals, cesspools and other sewerage works;

(c) the cleaning of sewers;

(d) the prohibition of erection of buildings over sewers without the permission of the corporation or the Commissioner;

(e) the connection of private drains with corporation sewers:

(f) location and construction of cesspools;

(g) the covering and ventilation of cesspools;

(h) the period or periods of the day during which trade effluent may be discharged from any trade premises into corporation sewers;

(i) the exclusion from trade effluent of all condensing matter;

(j) the elimination from trade effluent before it enters corporation sewer, of any constituent which in the opinion of the corporation would, either alone or in combination with any matter with which it is likely to come into contact while passing through corporation sewers, injure or obstruct those sewers or make specially difficult or expensive the treatment or disposal of the sewage from those sewers;

(k) the maximum quantity of trade effluent which may, without any consent or permission, be discharged from any trade premises into corporation sewers on any one day and the highest rate at which trade effluent may, without such consent or permission be discharged from any trade premises into corporation sewers;

(l) the regulation of the temperature of trade effluent at the time of its discharge into corporation sewers and the securing of the neutrality of trade effluent (that is to say, that it is neither acidic nor alkaline) at the time of such discharge;

(m) the charge to be paid to the corporation by occupiers of trade premises for the reception of trade effluent into corporation sewers and disposal thereof;

(n) the provision and maintenance of such an inspection chamber or manhole as will enable a person readily to take at any time samples of what is passing into corporation sewers from trade premises;

(o) the provision and maintenance of such meters as may be required to measure the volume of any effluent being discharged from any trade premises into corporation sewers, and the testing of such meters;

(p) any other matter which has to be or may be provided for by bye-laws made under this Chapter.

(3) In making any bye-law under this section, the corporation may provide that a breach thereof shall be punishable with fine which may extend to one hundred rupees and in case of a continuing breach with an additional fine which may extend to ten rupees for every day during which the breach continues after receipt of a notice from the corporation to discontinue such breach.

243. Inspection of corporation water works or sewerage works by persons appointed by Government.—

Any person appointed by the Government in this behalf shall at all reasonable times have liberty to enter upon and inspect any corporation water works or sewerage works.

244. Execution of works by Government agency.—

Government may at the request of the corporation when it considers that the corporation does not have at its disposal adequate technical assistance to execute a water supply or drainage scheme, direct the execution of any water supply or drainage scheme through the Public Works Department of the Government.

245. Provision of public privies.—

The Corporation shall provide and maintain in proper and convenient places a sufficient number of public privies and shall cause the same to be kept clean and in proper order.

246. Licensing of public privies.—

(1) The Commissioner may license for any period not exceeding one year the provision and maintenance of privies for public use.

(2) No person shall keep a public privy without a licence under sub-section (1).

(3) Every licensee of a public privy shall maintain it in clean and proper order.

247. Provision of privies by owner or occupier.—

(1) The Commissioner may, by notice require, the owner or occupier of any building, within such time and in accordance with such direction as may be specified therein, to provide flush-out or other privies for the use of the persons employed in or about or occupying such building or alter or remove from an unsuitable place to a more suitable place any existing privy. Such owner or occupier shall keep every such privy clean and in proper order.

(2) Every owner or occupier of the ground on which any block of huts stands shall, within such time and in accordance with such directions as may be specified in a notice issued by the Commissioner.

provide flush-out or other privies for the use of the inhabitants of such block of huts or alter or remove from an unsuitable place to a more suitable place any existing privy and shall keep the same clean and in proper order.

248. Provision of privies and urinals for labourers.—

Every person employing workmen, labourers or other persons exceeding twenty in number shall provide and maintain for the separate use of persons of each sex so employed flush-out or other latrines of such description and number as the Commissioner may by notice require and within such time as may be fixed in the notice and shall keep the same clean and in proper order.

249. Provision of privies and urinals for markets, cartstand and cattle stands.—

The Commissioner may, by notice require any owner or manager of a market, cart-stand, cattle-stand, coulter, theatre, railway station or other place of public resort, within such time as may be specified in such notice to provide and maintain for the separate use of persons of each sex, flush-out or other privies of such description and number and in such a position as may be specified and to keep the same clean and in proper order.

250. Privies to be screened from view.—

All flush-out or other privies shall be so constructed as to screen persons using the same from the view of persons passing by or residing in the neighbourhood.

251. Power to carry wire, pipes, drains, etc., through private property—

The Commissioner may carry any cable, wire, pipe, drain or charnel of any kind to establish or maintain any system of drainage, water-supply or lighting, through, across, under or over any road; street or place laid out for a road or street and after giving reasonable notice to the owner or occupier may place and maintain posts, poles, stands,

brackets or other contrivances to support cables, pipes, channels, wires and lights on any pole or post in the city not vested in the Government and under the control of the Government and may do all acts necessary or expedient for repairing or maintaining any such cable, wire, pipe drain, channel, post, pole, stand, bracket or other similar contrivance in an effective State for the purpose for which it is intended to be used, or for removing the same:

Provided that such work shall be done so as to cause the least practicable nuisance or inconvenience to any person:

Provided further that the Commissioner shall, with the sanction of the standing committee, pay compensation to any person who sustains damage by the exercise of such power.

252. Prohibition against making connection without permission.—

(1) No person shall, without the permission of the Commissioner, make any connection with any corporation cable, wire, pipe, drain or channel or with the house connection of any other person.

(2) The Commissioner may, by notice require any connections made in contravention of sub-section (1) to be demolished, removed, closed, altered or re-made.

253. Power to require railway level, etc., to be raised or lowered.—

If the corporation conducts any pipe or drain other work connected with the water supply or drainages of the city across a line of railway, it may, with the sanction of the Government and at the cost of the corporation fund, require the railway administration to raise or lower the level thereof.

254. Power of corporation in respect of works outside the city.—

(1) The corporation shall not undertake new works beyond the limits of of the city without the sanction of the Government

(2) The corporation may, in the execution and for the purposes of any works beyond the limits of the corporation sanctioned by the Government exercise all the powers which it may exercise within the city throughout the line of country through which conduits, channels, pipes, lines or posts and wires and the like run, and over any lake or reservoir from which a supply of water for the use of the corporation is derived and over all lands at a distance not exceeding two kilometers beyond the high-water level of any such lake or reservoir, and over any lands used for sewage farms, sewage disposal tanks, filter and other works connected with the drainage of the city.

255. Provision for removal of filth.—

(1) The Commissioner shall—

(i) provide or appoint in proper and convenient situations, depots or places for the temporary deposit of rubbish and filth and for the final disposal of filth and carcasses of animals;

(ii) Provide dust-bins for the temporary deposit of rubbish;

(iii) Provide vehicles or other suitable means for the removal of carcasses of animals; and

(iv) provide covered vehicles or vessels for the removal of filth

(2) The Commissioner shall make adequate provision for preventing the deposits, places, dust-bins, vehicles and vessels referred to in sub-section (1) from becoming sources of nuisance.

256. Public notice ordering deposit of rubbish and filth by occupier.—

(1) The Commissioner may by public notice, direct that all rubbish and filth accumulating in any premises in any street or quarter of the city specified in the notice shall be collected by the owner or occupier of such premises, and deposited in box or basket or other

receptacle of the kind specified in such notice to be provided by such owner or occupier and kept at or near the premises.

(2) The Commissioner may cause public dust-bins or other convenient receptacles to be provided at suitable intervals and in proper and convenient situation in any street or quarter in respect of which no notice issued under sub-section (1) is for the time being in force, and may by public notice direct that all rubbish and filth accumulating in any premises, the entrance to which is situate within fifty metres of any such receptacle shall be collected by the owner or occupier of such premises and deposited in such receptacle.

257. Removal of rubbish and filth accumulating in large quantities on premises.—

When any premises are used for carrying on any manufacture, trade, or business or in any way so that rubbish or filth is accumulated in quantities which are, in the opinion of the Commissioner, too considerable to be deposited in any of the methods prescribed, by a notice issued under section 256, the Commissioner may—

(a) by notice require the owner or occupier of such premises to collect all rubbish and filth accumulating thereon, and to remove the same at such times, in such carts or receptacles, and by such routes as may be specified in the notice to a depot or place provided or appointed under section 255; or

(b) after giving such owner or occupier notice of his intention, cause all rubbish and filth accumulated in such premises to be removed, and charge the said owner or occupier for such removal such periodical fee as may, with the sanction of the standing committee, be specified in the notice issued under clause (a).

258. Provision for daily cleaning of streets and removal of rubbish and filth.—

The Commissioner shall provide—

(a) for the daily surface-cleaning of all public street and the removal of the sweepings therefrom, and

(b) for the removal of—

(i) the contents of all receptacles and depots and the accumulations at all places provided or appointed by him under section 255 for the temporary deposit of any of the things specified therein, and

(ii) all things deposited by owners or occupiers of premises in pursuance of any notice issued under section 256.

259. Rights of property of corporation in things deposited in receptacles.—

All things deposited in depots or places provided or appointed under section 260 shall be the property of the corporation.

260. Directions as to removal of rubbish and filth and preparation of compost manure from rubbish and filth.—

In cases not provided for by any notice issued under section 256, the Commissioner shall lay down—

(a) the hours within which rubbish and filth may be removed;

(b) the kind of cart or other receptacle in which rubbish and filth may be removed; and

(c) the route by which such carts or other receptacles shall be taken.

261. Maintenance of establishment for removal of rubbish and filth.—

(1) The corporation shall maintain an establishment under the control of the Commissioner for the removal of rubbish and filth from privies which are not connected with a public drain.

(2) The corporation shall, if so required by the Government make provision for the preparation of compost manure from rubbish and filth.

262. Prohibition of the practice of employing persons for carrying night-soil as head-load.—

(1) Notwithstanding anything contained in this Act or in any other law, custom, usage, agreement or practice to the contrary, and save as provided in sub-section (3), no person shall employ or allow himself to be employed for wages or salary for carrying night-soil as head-load or by the manual handling thereof.

(2) Any person who contravenes the provisions of sub-section (1) shall be punished with fine which may extend to twenty-five rupees and with further fine which may extend to five rupees for every day on which such offence is continued, after the date of the first conviction and if any person is convicted for the fifth time of an offence for the contravention of the provisions of sub-section (1) he shall be punished with imprisonment for a term which may extend to three months or with fine which may extend to three hundred rupees, or with both.

(3) Nothing in this Act shall apply to any person who employs or allows himself to be employed for carrying night-soil as head-load or by the manual handling thereof in any hospital, clinic, nursing home or other similar institution or as a member of any organisation engaged in social service or to any person who himself carries or collects night-soil for the preparation, use or manufacture of manure.

263. Prohibition against accumulation of rubbish and filth on premises, etc.—

(1) No person who is bound by any notice issued under section 256 or section 257, as the case may be, to collect and deposit or remove rubbish or filth accumulating on any premises shall allow the same to accumulate for more than twenty-four hours.

(2) No person shall deposit any rubbish or filth otherwise than as provided in a notice issued under section 256 or 257 as the case may be.

(3) No person shall after due provision has been made under sections 255 and 258 for the deposit and removal of the same—

(a) deposit the carcasses of animals, rubbish or filth in any street or in the verandah of any building or on any unoccupied ground alongside any street or any public quay, jetty or landing place or on the bank of a water-course or tank; or

(b) deposit filth or carcasses of animals in any dust-bin or in any vehicle not intended for the removal of the same; or

(c) deposit rubbish in any vehicle or vessel intended for the removal of filth except for the purpose of deodorizing or disinfecting the filth.

(4) No owner or occupier of any premises shall keep or allow to be kept for more than twenty-four hours otherwise than in a receptacle approved by the Commissioner, any rubbish or filth on such premises or any place belonging thereto or neglect to employ proper means to remove the rubbish or filth from or to cleanse such receptacle and to dispose of such rubbish or filth in the manner directed by the Commissioner or fail to comply with any requisition of the Commissioner as to construction, repair, paving or clearing of any privy on or belonging to the premises.

(5) No owner or occupier shall allow the water of any sink, drain or privy or the drainage from any stable or place, or any other filth to run-down on or to be put upon, any street or into any drain in or alongside of any street, except in such manner as shall prevent any avoidable nuisance from any such filth soaking into the wells or ground at the side of the said drain.

264. Contribution from person having control over places of pilgrimage, etc.—

Where a mosque, temple, math or any place of religious worship or instruction or any place which is used for holding fairs, festivals or other like purposes in the city or in its neighborhood, attracts

on particular occasions, a large number of persons, the Commissioner shall make special arrangements whether permanent or temporary which may be necessary in the interests of public health, safety or convenience and require the trustee or other person having control over such place to make such recurring or non-recurring contribution to the funds of the corporation as the Government may determine.

CHAPTER XIV

STREETS

265. Vesting of public streets and their appurtenances in corporation.—

(1) All public streets in the corporation reserved under the control of the Government, with the pavements, stones and other materials thereof and all work materials, implements and other things provided for such streets, all sewers, drains, drainage works, tunnels and culverts whether made at the cost of the corporation fund culverts whether made at the cost of the corporation fund or otherwise, in or alongside or under any street, whether public or private, and 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, shall vest in the corporation.

(2) The Government may, after consulting the corporation, by notification withdraw any such street, sewer, drain, drainage work, tunnel, culvert or tree from the control of the corporation.

266. Maintenance and repair of streets.—

The corporation shall cause the public streets to be maintained and repaired and may make all improvements thereto which are necessary or expedient for the public safety or convenience.

267. Powers of authorities in regard to streets.—

The Commissioner may, subject always to such sanction as may be required—

- (a) lay-out and make new public streets.
- (b) construct bridges and sub-ways;
- (c) turn, divert, or with the special sanction of the corporation and the Government permanently close any public street or part thereof;
- (d) widen, open extend or otherwise improve any public street.

(2) Reasonable compensation shall be paid to the owners and occupiers of any land or buildings which are acquired for or effected by any such purposes.

(3) 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.

268. Alteration or demolition of street made in breach of bridge, etc.,—

The Commissioner when authorised by the corporation in this behalf, may agree with any person—

(a) to adopt and maintain any existing or projected sub-way, bridge, aqueduct or arch, and the approaches thereto and may accordingly adopt and maintain such sub-way, bridge, aqueduct or arch and approaches as parts of public streets, or as property vesting in the corporation; or

(b) for the construction or alterations of any such sub-way, bridge, aqueduct or arch or for the purchase or acquisition of any adjoining land required for the foundation and support thereof or for the approaches thereto, either entirely at the expense of such person or partly at the expense of such person and partly at the expense of the corporation.

269. Power to dispose of permanently closed streets.—

(1) When any public street is permanently closed under section 267, the corporation may dispose of the site or so much thereof as is no

longer required making due compensation to any person injured by such closing.

(2) In determining such compensation, allowance shall be made for any benefit accruing to the same premises or any adjacent premises belonging to the same owner from the construction or improvement of any other public street, at or about the same time that the public street, on account of which the compensation is paid, is closed.

270. Acquisition of land and buildings for improvement of streets.—

(1) The Commissioner may subject always to such sanction as may be required, acquire—

(a) any land required for the purpose of widening opening, extending or otherwise improving any public street or of making any new public street, and the building if any, standing upon such land;

(b) any land outside the proposed street alignment with the building if any, standing thereupon with the corporation may consider it expedient to acquire.

(2) Any land or building acquired under clause, (b) of sub-section (1) may be sold, leased or otherwise disposed of, after public advertisement, and any conveyance made for that purpose may comprise such conditions as the standing committee thinks fit as to the removal of the existing building, if any, the description of the new building (if any) to be erected, the period within which the new building (if any) shall be completed and any other similar matters.

(3) The standing committee may require any person to whom any land or building is transferred under sub-section (2) to comply with any conditions comprised in the said conveyance before it places him in possession of the land or building,

271. Powers to prescribe building line and street alignment.—

The standing committee may—

(a) prescribe for any public street, 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 or its receiving the authority of the corporation in that behalf define a fresh line in substitution for any line so defined or any part thereof, provided that such authority shall not be accorded,—

(i) unless, at least one month before the meeting of the corporation at which the matter is considered, public notice of the proposal has been given by the 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 corporation has considered all objections to the said proposals made in writing and delivered at the corporation office not less than three clear days before the day of such meeting.

272. Restriction on erection of or addition to buildings within street alignment or building line.—

(1) No person shall construct any portion of any building within a street alignment defined under section 271, 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 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 standing committee.

(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 section 271 and if such site or portion thereof which falls within such alignment be not acquired on behalf of the corporation within one year after the date of such refusal, the corporation shall pay reasonable compensation to the owner of the site.

(3) No person shall erect or add to any building between a street alignment and a building line defined under section 271 except with the permission of the Commissioner who may when granting the permission impose such conditions as the standing committee may lay down for such cases.

273. Setting back projecting building or wall.—

(1) When any building or part thereof abutting on a public street is within a street alignment defined under section 271 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 metre; 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 corporation of the portion of land within the street alignment thereof occupied by the said building and, if necessary, clear it.

(3) Land acquired under this section shall be deemed a part of the public street and shall vest in the corporation.

(4) When any building is set back in pursuance of any requisition made under sub-section (1), or when the Commissioner takes possession of any land under sub-section (2), the corporation shall forthwith make full compensation to the owner for any direct damage which he may sustain thereby.

Explanation.— The Expression, “direct damage” as used in sub-section (4), with reference to land means the market value of the land taken and the depreciation, if any, in the ordinary market value of the rest of the land resulting from the area being reduced in size; but does not include damage due to the prospective loss of any particular use to which the owner may allege that he intended to put the land, although such use may be injuriously affected by the reduction of site.

274. Additional power of Commissioner to order setting 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 273 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 standing committee, require the owner by a written notice, to pull down the building or the part thereof which is within the regular line of the street within such period as is prescribed in the notice.

(3) If within such period the owner of such building fails to pull down such building or any part thereof coming within the said line, the 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 corporation of the portion of the land within the said line there-to-fore occupied by the said buildings and such land shall thence forward be deemed a part of the public street and shall vest as such in the corporation.

(5) Nothing in this section shall be deemed to apply to buildings vesting in the Government.

275. Setting forward building to improve line of street.—

The Commissioner may, upon such terms as he thinks fit, allow any building to be set forward for the purpose of improving the line of a public street and may, with the sanction of the standing committee, by notice require any building to be so set forward in the case of reconstruction thereof or of new construction.

Explanation.— For the purpose of this section a wall separating any premises from a public street shall be deemed to be a building; and it shall be deemed a sufficient compliance with permission or requisition to set forward a building to the street alignment if a wall of such material and dimensions as are approved by the Commissioner is erected along the said line.

276. Projected Streets.—

(1) The standing committee may prepare schemes and plans of proposed public streets, showing the direction of such streets, the street alignment and building line on each side of them, their intended width and such other details as may appear desirable.

(2) The width of such proposed streets shall not ordinarily be less than twelve metres or in any area covered by huts, six metres.

(3) When any plan has been prepared under sub-section (1), the provisions of section 273 shall apply to all buildings, so far as they stand across the street alignment of the projected street.

277. Temporary closure of streets.—

The Commissioner may by an order temporarily close any street to traffic for repair or in order to carry out any works connected with drainage, water supply or lighting or any of the purposes of this Act:

Provided that such work shall be completed and such street re-opened to traffic with all reasonable speed.

278. Protection of appurtenances and materials of streets.—

It shall not be lawful for any person, without the permission of the Commissioner, to displace, take up or make any alteration in the fences, posts, pavement, flags or other materials of any public street.

279. Power of the corporation to recover expenses caused by extraordinary traffic.—

When, by a certificate of an officer of Government not below the rank of an Executive Engineer of the Public Works Department it appears to the Commissioner that having regard to the expenses of repairing roads in the neighbourhood extraordinary expenses have been incurred by the corporation in repairing a street by reason of the damage caused by excessive weight passing along the street or extraordinary traffic thereon, or by any process of loading, unloading, or

depositing excessive weights thereon, the Commissioner may recover in civil court, from any person by or in consequence of whose order such damage has been caused, the amount of such expenses as may be proved to the satisfaction of such court to have been incurred by the corporation by reason of the damage arising from such weight or traffic as aforesaid:

Provided that any person from whom expenses are or may be recoverable under this section may enter into an agreement with the corporation of the payment to it of a composition in respect of such weight or traffic and thereupon the person so paying shall not be subject to any proceedings under this section.

280. Owner's obligation to make a street when disposing of land as building sites.—

If the owner of any land utilises, sells, leases or otherwise disposes of such land or any portion or portions of the same as sites for the construction of buildings, he shall, save in such cases as the site or sites may abut on an existing public or private street, lay out and make a street or streets or road or roads giving access to the site or sites and connection with an existing public or private street.

281. Making of new private streets.—

(1) Any person intending to lay out 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 standing committee.

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

(4) Such sanction may be refused,—

(i) 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;

(ii) 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

(iii) if the proposed street is not designed so as to connect at one end with a street which is already open.

(5) No person shall lay out or make any new private street without or otherwise than in conformity with the order of the standing 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 standing committee has received all the information which it considers necessary to enable it to deal finally with the said application.

(6) If the standing 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.

282. Alteration or demolition of street made in breach of section 281.—

(1) If any person lays out or marks any street referred to in section 281 without or otherwise than in conformity with the orders of the standing 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 if 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.

283. Power of Commissioner 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, sewered, drained, conserved or lighted to the satisfaction of the Commissioner, 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, may, if he thinks fit, execute it and th

expenses incurred shall be paid by the owner referred to in sub-section (1) in such proportions as may be settled by the Commissioner.

284. Right of owner to require streets to be declared public.—

If any street, has been levelled, paved, metalled, flagged, channelled, sewered, drained, conserved and lighted under the provisions of section 283, such street shall, on the requisition of a majority of the owners referred to in sub-section (1) of that section, be declared a public street.

285. Prohibition against obstructions in streets.—

No one shall build any way wall or erect any fence or other obstruction or projection or make any encroachment in or over any street or any public place the control of which is vested in the corporation except as hereinafter provided.

286. Prohibition and regulation of doors, ground-floor windows and bars opening outwards.—

(1) No door, gate, bar or ground-floor window shall, without a licence from the Commissioner, be hung or placed so as to open outwards upon any street.

(2) The Commissioner may, by notice require the owner of such door, gate, bar or window to alter it so that no part thereof when open shall project over the street.

287. Removal of encroachment.—

The Commissioner may, by notice require the owner or occupier of any premises to remove or alter any projection, encroachment or obstruction (other than a door, gate, bar or ground-floor window) situated against or in front of such premises and in or over any street or any public place the control of which is vested in the corporation.

(2) If the owner or occupier of the premises proves that any such projection, encroachment or obstruction has existed for a period sufficient under the law of limitation to give him a prescriptive title (or where such period is less than thirty years, for a period of thirty

years), or that it was erected with the consent of any municipal authority duly empowered in that behalf, and that the period, if any, for which the consent is valid has not expired, the corporation shall make reasonable compensation to every person who suffers damage by the removal or alteration of the same.

288. Power to allow certain projections and erections.—

(1) The Commissioner may grant a licence subject to such conditions and restrictions as he may think fit to the owner or occupier of any premises,—

(a) to put-up or continue to have verandahs, balconies, sun-shades, weather-frames and the like to project over a street; or

(b) in streets in which the constructions of arcades has been sanctioned by the corporation to put up or continue to have an arcade; or

(c) to construct any step or drain-covering necessary for access to the premises.

(2) The Commissioner may grant a licence subject to such conditions and restrictions as he may think fit for any temporary construction in any street or in any public place the control of which is vested in 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 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 provided in section 470 from the person to whom the licence was granted.

(5) The corporation shall have power to lease road sides and street margins vested in the corporation for occupation on such terms and conditions and for such period as it may fix:

Provided that no such road sides and street margins shall be leased out for any term exceeding three years without prior sanction of the Government:

Provided further that if the Government consider that any occupation of a road side or street margin under a lease granted by corporation under this section is likely to be injurious to health or cause public inconvenience or otherwise materially interfere with the use of the road side or street margin as such, the Government may direct the corporation to cancel or modify the lease and the corporation shall thereupon cancel or modify the lease accordingly.

288A. Prohibition of structures or fixtures which cause obstruction in public streets.—

No person shall except with the written permission of the Commissioner under section 288 erect or set up any wall, fence, rail, post, step, booth or other structures or fixtures in or upon any public street or upon or over any open channel, 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.

288B. Prohibition of deposits etc., of things in Public street.—

No person shall except with the written permission of the Commissioner place or deposit upon any public street or upon any open channel, drain or well in any street or in any public place, any stall, hair, bench, box, ladder, bale or other things so as to form an obstruction thereto or encroachment thereto.

288C. Licence for sale in public place.—

Except under and in conformity with the terms and provisions of a licence granted by the Commissioner in this behalf, no person shall hawk or expose for sale in any public place or in any public street any article whatsoever whether it be for human consumption or not.

¹[288D. Commissioner may without notice remove encroachment.—

Notwithstanding anything contained in this Act, the Commissioner may, without notice, cause to be removed:—

(a) any wall, fence, rail, step, booth or other structure or fixture which is erected or set up in contravention of the provisions of section 288A:

(b) any stall, chair, bench, box, ladder, bale, or any other thing whatsoever, placed or deposited in contravention of section 288B;

(c) any article, whatsoever, hawked or exposed for sale in any public place or in any public street in contravention of section 288C and any vehicle, package, box, board, shelf or any other thing in or on which such article is placed, or kept for the purpose of sale”.

289. Precautions during repair of streets.—

(1) The Commissioner shall, so far as is practicable, during the construction or repair of any street, drain or premises vested in the corporation,—

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

(b) take proper precautions against accident by shoring up and protecting adjoining building; and

(c) cause such bars, chains or posts to be fixed across or in any street in which any such work is under execution as are necessary in order to prevent the passage of vehicles or animals and avert danger.

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

(3) The Commissioner shall, with all reasonable speed, cause the said work to be completed, the ground to be filled in the said drain, street or premises to be repaired and the rubbish occasioned thereby to be removed.

290. Prohibition against removal of bars and lights.—

No person shall without lawful authority remove any bar, chain, post or storing timber or remove or extinguish any light set up under section 289.

291. Making holes and causing obstruction.—

(1) No person shall make a hole or cause any obstruction in any street unless he previously obtains the permission of the Commissioner and complies with such conditions as he may impose.

(2) When such permission is granted, such person shall, at his own expense, cause such hole or obstruction to be sufficiently fenced and enclosed, until the hole or obstruction is filled up or removed and shall cause the hole or obstruction to be sufficiently lighted during the night.

(3) If any obstruction is caused in any street by the fall of structures, trees, or fences, the owner or occupier of the premises concerned shall, within twelve hours of the occurrence of such fall or within such further period as the Commissioner may by written order allow, clear the street of such obstruction.

292. Licence for work on buildings likely to cause obstruction.—

If any person intends to construct or demolish any building or to alter or repair the outward part thereof and if any street or foot-way is likely to be obstructed or rendered inconvenient by means of such work, he shall first obtain a licence from the Commissioner in that behalf and shall also,—

- (a) cause the said building to be fenced and guarded;
- (b) sufficiently light it during the night; and
- (c) take proper precautions against accidents during such time as public safety or convenience requires.

293. Naming or numbering of public streets.—

(1) The corporation shall give names or numbers to new public streets and may, subject to the approval of the Government, alter the name or number of any public street.

(2) The Commissioner shall cause to be put up or painted on a conspicuous part of some building, wall, or place, at or near each end, corner or entrance of every public street, the name or number by which it is to be known.

(3) No person shall without lawful authority destroy, pull down or deface any such name or number or put up any name or number different from that put by order of the Commissioner.

294. 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 enclosure thereof.

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

(3) When a number has been affixed under sub-section (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.

CHAPTER XV

REGULATION OF BUILDINGS

General Powers

295. Building bye-laws.—

(1) With the approval of the Government the corporation may make bye-laws,—

(a) for the regulation or restriction of the use of sites or buildings, and

(b) for the regulation or restriction of building.

(2) Without prejudice to the generality of the power conferred by clause (b) of sub-section (1), bye-laws made under that clause may provide,—

(a) that no insanitary or dangerous site shall be used for building, and

(b) for the regulation or restriction of the construction of buildings intended for public worship on sites.

(3) Without prejudice to the generality of the power conferred by clause (a) of sub-section (1), bye-laws made under that clause may provide for the following matters.—

(a) information and plans to be submitted together with applications for permission to build;

(b) height of buildings, whether absolute or relative to the width of streets;

(c) level and width of foundation, level of lowest floor and stability of structure;

(d) number and height of storeys composing a building and height of rooms;

(e) provision of sufficient open space, external or internal, and adequate means of ventilation;

- (f) provision of means of egress in case of fire;
- (g) provision of secondary means of access for the removal of house refuse;
- (h) materials and methods of construction of external and parting walls, roofs, and floors;
- (i) position, materials and methods of construction of hearths, smoke escapes, chimneys, staircases, privies drains, cess-pools;
- (j) paving of yards;
- (k) restrictions on the use of inflammable materials in building;
 - (1) in the case of wells, dimensions of the well, the manner of enclosing it and if the well is intended for drinking purposes, the means which shall be used to prevent pollution of water.

(4) Every bye-law made under sub-section (1) relating to grant of licence for the construction or reconstruction of a building shall provide that planting of trees and plants in the premises shall be a condition of every licence granted for the construction or reconstruction of any such building.

(5) No piece of land shall be used as a site for the construction of a building, and no building shall be constructed or reconstructed otherwise than in accordance with the provisions of this Act and of any rules or byelaws made thereunder relating to the use of building sites or the construction or re-construction of buildings.

296. Power of corporation to regulate future construction of certain classes of buildings in particular streets or localities.—

- (1) The corporation may give public notice of its intention to declare,—
 - (a) that in any streets or portions of streets specified in the notice,—
 - (i) continuous building will be allowed;

(ii) the elevation and construction of the frontage of all buildings thereafter constructed or reconstructed shall, in respect of their architectural features, be such as the Standing Committee may consider suitable to the locality, or

(b) that in any localities specified in the notice the construction of only detached buildings will be allowed, or

(c) that in any streets, portions of streets of localities specified in the notice, the construction of shops, warehouses, factories, huts or buildings of a specified architectural character or buildings designed for particular uses will not be allowed without the special permission of the standing committee.

(2) No objections to any such declaration shall be received after a period of three months from the publication of such notice.

(3) The standing committee shall consider all objections received within the said period and may then confirm the declaration, and before doing so, may modify it, but not so to extend its effect.

(4) The Commissioner shall publish any declaration so confirmed and it shall take effect from the date of publication.

(5) No person shall, after the date of publication of such declaration, construct or reconstruct any building in contravention of any such declaration.

297. Building at corner of streets.—

(1) The corporation may require any building intended to be erected at the corner of two streets to be rounded off or displayed off to such height and to such extent otherwise as it may determine, and may acquire such portion of the site at the corner as it may consider necessary for public convenience or amenity.

(2) For any land so acquired the corporation shall pay compensation.

(3) In determining such compensation allowance shall be made for any benefit accruing to the same the same premises from the improvement of the streets.

298. Prohibition against use of inflammable materials for buildings., etc., without permission.—

(1) No external roof, verandah, pendal or wall of a building and no shed or fence shall be constructed or re-constructed of cloth grass, leaves, mats, mats or other inflammable materials except with the permission of the Commissioner, nor shall any such roofs, verandah, pendal, wall shed or fence constructed or re-constructed in any year be retained in a subsequent year, except with such permission.

(2) Every permission granted under sub-section (1) shall expire at the end of the year for which it is granted.

299. Application to construct or re-construct building.—

(1) If any person intends to construct or re-construct a building, he shall send to the Commissioner an application in writing for permission to execute the work together with a site plan of the land, ground-plan, elevations and sections of the building, a specification of the work and such other documents as may be prescribed.

Explanation.— 'Building' in this sub-section shall include a wall or fence of whatever height bounding or abutting on any public street.

(2) Every document furnished under sub-section (1) shall contain such particulars and be prepared in such manner as may be required under rules or bye-laws.

300. Prohibition against commencement of work without permission.—

The construction or re-construction of a building shall not be begun unless and until the Commissioner has granted permission for the execution of the work.

301. Period within which Commissioner is to grant or refuse to grant permission to execute work.—

(1) Within thirty days after the receipt of any application made under section 299 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 shall, by written order, either grant such permission or refuse on one or more of the grounds mentioned in section 303 or section 304 to grant it.

¹[(2) If the Commissioner has not within the said period of thirty days passed any order, the applicant may address a letter to the Commissioner by name, requesting him to pass necessary orders on his application, and the Commissioner shall, within a further period of 30 days from the date of receipt of such letter, by written order, either grant such permission or refuse, on one of or more of the grounds mentioned in section 303 or section 304, to grant it".]

302. Reference to standing committee if Commissioner delays grant or refusal of approval or permission.—

(1) If, within the period laid down in ¹[sub-section (2) of] section 301 the Commissioner has neither given nor refused his approval of a building site, or his permission to execute any work, as the case may be, the standing committee shall be bound, on the written request of the applicant, to determine by written order whether such approval or permission should be given or not.

(2) If the standing committee does not, within one month from the receipt of such written request, determine whether such approval or permission should be given or not such approval or permission shall be deemed to have been given and the applicant may proceed to execute the work, but not as to contravene any of the provisions of this Act or any rules or bye-laws made under this Act.

1. Inserted by Act No. 32 of 1986

303. Grounds on which approval of site for, or permission to construct building, may be refused.—

(1) The only grounds on which approval of a site for the construction or re-construction of a building or permission to construct or re-construct a building may be refused, are the following, namely.—

(a) that the work or the use of the site for the work or any of the particulars comprised in the site plan, ground plan, elevations, sections, or specification would contravene some specified provision of any law or some specified order, rule declaration or bye-law made under any law;

(b) that the application for such permission does not contain the particulars or is not prepared in the manner required under rules or bye-law;

(c) that any of the documents referred to in section 299 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 by section 280;

(f) that the proposed building would be an encroachment upon Government or corporation land;

(g) that the site of such building does not abut on a street or a projected street and there is no access to such building from any such street by a passage or pathway appertaining to such site and not less than five meters wide at any part.

(2) Whenever the Commissioner or the standing committee refuses to approve a site for a building or to grant permission to construct or re-construct a building the reasons for such refusal shall be specifically stated in the order.

304. Restriction on the power to sanction construction of a place of entertainment in certain cases.—

Notwithstanding anything contained in this Act or any rule or bye-law made thereunder, the construction of, or any addition to any building of public entertainment or any addition thereto, shall not, except with the previous approval of the Government, be sanctioned by the Commissioner or the standing committee, if the site of, or proposed site for, such building is—

- (a) within a radius of two hundred meters from—
 - (i) any residential institution attached to a recognised educational institution such as a college, high school or girls school; or
 - (ii) a public hospital with a large indoor patient ward; or
 - (iii) an orphanage containing one hundred or more inmates; or

(b) in any thickly populated residential area which is either exclusively residential or reserved or used generally for residential as distinguished from business purposes; or

(c) in any area reserved for residential purposes by any housing or planning scheme or otherwise under any enactment:

Provided that no permission to construct any building intended to be used for cinematograph exhibition shall be given unless the standing committee is satisfied that sanction to the plans and specifications have been obtained in accordance with the Karnataka Cinemas (Regulation) Act, 1964 (Karnataka Act 23 of 1964) and the rules made thereunder.

305. Special powers for suspending permission to construct buildings.—

(1) Notwithstanding anything contained in section 303, if any street shown in the site plan is an intended private street, the Commissioner may at his discretion refuse to grant permission to construct a building, until the street is commenced or completed.

(2) Notwithstanding anything contained in sections 301 and 303, the Commissioner may refuse approval of site for the construction or re-construction of a building on the ground that the site or the site on which the building is situated is proposed to be acquired for a public purpose, provided that such refusal shall cease to operate after a period of six months from the date of communication of the refusal to the applicant.

306. Lapse of permission if not acted upon within two years.—

If the construction or re-construction of a building is not commenced within two years after the date on which permission was given to execute the work, the work shall not be commenced until a fresh application has been made and a fresh permission granted under this Chapter.

307. Inspection by Commissioner.—

The Commissioner may inspect any building during the construction or re-construction thereof, or within the construction or re-construction thereof, or within one month from the date of receipt of the notice given under section 115.

308. Power of Commissioner to require alteration of work.—

(1) If the Commissioner 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 Act he may by notice require the owner of the building within a period stated, 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 as aforesaid he 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.

309. Stoppage of work endangering human life.—

Notwithstanding anything contained in any of the preceding sections, the Commissioner may at any time stop the construction or re-construction of any building if it is his opinion the work in progress endangers human life.

310. Completion certificate and permission to occupy or use.—

(1) Every person shall, within one month after the completion of the erection of a building or the execution of any such work, deliver or send or cause to be delivered or sent to the Commissioner at his office notice in writing of such completion, accompanied by a certificate in the form prescribed in the bye-laws signed and subscribed in the manner prescribed and shall give to the Commissioner all necessary facilities for the inspection of such buildings or of such work and shall apply for permission to occupy the building.

¹["(1A) Notwithstanding anything contained in sub-section (1), where permission is granted to any person for erection of a building having more than one floor, such person shall, within one month after completion of execution of any of the floors of such building, deliver or send or cause to be delivered or sent to the commissioner at his office, a notice in writing of such completion accompanied by a certificate in the form prescribed in the bye-laws, signed and subscribed in the manner prescribed and shall give to the Commissioner all necessary facilities for inspection of such floor of the building and may apply for permission to occupy such floor of the building."]

1. Inserted by Act No. 32 of 1986

(2) No person shall occupy or permit to be occupied any such building ¹[or part of the building] or use or permit to be used the building or part thereof affected by work, until, -

(a) permission has been received from the Commissioner in this behalf, or

(b) the Commissioner has failed for ¹[thirty] days after receipt of the notice of completion to intimate his refusal of the said permission.

311. Provisions not to apply to huts.—

In section 299 to 310 the word 'building' does not include a hut.

312. Application of certain sections to wells.—

The provisions of sections 290, 300, 306, 307, 308 and 309 shall, so far as may be, apply to wells,

313. Application to construct or re-construct huts.—

(1) Every person who intends to construct or re-construct a hut shall send to the Commissioner,—

(a) an application in writing for permission to execute the work, and

(b) a site-plan of the land,

(2) Every such application and a plan shall contain the particulars and be prepared in the manner required under the rules or bye-laws.

314. Prohibition against commencement of work without permission.—

The construction or re-construction of a hut shall not be commenced unless and until the Commissioner has granted permission for the execution of the work on an application sent to him under section 313.

1. Amended in Act No. 32 of 1986

315. Period within which Commissioner is to grant or refuse to grant permission to execute the work.—

Within fourteen days after the receipt of any application made under section 313 for permission to construct or re-construct a hut, or of any information or plan or further information or fresh plan required under rules or bye-laws, the Commissioner shall, by written order, either grant such permission or refuse on one or more of the grounds mentioned in section 317 to grant it.

316. Reference to standing committee if Commissioner delays to grant permission.—

(1) If within the period laid down in section 315, the Commissioner has neither granted nor refused to grant permission to construct or re-construct a hut, the standing committee shall be bound on the written request of the applicant to determine by written order whether such permission should be granted or not.

(2) If the standing committee does not, within thirty days from the receipt of such written request determine whether such permission should be granted or not, such permission shall be deemed to have been granted; and the applicant may proceed to execute the work but not so as to contravene any of the provisions of this Act or any rules or bye-laws made under this Act.

317. Grounds on which permission to construct or re-construct hut may be refused.—

(1) The only grounds on which permission to construct or re-construct a hut be refused are the following, namely,—

(a) that the work or the use of the site for the work would contravene some specified provisions of any law or some specified rule, bye-law, order or declaration made under any law;

(b) that the application for permission does not contain the particulars or is not prepared in the manner required under rules or bye-laws;

(c) that any information or plan required by the Commissioner under rules or bye-laws has not been duly furnished;

(d) that streets or roads have not been made as required by section 280;

(e) that the land on which the hut is to be constructed or the street or streets on which such land abuts are not adequately drained, levelled or lighted;

(f) that the proposed hut would be an encroachment upon Government or corporation land .

(2) Whenever the Commissioner or standing committee refuses to grant permission to construct or reconstruct a hut, the reason for such refusal shall be specifically stated in the order.

318. Lapse of permission if not acted upon within six months.—

If the construction or reconstruction of any hut is not commenced within six months after the date on which the permission was given to execute the work, the work shall not be commenced until a fresh application has been made and a fresh permission granted under this Chapter.

319. Maintenance of external walls in repair.—

The owner or occupier of any building adjoining a street shall keep the external part thereof in proper repair with lime-plaster or other material to the satisfaction of the Commissioner.

320. 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 or huts 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 hut or any room in a building therein shall not be deemed an alteration or addition for the purpose of this section.

(2) If any question arises as to whether any addition or alteration is a necessary repair not affecting the position or dimensions of a building or hut or room in a building therein, such question shall be referred to the standing committee, whose decision shall be final.

321. Demolition or alteration of buildings or well-work unlawfully commenced, carried on or completed.—

(1) If the Commissioner is satisfied,—

(i) that the construction or re-construction of any building or hut or well,—

(a) has been commenced without obtaining his permission or where an appeal or reference has been made to the standing committee, in contravention of any order passed by the standing committee, or

(b) is being carried on, or has been completed otherwise than in accordance with the plans or particulars on which such permission or order was based; or

(c) is being carried on, or has been completed in breach of any of the provisions of this Act or of any rule or bye-law made under this Act or of any direction or requisition lawfully given or made under this Act or such rules or bye-laws; or

(ii) that any alteration required by any notice issued under section 308, have not been duly made; or

(iii) that any alteration of or addition to any building or hut or any other work made or done for any purpose into, or upon any building or hut, has been commenced or is being carried on or has been completed in breach of section 320, he may make a provisional order requiring the owner of the building to demolish the work done, or so much of it as, in the opinion of the Commissioner, has been unlawfully executed, or make such alternations as may, in the opinion of the Commissioner, be necessary to bring the work into conformity with the Act, rules, bye-laws, directions or requisitions as aforesaid, or

with the plans or particulars on which such permission or orders was based and may also direct that until the said order is complied with the owner or builder shall refrain from proceeding with the building or well or hut.

(2) The Commissioner shall serve a copy of the provisional order made under sub-section (1) on the owner or builder of the building or hut or well together with a notice requiring him to show cause within a reasonable time to be named in such notice why the order should not be confirmed.

(3) If the owner or builder fails to show cause to the satisfaction of the Commissioner, the Commissioner may confirm the order with any modification he may think fit and such order shall then be binding on the owner.

(4) If the construction or reconstruction of any building or hut is commenced contrary to the provisions of section 300 or 314 and the Commissioner is of the opinion that immediate action should be taken, then, notwithstanding anything contained in this Act, a notice to be give under sub-section (2) shall not be of less duration than twentyfour hours and shall be deemed to be duly served if it is affixed in some conspicuous part of the building or hut to which the notice relates and published by proclamation at or near such building or hut 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.

CHAPTER XVI

NUISANCES

322. Precautions in case of dangerous structures.—

(1) If any structure be deemed by the Commissioner to be in a ruinous state or dangerous to passers by or to the occupiers of neighbouring structures, the Commissioner may, by notice require the owner or occupier to fence off, take down, secure or repair such structure so as to prevent any danger therefrom.

(2) If immediate action is necessary, the Commissioner may himself, before giving such notice or before the period of notice expires, fence off, take down, secure or repair such structure or fence off a part of any street or take such temporary measures as he thinks fit to prevent danger and the cost of doing so shall be recoverable from the owner or occupier in the manner provided in section 470.

(3) If in the Commissioner's opinion the said structure is imminently dangerous to the inmates thereof, the Commissioner shall order the immediate evacuation thereof and any persons disobeying may be removed by any police officer.

323. Precautions in case of dangerous trees.—

(1) If any tree or any branch of a tree or the fruit of any tree be deemed by the Commissioner to be likely to fall and thereby to endanger any person or any structure, the Commissioner may by notice require the owner of the said tree to secure, lop or cut down the said tree or remove the fruit so as to prevent any danger therefrom.

(2) If immediate action is necessary, the Commissioner may himself before giving such notice or before the period of notice expires secure, lop or cut down the said tree or remove the fruit thereof or fence off a part of any street or to take such temporary measures, as he thinks fit to prevent danger, and the cost of so doing shall be recoverable from the owner of the tree in the manner provided in section 470.

324. Precautions in case of dangerous tanks, wells, holes etc.—

(1) If any tank, pond, well, hole, stream, dam, bank or other place be deemed by the Commissioner to be for want of sufficient repair, protection or enclosure, dangerous to the passers by or to persons living in the neighbourhood, the Commissioner may by notice require the owner to fill in, remove, repair, protect or enclose the same so as to prevent any danger therefrom.

(2) If immediate action is necessary the Commissioner may himself, before giving such notice or before the period of notice expires, take such temporary measures as he thinks fit to prevent danger and the cost of doing so shall be recoverable from the owner in the manner provided in section 470.

325. Precaution against fire.—

The Commissioner may by notice require the owner of any structure, booth or tent, partly or entirely composed of or having any external roof, verandah, pendal, fence, or wall partly or entirely composed of cloth, grass, leaves, mats or other inflammable materials to remove or alter such structure, booth, tent, roof, verandah, pendal, fence or wall, or may grant him permission to retain the same on such conditions as the Commissioner may think necessary to prevent danger from fire.

(2) The Commissioner may by notice require any person using any place for the storage for private use of timber firewood or other combustible things to take special steps to guard danger from fire.

(3) Where the Commissioner is of opinion that the means of egress from any structure are insufficient to allow of safe exit in the event of fire, he may with the sanction of the standing committee by notice require the owner or occupier of the structure to alter or reconstruct any staircase in such manner as to provide such additional or emergency stair-cases as he may direct; and when any structure, booth or tent is used for purposes of public entertainment, he may require,

subject to such sanction as aforesaid, that it shall be provided with an adequate number of clearly indicated exits so placed and maintained as readily to afford the audience ample means of safe egress, that the seating be so arranged as not interfere with free access to the exits and that the gangways, passage and staircases leading to the exits shall, during the presence of the public, be kept clear of obstructions.

326. Prohibition of construction of wells, tanks, etc., without the Commissioner's permissions.—

(1) No new well, tank, pond, cistern, fountain or the like shall be dug or constructed without the permission of the Commissioner.

(2) The Commissioner may grant permission, with or without conditions, or may refuse, it.

(3) If any such work is begun or completed without such permission, the Commissioner may either,—

(a) by notice require the owner or other person who has done such work to fill up or demolish such work in such manner as he shall direct; or

(b) grant permission to retain such work, but such permission shall not exempt such owner from proceedings for contravening the provisions of sub-section (1).

327. 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 therefrom.

328. Power to order filling in pools, etc., which are a nuisance and regulation of agriculture within the city.—

(1) If in the opinion of the Commissioner,—

(a) any pool, ditch, tank, well, pond bog, swamp, quarry-hole, drain, cess-pool, pit, water-course or any collection of water; or

(b) any land on which water may at any time accumulate, is or is likely to become a breeding-place of mosquitoes or in any other respect a nuisance, the Commissioner may, by notice, require the owner or person having control thereof to fill up, cover, weed, stock with weed, stock with larvicidal fish, treat with kerosene oil, or drain off the same in such manner and with such materials as the Commissioner shall direct to take such order with the same for removing or abating the nuisance as the Commissioner shall direct.

(2) If a person on whom a requisition is made under subsection (1) to fill up, cover over, or drain off a well, delivers to the Commissioner, within the time fixed for compliance therewith written objections to such requisition the Commissioner shall report such objections to the standing committee and shall make further inquiry into the case, and he shall not institute any prosecution for failure to comply with such requisition except with the approval of the standing committee, but the Commissioner may nevertheless, if he deems the execution of the work called for by such requisition to be of urgent importance, proceed in accordance with section 462 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 corporation fund or shall be shared and if so, in what proportions.

(3) On the report of the health officer that the cultivation of any specified crop, or the use of any specified manure or the irrigation of land in any place within the limits of the city is injurious to the public health, the corporation may, with the previous sanction of the Government by public notice, regulate or prohibit the cultivation, use of manure or irrigation so reported to be injurious:

Provided that when such cultivation or irrigation has been practised during the five years preceding the date of such public notice with such continuity as the ordinary course of husbandry admits of, compensation shall be paid from the corporation fund to all persons interested for any damage caused to them by such prohibition.

329. Power to order cleansing of insanitary private water course, spring, tank, well, etc., used for drinking.—

(1) The Commissioner may 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 as the Commissioner may direct and to protect it from pollution caused by surface drainage or other matter in such manner as may be provided in the notice.

(2) If the water of any private tank, well or other place which is used for drinking or washing clothes, as the case may be, is proved to the satisfaction of the Commissioner to be unfit for that purpose, the Commissioner may by notice require the owner or person having control thereof to,—

- (a) refrain from using or permitting use of such water; or
- (b) close or fill up such place or enclose it with a substantial wall or fence.

330. Duty of Commissioner in respect of public well or receptacle or stagnant water.—

If it appears to the Commissioner, that any public well or receptacle for stagnant water is likely to be injurious to health or offensive to the neighbourhood, he shall cause the same to be cleansed, drained or filled up.

331. Prohibition against contaminating water supply.—

It shall not be lawful for any person to,—

(a) bathe in any tank, reservoir, conduit, fountain, well or other place set apart by the corporation or by the owner thereof, for drinking purposes;

(b) wash or cause any animal or thing to be washed in any such place;

(c) throw, put or cause to enter into the water in any such place, any animal, or thing whereby the water may be fouled or polluted; or

(d) cause or suffer to drain into or upon any such place, or cause or suffer anything to be brought thereunto or do anything, whereby the water may be fouled or polluted.

332. Untenanted buildings or lands.—

If any building or land, by reason of abandonment, disputed ownership or other cause remains untenanted and thereby becomes a resort of idle or disorderly persons or in the opinion of the Commissioner becomes a nuisance, the Commissioner may after due inquiry by notice require the owner or person claiming to be the owner to secure, enclose, clear or cleanse the same.

333. Removal of filth or noxious vegetation.—

The Commissioner may by notice require the owner or occupier of any building or land (which appears to him to be a filthy or unwholesome state or overgrown with any thick or noxious vegetation, trees or undergrowth injurious to health or offensive to the neigh-

bourhood), to cleanse, clear or otherwise put the building or land in proper state or to clear away and remove such vegetation, trees or under growth within twenty four hours of such longer period and in such manner as may be specified in the notice.

334. Abatement of nuisance from dust, smoke, etc.—

If in the opinion of the Commissioner the storage, dumping or deposit in any building or land of coal, charcoal, ashes, cinders, gunny bags, wool cotton or any material of the shifting, breaking, cutting or burning of such coal charcoal, ashes, cinders or material or subjecting the same to any process causes or is likely to cause nuisance to the inhabitants in the neighbourhood of such building or land, by the emanation of dust, floating particles, smoke, unwholesome smell or noise or otherwise, he may, by notice, require the owner or occupier of such building of land to take such steps as may be specified in the notice for the abatement of such nuisance.

335. Fencing of buildings or lands and pruning of hedges and trees.—

The Commissioner may by notice require the owner or occupier of any building or land near a public street to,—

- (a) fence the same to the satisfaction of the Commissioner; or
- (b) trim or prune any hedges bordering on the said street so that they may not exceed such height from the level of the adjoining roadway as the Commissioner may determine; or
- (c) cut and trim any hedges and trees overhanging the said street and obstructing it or the view of traffic or causing it damage; or
- (d) lower an enclosing wall or fence which by reason of its height and situation obstructs the view of traffic so as to cause danger.

336. Limewashing and cleaning of buildings.—

The Commissioner, if it appears to him necessary for sanitary purposes so, to do may by notice require the owner or occupier of any building to limewash or otherwise cleanse the building inside and outside in the manner and within a period to be specified in the order.

337. Further powers with reference to insanitary buildings.—

(1) Whenever the Commissioner considers,—

(a) that any building portion thereof is, by reason of its having no plinth or having a plinth of insufficient height or by reason of the want of proper drainage or ventilation or by reason of the impracticability of cleaning, attended with danger of disease to the occupier thereof or to the inhabitants of the neighbourhood, or is for any reason likely to endanger the public health or safety, or

(b) that a block or group of buildings, is, for any of the said reasons, or by reason of the manner in which the buildings are crowded together, attended with such risk as aforesaid, he may by notice require the owners or occupiers of such buildings or portions of buildings, or at his option the owners of the land occupied by such buildings or portions of buildings to execute such works or to take such measure as he may deem necessary for the prevention of such danger.

(2) No person shall be entitled to compensation for damages sustained by reason of any action taken under or in pursuance of this section save when a building is demolished in pursuance of an order made hereunder or so far demolished as to require re-construction, in which cases the corporation shall make reasonable compensation to the owner thereof.

(3) When any building is entirely demolished under this section and the demolition thereof adds to the value of other buildings in the immediate vicinity the owners of such other buildings shall be bound to contribute towards the compensation payable to the owner of the first named building in such proportion to the increased value acquired by their respective buildings as may be determined by the Commissioner.

(4) When any building is so far demolished under this section as to require reconstruction, allowance shall be made, in determining the compensation, for the benefit accruing to the premises from the improvement thereof,

338. Building unfit for human habitation.—

(1) If any building or portion thereof, intended for or used as a dwelling-place appears to the Commissioner to be unfit for human habitation he may apply to the standing committee to prohibit the further use of such building for such purpose, and the standing committee may, after giving the owner and occupiers thereof a reasonable opportunity of showing cause why such order should not be made, make a prohibitory order as aforesaid.

(2) When any such prohibitory order has been made, the Commissioner shall communicate the purport thereof to the owner and occupier of the building and on expiry of such period as is specified in the notice, not being less than thirty days after the service of the notice, no owner or occupier shall use or suffer it to be used for human habitation until the Commissioner certifies in writing that the causes rendering it unfit for human habitation have been removed to his satisfaction or the standing committee withdraws the prohibition.

(3) When such prohibitory order has remained in operation for three months, the Commissioner shall report the case to the standing committee which shall thereupon consider whether the building should not be demolished. The standing committee shall give the owner not less than thirty days' notice of the time and place at which the question will be considered and the owner shall be entitled to be heard when the question is taken into consideration.

(4) If upon such consideration the standing committee is of opinion that the building has not been rendered fit for human habitation and that steps are not being taken with due diligence to render it so fit and that the continuance thereof is a nuisance or dangerous or

injurious to the health of the public or to the inhabitants of the neighbourhood, it shall record a decision, to that effect with the grounds of the decision, and the Commissioner shall, in pursuance of the said decision by notice, require the owner to demolish the building.

(5) If the owner undertakes to execute forthwith the works necessary to render the building fit for human habitation and the Commissioner considers that it can be so made fit, the Commissioner may postpone the execution of the decision of the standing committee for such time not exceeding six months, as he thinks sufficient for the purpose of giving the owner an opportunity for executing the necessary works.

339. Abatement of crowding in dwelling house or dwelling place.—

(1) If it appears to the Commissioner that any dwelling house or other building which is used as a dwelling place, or any room in any such dwelling-house, or building, is so overcrowded as to endanger the health of the inmates thereof, he may apply to a magistrate to abate such overcrowding; and the magistrate, after such inquiry as he thinks fit to make, may by written order, require the owner of the building or room, within a reasonable time, not exceeding four weeks, to be laid down in the said order, to abate such overcrowding by reducing the number of lodgers, tenants or other inmates of the building or room, or may pass such other order as he may deem just and proper.

(2) The standing committee may declare what amount of superficial cubic space shall be deemed for the purposes of sub-section (1) to be necessary for such occupant of a building or room.

(3) If any building or room referred to in sub-section (1) has been sub-let, the landlord of the lodgers, tenants or other actual inmates of the same shall, for the purposes of this section, be deemed to be the owner of the building or room.

(4) It shall be incumbent on every tenant, lodger, or other inmate of a building or room, to vacate on being required by the owner so to do in obedience to any requisition made under sub-section (1).

340. power of Commissioner to use or sell materials of dangerous building taken down, etc.—

(1) When the Commissioner takes down any building or part thereof or cuts down any tree or hedge or shrub or part thereof or removes any fruit by virtue of his powers under this Chapter or under section 462, the Commissioner may sell the materials or things taken down or cut down or removed and shall in the case of sale apply the proceeds in or towards payment of the expenses incurred and pay any surplus accruing from such sale to the owner or other person entitled thereto on demand made within twelve months from the date of sale. If no such demand is made such surplus shall be forfeited to the corporation.

(2) If after reasonable inquiry it appears to the Commissioner that there is no owner or occupier to whom notice can be given under any section in this Chapter he may himself take such order with the property mentioned in such section as may appear to him to be necessary and may recover the expense incurred by selling such property (not being land) or any portion thereof.

341. Limitation of compensation.—

No person shall be entitled, save as provided in sections 328 and 337, to compensation for any damages sustained by reason of any action taken by a municipal authority in pursuance of its powers under this chapter.

CHAPTER XVII

Licences and Fees

342. Exemptions.—

(1) Nothing in this Act or in any rule or bye-law made there under shall be construed as requiring the taking out of any licence or the obtaining of any permission under this Act 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.

(2) Save in so far as the levy of any tax or continuation of levy of any tax on any property of the Union is permissible under Article 285 of the Constitution of India, the property of the Union shall be exempt from any tax levied under this Act.

(3) Notwithstanding any thing contained in this Act no licence or permission shall be necessary for the Karnataka State Road Transport 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 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 .

(4) In respect of passenger-shelters, ticket booths and bus stands erected or constructed under this section the Karnataka State Road Transport Corporation shall be liable to pay to the 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.

343. Prohibition in respect of lodging houses.—

(1) No person shall, without or otherwise than in conformity with the terms of a licence granted by the Commissioner in the

behalf, keep any lodging house, eatinghouse, tea-shop, coffee-house, cafe, restaurant, refreshment room, or any place, where the public are admitted for repose or for the consumption of any food or drink or any place where food is sold or prepared for sale.

Explanation.— In this sub-section “lodging house” means a hotel, boarding house, choultry or rest-house other than a choultry or rest-house maintained by the Government or a local authority, or any place where casual visitors are received and provided with sleeping accommodation, with or without food, on payment but does not include a students’ hostel under public or recognized control.

(2) The Commissioner may at any time cancel or suspend any licence granted under sub-section (1) if he is of opinion that the premises covered thereby are not kept in conformity with the conditions of such licence or with the provisions of any bye-law made under section 423 relating to such premises whether or not the licence is prosecuted under this Act.

344. Prohibition in respect of keeping animals and birds and feeding animals.—

No person shall,—

(a) without the permission of the Commissioner or otherwise than in conformity with the terms of such permission, keep pigs in any part of the city;

(b) keep any animal or bird on his premises so as to be a nuisance or so as to be dangerous; or

(c) feed or permit of be fed on filth any animal, which is kept for dairy purposes or may be used for food.

345. Destruction of stray pigs and dogs.—

If any dogs not taxed under section 118 or pigs are found straying, the same may be summarily destroyed by any person authorised in that behalf in writing by the Commissioner.

346. Licences for places in which animals are kept.—

(1) The owner or occupier of any stable, veterinary infirmary, stand, shed, year or other place in which quadrupeds are kept or taken in for purposes or profit, shall, in the first month of every year or, in the case of a place to be newly opened, within one month before the opening of such place, apply to Commissioner for a licence.

(2) The Commissioner may, by an order and under such restrictions and regulations as he thinks fit, grant or refuse to grant such licence.

(3) No person shall, without or otherwise than in conformity with a licence, use any place or allow any place to be used for any such purpose.

347. General powers of control over stables, cattle-sheds and cow-house.—

(1) All stables, cattlesheds and cow-houses shall be under the survey and control of the Commissioner as regards their site, construction, material and dimensions.

(2) The Commissioner may, by notice, require that any stable cattle-shed or cow-house be altered, paved, drained, repaired, disinfected or kept in such a state as to admit of its being sufficiently cleaned or be supplied with water, or be connected with a sewer or be demolished.

(3) Every such notice shall be addressed to the owner or person having control of the stable, cattle-shed or cow-house.

(4) The expense of executing any work in pursuance of any such notice shall be borne by the owner.

(5) If any stable, cattle-shed or cow-house is not constructed or maintained in the manner required by or under this Act, the Commissioner may, by notice, direct that the same shall no longer be used as a stable, cattle-shed or cow-house. Every such notice shall state the grounds on which it proceeds.

348. Provision of halting places, cart-stands, etc.—

(1) The Commissioner may construct or provide public halting places, cart-stands, cattle-sheds and cow-houses and may charge and levy such fees for the use of the same as the standing committee may fix.

Explanation.— A cart-stand shall, for the purposes of this Act, include a stand for carriages including motor vehicles within the meaning of the Motor Vehicles Act, 1939 (Central Act IV of 1939) and animals.

(2) A statement of the fees fixed by the standing committee for the use of each such place, shall be put up in Kannada and English in a conspicuous part thereof.

(3) The Commissioner may farm out the collection of such fees for any period not exceeding three years at a time on such terms and conditions as he may think fit.

349. Prohibition of use of public places or sides of public street as cart-stand, etc.—

Where the Commissioner has provided a public halting place, cart-stand, cattle-shed or cow-house, he may prohibit the use for the same purpose by any person within such distance thereof as may be determined by the standing committee of any public place or the sides of any public street.

350. Recovery of cart-stand fees, etc.:—

(1) If the fee leviable under sub-section (1) of section 348 is not paid on demand, the person appointed to collect such fee may seize and detain such portion of the appurtenances or load of such cart, carriage, motor vehicle or animal as will, in his opinion, suffice to defray the amount due; in the absence of any such appurtenances or load or in the event of their value being insufficient to defray the amount due, he may seize and detain the cart, carriage, motor vehicle or animal.

(2) All property seized under sub-section (1) shall be sent within twentyfour hours to the Commissioner or to such person as he

may have authorised to receive and sell such property and the Commissioner shall forthwith give notice to the owner of the property seized or if the owner is not known or is not resident within the city, to the person who was in charge of such property at the time when it was seized or if such person is not found, give public notice that after the expiry of two days, exclusive of Sunday, from the date of service or publication of such notice, the property will be sold in public auction at a place to be specified in the notice.

(3) If at any time before the sale has begun, the amount due on account of the fee, together with the expenses incurred in connection with the seizure, detention and proposed sale is tendered to the Commissioner or other person authorised, the property seized shall be forthwith released.

(4) If no such tender is made, the property or a sufficient portion thereof may be sold and the proceeds of the sale applied to the payment of,—

- (i) the amount due on account of the fee;
- (ii) such penalty not exceeding the amount of the fee as the Commissioner may direct;
- (iii) the expenses incurred in connection with the seizure, detention and sale.

(5) If, after making the payments referred to in sub-section (4) there is any surplus sale proceeds or any property remaining unsold, the same shall be paid or delivered to the owner or other person entitled thereto.

351. Licence for private cart-stand.—

(1) No person shall open a new private cart-stand or continue to keep open a private cart-stand unless he obtains from the Commissioner a licence to do so.

(2) Application for such licence shall be made by the owner of the place in respect of which the licence is sought not less than

thirty days before such place is opened as a cart-stand or not less than thirty days before the commencement of the year for which the licence is sought to be renewed, as the case may be.

(3) The Commissioner shall, as regards private cart-stand already lawfully established and may, at his discretion as regards a new private cart-stand grant the licence applied for, subject to such regulations as to supervision and inspection and to such conditions as to conservancy as he may think proper, or he may refuse to grant any such licence for any, new private cart-stand. The Commissioner may, at any time for breach of the conditions thereof, suspend or cancel any licence which has been granted under this section. The Commissioner may also modify the conditions of the licence to take effect from a specified date.

(4) When a licence is granted, refused, suspended, cancelled or modified under this section, the Commissioner shall cause a notice of such grant, refusal, suspension, cancellation or modification, in English and Kannada, to be posted in some conspicuous place at or near the entrance to the place in respect of which the licence was sought or had been obtained.

(5) The Commissioner may levy for every licence granted under this section a fee not exceeding six hundred rupees per annum: Provided that no fee shall be levied in respect of a licence for a cart-stand for the use of which no charge is made.

(6) Every licence granted under this section shall expire at the end of the year for which it is granted.

352. Removal of carcasses of animals.—

(1) The occupier of any premises in or on which any animal shall die or on which the carcass of any animal shall be found, and the person having the charge of any animal which dies in a street or in any open place, shall, within three hours after the death of such animal or if the death occurs at night within three hours after sunrise, either,—

(a) remove the carcass of such animal to such receptacle, depot or place as may be appointed by the Commissioner in that behalf; or

(b) report the death of the animal to an officer of the health department of the division of the city in which the death occurred with a view to his causing the same to be removed.

(2) When any carcass is so removed by the health department, a fee for the removal of such amount as shall be fixed by the Commissioner, shall be paid by the owner of the animal or, if the owner is not known, by occupier of the premises in or upon which or by the person in whose charge the animal died.

353. Purposes for which places within the limits of the city or within five kilometers thereof may not be used without licence and payment of proportionate tax to local body concerned in the latter case.—

(1) No place within the limits of the city shall be used for any other purposes mentioned in Schedule X without a licence obtained from the Commissioner and except in accordance with the condition, specified therein.

(2) The Commissioner shall, if so required by the corporation, publish a notification in the Official Gazette and in two or more local newspapers that any place at a distance within five kilometers of the limits of the city shall not be used for any one or more of the purposes mentioned in Schedule X without a licence obtained from the Commissioner and except in accordance with the conditions specified therein:

Provided that no such notification shall take effect—

(a) unless the sanction of the Government has been obtained therefor; and

(b) until the expiry of thirty days from the date of its publication in the Official Gazette.

(3) The owner or occupier of every place for the use of which for any purpose a licence is required under sub-section (1) or sub-section (2) shall apply to the Commissioner for such licence not less than thirty days before the place is used for such purpose or within thirty days of the publication of the notification under sub-section (2) in the Official Gazette, as the case may be.

(4) Every application for a licence for the use of any place for the purpose of storing or selling explosives, timber or other combustible material shall contain a statement showing the boundaries and measurements of such place.

(5) The Commissioner may grant such licence subject to such restrictions and conditions as may be specified by him thereon or he may refuse to grant such licence if it is likely to cause nuisance in the neighbourhood.

(6) Every such licence shall expire at the end of the year for which it is granted, or at such earlier date as the Commissioner may, for special reasons, specify in the licence.

(7) Applications for renewal of such licences shall be made not less than thirty days before the commencement of the year for which renewal is sought. The licence may be renewed to such conditions or restrictions as may be specified by the Commissioner or he may refuse to renew if it is likely to cause nuisance in the neighbourhood.

(8) Where a licence is granted under this section for the use of any place outside the limits of the city, the corporation shall pay to the local authority within the limits of which such place is situated, such proportion of the fee received by the corporation for the grant or renewal of such licence as the Government may, by general or special order, determine.

354. Application to be made for construction, establishment or installation of factory or workshop or work-place in which steam or other power is to be employed.—

(1) Every person intending to,—

(a) construct or establish any factory, workshop or work-place in which it is proposed to employ steampower, water-power, or other mechanical power or electric power, or

(b) to install in any premises any machinery of manufacturing plant driven by steam, water, electric or other power as aforesaid, shall before beginning such construction, establishment or installation make an application in writing to the Commissioner for permission to undertake the intended work.

(2) The application shall specify the maximum number of workers proposed to be simultaneously employed at any time in the factory, workshop, work place, place or premises and shall be accompanied by,—

(a) a plan of the factory, workshop, work-place or premises prepared in such manner as may be prescribed by rules made in this behalf by the Government; and

(b) such particulars as to the powers, machinery plant or premises as the corporation may require by bye-laws made in this behalf.

(3) The Commissioner shall, as soon as may be, after the receipt of the application,—

(a) grant the permission applied for either absolutely or subject to such conditions as he thinks fit to impose, or

(b) refuse permission if he is of opinion that such construction, establishment or installation is objectionable by reason of the density of the population in the neighbourhood or is likely to cause nuisance in the neighbourhood.

(4) Before granting permission under sub-section (3), the Commissioner,—

(a) shall, if more than nine workers are proposed to be simultaneously employed at any time in the factory, work-shop, work-place or premises, obtain the approval of the inspector of factories appointed under the Factories Act, 1948 (Central Act 63 of 1948), having jurisdiction over the area in the city where such factory, work-shop, work-place or premises is located as regards the plan of the factory, work-shop, work-place or premises with reference to,—

(i) the adequacy of the provision for ventilation and light;

(ii) the sufficiency of the height and dimensions of the rooms and doors;

(iii) the suitability of the exits, to be used in case of fire;

(iv) such other matters as may be prescribed by rules made by the Government, and

(b) shall consult and have regard to the opinion of the health officer as regards the suitability of the site of the factory, workshop, work-place or premises for the purpose specified in the application.

(5) All chimneys in connection with any such factory, workshop, or work-place or any such machinery or manufacturing plant shall be of such height and dimensions as the Commissioner may determine.

(6) More than nine workers shall not be simultaneously employed at any time in any factory, workshop, work-place or premises, unless the permission granted in respect thereof under sub-section (3) authorises such employment or unless fresh permission authorising such employment has been obtained from the Commissioner. Before granting such fresh permission, the Commissioner shall

obtain the approval of the inspector of factories referred to in clause (a) of sub-section (4), as regards the plan of the factory, workshop, work-place or premises with reference to the matters specified in that clause.

(7) The grant of permission under this section shall not be deemed to dispense with the necessity for compliance with the provisions of sections 300 and 301 or sections 314 and 315 as the case may be.

Explanation.— The word “worker” in sub-sections (2), (4) and (6) shall, in relation to any factory, workshop, work-place or premises, have the same meaning as in the Factories Act, 1948 (Central Act 63 of 1948).

355. Commissioner issue directions for abatement of nuisance caused by steam or other power.—

(1) If, in any factory, workshop or work-place in which steam-power, water-power or other mechanical or electric power is used, nuisance is, in the opinion of the Commissioner, caused by the particular kind of fuel used or by the noise or vibration created, he may issue such directions as he thinks fit for the abatement of the nuisance within a reasonable time to be specified for the purpose.

(2) If there has been wilful default in carrying out such directions or if abatement is found impracticable, the Commissioner may,—

(a) prohibit the use of the particular kind of fuel; or
 (b) prohibit the working of the factory, workshop or work-place,—

(i) altogether until such directions have been carried out; or

(ii) between the hours of 6 p.m. and 6 a. m. or during any particular time or times between such hours.

356. Prohibition of use of steam-whistle or steam-trumpet without permission of the Commissioner.—

(1) No person shall, without the written permission of the Commissioner, use or employ in any factory or any other place, any steam-whistle or steam-trumpet for purpose of summoning or dismissing workmen or persons employed.

(2) The Commissioner may at any time revoke any permission which he has given for the use of any such instrument as aforesaid, on giving one month's notice to the person using the same.

357. Power of Commissioner to require owner of factory, workshop, etc., to put up and maintain the factory, workshop, etc., in a cleanly state.—

Whenever it shall appear to the Commissioner that any factory, workshop, work-place or any building or place in which steam, water or other mechanical power or electric power is used, is not kept in a cleanly state or is not ventilated in such a manner as to render harmless as far as practicable any gas, vapour, dust or other impurity generated in the course of the work carried on therein which in the opinion of the Commissioner, is a nuisance or is so overcrowd while work is carried on as to be dangerous or injurious in the opinion of the Commissioner, to the health of the persons employed therein, or that any engine, mill-gearing hoist or other machinery herein is so fixed or so insecurely fenced as to be dangerous to life or limb, the Commissioner may by written notice require the owner of such factory, workshop, work-place or other building or place to make such order as he thinks fit for putting and maintaining the said factory, workshop, work-place or other buildings or place in a cleanly state or for ventilating the same or for preventing the same from being overcrowd or for preventing the danger to life or limb from any engine, mill-gearing, hoist or other machinery therein.

Explanation.— Nothing in this section shall be deemed to affect any of the provisions of the Indian Boilers Act, 1923, or to

authorise the Commissioner to issue any order relating to the fixing or fencing of any engine, mill-gearing, hoist or other machinery in any factory to which the provisions of the Factories Act, 1948 (Central Act 63 of 1948) are applicable.

358. Power of Commissioner to require owner or occupier of factory, etc., to discontinue the use of such factory.—

Whenever it shall appear to the Commissioner that any factory, workshop or workplace or any building or any place in which steam, water or other mechanical power or electric power is used, is or is likely to become, by reason of the employment of such power or by noise or by any gas, vapour, smoke, vibration, dust or other impurity generated in the course of the work carried on in such place or by any other cause, a nuisance or danger to the life, health or property of persons in the neighbourhood, he may by written notice require the owner or occupier of such factory, workshop, work-place building or place to discontinue the use of such factory or place for any of the purposes that may be specified in such notice.

359. Commissioner may enter any factory, workshop or work-place.—

(1) The Commissioner or any person authorised by him in this behalf may enter any factory, workshop or work-place,—

- (a) at any time between sunrise and sunset,
- (b) at any time when any industry is being carried on, and
- (c) at any time by day or night if he has reason to believe that any offence is being committed against sections 354, 355, 356, 357 or 358.

(2) No claim shall lie against any person for any damage or inconvenience necessarily caused by the exercise of powers under this section or by the use of the force necessary for the purpose of effecting an entrance under this section.

360. Power of Government to pass orders or give directions to Commissioner.—

The Government may either generally or in any particular case make such order or give such directions as it deems fit in respect of any action taken or omitted to be taken under sections 354, 355, 356, 357 or 358.

361. Provision of places for bathing and for washing animals.—

The corporation shall set apart places for use by the public for bathing purposes and for washing animals.

362. Provision of public bathing-houses, wash-houses, etc.—

The Commissioner may construct or provide and maintain public bathing-houses, public wash-houses or places for the washing of vessels, clothes and may charge and levy such rents and fees for the use of any such bathing-house, wash-house or place as the standing committee may determine. Such rents and fees shall be recoverable in the same manner as the property tax.

(2) The Commissioner may farm out the collection of such rents and for any period not exceeding three years at a time on such terms and conditions as he may think fit.

(3) If a sufficient number of public wash-houses or places be not maintained under sub-section (1) the Commissioner may without making any charge therefor appoint suitable places for the exercise by washermen of their calling.

(4) In public wash-houses, the clothes of persons suffering from infectious diseases and of persons residing in the premises occupied by persons suffering from such diseases shall be washed separately in a separate block wherever set apart for the purpose and shall be washed by such methods as the Commissioner may lay down in that behalf.

363. Prohibition against washing by washermen at unauthorised places.—

(1) The Commissioner may, by public notice, prohibit the washing of clothes by washermen in the exercise of their calling, either within the city or outside the city within five kilometers of the boundary thereof except at,—

(a) public wash-houses or places maintained or provided under section 362; or

(b) such other places as he may appoint for the purpose.

(2) When any such prohibition has been made no person who is by calling a washerman shall, in contravention of such prohibition, wash clothes, except for himself or for personal and family service or for hire on and within the premises of the hirer, at any place within or without the corporation limits other than in a public wash-house or place maintained or appointed under this Act:

Provided that this section shall apply only to clothes washed within or to be brought within the city.

364. Provision of corporation slaughter-houses.—

(1) The corporation shall provide a sufficient number of places for use as corporation slaughter-houses and the Commissioner may charge and levy such rents and fees for their use as the standing committee may determine, Such rents and fees shall be recoverable in the same manner as the property tax.

(2) The Commissioner may farm out the collection of such rents and fees for any period not exceeding three years at a time on such terms and conditions as he may think fit.

(3) Corporation slaughter-houses may be situated within the city limits or outside the limits of the city with the sanction of the Government.

365. Licence for slaughter-houses.—

(1) The owner of any place within the limits of the city or at a distance within five kilometers of such limits which is used as a slaughter house for the slaughtering of animals or for the skinning or cutting up of carcasses shall, not less than thirty days before the commencement of the year for which the licence is sought or in the case of a place to be newly opened, not less than a month before the opening of the same, apply to the Commissioner for a licence:

Provided that this sub-section shall not be applicable to any area outside the limits of the city except with the previous sanction of the Government.

(2) The Commissioner may by an order, and subject to such restrictions and regulations as to supervision and inspection, as he thinks fit, grant or refuse to grant such licence.

366. Slaughter of animals during festivals and ceremonies.—

The Commissioner may allow any animal to be slaughtered in such place as he thinks fit on occasions of festivals and ceremonies or as a special measure.

367. Slaughter of animals for sale or food.—

No person shall slaughter within the city except in a corporation or licensed slaughter-house any cattle, horse, sheep, goat or pig for sale or food or skin or cut up any carcass without or otherwise than in conformity with a licence from the Commissioner or dry or permit to be dried any skin in such a manner as to cause a nuisance.

368. Public markets.—

All markets which are acquired, constructed, repaired or maintained out of the corporation fund shall be deemed to be public markets.

369. Power of municipal authorities in respect of public markets.—

(1) The corporation may provide places for use as public markets.

(2) The Commissioner may, in any public market charge and levy any one or more of the following fees at such rates as the standing committee may determine and may place the collection of such fees under the management of such persons as may appear to him proper or may farm out such fees on such terms and subject to such conditions as he may deem fit, namely.—

(a) fees for the use of, or for the right to expose goods for sale in, such markets;

(b) fees for the use of shops, stalls, pens or stands in such markets;

(c) fees on vehicles or pack-animals carrying or on persons bringing goods for sale in such markets;

(d) fees on animals brought for sale into, or sold in such markets; and

(e) licence fees on brokers, commission agents, weighmen and measurers practising their calling in such markets.

(3) Such fees shall be recoverable in the same manner as the property tax.

(4) The corporation may, with the sanction of Government, close any public market or part thereof.

370. Commissioner's control over public markets.—

No person shall, without the permission of the Commissioner, or if the fees have been farmed out, of the farmer, sell or expose for sale any animal or article within any public market.

(2) Any person who contravenes sub-section (1) or any condition of the licence or any regulation made under section 378 or in

any bye-law made under section 423 or who commits default in payment of the fees leviable under section 369 may after three clear days' notice be summarily removed from such market by any corporation officer or servant and any lease or tenure which any person may possess may be terminated for such period and from such date as the Commissioner may determine with-out prejudice to the legal rights of the corporation to prosecute the person or to recover the fees leviable under section 369 and expenses, if any which the corporation may incur in such removal.

371. Establishment of private markets.—

(1) The corporation shall determine whether the establishment of new private markets for the sale of or for the purpose of exposing for sale, animals intended for human food or any article of human food shall be permitted in the city or any specified part of it.

(2) (a) No person shall establish any new private market without or otherwise than in conformity with a licence issued by the Commissioner with the sanction of the standing committee which be guided in giving or refusing sanction by the resolutions of the corporation passed under sub-section (1).

(b) Applications for such licence shall be made by the owner of the place in respect of which the licence is sought not less than thirty days before such place is opened as a market.

372. Licensing private markets.—

(1) No person shall without or otherwise than in conformity with an annual licence granted by the Commissioner in this behalf continue to keep open a private market. Application for the renewal of the licence shall be made not less than thirty days before the commencement of the year for which licence is sought.

(2) The Commissioner may, by an order, subject to such regulations as to supervision and inspection and to such conditions as

to sanitation, drainage, water-supply, width of paths and ways, weights and measures to be used and rents and fees to be charged in such markets, as he thinks fit,—

- (a) grant or refuse to grant or renew such licenses or
- (b) withhold the licence until the owner or occupier executes such works as may be specified in the order:

Provided that the Commissioner shall not refuse or withhold such licence for any cause other than the failure of the owner or occupier thereof to comply with some provision of this Act or some regulation made under section 422 or some bye-law made under section 423 without the approval of the standing committee.

(3) The Commissioner shall cause a notice that the market has been so licensed to be affixed in English and in Kannada in some conspicuous place at or near the entrance to every market.

(4) The Commissioner, if a licence has been refused or withheld as aforesaid, shall cause a notice of such refusal or withholding to be affixed in English and in Kannada in some conspicuous place at or near the entrance to the premises.

373. Period of licence.—

Every licence granted under section 371 or section 372 shall expire at the end of the year for which it is granted.

374. Licence fee for private markets.—

When a licence granted under section 372 permits the levy of any fee or fees of the nature specified in sub-section (2) of section 369 a fee not exceeding fifteen per cent of the gross income of the owner from the market in the preceding year shall be charged and levied by the Commissioner for such licence.

375. Sale in un-licensed private market.—

It shall not be lawful for any person to sell or expose for sale any animal or article in any un-licensed private market.

376. Powers of Commissioner in respect of private markets.—

The Commissioner may by notice require the owner, occupier or farmer of any private market for the sale of any animal or article of food, to—

(a) construct approaches, entrances, passages, gates, drains and cesspits for such market and provide it with privy of such description and in such position and number as the Commissioner may think fit;

(b) roof and pave the whole or any portion of it with such material as will, in the opinion of the Commissioner, secure imperviousness and ready cleaning;

(c) ventilate and light it properly and provide it with supply of water;

(d) provide passages of sufficient width between the stalls, and make such alterations in the stalls, passages, shops, doors or other parts of the market as the Commissioner may direct; and

(e) keep it in a clean and proper state and remove all filth and rubbish therefrom.

377. Suspension or refusal of licence in default.—

(1) If any person, after notice given to him in that behalf by the Commissioner, fails within the period and in the manner laid down in the said notice to carry out any of the works specified in section 376 the Commissioner may, with the sanction of the standing committee, suspend the licence of the said person or may refuse to grant him a licence until such works have been completed.

(2) It shall not be lawful for any person to open or keep open any such market after such suspension or refusal.

378. Power of Commissioner to make regulations for markets, bazaars, slaughter houses and places set apart for sacrifice of animals,—

The Commissioner may, with the approval of the standing committee, make regulations not inconsistent with any provision of this Act, or any bye-law made under section 423,—

(a) for preventing nuisance or obstruction in any market-building, market-place, bazaar or slaughter-house, or in the approaches thereto, or in any of the roads, paths or ways in any market or bazaar;

(b) fixing the days and the hours on and during which any market, bazaar or slaughter house may be held or kept open for use;

(c) for keeping every market-building, market-place, bazaar, slaughter-house and place specified under section 371 in a clean and proper state, and for removing filth and rubbish therefrom;

(d) requiring that any market-building, market-place, bazaar, slaughter-house or place specified as aforesaid be properly ventilated and be provided with a sufficient supply of water;

(e) requiring that in market-buildings, market-places and bazaar, passages be provided between the stalls of sufficient width for the convenient use of the public; and

(f) requiring that in market-building, market-places and bazaars separate areas be set apart for different classes of articles.

379. Duty of expelling lepers, etc., from markets and private markets.—

The person in charge of a market shall prevent the entry therein of, and shall expel therefrom, any person suffering from leprosy in whom the process of ulceration has commenced or from any infectious or contagious disease who sells or exposes for sale therein any article or who, not having purchased the same, handles and articles exposed for sale therein; and he may expel therefrom any person who is creating a disturbance therein.

380. Acquisition of rights of private persons to hold power to expel disturbers.—

(1) The corporation may acquire the rights of any person to hold a private market in any place and to levy fees therein. The acquisition shall be made under the Land Acquisition Act, 1894, and such rights shall be deemed to be land for the purposes of that Act.

(2) On payment by the corporation of the compensation awarded under the said Act in respect of such property and any other charges incurred in acquiring it, the rights of such person to hold such market and to levy fees therein shall vest in the corporation.

381. Butcher's, fishmonger's and poulterer's licence.—

(1) No person shall, without or otherwise than in conformity with a licence from the Commissioner, carry on the trade of a butcher, fishmonger or poulterer or use any place for the sale of fresh fish or poultry intended for human food—

(a) in any place within the limits of the city;

(b) in any place within five kilometers of such limits and not included in any municipality constituted under the Karnataka Municipalities Act, 1964 (Karnataka Act 22 of 1964):

Provided that no licence shall be required for a place used for the selling or storing for sale of presented flesh of fish contained in air-tight and hermetically sealed receptacles.

(2) The Commissioner may by order and subject to such restrictions as to supervision and inspection as he thinks fit grant or refuse to grant such licence.

(3) Every such licence shall expire at the end of the year for which it is granted or at such earlier date as the Commissioner may, for special reasons, specify in the licence.

382. Power to prohibit or regulate sale of animals, birds or articles in public streets.—

The Commissioner may, with the sanction of the standing committee, prohibit by public notice or licence or regulate the sale or exposure for sale of any animal, bird or article in or on any public street or part thereof.

383. Decision of disputes as to whether places are markets.—

If any question arises whether any place where persons assemble for the sale or purchase of articles of food or clothing, or live-stock or poultry, or cotton, groundnut or other industrial crops or of any other raw or manufactured products, is a market or not, the Commissioner shall make a reference to the Government and the decision of the Government on the question shall be final.

384. Duty of Commissioner to inspect.—

It shall be the duty of the Commissioner to make provision for the constant and vigilant inspection of animals carcasses, meat, poultry, game, fresh fish, 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 of preparation for sale.

385. Power of Commissioner for purposes of inspection.—

(1) The Commissioner or any person authorised 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 any person so authorised by him has reason to believe that in any place any animal intended for human food is being slaughtered or any carcass is being skinned or cut up or that any food is being manufactured, stored, prepared, packed, cleansed, kept or exposed for sale or sold without, or otherwise than in conformity with a licence, he may enter any such place without notice, at any time by day or night for the purpose of satisfying himself whether any provision of this Act, bye-laws, or regulations or any condition of a licence is being contravened.

(3) No claim shall lie against the Commissioner or any person acting under his authority or the corporation for any damage or inconvenience caused by the exercise of powers under this section or by the use of any force necessary for effecting entry into any place under this section.

(4) In any legal proceedings in respect of powers exercised under this section in which it is alleged that any animals, poultry, fish or articles of food were not kept, exposed, hawked about, manufactured, prepared, stored, packed or cleansed for sale, or were not intended for human food, the burden of proof shall lie on the party so alleging.

386. Preventing inspection by Commissioner.—

No person shall in any manner whatsoever obstruct the Commissioner or person duly authorised by him in the exercise of his powers under the preceding section.

387. Power of Commissioner to seize diseased animal, noxious food, etc.—

If it appear to the Commissioner or a person duly authorised by him—

(a) that any animal, poultry or fish intended for food is diseased; or

(b) that any article of food is noxious; or

(c) that any utensil or vessel used in manufacturing, preparing or containing any article of food is of such kind or in such state as to render the articles noxious, he may seize or carry away or secure such animals, poultry, fish, article, utensil or vessel in order that the same may be dealt with as hereinafter provided.

Explanation.— For purposes of this section meat subjected to the process of blowing shall be deemed to be noxious.

388. Removing or interfering with articles seized.—

No person shall remove or in any way interfere with anything secured under the preceding section.

389. Power to destroy articles seized.—

(1) When any animals, poultry, fish or other article of food (or any utensil or vessel) is seized under section 387, it may, with the consent of the owner or person in whose possession it was found, be forthwith destroyed, and if the article is perishable, without such consent.

(2) Any expenses incurred in destroying anything under sub-section (1), shall be paid by the owner or person in whose possession such thing was at the time of the seizure.

390. Production of articles, etc., seized before magistrate and powers of magistrate to deal with them.—

(1) Articles of food, animals, poultry, fish, utensils or vessels seized under section 387 and not destroyed under section 389 shall as soon as possible, be produced before a magistrate.

(2) Whether or not complaint is laid before the magistrate for any offence under the Indian Penal Code (Central Act 45 of 1860) or under this Act, if it appears to the magistrate on taking such evidence as he thinks necessary that any such animal, poultry, or fish is diseased, or any such article is noxious or any such utensil or vessel is of such kind or in such state as is described in section 387, he may order the same,

(a) to be forfeited to the corporation; and

(b) to be destroyed at the charge of the owner or person in whose possession it was at the time of seizure, in such manner as to prevent the same being again exposed or hawked about for sale, or used for human food or for the manufacture or preparation of, or for containing any such articles as aforesaid.

391. Registration or closing of ownerless places for disposal of dead.—

If it appears to the Commissioner that there is no owner or person having the control of any place used for burying, burning or otherwise disposing of the dead, he shall assume such control and register such place or may, with the sanction of the corporation, close it.

392. Licensing of places for disposal of dead.—

(1) No new place for the disposal of the dead whether public or private shall be opened, formed, constructed or used unless a licence has been obtained from the Commissioner on application.

(2) Such application for a licence shall be accompanied by a plan of the place to be registered showing the locality, boundaries and

extent thereof, the name of the owner or person or community interested therein, the system of management and such further particulars as the Commissioner may require.

(3) The Commissioner may, with the sanction of the corporation—

(a) grant or refuse a licence; or

(b) postpone the grant of a licence until his objections to the site have been removed or the particulars called for by him have been furnished.

393. Provision of places by the corporation for burial and burning grounds and crematoria.—

(1) The corporation may, and shall if no sufficient provision exists, provide places to be used as burial or burning grounds or crematoria, either within, or with the sanction of the Government outside the limits of the city; and may charge and levy rents and fees for the use thereof :

Provided that the corporation shall itself undertake the cremation of unclaimed dead bodies free of charge.

(2) If the corporation provides any such place without the limits of the corporation all the provisions of this Act and all bye-laws framed under this Act for the management of such places within the corporation shall apply to such place and all offences against such provisions or bye-laws shall be cognizable by a magistrate as if such places were within the corporation limits.

394. Register of registered, licensed and provided places and prohibition of use of other places.—

(1) A book shall be kept at the corporation office in which the places registered, licensed or provided under section 391, section 392 or section 393 and all such places registered, licensed or provided before the commencement of this Act, shall be recorded and the plans of such places shall be filed in such office.

(2) Notice that the such place has been registered, licensed or provided as aforesaid shall be affixed in English and in Kannada to some conspicuous place at or near the entrance to the burial or burning ground or other places aforesaid.

(3) The Commissioner shall annually publish a list of all places registered, licensed or provided as aforesaid or provided by the Government.

(4) No person shall bury, burn or otherwise dispose of any corpse except in a place which has been registered, licensed or provided as aforesaid.

(5) Where a magistrate on a complaint preferred by the Commissioner or otherwise is satisfied that a corpse has been buried in a place which has not been registered, licensed or provided as aforesaid, he may direct the exhumation of the corpse and its burial in an authorised place.

395. Report of burial and burnings.—

The person having control of a place for disposing of the dead shall give information of every burial, burning or other disposal of a corpse at such place to the officer, if any, appointed by Commissioner in that behalf.

396. Prohibition against making of vault or grave in any place of public worship.—

No person shall make a vault or grave, or cause any corpse to be buried within the walls or underneath any place of public worship:

Provided that the Commissioner may, subject to the general or special orders of the Government, authorise the making of a vault or grave within the precincts of or underneath any place of public worship and the burial of priests or religious ministers in such vault or grave, or in an existing vault or grave.

397. Prohibition against use of burial and burning grounds dangerous to health or overcrowded with graves.—

(1) If the Commissioner is opinion—

(a) that any registered or licensed place for the disposal of the dead or any place provided for such disposal by the Corporation or by the Government is in such a state or situation as to or to be likely to become dangerous to health of persons living in the neighbourhood thereof; or

(b) that any burial ground is overcrowded with graves, and if in the case of a public burial or burning ground or other place as aforesaid another convenient place duly authorised for the disposal of the dead exists or has been provided for the persons should ordinarily make use of such place,

he may with the consent of the corporation and the, previous sanction of the Government, give notice that it shall not be lawful after a period to be named in such notice, to bury, burn or otherwise dispose of any corpse at such place.

(2) Every notice given under sub-section (1) shall be affixed to some part of such place.

(3) After the expiry of the period named in such notice it shall not be lawful to bury burn or otherwise dispose of a corpse at such place except with the permission of the Commissioner.

398. Prohibition in respect of corpse.—

No person shall—

(a) bury or cause to be buried any corpse or part thereof in a grave whether dug or constructed of masonry or otherwise in such manner that the surface of the coffin or the surface of the body where no coffin is used, is at a less depth than eight metres, from the surface of the ground; or

(b) build or dig or cause to be built or dug any grave in any burial ground at a less distance than four metres from the margin of any other existing grave; or

(c) without the sanction in writing, of the Commissioner, or an order in writing of a magistrate reopen a grave already occupied; or

(d) convey or cause to be conveyed a corpse or part thereof to any burial or burning ground and not cause the burial or burning of the same to commence within six hours after its arrival at such place; or

(e) when burning or causing to be burnt a corpse or part thereof, permit the same or any part thereof or its clothing to remain without being completely reduced to ashes; or

(f) carry through any street a corpse or part thereof not decently covered; or

(g) while carrying a corpse or part thereof within the city leave the same in or near any street for any purpose whatever; or

(h) remove, otherwise than in a closed receptacle, any corpse or part thereof, kept or used for the purpose of dissection.

399. Fencing, etc., of private burial ground.—

The owner of, or other person having control over, any private burial ground shall fence and maintain the same properly to the satisfaction of the Commissioner.

400. Grave digger's licence.—

No person shall discharge the office of a grave digger or other attendant at a public place for the disposal of the dead (other than place provided by the Government) unless he has been licensed in that behalf by the Commissioner.

CHAPTER XVIII

PREVENTION OF DISEASES

Dangerous Diseases

401. Power to notify dangerous diseases.—

The Government may, by notification, declare any epidemic, endemic or infectious disease other than a disease specified in clause (8) of section 2 to be a “dangerous disease”, for the purpose of this Act.

402. Obligation of medical practitioner to report dangerous disease.—

(1) If any medical practitioner becomes cognizant of the existence of any dangerous disease in any private or public dwelling in the city, he shall inform the Commissioner, the health officer or the sanitary inspector of the division, with the least practicable delay.

(2) The information shall be communicated in such form and with such details as the Commissioner may require.

(3) The Commissioner may direct the compulsory notification by the owner or occupier of every house within the corporation limits, during such period and to such officer as the Commissioner may specify, of all deaths from or occurrence of dangerous disease in his house.

Explanation.— For purpose of sub-section(1) and (2) a hakim or a vaidya shall be deemed to be a medical practitioner.

403. Power of entry into suspected places.—

The Commissioner or health officer may, at any time by day or by night without notice, after giving such notice as may appear to him reasonable, inspect any place in which any dangerous disease is reported or suspected to exist and except in case where he is satisfied that adequate arrangements have been made or exist for the proper care and treatment of the person who is suffering or is suspected to be

suffering from any dangerous disease, remove or cause to be removed such person to any Government of corporation medical institution intended for treatment of patients suffering from such disease, and take such other measures as he may think fit to prevent the spread of such disease.

404. Provision of conveyance for carriage of patients.—

The Commissioner may provide and maintain suitable conveyance for the carriage of person suffering from any dangerous disease.

405. Powers to order removal of patients to hospitals.—

(1) If, in the case of any person in a hospital, it appears to the officer in charge of it that such person is suffering from a dangerous disease or if, in the case of any other person it appears to the health officer or assistant health officer that such person is suffering from a dangerous disease, and;

(a) is without proper lodging or accommodation; or

(b) is lodged in a place occupied by more than one family; or

(c) is without medical supervision directed to prevent the spread of the disease,

and if such officer in-charge, health-officer or assistant health-officer, as the case may be considers that such person should be, removed to a hospital or other place at which patients suffering from such disease are received for medical treatment, he may remove such person or cause him to be removed to the said hospital or place :

Provided that, if any such person is a female she shall not be removed to any such hospital or place unless the same has accommodation of a suitable kind set apart from the portions assigned to males.

(2) Whoever obstructs the removal of a person under this Section shall be deemed to have committed an offence punishable under section 269, of the Indian Penal Code 1860.

406. Disinfection of buildings and articles.—

(1) If the Commissioner or health officer is of opinion that the cleansing or disinfecting of a building or of any part thereof, or of any article therein, which is likely to retain infection, will tend to prevent or check the spread of any dangerous disease, he may by notice, require the owner or occupier to cleanse or disinfect the same, in the manner and within the time specified in such the 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 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 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.

407. Destruction of huts and sheds when necessary.—

(1) If the Commissioner is of opinion that the destruction of any hut or shed is necessary to prevent the spread of any dangerous disease, he may, after giving, to the owner or occupier of such hut or shed such previous notice of his intention as may in circumstances of the case appear to him reasonable, take measures for having such hut or shed and all the materials thereof destroyed.

(2) Compensation shall be paid by the Commissioner to any person who sustains substantial loss by the destruction of any such hut or shed; but except as so allowed by the Commissioner, no claim for compensation shall lie for any loss or damage caused by any exercise of the power conferred by this section.

408. Provision of places for disinfection and power to destroy infected articles.—

(1) The Commissioner may,—

(a) provide proper places with all necessary attendants and apparatus for the disinfection of conveyances, clothing, bedding or other articles, which have been exposed to infection from any dangerous disease; and

(b) cause conveyances, clothing, bedding or other articles brought for disinfection to be disinfected free of charge, or subject to such charges, as may be approved by the standing committee.

(2) The Commissioner shall notify places at which conveyance, clothing, bedding or other articles which have been exposed to infection from any dangerous disease shall be washed and disinfected and no person shall wash or disinfect any such article at any place not so notified.

(3) The Commissioner may direct any clothing bedding or other article likely to retain infection from any dangerous disease to be disinfected or destroyed.

409. 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.

410. Prohibition against infected person carrying on occupation.—

If any person knows or has been certified by the health officer or a registered medical practitioner in the service of the Government or the corporation that he is suffering from a dangerous disease he shall not engage in any occupation or carry on trade or business unless he can do so without risk of spreading the disease.

411. Prohibition against diseased person entering public conveyance.—

(1) No person who is suffering from any dangerous disease shall enter a public conveyance without previously notifying to the owner or driver or person in charge of such conveyance that he is so suffering.

(2) No owner or driver or person in charge of a public conveyance shall be bound to convey any person suffering as aforesaid, unless and until the said person pays or tenders a sum sufficient to cover any loss and costs that may be incurred in disinfecting such conveyance.

(3) A court convicting any person of contravening subsection (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 cost 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.

412. Disinfection of public conveyance after carriage of patients.—

(1) The owner, driver or person in charge of any public conveyance in which any person suffering from a dangerous disease has been carried, shall forthwith disinfect the conveyance or cause it to be disinfected.

(2) No such conveyance shall be used until the health officer or some person authorised by him in this behalf has granted a certificate stating that it may be used without causing risk of infection.

413. Letting of infected building.—

(1) No person shall let or sub-let or for that purpose allow any person to enter a building or any part of a building in which he knows or has reason to know that a person has been suffering from a dangerous disease until the health officer has granted a certificate that such building may be re-occupied.

(2) For the purpose of sub-section (1), the keeper of a hotel or lodging house shall be deemed to let the same or part of the same to any person accommodated therein.

414. Power to order closure of places of public entertainment.—

In the event of prevalence of any dangerous disease within the city, the Commissioner may, with the sanction of the standing committee, by notice require the owner or occupier of any building, booth or tent used for purposes of public entertainment to close the same for such period as may be fixed by the standing committee.

415. Minor suffering from dangerous disease not to attend school.—

No person being the parent or having the care or charge of a minor who is or has been suffering from a dangerous disease or has been exposed to infection therefrom 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.

416. 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 the book 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.

417. Power to prohibit use of water likely to spread infection.—

If the health officer certifies that the water in any well, tank or other place within the limits of the city is likely, if used for drinking to endanger or cause the spread of any dangerous disease, the Commissioner may, by public notice, prohibit the removal or use of such water for drinking and domestic purposes during a specified period.

418. Compulsory vaccination.—

The corporation shall enforce vaccination throughout the city in such manner as may be prescribed and it may enforce vaccination throughout the city or in any part thereof, in respect of such person, to such extent and such in manner as may be prescribed.

419. Obligation to give information of small pox.—

Where an inmate of any dwelling place within the city is suffering from small-pox, 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, the health officer or the sanitary inspector of the division with the least practicable delay.

420. Prohibition of inoculation for small-pox.—

Inoculation for small-pox is prohibited.

(2) No person who has undergone the operation of inoculation shall enter the city before the lapse of forty days from the date of inoculation without a certificate from a medical practitioner of such class as the Commissioner may authorise stating that such person is no longer likely to produce small-pox by contact or near approach .

CHAPTER XIX**RULES, REGULATIONS AND BYE-LAWS****Rules****421. power of Government to make rules.—**

(1) The Government may, ¹[after previous publication,] by notification make rules to carry out the purposes of this Act:

²[Provided that no previous publication shall be necessary for any rule made for the first time after the commencement of this Act.]

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

(a) provide for all matters expressly required or allowed by this Act to be prescribed;

1. Inserted by Act 13 of 1983, S.6 (1-3-1983)

2. Added by Act 40 of 1981 S.6 (1-6-1977)

(b) regulate or prohibit the moving of any resolution or the making or any motions on or the discussion of any matter unconnected with the municipal administration;

(c) prescribe the accounts to be kept by the corporation, the manner in which such accounts shall be audited and published and the conditions under which the rate-payers may appear before auditors, inspect books and vouchers and take exception to items entered therein or omitted therefrom;

(d) prescribe the forms of all registers, reports and returns, the manner in which such registers shall be maintained, the dates on which the reports and returns shall be made and the officers to whom they shall be sent, as also of warrants and notices of sale;

(e) regulate the sharing between local authorities of the proceeds of the tax on carriages and animals, tax on carts and other tax or income levied or obtained under this or any other Act;

(f) prescribe the powers of auditors, inspecting and superintending officers authorised to hold inquiries to summon and examine witnesses and to compel the production of documents and all other matters connected with audit, inspection and superintendence.

(3) The Government may, by notification, and after previous publication make rules altering, adding to or cancelling any of Schedules to this Act except Schedules XI and XII.

(4) All reference made in this Act to any of the aforesaid Schedules shall be construed as referring to such Schedules as for the time being amended in exercise of the powers conferred by sub-section (3).

¹[(4A) A rule under this Act may be made with retrospective effect, and when such a rule is made, the reasons for making the rule shall be specified in a statement laid before both Houses of of the State

1. Inserted by Act.8 of 1982. S. 2 (9-11-1981)

Legislature, and subject to any modification made under sub-section (6), every rule made under this Act, shall have effect as if enacted in this Act.]

(5) In making any rule, the Government may provide that a breach thereof shall be punishable with fine which may extend to one hundred rupees.

(6) Every rule made under this section or any other provisions of this Act shall be laid as soon as may be after it is made before each House of the State Legislature while it is in session for a total period of thirty days which may be comprised in one session or in two or more successive sessions and if before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall from the date on which the modification or annulment is notified by the Government in the Official Gazette have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

422. Power to make regulations.—

The Corporation may with the previous approval of the Government by notification make regulations not inconsistent with the provisions of this Act and the rules made thereunder in respect of matters which are required to be provided for by regulations by this Act.

423. Power to make bye-laws.—

Subject to the provisions of this Act, the rules and regulations, the corporation may make bye-laws,—

(1) for all matters expressly required or allowed by this Act to be provided for by bye-law;

(2) for the due performance by all corporation officers and servants of the duties assigned to them;

(3) for the regulation of the time and mode of collecting the taxes and duties under this Act;

(4) for determining the conditions under which lands shall be deemed to appurtenant to building;

(5) (a) for the use of public tanks, wells, conduits and other places or works for water supply;

(b) for the regulation of public bathing, washing and the like;

(6) for the cleansing of privies, earth-closets, ashpits and cess-pools, and the keeping of privies supplied with sufficient water for flushing;

(7) (a) for the laying out of streets, for determining the information and plans to be submitted with applications for permission to lay out street; and for regulating the level and width of public streets and the height of buildings abutting thereon;

(b) for the regulation of the use of public streets, and the closing thereof or parts thereof;

(c) for the protection of avenues, trees grass and other appurtenances of public streets and other places;

(8) for the regulation of the use of parks, gardens and other public or corporation places;

(9) . (a) for the regulation of building;

(b) for determining the information and plans to be submitted with applications to build;

(c) for the licensing of plumbers, surveyors, architects, engineers and structural designers and for the compulsory employment of licensed architects, plumbers and surveyors;

(10) for the regulation and licensing of hotels, lodging houses, boarding houses, choultries, rest houses, restaurants, eating houses, cafes, refreshment rooms, coffee houses and any premises to

which the public are admitted for repose or for consumption of any food or drink or any place where any food or drink is exposed for sale;

(11) for regulating the mode of constructing stables, cattle-sheds and cow-houses and connecting them with corporation drains;

(12) for the control and supervision of public and private cart-stands, for the regulation of their use and for the levy of fees therein;

(13) for the sanitary control and supervision of factories and places used for any of the purposes specified in Schedule X and of any trade or manufacture carried on therein;

(14) (a) for the control and supervision of slaughter houses and of places used for skinning and cutting up of carcasses;

(b) for the control and supervision of the methods of slaughtering;

(c) for the control and supervision of butchers carrying on business in the city or at any slaughter-house outside the city provided or licensed by the corporation;

(15) for the inspection of milch-cattle and the regulation of the ventilation, lighting, cleaning drainage and water-supply of dairies and cattle-sheds in the occupation of persons following the trade of dairyman or milk-seller;

(16) for enforcing the cleanliness of milk-stores and milk-shops and vessels and utensils used by the keepers thereof or by hawkers for containing or measuring milk or preparing any milk product and for enforcing the cleanliness of persons employed in the milk trade;

(17) for requiring notice to be given whenever any milch-animal is affected with any contagious disease and prescribing the precautions to be taken in order to protect milch-cattle and milk, against infection and contamination;

(18) (a) for the inspection of public and private markets and shops and other places therein;

(b) for the regulation of their use and the control of their sanitary condition; and

(c) for licensing and controlling brokers, commission agents and weighmen and measurers practising their calling in markets;

(19) for the prevention of the sale or exposure for the sale of unwholesome meat, fish or provisions and securing the efficient inspection and sanitary regulation of shops in which articles intended for human food are kept or sold;

(20) (a) for the regulation of burial and burning and other places for the disposal of corpses;

(b) for the levy of fees the use of such burial and burning grounds and crematoria as are maintained by the Corporation;

(c) for the verification of deaths and the cause of death;

(d) for the period for which corpses must be kept for the inspection;

(e) for the period within which corpses must be conveyed to a burial or burning ground, and the mode of conveyance of corpses through public places;

(21) for the prevention of dangerous diseases of men or animals;

(22) for the enforcement of compulsory vaccination;

(23) for the prevention of out-breaks of fire;

(24) for the prohibition and regulation of advertisements;

(25) for the maintenance and protection of lighting system;

1[(26) x x x x]

1[(27) x x x x]

(28) for stopping, abating or controlling any excessive noise whether within or outside a building which may amount to nuisance;

(29) in general, for securing cleanliness, safety and order and the good government and well being of the city and for carrying out the all purposes of this Act.

424. Power to give retrospective effect to certain bye-laws and penalties for breaches of bye-laws.—

(1) Bye-laws with regard to the drainage of, and supply of water to, buildings and water-closets, earthclosets, privies, ash-pits and cess-pools in connection with buildings and the keeping of water-closets supplied with sufficient water for flushing may be made so as to affect buildings erected before the making of bye-laws under this Act.

(2) In making any bye-law under section 423 and this section the corporation may provide that a breach thereof shall be punishable.—

(a) with fine which may extend to fifty rupees, and in case of a continuing breach, with fine which may extend to fifteen rupees for every day during which the breach continues after conviction for the first breach, or

(b) with fine which may extend to ten rupees for every day during which the breach continues after receipt of notice from the Commissioner to discontinue such breach.

425. Sanction of bye-laws by Government.—

No bye-law made by the corporation under this Act shall have any validity unless and until it is sanctioned by the Government:

Provided that if the sanction is not accorded within three months the bye-laws shall be deemed to have been sanctioned.

426. Condition precedent to making of bye-laws.—

The power to make bye-laws under this Act is subject to the conditions—

(a) that a draft of the proposed bye-law is published in the Official Gazette and in the local newspapers;

(b) that the draft shall not be further proceeded with until after the expiration of a period of thirty days from the publication thereof in the Official Gazette or of such longer period as the corporation may appoint;

(c) that for at least thirty days, during such period a printed copy of the draft shall be kept at the corporation office for public inspection and all persons permitted to peruse the same at any reasonable time free of charge; and

(d) that printed copies of the draft shall be sold to any person requiring them on payment of such price, as the Commissioner may fix.

427. Power of Government to make rules in lieu of bye-laws.—

(1) If, in respect of any of the matters specified in section 423, the corporation has failed to make any bye-laws or if the bye-laws made by it are not, in its opinion adequate, the Government may make rules providing for such matters to such extent as it may think fit.

(2) Rules made under this section, may add to, alter, or cancel any bye-law made by the corporation.

(3) If any provision of a bye-law made by the corporation is repugnant to any provision of a rule made under this section, the rule shall prevail and the bye-law shall, to the extent of the repugnancy, be void.

(4) The provisions of sections 424, 426, of the second sentence of sub-section (1) of section 428 and of section 430 shall apply to the rules made under this section as they apply to the bye-laws made under section 423.

(5) Before making any rule under this section the Government shall give the corporation an opportunity of showing cause against the making thereof.

428. Publication of rules and bye-laws.—

When any rule or bye-law has been made under this Act, such rule or bye-law shall be published in the Official Gazette in English and in Kannada. A bye-law shall come into operation three months after it has been published as aforesaid.

(2) The Commissioner shall cause all rules and bye-laws in force to be printed in the said languages, and shall cause printed copies thereof to be sold to any applicant on payment of a fixed price.

(3) The Commissioner shall publish lists of officers and fines under this Act and the rules and bye-laws made under it, and shall cause printed copies thereof to be sold to any applicant on payment of fixed price.

(4) The Commissioner shall advertise in the local newspapers that copies of rules and bye-laws are for sale and specify the place where and the person from whom and the price at which, they are obtainable.

429. Publication of regulations.—

Regulations made under this Act shall be published in such manner as the corporation may determine.

430. Exhibition of rules, bye-laws and regulations.—

(1) Printed copies of bye-laws under sub-clauses (a), (b) and (c) of clause (7) and clause (8) of section 423 shall be affixed at the entrances to or elsewhere in the street park, or other place affected thereby in such conspicuous manner, as the Commissioner may deem best, calculated to give information to the person using such place.

(2) Printed copies of other bye-laws and of the rules and regulations shall be hung up in some conspicuous part of the corporation office. The Commissioner shall also keep affixed in a like manner

in places of public resort, markets, slaughter-houses and other places affected, thereby copies of such portions of the rules, bye-laws and regulations as may relate to these places.

(3) No corporation officer or servant shall prevent any person from inspecting at any reasonable time copies so exhibited.

(4) No person shall, without lawful authority, destroy, pull-down, injure or deface any copies exhibited as above or any board to which the copies have been affixed.

CHAPTER XX

PENALTIES

431. General provision regarding penalties specified in the schedules.—

(1) Whoever—

(a) contravenes any provisions of any of the sections of this Act or rules made under it, specified in the first column of Schedule XI;

(b) contravenes any rule or order made under any of the said sections or rules; or

(c) fails to comply with any direction lawfully given to him or any requisition lawfully made upon him under or in pursuance of the provisions of any of the said sections or rules, shall, on conviction, be punished with fine which may extend to the amount mentioned in that behalf in the third column of the said Schedule.

(2) Whoever after having been convicted of—

(a) contravening any provision of any of the section or rules of this Act specified in the first column of Schedule XII; or

(b) contravening any rule or order made under any of the sections or rules; or

(c) failing to comply with any direction lawfully given to him or any requisition lawfully made upon him under or in pursuance of any of the said sections or rules, continues to contravene the said provision or to neglect to comply with the said direction or requisition, as the case may be, shall, on conviction, be punished for each day after the previous date of conviction during which he continues so to offend, with fine which may extend to the amount mentioned in that behalf in the third column of the said Schedule.

Explanation.— The entries in the second column of Schedule XXI headed “subject” are not intended as definitions of the offences described in the sections, sub-sections, clauses or rules mentioned in the first column or as abstracts of those sections, sub-sections, clauses or rules, but are inserted merely as reference to the subject of the sections, sub-sections, clauses or rules, as the case may be.

432. Penalties for voting as councillor, acting as Mayor, Deputy Mayor when not entitled and for failure to hand over documents.—

(1) If a councillor votes in contravention of section 80 or if any person acts as a councillor knowing that under this Act or the rules made thereunder he is not entitled or has ceased to be entitled to hold such office, he shall, on conviction, be punished with fine not exceeding two hundred rupees for every such offence.

(2) If any person acts as or exercise the functions of the Mayor or Deputy Mayor knowing that under this Act or the rules made thereunder he is not entitled or has ceased to be entitled to hold such office or to exercise such functions he shall, on conviction be punished with fine not exceeding one thousand rupees for every such offence.

(3) If the Mayor or Deputy Mayor fails to hand over any documents of, or any money or other properties vested in or belonging to the corporation, which in or have come into, his possession or control, to his successor in office or other prescribed authority, in every case as soon as his term of office as Mayor or Deputy Mayor expires and

in the case of the Deputy Mayor also on demand by the Mayor, such Mayor or Deputy shall, on conviction, be punished with fine not exceeding one thousand rupees for every such offence.

433. penalty for acquisition by any councillor, the Commissioner or any corporation officer of interest in contract or work.—

If any councillor, the Commissioner or any corporation officer or servant knowingly acquires, directly or indirectly, by himself or in the name of any member of his family or by a partner or employer or servant any personal share or interest in any contract or employment with, by or on behalf of the corporation, he shall be deemed to have committed the offence punishable under section 168 of the Indian Penal Code 1860:

Provided that no person shall, by reason of being a shareholder in or member of a company be held to be interested in any contract between such company and the corporation unless he is a direction of such company.

434. Penalty for omission to take out licence for vehicle or animal.—

(1) Every owner or person in charge of any vehicle or animal liable to tax under section 118 who fails to obtain, within fifteen days of the service of a bill on him, a licence under section 122 shall, on conviction, be punished with fine not exceeding fifty rupees and shall also pay the amount of the tax payable by him in respect of such vehicle or animal.

(2) On payment of such fine and tax and of such costs as may be awarded, such owner or person shall receive a licence for the vehicle or animal in respect of which he has been fined and for the period during which he has been found to be in default.

(3) The provisions of this section shall apply to any person who, having compounded for the payment of a certain sum under

section 120 fails to pay such sum and the amount due for a licence shall in such case be taken as the amount so compounded for.

435. Penalty for willfully preventing distraint.—

Any person who willfully prevents distraint or sufficient distraint of property subject to distraint for any tax due from him, shall, on conviction by a magistrate be liable to a fine not exceeding twice the amount of the tax found to be due.

436. Penalty for unlawful building.—

(a) If the construction or reconstruction of any building or well—

(i) is commenced without the permission of the Commissioner, or

(ii) is carried on or completed otherwise than in accordance with the particulars on which such permission was based, or

(iii) is carried on or completed in contravention of any lawful order or breach of any provision of this Act or any rule or by-law made under it, or of any direction or requisition lawfully given or made, or

(b) if any alterations or additions required by any notice issued under section 308 or section 320 are not duly made, or

(c) if any person to whom a direction is given by the Commissioner to alter or demolish a building or well under section 321 fails to obey such direction, the owner of the building or well or said person, as the case may be, shall be liable on conviction to a fine which may extend in the case of a well or hut to fifty rupees and in the case of any other building to five hundred rupees, and to a further fine which may extend in the case of a well or hut to ten rupees and in the case of any other building to one hundred rupees for each day during which the offence is proved to have continued after the first day.

437. Notice to certain class of officers and servants of the corporation before discharge.—

(1) In the absence of a written contract to the contrary, every officer or servant of the corporation whose functions concern the public health and safety shall be entitled to one month's notice before discharge or to one month's wages in lieu thereof, unless he is discharged for misconduct or was engaged for a specified term and discharged at the end of it.

(2) Should any such officer or servant employed by the corporation in the absence of a written contract authorising him so to do, and without reasonable cause, resigns his employment or absents himself from his duties without giving one month's notice to the corporation or neglects or refuses to perform his duties or any of them, he shall be liable, on conviction, to a fine not exceeding fifty rupees or to imprisonment of either description which may extend to two months.

438. Wrongful restraint of Commissioner and his delegates.—

Every person who prevents the Commissioner or any person to whom the Commissioner has lawfully delegated his power from exercising his power of entering on any land or into any building shall be deemed to have committed an offence under section 341 of the Indian Penal Code.

439. Penalty for not giving information or giving false information.—

If any person who is required by the provisions of this Act or by any notice or other proceedings issued under this Act to furnish any information—

(a) omits to furnish it, or

(b) knowingly or negligently furnishes false information, such person shall, on conviction, be punished with fine not exceeding one hundred rupees.

440. Penalty for disobeying requisition under section 150 and Schedule IX.—

Any person who willfully neglects or refuses to comply with any requisition lawfully made upon him under section 150 and Schedule IX shall be punished with fine which may extend to one hundred rupees:

Provided that no proceedings under this section shall be instituted except with the written sanction of the Commissioner:

Provided further that before giving such sanction the Commissioner shall call upon the person against whom the proceedings are to be instituted to show cause why the sanction should not be given.

441. Penalty for unauthorised use of corporation property.—

Whoever dishonestly misappropriates or converts to his own use any corporation property or puts into improper or unauthorised use such property shall, on conviction, be punished with imprisonment which may extend to three months or with fine which may extend to five hundred rupees or with both.

442. Penalty for leaving vehicle or animal in dangerous position in public street.—

(1) No person in charge of a vehicle or animal shall cause or allow the vehicle or animal to remain at rest on any public street or public place in such a position or in such a condition or in such circumstances as to cause or is likely to cause danger, obstruction or undue inconvenience or nuisance to other users of the public street and no person in charge of a vehicle or animal shall allow any vehicle or animal to stand in a public street or public place unless it is under adequate control.

(2) Whoever contravenes sub-section (1) shall on conviction be punished with fine which may extend to one hundred rupees.

CHAPTER XXI

PROCEDURE AND MISCELLANEOUS

443. **General provisions regarding licences, registrations and permissions.—**

(1) Every licence or permission granted under this Act or any rule or bye-law made under it shall specify the period, if any, for which and the restrictions, limitations and conditions subject to which the same is granted and shall be signed by the Commissioner.

(2) (a) Save as otherwise expressly provided in or may be prescribed under this Act for every such licence or permission fees shall be paid in advance on such units and at such rates as may be fixed by the corporation:

Provided that not more than one fee shall be levied in respect of any purpose specified in more heads than one of Schedule X if such heads form part of a continuous process of manufacture and the fee so charged shall not exceed the highest fee chargeable in respect of any one of the said purposes.

(b) The corporation may compound for any period not exceeding three years at a time with the owner of any mill or factory for a certain sum, to be paid in lieu of the fees payable in respect of such mill or factory.

(c) Every order of the Commissioner or other municipal authority granting or refusing a licence or permission shall be published on the notice board of the corporation.

(3) Every order of the Commissioner or other municipal authority refusing, suspending, cancelling or modifying a licence or permission shall be in writing and shall state the grounds on which it proceeds.

(4) ¹[Notwithstanding anything contained in this Act,] any licence or permission granted under this Act or any rule or bye-law

1. Substituted in Act No.32 of 1986.

made under it, may at any time be suspended or revoked by the Commissioner, if any of its restrictions or conditions is evaded or infringed by the grantee or if the grantee is convicted of a breach of any of the provisions of this Act or of any rule, bye-law or regulation made under it, in any matter to which such licence of permission relates, or if the grantee has obtained the same by misrepresentation or fraud.

(5) It shall be the duty of the Commissioner to inspect places in respect of which a licence or permission is required by or under this Act, and he may enter any such place between sunrise and sunset, and also between sunset and sunrise if it is open to the public or any industry is being carried on at the time, and if he has reason to believe that anything is being done in any place without a licence or permission, where the same is required by or under this Act, or otherwise than in conformity with the same, he may at any time by day or night without notice enter such place for the purpose of satisfying himself whether any provision of law, rules, bye-laws, regulations, any condition of a licence or permission or any lawful direction or prohibition is being contravened and no claim shall lie against any person for any damage or inconvenience necessarily caused by the exercise of powers under this sub-section by the Commissioner or any person to whom he has lawfully delegated his powers or by the use of any force necessary for effecting an entrance under this sub-section.

(6) When any licence or permission is suspended or revoked or when the period for which it was granted or within which application for renewal should be made has expired, the grantee shall for all purposes of this Act, or any rule or bye-law made under it be deemed to be without licence or permission made until the order suspending or revoking the licence or permission is cancelled or subject to sub-section (10) until the licence or permission is renewed, as the case may be.

(7) Every grantee of any licence or permission shall at all reasonable times while such licence or permission remains in force, produce the same at the request of the Commissioner.

(8) Whenever any person is convicted of an offence in respect of the failure to obtain a licence or permission or to make registration required by the provisions of this Act, or by any rule or bye-law made under this Act, the magistrate shall, in addition to any fine which may be imposed, recover summarily and pay over to the corporation the amount of the fee chargeable for the licence or permission or for registration and may in his discretion also recover summarily and pay over to the corporation such amount, if any as he may fix as the costs of the prosecution.

(9) Such recovery of the fee under sub-section (8) shall not by itself entitle the person convicted to a licence or permission or to registration as aforesaid.

(10) The acceptance by the corporation of the pre-payment of the fee for a licence or permission or for registration shall not entitle the person making such pre-payment to the licence or permission or to registration, as the case may be, but only to refund of the fee in case of refusal of the licence or permission or of registration, but an applicant for the renewal of a licence or permission or registration, shall until communication of orders on his application, be entitled to act as if the licence or permission or registration had been renewed; and save as otherwise specially provided in this Act, if orders on an application for licence or permission or for registration are not communicated to the applicant within fortyfive days after the receipt of the application by the Commissioner, the application shall be deemed to have been allowed for the year or for such less period as is mentioned in the application and subject to the provisions of this Act, the rules, bye-laws, regulations and all conditions ordinarily imposed.

444. Appeal from Commissioner to standing committee.—

(1) An appeal shall lie to the Standing Committee from—

(a) any notice issued or other action taken or proposed to be taken by the Commissioner—

(i) under section 138, 247, 248, 249, 252, 308, 309, 321 (3), 322 (1), 323 (1), 328 (1), 329, 330, 337, 345, 347, 354, 355 and 358;

(ii) under any bye-law concerning house drainage or the connection of house drains with corporation drains; or house connections with corporation water supply or lighting mains.

(b) any refusal by the Commissioner to grant permission to construct or reconstruct a building under section 301 or 315;

(c) any refusal by the Commissioner to grant permission under section 135, 234, 326 or 354;

(d) any refusal by the Commissioner to grant a licence under section 346, 353, 365 or sub-section (2) of section 372; or

(e) any order of the Commissioner made under sub-section (4) of section 443 suspending or revoking a licence;

(f) any other order of the Commissioner that may be made appealable by rules made under section 421;

(2) If, on any such appeal, the standing committee reverses or substantially modifies any action taken or proposed to be taken by the Commissioner or any order passed by him, he may, within sixty days of the date of such decision, refer the matter to the corporation, and pending the decision of the corporation on such reference, the Commissioner shall not be bound to give effect to the decision of the standing committee.

(3) the decision of the standing committee or where the matter has been referred to the corporation as aforesaid, the decision of the corporation shall be final.

445. Period of limitation for appeals.—

In any case in which no time is laid down in the foregoing provisions of this Act for the presentation of an appeal allowed thereunder such appeal shall be presented—

(a) where the appeal is against an order granting a licence or permission, within ¹[sixty days] after the date of the publication of the order on the notice board of the corporation; and

(b) in other cases within sixty days after the date of receipt of the order or proceeding against which the appeal is made.

446. Power of person conducting election and other inquiries.—

All persons authorised by rule to conduct enquiries relating to elections and all inspecting or superintending officers holding any inquiry into matters falling within the scope of their duties, shall have for the purposes of such enquiries the same powers in regard to the issue of summonses for the attendance of witnesses and the production of documents as are conferred upon revenue officers by the Karnataka Land Revenue Act, 1964 and the provision of that Act shall apply to summonses issued and to persons summoned by virtue of the powers conferred by this section; and all persons to whom summonses are issued by virtue of the said powers shall be bound to obey such summonses.

447. Summons to attend and give evidence or produce documents.—

The Commissioner may summon any person to attend before him, and to give evidence or produce documents, as the case may be, in respect of any question relating to taxation, or inspection, or registration or to the grant of any licence or permission under the provisions of this Act.

448. 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.

449. Proof of consent of municipal authorities or corporation officers.—

Whenever under this Act or any rule, bye-law or regulation made under it, the doing of or omitting to do anything or the validity of anything depends upon the approval, sanction, consent, concurrence, declaration, opinion or satisfaction of—

1. Substituted in Act No.32 of 1986.

(a) the corporation, a standing committee or the Commissioner; or

(b) any corporation officer,

a written document signed in the case of (a), by the commissioner and in the case of (b) by the said corporation officer, purporting to convey or set forth such approval, sanction, consent, concurrence, declaration, opinion or satisfaction, shall be sufficient evidence thereof.

450. Signature on documents.—

(1) Every licence, permission, notice, bill, schedule, summons, warrant or other document which is required by this Act or by any rule, bye-law or regulation made under it to bear the signature of the Commissioner or of any corporation officer shall be deemed to be properly signed if it bears the facsimile of the signature of the Commissioner or of such corporation officer, as the case may be, stamped thereupon.

(2) Noting in sub-section (1) shall be deemed to apply to a cheque drawn upon the corporation fund or to any deed of contract.

451. Publication of notification.—

Save as otherwise provided, every notification under this Act shall be published in the Official Gazette, in English and in Kannada.

452. 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 posted in a conspicuous position at such office 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 posted and that the originals are open to inspection at the office of the corporation.

453. 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.

454. Notice of prohibition or setting apart of places.—

Whenever the corporation, a standing committee or the Commissioner shall have set apart any place for any purpose authorised by this Act or shall have prohibited the doing of anything in any place, the Commissioner shall forthwith cause to be put up 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.

455. Method of serving documents.—

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) 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

(c) 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

(d) 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) When ever 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.

456. 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.

457. 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 exempt from any fine or penalty to which he might otherwise have become liable by reason of default, in executing such works.

458. 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.

459. Commissioner's power of entry to inspect, survey or execute the work.—

The Commissioner or any person authorised by him in this behalf may enter into or on any building or land with or without assistants or workmen in order to make any inquiry, inspection, test, examination, survey, measurement or valuation or for the purpose of lawfully placing or removing meters, instruments, pipes or apparatus, or to execute any other work which he is authorised by the provisions of this Act or of any rule, bye-law, regulation or order made under it, or which it is necessary for any of the purposes of this Act or in pursuance of any of the said provisions to make or execute:

Provided that—

(a) except when it is in this Act otherwise expressly provided, no such entry shall be made between sunset and sunrise;

(b) except when it is in this Act otherwise expressly provided no dwelling house, and no part of a public building or hut, which is used as a dwelling place, shall be so entered without the consent of the occupier thereof, unless the said occupier has received at least twentyfour hours previous notice of the intention to make such entry;

(c) sufficient notice shall be in every case given even when any premises may otherwise be entered without notice, to enable the inmates of any apartment appropriated to females to withdraw to some part of the premises where their privacy may be preserved;

(d) due regard shall be paid, so far as may be compatible with the exigencies of the purpose of the entry, to the social and religious usages of the occupants of the premises.

460. Power to enter on lands adjacent to works.—

(1) The Commissioner or any person, authorised by him in this behalf may with or without assistant or workmen enter on any land adjoining or within fortyfive meters of any work authorised by this Act or by any rule, bye-law, regulation or order made under it, for the purpose of depositing on such land any soil, gravel, stone or other materials, or of obtaining access to such work, or for any other purpose connected with the carrying on thereof.

(2) The Commissioner or such authorised person shall, before entering on any land under sub-section (1), give the owner and occupier three days' previous notice of the intention to make such entry, and state the purpose thereof, and shall if so required by the owner or occupier, fence off so much of the land as may be required for such purpose.

(3) The Commissioner or such authorised person shall not be bound to make any payment, tender or deposit before entering on any land under sub-section (1), but shall do as little damage as may be. The Commissioner shall pay compensation to the owner or occupier of the land for such entry and for any temporary or permanent damage that may result therefrom.

(4) If such owner or occupier is dissatisfied with the amount of compensation paid to him by the Commissioner, he may appeal to the standing committee, whose decision shall be final.

461. Consequences of failure to obtain licences, etc., or breach of the same.—

(1) If, under this Act, or any rule, bye-law or regulation made under it the licence or permission of the Corporation, the standing committee or Commissioner or registration in the office of the Corpo-

ration 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 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 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 rupees for every such offence.

(2) No claim shall lie against the Commissioner 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.

462. 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 Commissioner may cause such work to be executed, or may take any measure or do anything which may, in his opinion, be necessary for giving due effect to the notice, requisition or order as aforesaid.

(3) If no penalty has been specially provided in this Act for failure to comply with such notice, the said person shall, on conviction, be punished with fine not exceeding fifty rupees for such offence.

463. Recovery of expenses from persons liable and limitation or liability of occupier.—

(1) The Commissioner may recover any reasonable expenses incurred under section 462 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 462 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 may (whether any action or other proceeding has been brought or taken against such owner or not) require the person if any, who occupies such property, or any part thereof, under the owner to pay to the corporation instead to the owner the rent payable by him in respect of such property, as it falls due, upto the amount recoverable from the owner under sub-section (1) or to such smaller amount as the Commissioner may think proper, and any amount so paid shall be deducted from the amount payable by the owner.

(3) For the purpose of deciding whether action should be taken under sub-section (2) the Commissioner may require any occupier of property to furnish information as to the sum payable by him as rent on account of such property and as to the name and address of the person to whom it is payable; and such occupier shall be bound to furnish such information.

(4) The provision of this section shall not affect any contract made between any owner and occupier respecting the payment of expenses of any such work as aforesaid.

464. Recovery of surcharges and charges how made.—

(1) Every sum certified by the auditor to be due from any person under rule 16 of Schedule IX shall be paid by such person into the treasury or bank in which the funds of the corporation are lodged, within one month from the receipt by him of the decision of the Commissioner, unless within that time such person has applied to the court or to the Government as provided in rule 15 of Schedule IX.

(2) The said sum, if not paid, or if an application has been made to the court or to the Government against the decision of the auditor as provided in rule 15 or 16 of Schedule IX such sum as the court or the Government shall declare to be due, shall be recoverable, on an application made by the Commissioner to the court, in the same manner as an amount decreed by the court in favour of the Commissioner.

465. Power of Commissioner to agree to receive payment of expenses in instalments.—

Instead of recovering any such expenses as aforesaid in the manner provided under section 470, 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 instalments 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.

466. Power to declare expenses on certain works as improvement expenses.—

If the expenses to be recovered have been incurred or are to be incurred in respect of any work mentioned—

(a) in section 189, section 225, section 227, clause (b) of sub-section (1) of section 272, section 283, sub-sections (1) and (2) of section 328, section 332 section 337, section 376 or section 462; or

(b) 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.

467. Improvement expenses by whom payable.—

(1) Improvement expenses shall be a charge on the premises, in respect of which or for the benefit of which the same shall have been incurred and shall be recoverable in instalments of such amounts, and at such intervals, as will suffice to discharge such expenses together with interest thereon within such period not exceeding twenty 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.

468. 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.

469. Relief to agents and trustees.—

(1) Where an agent, trustee, guardian, manager or receiver would be bound to discharge any obligation imposed by this Act, or any rule, bye-law, regulation or order made under it for the discharge of which money is required, he shall not be bound to discharge the obligation unless he has or but for his own improper act or default might have had, in his hands funds belonging to the principal or beneficial owner sufficient for the purposes.

(2) The burden of proving the facts entitling any person to relief under this section shall lie on him.

(3) When any person has claimed and established his right to relief under this section, the Commissioner may give him notice to apply to the discharge of such obligation as aforesaid the first moneys which shall come to his hands on behalf of or for the use of the principal or beneficial owner, as the case may be; and should he fail to comply with such notice he shall be deemed to be personally liable to discharge such obligation.

470. Recovery of sums due as taxes.—

All costs, damages, penalties, compensation, charges, fees, rents, expenses, contributions and other sums which under this Act or any rule, bye-law or regulation made thereunder or any other law or under any contract including a contract in respect of water-supply or drainage made in accordance with this Act, and the rules, bye-laws and regulations are due by any person to the corporation shall, if there is no special provision in this Act for their recovery be demanded by bill, containing particulars of the demand and notice of the liability incurred in default of payment and may be recovered in the manner provided in Chapter X unless within fifteen days from the date of service of the bill such person shall have applied to the District Court having jurisdiction, under section 471.

471. Determination by District Court of sums payable.—

Where in any case not provided for in section 480 any municipal authority or any person is required by or under this Act or any rule, bye-law, regulation or contract made under it to pay any costs, damages, penalties, compensation, charges, fees, rents, expenses, contributions, or other sums referred to in section 470, the amount or apportionment of the same, shall, in case of dispute, be ascertained and determined except as is otherwise provided in section 207, 407 or 460 or in the Land Acquisition Act, 1894, by the District Court having jurisdiction on application made to it for this purpose at any time within

six months from the date when such costs, damages, penalties, compensation, charges, fees, rents, expenses, contributions or other sums first became payable.

472. Proceedings before District Court.—

(1) On an application made under section 471, the District Court shall summon the other party to appear before it.

(2) On the appearance of the parties or, in the absence of any of them, on proof of due service of the summons, the District Court may hear and determine the case.

(3) In every such case the District Court shall determine the amount of the costs and shall direct by which of the parties the same shall be paid.

473. Recovery of sums payable by distress.—

If the sum due on account of costs, damages, penalties, compensation, charges, fees, rents, expenses, contribution or other sums ascertained in the manner described in section 471, is not paid by the party liable within fifteen days after demand such sum may be recovered under a warrant of the District Court, by distress and sale of the movable property of such party.

474. Limitation for recovery of dues.—

No distraint shall be made, no suit shall be instituted and no prosecution shall be commenced in respect of any sum due to the corporation under this Act after the expiration of a period of six years from the date on which distraint might first have been made, a suit might first have been instituted or prosecution might first have been commenced, as the case may be, in respect of such sum.

475. Procedure in dealing with surplus sale proceeds.—

If any property, movable or immovable is sold, under the provisions of this Act, and if there is a surplus after the sum due to the corporation and the costs have been deducted from the sale proceeds, such surplus shall, if the owner of the property sold claims it within three years from the date of the service or sending of the notice regarding such surplus be paid to him by the Commissioner, but if no

such claim is preferred within such time, the said surplus shall be credited to the corporation fund and no suit lie for the recovery of any sum so credited.

476. Power of Government to direct person in custody of corporation fund to pay Government and other dues.—

If the corporation makes default in the payment of any amount due to the Government, the Karnataka State Electricity Board, the Bangalore Water Supply and Sewerage Board or any other statutory authority, Government may make an order directing the person having the custody of the corporation fund to pay it in priority to any other charge against such fund, and such person shall, so far as the funds to the credit of the corporation admit, comply with such order.

477. Period of limitation for making complaints.—

No person shall be liable to be tried for any offence against any of the provisions of this Act, or of any rule, bye-law, regulation or order made under it, unless complaint is made within six months from the commission of the offence, by the police or the commissioner or by a person authorised in this behalf by the corporation or the standing committee or the Commissioner:

Provided that failure to take out a licence, obtain permission or secure registration under this Act shall, for the purposes of this section, be deemed a continuing offence until the expiration of the period, if any, for which the licence, permission or registration is required, and if no period is specified complaint may be made at any time within twelve months from the commission of the offence.

478. Cognizance of offences.—

All offences against this Act, or against any rule, bye-law, regulation or order made under it, whether committed within or outside the city, shall be cognizable by a first class magistrate having jurisdiction in the city; and such first class magistrate shall not be deemed to be incapable of taking cognizance of any such offence or of any offence against any enactment hereby repealed, by reason only of his being

liable to pay any corporation rate or other tax or of his being benefited by the corporation fund to the credit of which any fine imposed by him will be payable.

479. Imprisonment in default of payment and application of fines.—

(a) In case any fine, costs, tax or other sum of money imposed, assessed or recoverable by a magistrate under this Act or under any rule, bye-law, or regulation made under it, shall not be paid, the magistrate may order the offender to be imprisoned in default of payment subject to all the restrictions, limitations and condition imposed in sections 64 to 70 (both inclusive) of the Indian Penal Code.

(b) Any fine, costs, tax or other sum imposed, assessed or recoverable by a magistrate under this Act or any rule, bye-law or regulation made thereunder shall be recoverable by such magistrate, as if it were a fine imposed under the Code of Criminal Procedure 1973 (Central Act 2 of 1974) and the same shall on recovery be credited to the corporation fund.

480. Payment of compensation for damage to corporation property.—

If, on account of any act or omission, any person has been convicted of an offence against the provisions of this Act or against any rule, bye-law or regulation made under it and by reason of such act or omission damage has been caused to any property of the corporation the said person shall pay compensation for such damage, notwithstanding any punishment to which he may have been sentenced for the said offence. In the event of dispute, the amount of compensation payable by the said person shall be determined by the magistrate before whom he was convicted of the said offence on application made to him for the purpose by the Commissioner not later than three months from the date of conviction, and in default of payment of the amount of compensation so determined, it shall be recovered under a warrant from the said magistrate as if it were a fine inflicted by him on the person liable therefor.

481. Recovery of tax, etc., by suit.—

Nothing herein contained shall preclude the corporation from suing in a civil court for the recovery of any duty, fee, rate, charges or other amount due under this Act.

482. Institution of suits against municipal authority, officers and agents.—

(1) No suit shall be instituted against the corporation or any municipal authority, corporation officer or servant, or any person acting under the direction of the same, in respect of any act done in pursuance or in execution, or intended execution of this Act or any rule, bye-law, regulation or order made under it or in respect of any alleged neglect or default in the execution of this Act or any rule, bye-law, regulation or order made under it until the expiration of ¹[sixty days] after a notice has been delivered or left at the corporation office or at the place of abode of such officer, servant or person, stating the cause of action, the relief sought, and the name and place of abode of the intending plaintiff, and the plaint shall contain a statement that such notice has been so delivered or left.

²[(1A) A suit to obtain an urgent or immediate relief against the corporation or any municipal authority, corporation officer or servant in respect of any act done or purporting to be done by such officer or servant in his official capacity, may be instituted with the leave of the court, without serving any notice as required by sub-section (1), but the court shall not grant relief in the suit, whether interim or otherwise except after giving to the corporation officer or servant, as the case may be, a reasonable opportunity of showing cause in respect of the relief prayed for in the suit:

Provided that the court shall, if it is satisfied after hearing the parties that no urgent or immediate relief need be granted in the suit, return the plaint, for presentation to it after complying with the requirements of sub-section (1).]

1. Substituted by Act No.32 of 1986.

2. Inserted in Act No.32 of 1986.

(2) Every such suit shall be commenced, within six months after the date on which the cause of action arose or in case of a continuing injury or damage during such continuance or within six months after the ceasing thereof.

¹[(3) Omitted]

(4) If any person to whom any notice is given under subsection (1) tenders the amount to the plaintiff before the suit is instituted, and if the plaintiff, does not recover in any such action more than the amount so tendered he shall not recover any costs incurred after such tender and the defendant shall be entitled to costs as from the date of tender.

(5) Where the defendant in any suit is the Commissioner, a corporation officer or servant, payment of the sum or any part of any sum payable by him in or in consequence of the suit, whether in respect of costs, charges, expenses, compensation for damages or otherwise may be made, with the sanction of the standing committee, from the corporation fund.

483. Provisions respecting institution, etc., of civil and criminal actions and obtaining legal advice.—

The Commissioner may,—

(a) take, or withdraw from, proceedings against any person who is charged with,—

(i) any offence against this Act, the rules, bye-laws or regulations;

(ii) any offence which affects or is likely to affect any property or interest of the corporation or the due administration of this Act;

(iii) committing any nuisance whatsoever;

(b) compound any offence against this Act, the rules, bye-laws or regulations which may by rules made by the Government be declared compoundable;

1. Omitted in Act No.32 of 1986.

(c) defend himself if sued or joined as a party in assessment or tax;

(d) defend, or compromise any appeal against any proceedings in respect of the conduct of elections;

(e) take, with-draw from or compromise proceedings under sections 471 and 480 for the recovery of expenses or compensation claimed to be due to the corporation;

(f) withdraw or compromise any claim for a sum not exceeding five hundred rupees against any person in respect of a penalty payable under a contract entered into with such person by the Commissioner, or with the approval of the standing committee, any such claim for any sum exceeding five hundred rupees;

(g) defend any suit or other legal proceeding brought against the corporation or against any municipal authority, officer or servant in respect of anything done, or omitted to be done by them, respectively, in their official capacity;

[Provided that he shall, within fifteen days from the date of taking action under this clause report to the corporation with regard to such action.]

(h) with the approval of the standing committee, compromise any claim, suit or other legal proceedings brought against the corporation or against any municipal authority, officer or servant, in respect of anything done or omitted to be done as aforesaid;

(i) with the approval of the standing committee institute and prosecute any suit or withdraw from or compromise any suit or claim, other than a claim of the description specified in clause(f), which has been instituted or made in the name of the corporation or the Commissioner;

(j) obtain such legal advice and assistance as he may think it necessary or expedient to obtain, or as he may be desired by the corporation or the standing committee to obtain, for any of the purposes mentioned in the foregoing clause of this section or for securing the lawful exercise or discharge of any power or duty vesting in or imposed upon any municipal authority, officer or servant.

484. Legal cell.—

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

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

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

485. Indemnity to Government, municipal authorities, officers and servants.—

No suit, prosecution or other legal proceedings shall lie against the Government or any municipal authority, officer, or servant or any person acting under the direction of the Government or any municipal authority, officer or servant, in respect of anything in good faith done or intended to be done under this Act, or any rule, bye-law, regulation or order made under it.

486. Liability of Commissioner and councillor for loss, waste or misapplication of fund, etc.—

(1) The Commissioner and 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 wilful 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.

487. Sanction for prosecution of Mayor, Deputy Mayor, etc.—

When the Mayor or Deputy Mayor, or any councillor or the Commissioner or any officer of Government working in the corporation on deputation is accused of any offence alleged to have been committed by him while acting or purporting to act in the discharging of his official duty, no magistrate shall take cognizance of such offence except with the previous sanction of the Government.

488. 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.

489. 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 Commissioner or any corporation officer or servant or any person to whom the Commissioner has lawfully delegated powers reasonably demanding his aid for the lawful exercise of any power vesting in the Commissioner or in such corporation officer or servant or person under this Act or any such rule, bye-law or regulation, and for all such purposes he shall have the same powers which he has in the exercise of his ordinary police duties.

490. 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.

491. Exercise of powers of police officer by corporation servants.—

Government may empower any corporation officer or servant or any class of corporation officers or servants to exercise the powers of a police officer for the purposes of this Act.

492. Corporation security force.—

(1) There shall be constituted and maintained a force to be called the corporation security force,—

(i) for the better protection and security of the property owned by the corporation;

(ii) for aiding the officers of the corporation in the detection and investigation of any matter relating to leakage of revenue or any tax payable to the corporation;

(iii) for effective communication and obtaining of any information regarding any design to commit or the commission of any offence by any person under this Act, any rule, bye-law or regulation or order made under it.

(2) The corporation security force shall consist of such number of supervisory officers and members as may be determined by the corporation and shall be appointed by the Commissioner in accordance with such rules as may be prescribed.

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

493. Application of term “public servant”, to corporation officers, agents and sub-agents.—

Every councillor, officer or servant, every contractor or agent for the collection of any corporation tax, fee or other sum due to

the corporation and every person, employed by any such contractor or agent for the collection of such tax, fee, or sum shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code.

494. 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 Councilor, 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.

495. Prohibition against removal of mark.—

No person shall remove any mark set up for the purpose of indicating any level or direction incidental to the execution of any work authorised by this Act or any rule, bye-law, regulation or order made under it.

496. 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.

497. 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.

498. 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.

499. Offence by companies.—

(1) Where any offence under this Act has been committed by a company, every person who, at the time the offence was committed, was in charge of, and was responsible to, the company for the conduct of the business of the company, as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this sub-section shall render any such person liable to any punishment provided in this Act if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1) where an offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of or is attributable to any neglect on the part of any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation.—For the purpose of this section—

(a) “company” means a body corporate, and includes a firm;

(b) “director” in relation to a firm means a partner in the firm.

500. Effect of absorption of ¹[mandal] into a city.—

If any local area consisting of one or more revenue villages in respect of which a ¹[mandal] has been constituted under th ¹[Karnataka Zilla Parishads, Taluk Panchayat Samithis, Mandal Panchayats and Nyaya Panchayats Act, 1983,] is included in a city by virtue of a notification under sub-section (1) of section 4, then, notwithstanding anything contained in this Act or in the Karnataka Zilla Parishads, Taluk Panchayat Samithis, Mandal Panchayats and Nyaya Panchayats Act, 1983, but subject to the provisions of section 4 of this Act, with effect from the date on which such area is included in a city, the following consequences shall ensue, namely:—

(a) the ¹[mandal panchayat of such local area] (hereinafter referred to as the panchayat) shall cease to exist and the ¹[Zilla Parishad] in which such area is situated shall cease to have jurisdiction over such area;

(b) the unexpended balance of the ¹[mandal 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 city (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 ¹[Karnataka Zilla Parishads, Taluk Panchayat Samithis, Mandal Panchayats and Nyaya Panchayats Act, 1983,] 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;

1. Substituted in Act No.32 of 1986.

(d) all budget estimates, assessments, assessment lists, valuations or measurements, made or authenticated under the [Karnataka Zilla Parishads, Taluk Panchayat Samithis, Mandal Panchayats and Nyaya Panchayats Act, 1983.] 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 city when they were filed;

1. Substituted in Act 32 of 1986.

(i) all prosecutions instituted by or on behalf of the panchayat and all suits or other legal proceedings instituted by or against the panchayat or any officer of the panchayat pending on the said date shall be continued by or against the corporation as if the said local area had been included in the city when such prosecutions, suits or proceedings were instituted;

(j) all arrears of rates, taxes and fees vesting in the corporation shall, notwithstanding that such rates and fees cannot be levied under this Act, be recoverable in the same manner as a tax recoverable under this Act;

(k) until the reconstitution of the corporation in accordance with the provisions of this Act, notwithstanding anything to the contrary contained in this Act, such number of persons ordinarily resident in the local area included in the city who are nominated by the Government shall be additional councillors of the corporation.

501. Effect of absorption of a part of a ¹[mandal] into a city.—

If any part of an area within the limits of a ¹[mandal] is included in a city, then notwithstanding anything contained in this Act or in the ¹[Karnataka Zilla Parishads, Taluk Panchayat Samithis, Mandal Panchayats and Nyaya Panchayats Act, 1983,] but subject to the provisions of section 4 of this Act, with effect from the date on which such area is included in the city, the following consequences shall ensue namely:—

(a) so much of the ¹[Mandal Panchayat Fund] and other property vesting in the mandal panchayat shall be transferred to the corporation fund as the Government may, by order in writing, direct;

(b) the rights and liabilities of the ¹[mandal panchayat] in respect of civil and criminal proceedings, contracts, and other matters or things (including arrears of taxes, fees and cess) arising in or relating to the part of the area included in the city shall vest in the corporation; and such rights and liabilities may be enforced by or against the corporation under this Act or the rules, bye-laws and orders made thereunder;

1. Substituted in Act No.32 of 1986.

(c) such officers and servants of the ¹[mandal panchayat] shall be transferred to the corporation as the Government may, by order, direct.

²["501A. Effect of absorption of a municipality or sanitary board area, notified area or a town board area, into a city.—

If any local area comprised in a municipality or a sanitary board or a notified area or a town board constituted or continued under the Karnataka Municipalities Act, 1964 (Karnataka Act 22 of 1964) or any other law is included in a city by virtue of a notification under subsection (1) of section 4, then, notwithstanding anything contained in this Act or the Karnataka Municipalities Act, 1964 or any other law, but subject to the provisions of section 4, with effect from the date on which such area is included in the city, the following consequences shall ensue, namely:—

(a) the municipal council or the sanitary board, or the notified area committee or the town board of such local area (hereinafter referred to as the local authority) shall cease to exist;

(b) the unexpended balance of the fund of the local authority (including arrears of rates, taxes and fees) belonging to the local authority and all rights and powers which, prior to such notification, vested in the local authority shall, subject to all charges and liabilities affecting the same, vest in the corporation of the city (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 any law or rule immediately before the said date in respect of the said local authority shall continue in force and be deemed to have been made, issued, imposed or granted under this Act until it is superseded or modified by any appointment, notification, notice, tax, order, scheme, licence, permission, rule, bye-law or form made, issued, imposed or granted under this Act;

1. Amended by Act No.32/86.

2. Inserted by Act.28 of 1980 S. 4 (1-6-1977)

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

(e) all debts and obligations incurred and all contracts made by or on behalf of the local authority immediately before the said date and subsisting on the said date shall be deemed to have been incurred and made by the Corporation in exercise of the powers conferred on it by this Act;

(f) all officers and servants in the employ of the local authority 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 provisions of this Act, receive salaries and allowances and be subject to the conditions of service to which they were entitled 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 should have been entitled to take or receive on being invalidated out of service, as if the local authority in the employ of which he was, had not ceased to exist;

(g) all proceedings pending on the said date before the local authority 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 city when they were filed;

(i) all prosecutions instituted by or on behalf of the local authority and all suits or other legal proceedings instituted by or against the local authority or any officer of the local authority pending on the said date shall be continued by or against the corporation as if the area of the said local authority had been included in the city when such prosecutions, suits or proceedings were instituted;

(j) all arrears of rates, taxes and fees vesting in the corporation shall, notwithstanding that such rates and fees cannot be levied under this Act, be recoverable in the same manner as a tax recoverable under this Act;

(k) until the reconstitution of the corporation in accordance with the provisions of this Act, notwithstanding anything to the contrary contained in this Act, such number of persons as may be prescribed ordinarily resident in the area of the said local authority included in the city, who shall be nominated by the Government shall be additional councillors of the corporation.]

§501B. Effect of absorption of a part of a municipality or a sanitary board or notified area or town board into a city.—

If any part of a local area comprised in a municipality or a sanitary board or a notified area or a town board constituted under the Karnataka Municipalities Act, 1964, (Karnataka Act No.22 of 1964), or any other law is included in a city then, with effect from the date on which such area is included in the city, the following consequences shall ensue, namely:—

(a) so much of the funds and other property vesting in the municipal council, sanitary board, notified area committee or town board (hereinafter referred to as the local authority) shall be transferred to the corporation funds as the Government may, by order, in writing, direct;

(b) the rights and liabilities of the local authority in respect of civil and criminal proceedings, contracts and other matters or things

(including arrears of tax, fees and cess) arising in or relating to the part of the area included in the city shall vest in the corporation and such rights and liabilities may be enforced by or against the corporation under this Act or the rules, bye-laws and orders made thereunder;

(c) such officers and servants of the local authority, as the Government may, by order, direct shall be transferred to the corporation and the officers and servants so transferred shall, until other provision is made in accordance with the provisions of this Act, receive salaries and allowances and be subject to the conditions of service to which they were entitled or subject immediately before such transfer.

501C. Effect of declaration of a city municipality and some other areas as a city under this Act.—

If any local area having a city municipal council and one or more other local authorities is declared to be a city under section 3, then, notwithstanding anything contained in this Act or in the Karnataka Municipalities Act, 1964 or in the law applicable to such other local authorities, with effect from the date of such declaration, such city municipal council and local authorities shall cease to exist and the members thereof shall vacate their offices and the following consequences shall ensue namely:—

(a) the provisions of the Karnataka Municipalities Act, 1964 and the law applicable to the other local authorities shall not apply to the local area declared to be a city:

Provided that any appointment, notification, notice, tax, order, scheme, licence, permission, rule, bye-law or form made or issued or imposed under the said laws in respect of such city municipality and other local authorities which were in force as applicable immediately before the date of such declaration shall continue in force and be deemed to have been made, issued or imposed under the provisions of this Act unless and until it is superseded by any appointment, notification, notice, tax, order, scheme, licence, permission, rule, bye-law or form, made or issued or imposed under this Act;

(b) the unexpended balance of the funds of the said city municipal council and the local authorities (including arrears of rates, taxes and fees) belonging to the said municipal council and the local authorities and all properties, rights, liabilities and powers which, prior to such declaration, vested in the city municipal council and other local authorities shall, subject to all charges and liabilities affecting the same, vest in the corporation of the city (hereinafter referred to as the corporation);

(c) all budget estimates, assessment lists, valuations or measurements, made or authenticated under any law or rule immediately before the said date of declaration in respect of the said city municipal council and the local authorities shall be deemed to have been made or authenticated under this Act;

(d) all debts and obligations incurred and all contracts made by or on behalf of the city municipal council and the local authorities immediately before the said date of declaration and subsisting on the said date shall be deemed to have been incurred and made by the corporation in exercise of the powers conferred on it by this Act;

(e) all officers and servants in the employ of the city municipal council and the local authorities immediately before the said date of declaration shall become officers and servants of the corporation under this Act and shall, until other provision is made in accordance with the provisions of this Act, receive salaries and allowances and be subject to the conditions of service to which they were entitled 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 city municipality or the local authority in the employ of which he was, had not ceased to exist;

(f) all proceedings pending on the said date before the city municipal council or the local authorities shall be deemed to be transferred to and shall be continued before the Corporation;

(g) 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 city when they were filed;

(h) all prosecutions instituted by or on behalf of the city municipal council and the local authorities, all suits or other legal proceedings instituted by or against the city municipal council and the local authorities or any officer thereof pending on the said date shall be continued by or against the corporation as if the area of the city municipal council and the local authorities had been included in the city 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, 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 the councillors of the corporation of the city shall consist of the councillors of the city municipal council and such number of other persons as may be nominated by the Government and such nominated persons shall, as far as may be practicable, be persons who are the members of the other local authorities which have ceased to exist;

(k) the President and the Vice-President of the city municipal council shall be the Mayor and the Deputy Mayor of the corporation;

(l) where, under the provisions of section 315 or section 316 of the Karnataka Municipalities Act, 1964, either an administrator or an officer has been appointed to exercise the powers and perform the duties of the said city municipal council, then, such administrator or officer shall be deemed to be an administrator appointed in respect of the corporation under section 99 of this Act for a period of one year. The Government may if in its opinion it is necessary so to do, curtail the said period or extend the same, either prospectively or retrospectively in the manner specified in section 101. The advisory council, if any, appointed to advise and assist the administrator appointed under section 315 of the Karnataka Municipalities Act, 1964 shall be deemed to be an advisory committee appointed under sub-section (6) of section 99.

501D. Removal of difficulties.—

If any difficulty arises in giving effect to the provisions of section 501A or section 501B, or section 501C 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.]

502. Special provisions as to rural areas.—

Notwithstanding anything contained in the foregoing provisions of this Act,—

(a) a corporation with the previous approval of the Government may, by notification,—

(i) exempt the rural areas or any portion thereof from such of the provisions of this Act as it deems fit;

(ii) levy taxes, rates, fees and other charges in the rural areas or any portion thereof at rates lower than those at which such taxes, rates, fees, and other charges are levied in the urban areas or exempt such areas or portion from any such tax, rate, fee or other charge;

(b) the corporation with the previous approval of the Government may, by notification, declare that any portion of the rural

areas shall cease to be included therein and upon the issue of such notification, that portion shall be included in and form part of the urban area.

Explanation.— In this section.—

(i) “rural areas” means, the areas of the city which immediately before the date of their inclusion in the city were situated within the local limits of any Panchayat established under the Karnataka Village Panchayats and Local Boards Act, 1959, but shall not include such portion thereof as may by virtue of a notification under clause (b) of this section cease to be included in the rural areas as herein defined;

(ii) “urban areas” means the areas of the city which are not rural areas.

503. Declaration of city municipality as a city under this Act.—

(1) Subject to the provision of section 3 the Government may declare by notification that any city municipality constituted under the Karnataka Municipalities Act, 1964 (Karnataka Act 22 of 1964) shall with effect from a date to be specified in such notification be a city constituted under section 3 of this Act.

(2) The provisions of the Karnataka Municipalities Act, 1964 applicable to such city municipality shall not apply to any local area declared as a city under sub-section (1) with effect from the date specified in the declaration:

Provided that any appointment, notification, notice, tax, order, scheme, licence, permission, rule, bye-law or form made or issued or imposed under the said Act in respect of such city municipality which were in force as applicable immediately before the date specified under sub-section (1) shall continue in force and be deemed to have been made, issued or imposed under the provisions of this Act unless

and until it is superseded by any appointment, notification, notice, tax, order, scheme, licence, permission, rule, bye-law or form made or issued or imposed under this Act.

(3) With effect from the date of declaration of any area as a city under sub-section (1), the following consequences shall ensue, namely:—

(a) the body functioning as a city municipal council under the Karnataka Municipalities Act, 1964 immediately before the date of the said declaration in respect of the said area shall become a body competent to exercise the powers and perform the duties conferred by the provisions of the Act on a corporation in respect of the said area until a corporation is duly constituted for the area within the jurisdiction of such body under the provisions of this Act;

(b) the councillors of the city municipal council holding office as such immediately before the said date shall become councillors of the corporation;

(c) the president of the said city municipal council shall become the Mayor of the corporation and discharge duties and perform functions of the Mayor under this Act and the vice-president of the said city municipal council shall become the Deputy Mayor of the said corporation under this Act;

¹[(cc) Where, under the provisions of section 315 or section 316 of the Karnataka Municipalities Act, 1964 either an administrator or an officer has been appointed, to exercise the powers and perform the duties of the Municipal Council, then, such administrator or officer shall be deemed to be an Administrator appointed under section 99 for a period of one year. The Government may, if in its opinion it is necessary so to do,] ²[curtail or extend the said period, either prospectively or retrospectively, under section 101;]

(d) the unexpended balance of the municipal fund and the property (including arrears of rates, taxes and fees), belonging

1. Inserted by Act 24 of 1978 S. 10 (1-6-1977)

2. Substituted by Act 40 of 1981 S. 7 (1-6-1977)

to the said city municipal council and all rights and powers which prior to the said declaration vested in the city municipal council shall, subject to all charges and liabilities affecting the same, vest in the corporation as the corporation fund;

(e) any appointment, notification, notice, tax, order, scheme, licence, permission, rule, bye-law or form, made or issued under any other law in respect of such municipality shall continue in force and be deemed to have been made issued or imposed under the provisions of this Act, unless and until it is superseded by any appointment, notification, notice, tax, order, scheme, licence, permission, rule, bye-law or form, made or issued or imposed under this Act;

(f) all budget estimates, assessment lists, valuation or measurements made or authenticated under the Karnataka Municipalities Act, 1964 immediately before the said date shall be deemed to have been made or authenticated under this Act;

(g) all debts and obligations incurred and all contracts made by or on behalf of the city municipal council 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 powers conferred on it by or under the Act;

(h) all proceedings pending prior to the said declaration before the city municipal council shall be continued by the corporation;

(i) all appeals pending before any authority shall so far as may be practicable, be disposed of as if the said area had been included in the corporation when they were filed;

(j) all prosecutions instituted by or on behalf of the city municipal council and all suits or other legal proceedings instituted by or against the city municipal council or any officer of the city municipal council pending at the said date shall be continued by or against the corporation as if such area had been included in the corporation when such prosecutions, suits or proceedings were instituted;

(k) all officers and servants in the employ of the city municipal council immediately before the said date shall become officers and servants of the corporation under this Act and shall, and until other provision is made in accordance with the provisions of this Act, receive salaries and allowances and be subject to the conditions of service to which they were entitled 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 city municipal council in the employ of which he was, had not ceased to exist.

(4) A corporation shall be duly constituted for the city under this Act before the expiry of such period as the Government may, by notification, specify and from the date of the first meeting of the corporation as so constituted the body exercising the powers and performing the duties of the corporation shall stand dissolved.

(5) The properties, rights and liabilities of the municipal council of a city municipality declared as a city under sub-section (1) shall vest in the corporation of the said city with effect from the date specified in the notification.

¹[503A. Constitution of the first corporation, etc.—

Notwithstanding anything contained in section 501C or section 503, the Government may, in respect of a city declared under the said section or under section 3, either before or after the commencement of the Karnataka Municipal Corporations (Amendment) Act, 1982, nominate the first Councillors, the first Mayor and the first

1. Inserted by Act 8 of 1982 S. 3 (9-11-1981)

Deputy Mayor and constitute an interim corporation and the standing committees for such period not exceeding three years as it may think fit.]

504. The provisions of the Karnataka Agricultural Produce Marketing (Regulation) Act, 1966 not affected.—

The provisions of this Act in so far as they relate to markets and other premises shall not be applicable to any market established under the Karnataka Agricultural Produce Marketing (Regulation) Act, 1966 and the provisions of this Act with respect to any other market shall be in addition to and not in derogation of the said Act.

505. Exercise of powers by a corporation to be in conformity with the provisions of the Karnataka Town and Country Planning Act, 1961.—

Notwithstanding anything contained in this Act, a corporation or any officer or other authority required by or under this Act to exercise any power, or perform any function or discharge any duty,—

(i) with regard to any matter relating to land use or development as defined in the Explanation to section 14 of the Karnataka Town and Country Planning Act, 1961, shall exercise such power, or perform such function or discharge such duty with regard to such land use or development plan or where there is no development plan, with the concurrence of the Planning Authority;

(ii) shall not grant any permission, approval or sanction required by or under this Act to any person if it relates to any matter in respect of which compliance with the provisions of the Karnataka Town and Country Planning Act, 1961 is necessary unless evidence in support of having complied with the provisions of the said Act is produced by such person to the satisfaction of the corporation or the officer or other authority, as the case may be.

506. Transitional and transitory provisions.—

(1) Notwithstanding anything contained in this Act, until the constitution of a corporation in accordance with the provisions of this Act for the City of Bangalore and the City of Hubli-Dharwar,—

(i) the corporation of the City of Bangalore constituted under the City of Bangalore Municipal Corporation Act, 1949 and the Hubli-Dharwar Corporation constituted under the Bombay Provincial Municipal Corporations Act, 1949, functioning immediately before the commencement of this Act, shall on and from the date of such commencement become bodies competent to exercise the powers in respect of the City of Bangalore and the City of Hubli-Dharwar as the case may be;

(ii) the persons holding office immediately before the date of commencement of this Act, as Mayor, Deputy Mayor or councillor of the City of Bangalore Corporation or the Hubli-Dharwar Corporation as the case may be, shall with effect from such date become Mayor, Deputy Mayor or councillor respectively of the corporation of the City of Bangalore or the corporation of the City of Hubli-Dharwar, as the case may be, and they shall continue to discharge the functions conferred on a Mayor, Deputy Mayor, or councillor as the case may be under this Act until a Mayor, a Deputy Mayor or councillor elected in accordance with this Act for the corporation of the City of Bangalore or the City of Hubli-Dharwar as the case may be, constituted under this Act;

(iii) the standing committees functioning immediately before the commencement of this Act shall stand dissolved with effect from the date of such commencement and the chairmen and members of such standing committees shall cease to be the chairmen and members respectively and the Corporation of the City of Bangalore and the Corporation of the City of Hubli-Dharwar shall at their first meeting immediately after the commencement of this Act elect members of the standing committees as provided for in this Act and the standing com

mittees so constituted shall elect the chairman in accordance with the provisions of this Act and such standing committees shall exercise the powers and perform the functions of the standing committees under this Act until standing committees are constituted by the said corporation after general elections are held in accordance with the provisions of this Act;

(iv) subject to any order made under section 508, casual vacancies in the seats of councillors of the bodies exercising the powers and performing the duties of a corporation under this sub-section shall be filled and all matters in connection with the filling up of such vacancies shall be regulated in accordance with the provisions governing the filling of such vacancies and regulating such matters immediately before the said date in the city of Bangalore and the City of Hubli-Dharwar before commencement of this Act;

¹[(v) Where, under the provisions of the City of Bangalore Municipal Corporation Act, 1949 or the Bombay Provincial Municipal Corporation Act, 1949 either an administrator or a person has been appointed to exercise the powers and perform the duties of the Corporation, and the Standing Committees and other Committees, then, such administrator or person shall be deemed to be an Administrator appointed under section 99 for a period of one year. The Government may, if in its opinion it is necessary so to do, extend the said period under section 101;

(vi) all officers and servants in the employment of the Corporation of the City of Bangalore and the Hubli-Dharwar Corporation, immediately before the commencement of this Act, shall become officers and servants of the respective Corporations under this Act and shall, until other provision is made in accordance with the provisions of this Act, receive salaries and allowances and be subject to the conditions of service to which they were entitled to immediately before such date:

1. Inserted by Act 24 of 1978 S. 11 (1-6-1977)

Provided that it shall be competent to the respective Corporations, subject to the previous sanction of the Government, to discontinue the services of any officer or servant, who, in its opinion, is not necessary or suitable for the requirements of the service under it after giving such officer or servant such notice as is required to be given by the terms of his employment and every officer or servant whose services are dispensed with shall be entitled to such leave, pension, provident fund and gratuity as he would have been entitled to take or receive on being invalidated out of service, as if the Corporation, in the employ of which he was, had not ceased to exist.]

(2) A corporation shall be duly constituted under provisions of this Act, before the expiry of such period from the date of commencement of this Act as the Government may, by notification specify in respect of the City of Bangalore and the City of Hubli-Dharwar as the case may be, and from the date of the first meeting of the corporation as so constituted the bodies exercising the powers and performing the duties of a corporation shall stand dissolved.

507. Repeal and savings.—

(1) The City of Bangalore Municipal Corporation Act, 1949 (Mysore Act LXIX of 1949) and Bombay Provincial Municipal Corporation Act, 1949 (Bombay Act LIX of 1949) are hereby repealed:

Provided that such repeal shall not affect—

- (a) the previous operation of the said enactments or anything duly done or suffered thereunder; or
- (b) any right, privilege, obligation or liability acquired, accrued or incurred under the said enactments; or
- (c) any penalty, forfeiture or punishment incurred in respect of any offence committed against the said enactments; or
- (d) any investigation, legal proceeding or remedy in respect of any such right, privilege, obligation, liability, forfeiture or punishment as aforesaid,

and any such investigation, legal proceeding or remedy may be instituted, continued or enforced, and such penalty, forfeiture or punishment may be imposed as if this Act had not been passed:

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

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

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

(2) Notwithstanding anything contained in sub-section (1), any tax, duty, fee or cess imposed under the said enactments may, notwithstanding that 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.

508. Orders for bringing this Act into force.—

(1) Notwithstanding anything contained in this Act or in any other law, the Government may by order published in the Official Gazette make such provision not inconsistent with the provisions of this Act as appears to it to be necessary or expedient—

(a) for bringing the provisions of this Act into effective operation;

(b) for making omissions from, additions to and adaptations and modifications of the rules, bye-laws, regulations, notifications and orders in their application to any corporation;

(c) for removing difficulties arising in connection with the transition to the provisions of the Act;

(d) for authorising the continued carrying on for the time being on behalf of corporations of the services and activities previously carried on by them;

(e) so far as it appears necessary or expedient in connection with any of the matters aforesaid for varying the powers of jurisdiction of any court or authority and empowering new courts or other authorities to exercise such jurisdictions as may be specified in such order.

(2) Any order under sub-section (1) may be either prospective or retrospective in operation as may be specified in such order.

(3) All orders made under sub-section (1) shall be laid before both Houses of the State Legislature and shall, subject to such modification as the State Legislature may make during the session in which they are so laid, have effect as if enacted in this Act.

SCHEDULE 1**Rules of procedure for the conduct of business of the corporation
and committees**

(See section 71)

1. In these rules, 'member' means a councillor.

2. The corporation shall meet in the corporation office for the transaction of business atleast once every month upon such day and such hours as may be arranged and also at other times as often as a meeting may be convened by the Mayor:

Provided that no meeting shall be held or continued on any day earlier than 8-00 A.M. or later than 7-00 P.M.

3. (1) No meeting shall be held unless at least six clear days before the day of meeting notice of the day and hour when the meeting is to be held and of the business to be transacted there at has been given to the members.

(2) In cases of urgency, the Mayor, may convene a meeting after giving to the members shorter notice than that specified in sub-rule (1). In such cases notice of the day and hour of the meeting shall be published in such manner as the Mayor may deem most expedient.

4. At an ordinary meeting held in each of the months of April, June, August, October, December and February, the Mayor shall place before the corporation a statement of receipts and disbursements on account of the corporation fund from the close of the last preceding year upto the close of the month before that in which the meeting takes place.

5. (1) The Mayor shall call a special meeting on receiving a request in writing signed by not less than one-third of the members specifying the resolution which it is proposed to move.

(2) No special meeting shall be held unless at least four clear days' notice, specifying the purpose for which such meeting

is to be held and the date and hour thereof, has been given by a separate communication addressed to each member and by advertisement in the local newspapers.

6. If the offices of Mayor and Deputy Mayor are vacant, the duties assigned to the Mayor by rules 2 to 5 shall be performed by the Commissioner.

7. All meetings of the corporation shall be open to the public provided that the Mayor, Deputy Mayor or presiding member may direct that the public generally or any particular person shall withdraw.

8. All questions which may come up before the corporation at any meeting shall be decided by a majority of the votes of members present and voting at the meeting and in every case of equality of votes, the Mayor, Deputy Mayor or presiding member shall have and exercise a second or casting vote.

9. No business shall be transacted at any meeting unless there be present at least one-third of the total number of members.

10. No resolution of the corporation shall be modified or cancelled within three months after the passing thereof except at a meeting specially convened in that behalf and by a resolution of the corporation supported by not less than two-thirds of the total number of members.

11. (1) Minutes of the proceedings of the corporation shall be entered in Kannada and in English in a book to be called the minute book specifying the names of the councillors who attended the meeting, the business transacted, the decision of the corporation in respect of each item of business, the date of the meeting and the time of commencement and closing of the meeting and shall be signed by the Mayor, Deputy Mayor or presiding member after each meeting. The minutes shall be written by the council Secretary.

(2) The minute book shall be open at the corporation office at all reasonable times to the inspection of any councillor without payment and to the inspection of any other person on payment of a fee of fifty paise and subject to such conditions as the corporation may impose.

12. The Commissioner may grant copies of the proceedings of the corporation and the standing committees on payment of such fees as the corporation may by general or special order determine.

13. No subject which is not connected with the business of the corporation under this Act, the rules, the regulations or the bye-laws shall be raised or allowed to be raised or be included in the agenda of any meeting of the corporation.

14. The Mayor or Deputy Mayor or the members presiding over a meeting shall preserve order there at and shall have all the powers necessary for the purpose of enforcing his decisions.

15. During a meeting of the corporation, a member—

(i) shall not read any book, newspaper or letter except in connection with the business of the corporation;

(ii) shall not interrupt any member while speaking by disorderly expression or noise or in any other disorderly manner;

(iii) shall not leave the meeting when the person presiding is addressing the meeting;

(iv) shall always address the person presiding;

(v) shall maintain silence when not speaking in the meeting;

(vi) shall not obstruct proceeding, hiss or interrupt and shall avoid making running commentaries when speeches are being made in the meeting.

16. A member while speaking shall not,—
- (i) refer to any matter on which judicial decision is pending;
 - (ii) make a personal charge against a member;
 - (iii) use offensive expression about the conduct, or proceeding, of members of Parliament or State Legislature;
 - (iv) Utter treasonable, seditious or defamatory words;
 - (v) use his right of speech for the purpose of obstructing the business of the corporation.

17. The Mayor or Deputy Mayor or the member presiding over a meeting may direct any councillor whose conduct is, in his opinion, grossly disorderly to withdraw immediately from the meeting and any councillor so directed to withdraw shall do so forthwith and shall absent himself during the remainder of the day's meeting.

18. (1) The person presiding may, if he deems it necessary name a member who disregards the authority of the Chair or abuses the rules of procedure by persistently and wilfully obstructing the transaction of business of the corporation meeting.

(2) If a member is so named, the person presiding shall forthwith put the question that the named member be suspended from the meeting of the corporation for such days as the person presiding may specify in the question:

Provided that the corporation may at any time on a motion being made resolve that such suspension be terminated.

(3) A member suspended under this rule shall forthwith withdraw from the place of the meeting. If the member refuses to withdraw from the meeting, the person presiding may cause such person to have him bodily removed by the use of minimum force necessary for enforcing his decision.

19. In all matters not specifically provided for in this Act, regulations, bye-laws or the rules in regard to matters relating to conduct of business at a meeting of the corporation, the person presiding shall have and may exercise such powers as are necessary for the efficient discharge of his functions.

THE STANDING COMMITTEES

20. Each standing committee shall meet at the corporation office at least once a month on such day and such hour as the standing committee shall from time to time determine.

21. The chairman of a standing committee may, at any time, call a meeting of the committee and shall do so within fortyeight hours of the receipt of a requisition signed by the Commissioner or by three members of the committee and stating the business to be transacted.

22. Every notice of meeting shall be issued by the council Secretary.

23. All questions which may come up before a standing committee at any meeting shall be decided by the majority of the votes of the members present and voting at the meeting and in every case of equality of votes, the chairman or presiding member shall have and exercise a second or casting vote.

24. (1) All minutes of the proceedings of each standing committee shall be entered in a book and shall be signed by the chairman or presiding member after each meeting. The minutes shall be written by the council secretary.

(2) The minute book shall be placed before the corporation at its next meeting.

25. In any case in which two or more standing committees have passed conflicting decisions, and such conflict has not been adjusted or otherwise dealt with by a conference of such committees or a joint committee as provided in sub-section (4) of section 62, the

Commissioner shall submit a report to the Mayor who shall place the subject before a meeting of the corporation and pending the resolution of the corporation the Commissioner shall withhold all action in regard to the matter at issue.

26. Any member of a standing committee, other than the Mayor or Deputy Mayor, who fails to attend three consecutive meetings shall cease to be a member of such standing committee but may be re-elected by the corporation.

27. Every resolution of a standing committee shall be made available to every member of the committee within fifteen days from the date of the passing of such resolution and the corporation may, on a motion by any member of the corporation modify or amend or revoke any such resolution.

SCHEDULE II
ESSENTIAL SERVICES

[See sections 2(10) and 92]

CLASS I .

- (a) Scavenging or cleansing streets or premises.
- (b) Maintaining, repairing, cleansing of flushing drains.
- (c) Removing or disposing of excretions or polluted matter from houses, privies, urinals or cesspools.
- (d) Removing carcasses.
- (e) Preventing nuisances generally.

CLASS II

- (a) Fire brigade service.
- (b) Services in connection with the maintenance of service of any corporation water works, drains, pumping stations or fire hydrant, including—
 - (i) Inspectors,
 - (ii) Sub-Inspectors,
 - (iii) Foremen,
 - (iv) Mechanics,
 - (v) Drivers,
 - (vi) Watchmen,
 - (vii) Labourers,
 - (viii) Workmen.
- (c) Lamp Lighters

SCHEDULE III
TAXATION RULES
(See sections 103 and 147)

PART I

Provisions common to taxes in general

1. (1) The Commissioner shall prepare and keep assessment books in such form and in such parts and sections as he thinks fit, showing the persons and property liable to taxation under this Act.

(2) The assessment books and where detailed particulars relating to any assessment are kept in separate records, the portion thereof containing such particulars shall be open at all reasonable times and without charge to inspection by any person who pays any tax to the corporation or his authorised agent and such person or agent shall be entitled to take extract free of charge from the said books and records.

(3) The account books of the corporation shall be open without charge to inspection by any person who pays tax to the corporation or his authorised agent on a day or days in each month to be fixed by the corporation.

2. The Commissioner shall, save as otherwise provided in this Act, determine the tax to which each property or person is liable:

Provided that in the case of taxes payable by the Commissioner, the original assessment shall be made by the Mayor.

3. (1) The Commissioner shall give to every person making payment of a tax a receipt therefor signed by him or some person duly authorised by him in that behalf.

(2) Such receipt shall specify—

(a) the date thereof;

(b) the name of the person to whom it is granted;

- (c) the tax in respect of which payment has been made and in the case of property tax, also the property in respect of which payment has been made;
- (d) the period for which payment has been made; and
- (e) the amount paid.

PART II

Assessment of property tax

4. The Commissioner shall enter in the assessment books the annual value of all buildings, lands and the tax payable thereon. Such books shall also record the following particulars with regard to each assessable item—

- (i) the serial number, description and name (if any) of the item;
- (ii) the name of the division and of the street, if any, in which it is situated and any survey or other number which it bears;
- (iii) the name of the owner;
- (iv) the name of the occupier;
- (v) the rateable value;
- (vi) the amount of the tax payable.

5. The assessment books shall be completely revised by the Commissioner once in every five years.

6. An assessment once made shall continue in force until it is revised and until the revised assessment takes effect.

7. When assessment books have been prepared for the first time and whenever a general revision of such books has been completed, the Commissioner shall give public notice—

- (a) specifying the time when and the place where the books may be inspected; and
- (b) Stating that the revision petitions will be considered if

they reach the corporation office within thirty days from the date of such notice:

Provided that in every case where there is an enhancement in the assessment, the Commissioner shall also cause intimation thereof to be given by a special notice to be served on the owner or occupier of the property concerned:

Provided further that in every case where a special notice is required to be served on the owner or occupier under the first proviso, the period of thirty days referred to in clause (b) shall be calculated from the date of service of such special notice.

8. The Commissioner may, after giving notice to the parties concerned and hearing their objections, if any, amend the property tax assessment books at any time between one general revision and another by inserting therein or removing therefrom any property or by altering the valuation of any property or the amount of tax. Such amendment shall be deemed to have taken effect on the first day of the half year in which it is made:

Provided that when the amendment is made in any half year after the demand notice for that half year has been issued, it shall have effect only from the succeeding half year.

9. In every case in which between one general revision and another, Commissioner assesses any property for the first time or increases the assessment on any property otherwise than in consequence of a general enhancement of the rate at which the property tax is leviable, the Commissioner shall intimate by a special notice to the owner or occupier of such property that a petition for revising the assessment will be considered if it reaches the corporation office within thirty days from the date of service of such notice.

10. Any person may, at any time, not being less than thirty days before the end of a half year, move the Commissioner by revision petition to reduce the tax to which he is liable for the forthcoming half

year on the ground that the property in respect of which the tax is imposed has decreased since the assessment of the property was last made or revised.

11. No petition under rules 7, 9 or 10 shall be disposed of unless the petitioner has been given a reasonable opportunity to appear either in person or by authorised agent and to represent his case.

12. Immediately after the disposal of a revision petition, the Commissioner shall inform the petitioner or his authorised agent, in writing of the orders passed thereon and shall direct him to pay the amount fixed on revision within fifteen days after the date of receipt of such intimation or if the amount is not already due, within fifteen days from the date on which it becomes due and shall, if necessary, cause the assessment books to be corrected.

13. (1) A general revision shall be deemed to have taken effect on the first day of the half year following that in which the notice under rule 7 is published or in a case where a special notice is required to be served on the owner or occupier of the property under the first proviso to that rule, on the first day of half year following that in which such special notice is served on the owner or occupier of the property.

(2) Any correction in the assessment books made by the commissioner under rule 12 or rule 24 shall be deemed to have effect on the first day of the half year to which the assessment which was appealed against relates.

Explanation.— The levy of a new class of property tax or an enhancement in the rate at which any class of property tax is leviable is no amendment or revision within the meaning of this rule and shall have effect from the day fixed for the levy or enhancement.

14. The first payment of tax shall, save as provided in rule 12, be made within sixty days of the day specified in rule 13.

Revision of Assessment.

15. An assessee who is dissatisfied with the assessment of any tax under this Act other than the property tax, may make an application in writing to the Commissioner for the revision of such assessment stating the grounds of his objection thereto.

16. No application for revision under rule 15 shall be admitted.—

(a) Unless the application has reached the corporation office within seven days from the date of demand provided that the Commissioner may, if he thinks fit, extend the period within which notice of objection should be delivered to a period not exceeding one month; and

(b) unless the tax based on the assessment prevailing in the year previous to the year in question was paid before making the application.

Explanation.— The preferring or pendency of an application for the revision of the assessment of any tax shall not—

(a) bar the collection thereof; or

(b) operate as a stay of proceedings to enforce payment of the same.

17. (1) All such application and all petitions under rules 7, 9 or 10 shall be entered in a register to be maintained for the purpose; and on receipt of any application or petition, notice shall be given to the applicant or petitioner of a time and place at which his application or petition will be considered.

(2) At the said time and place, the Commissioner shall hear the objection in the presence of the objector or his agent if appears or may for reasonable cause adjourn the investigation.

(3) When the objection has been determined, the order

passed shall be recorded in the register together with the date of such order and communicated to the objector or his agent by registered post.

18. When an objector is dissatisfied with the order passed by the Commissioner under sub-rule (3) or rule 17 he may within fifteen days from the date on which such order was sent by post appeal against it to a committee called the Taxation Appeals Committee consisting of three members of the corporation elected by it, the chairman of which committee will also be elected.

The Taxation Appeals Committee shall have all the powers of a standing committee under sub-sections (1) and (2) of section 74 shall apply to requisitions made by the Taxation Appeals Committee as if it were a standing committee.

19. (1) The Divisional Commissioner of the Revenue Division, having jurisdiction may, *suo moto* or otherwise, call for and examine the record of any proceeding relating to assessment of any tax under this Act and these rules by the Commissioner or the Taxation Appeals Committee, and if he considers that any order or decision therein is erroneous in so far as it is prejudicial to the interests of the revenues of the corporation, he may after giving the assessee an opportunity of being heard and after making or causing to be made such inquiry as deems necessary pass such order thereon as the circumstances of the case justify including an order enhancing the assessment of any tax.

(2) For purposes of sub-rule (1), the Divisional Commissioner shall have all the powers of the Government under section 95.

20. (a) An appeal shall lie to the District Court, having jurisdiction against any decision of the Taxation Appeals Committee constituted under rule 18 or any order of the Divisional Commissioner under rule 19 but no such appeal shall be heard by the said court, unless the petition of appeal has been presented within thirty days from the date of such decision or order, as the case may be, and the tax has been paid within the said period.

Explanation.— In the case of a tax leviable by half yearly instalments the requirements of this clause as to payment of tax shall be deemed to have been satisfied if the half yearly instalment due under the order appealed against has been paid.

(b) The court may for sufficient cause excuse delay in the presentation of an appeal.

(c) The provisions of the Limitation Act, 1963 (Central Act 36 of 1963) relating to appeal shall apply to every appeal preferred under this rule.

21. The court may direct who shall bear the costs of an appeal under the above rule.

22. The District Court having jurisdiction may, if it thinks fit, state a case on any appeal for the decision of the High Court and shall do whenever a question of law is involved, if either the Commissioner or the appellant applies in writing in that behalf within fifteen days from the decision of the District Court and deposits such sum as the District Court thinks necessary to defray the cost of the reference.

23. (a) The High Court may pass such order as it thinks fit on a reference under rule 22.

(b) Upon production of a copy of the order passed under clause (a) the District Court shall proceed to dispose of the case in conformity with the terms of the order, and may direct who shall bear the costs of the appeals and reference.

24. The assessment books maintained by the Commissioner shall be corrected in accordance with the decision of the Taxation Appeals Committee or where there is an appeal to the District Court, in accordance with its judgment under rule 20 or sub-rule (b) of rule 21 as the case may be, and in the event of the amount of any tax being reduced or remitted by the said committee or court, the Commissioner shall grant a refund accordingly.

25. Subject to any order of the District Court or the Divisional Commissioner or the decision of the Taxation Appeals Committee or the orders passed by the Commissioner, as the assessment or demand of any tax shall be final:

Provided that where any assessment or demand is not in accordance with the assessment books, nothing in this rule shall be deemed to prohibit a fresh assessment or demand of the tax being made in accordance therewith.

PART III

Collection of Taxes

26. (1) Where any tax, not being a tax in respect of which a notice has to be served under section 125 or a direction has to be given under rule 12, is due from any person, the Commissioner shall cause to be served upon or sent to such person a bill for the sum due before proceeding to enforce provisions of rule 27:

Provided that this sub-rule shall not be applicable in respect of property tax payable under section 112.

(2) A notice under section 121 and a bill under sub-rule (1) shall be signed by the Commissioner and shall contain—

(a) a statement of the period and a description of the occupation, property or thing for which the tax is charged and other particulars of the demand, and

(b) notice of the liability which may be incurred in default of payment.

27. (1) If the amount due on account of any tax is not paid within fifteen days from the service of the notice or bill or the giving of the direction referred to in section 121 or rule 12 or rule 26 or within thirty days after the commencement of the half year under section 113 and if the person from whom the tax is due has not shown cause to the

satisfaction of the Commissioner why it should not be paid, the Commissioner may recover by distraint under his warrant and sale of the movable property of the defaulter or if the defaulter is the occupier of any building or land in respect of which a tax is due, 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 the tax together with the warrant fee and distraint fee and with such further sums as will satisfy the probable charges, that will be incurred in connection with the detention and of the sale of property so distrained:

Provided always that movable property described in the proviso to sub-section (1) of section 60 of the Code of Civil Procedure, 1908 (Central Act 5 of 1908), shall not be liable to distraint.

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

(3) Nothing herein contained shall preclude the corporation from suing in a Civil Court for the recovery of any tax, duty or other amount due to it under this Act.

28. Under a special order in writing of the Commissioner or any officer charged with the execution of a warrant of distress may, between sunrise and sunset, break open any outer or inner door or window of a building in order to make the distress, if he has reasonable ground for believing that such building contains property which is liable to seizure and if, after notifying his authority and purpose, and duly demanding admittance, he cannot otherwise obtain admittance:

Provided that such officer shall not enter or break open the door of any apartment appropriated to women until he has given three hours notice of his intention and has given such women an opportunity to withdraw.

29. The officer charged with the execution of a warrant, shall, before making a distraint, demand payment of the tax due and the warrant fee. If the tax and fee are paid no distraint shall be made.—

(a) seize such movable property of the defaulter as he may think necessary;

(b) make an inventory of the property seized; and

(c) give to the person in possession of the property seized at the time of seizure a copy of the inventory and the notice of sale:

Provided that a period of seven days shall be allowed for paying the amounts due and redeeming the property seized.

30. The distress shall not be excessive, that is to say, the property distrained shall be as nearly as possible equal to the value of the tax due by the defaulter, together with all expenses incidental to the warrant, distraint, detention and sale.

31. (1) If the amount due by the defaulter on account of the tax, warrant, fee and distraint fee and the expenses incidental to the detention of the property are not paid within the period of seven days mentioned in the notice given under rule 29 and if the distraint warrant is not suspended by the Commissioner, the property seized or a sufficient portion thereof, shall be sold by public auction under the orders of the Commissioner who shall apply the proceeds of the sale to the payment of the amount due on account of the tax, the warrant fee and the distraint fee and the expenses incidental to the detention and sale of the property, and shall return to the person in whose possession the property was at the time of seizure any property which may remain after the sale and the application of the proceeds thereof as aforesaid if application is made by such person within three year from the date of the sale. If no such application is made, the property so remaining shall be forfeited to the corporation. If the proceeds of the sale are insufficient for the payment of the amount due on account of the tax, the warrant fee and distraint fee and the expenses incidental to the detention and sale

of the property, the Commissioner may again proceed under rules 27 and 28 in respect of the sum remaining unpaid.

(2) When the property seized is perishable or subject to speedy and natural decay or if the expense of keeping it well, together with the amount of tax due, exceed the value of the property, the Commissioner may sell it any time before the expiry of the said period of seven days unless the amount due is sooner paid.

(3) The Commissioner shall consider any objections to the distraint of any property which are made within the said period of seven days and may postpone the sale pending investigation thereof. If the Commissioner decides that the property attached was not liable to distraint, he shall return it or if it has already been sold, the proceeds of the sale to the person appearing to be entitled thereto any may again proceed under rules 27 and 28; and all fees and expenses connected with the first distraint and sale shall be recoverable from the defaulter if it shall appear to the Commissioner that he wilfully permitted the distraint of the property when to his knowledge it was not liable to distraint.

32. (a) Fees shall be levied on distraints under this Act with reference to the amount due for which the distraint is made and according to the rates specified in the following table:—

Sum distrained for	Fees
	Rs. P.
Under one rupee.	Twenty five paise
One rupee and over but under five rupees.	Fifty paise
Five rupees and over but under ten rupees.	One rupee
Ten rupees and over, but under fifteen rupees	One rupee and fifty paise

Sum distrained for	Fees
	Rs. P.
Fifteen rupees and over, but under twenty rupees	Two rupees
Twenty rupees and over, but under twenty-five rupees	Two rupees and fifty paise
Twenty-five rupees and over, but under thirty rupees.	Three rupees
Thirty rupees and over, but under thirty-five rupees.	Three rupees and fifty paise
Thirty-five rupees and over, but under forty rupees	Four rupees
Forty rupees and over, but under forty five rupees	Four rupees and fifty paise
Forty-five rupees and over, but under fifty rupees.	Five rupees
Fifty rupees and over, but under sixty rupees.	Six rupees
Sixty rupees and over, but under eighty rupees	Seven rupees and fifty paise
Eighty rupees and over, but under one hundred rupees.	Nine rupees
One hundred rupees and over	Ten rupees

- (b) Such fees shall include all expenses except—
- (i) the cost of maintaining any live-stock or the expenses incidental to the detention of the distrained property; and
 - (ii) the charge payable on account of staff kept in charge of the distrained property, namely, fifty paise daily for each member five staff.

33. (a) The movable property of a defaulter may be distrained wherever it may be found within the State of Karnataka.

(b) If it is necessary to distrain property outside the limits of the city, the Commissioner shall address his warrant to such public servant having local jurisdiction as the Government may by general or special order direct.

(c) Such public servant shall execute the warrant himself or cause it to be executed by some person subordinate to him.

(d) Subject to the modification set out in the following clauses the provisions of rules 28 to 32 (both inclusive) shall apply to the execution of the warrant and the disposal of the sale proceeds.

(e) For the purpose of action under rule 28 no special order in writing of the Commissioner shall be required, but if the Public servant to whom the warrant is addressed charges any subordinate with the execution thereof, he shall furnish such subordinate with a special order in writing to that effect, and such subordinate shall then have authority to take action under the rule.

(f) For the purpose of action under rule 31 the public servant to whom the warrant is addressed may without further orders from the Commissioner, sell or direct the sale of the property seized, and shall on completion of the sale transmit the proceeds to the Commissioner subject to such deduction, if any, as may be necessary to meet expenses incurred locally.

(g) It shall be unlawful for such public servant himself or for any person subordinate to him to purchase directly or indirectly any property at any such sale.

34. If any tax due from any person remains unpaid in whole or in part at the end of the period specified in sub-rule (1) of rule 27 and such person has left the State of Karnataka and cannot be found, the said tax such part thereof as remains unpaid together with all sums payable or connection therewith shall be recoverable as if it were an arrear of land revenue.

35. (1) Every person who is prosecuted under sub-rule (2) of rule 27 shall be liable on proof to the satisfaction of the magistrate that he wilfully omitted to pay the amount due by him, pay a fine not exceeding twice the amount which may be due by him on account of—

(a) the tax and the warrant fee, if any, and

(b) if distraint has taken place, the distraint fee and the expenses incidental to the detention and sale, if any, of the property distrained.

(2) Whenever any person is convicted of an offence under sub-rule (1) the magistrate shall in addition to any fine which may be imposed, recover summarily and pay over to the corporation, the amount under the heads specified in clauses (a) and (b) of sub-rule (1), and may in his discretion also recover summarily and pay to the corporation such amount, if any, as he may fix as the costs of the prosecution.

36. Neither the Commissioner nor any corporation officer or servant shall directly or indirectly purchase any property at any sale of distrained property held under the foregoing rules.

37. In these rules, the expression 'tax' includes payments due by way of penalty under section 112 or by way of composition for a tax.

SCHEDULE IV

(See section 103)

MAXIMUM RATES OF TAX ON SHOPS AND OTHER PLACES OF BUSINESS OR PROFESSION

Items	Class					
	1st	2nd	3rd	4th	5th	6th
1. Shops— For each shop per year	100	80	60	40	20	10

	Items	Class					
		1st	2nd	3rd	4th	5th	6th
2.	Other places where business or profession is carried on,						
3.	For each place per year	50	40	30	20	10	5

SCHEDULE V

(See sections 103 and 118)

CARRIAGES, BOATS AND ANIMALS LIABLE TO TAXATION WITH THE MAXIMUM RATES OF TAXATION

	Yearly Rs. P.
1. For every four-wheeled vehicle with springs constructed to be drawn by two or more horses, bulls or bullocks.	6.00
2. For every cart or other vehicle without springs drawn by animals.	4.00
3. For every boat	4.00
4. For every elephant	24.00
5. For every horse	6.00
6. For every bullock or bull or he-buffalo	1.00
7. For every ass	0.50
8. For every trailer other than those exempted from municipal tax under the Karnataka Motor Vehicles Taxation Act, 1957.	10.00

¹[SCHEDULE VI xxx]

1. Omitted by Act. No. 21 of 1979, S.9 (31-3-1979)

SCHEDULE VII

(See section 103)

**MAXIMUM RATES OF TOLLS PAYABLE ON ENTERING
THE CORPORATION LIMITS**

	Yearly Rs. P.
1. Goods vehicle or stage carriage as defined in the motor Vehicles Act, 1939 (Central Act IV of 1939) other than those exempted from municipal toll under the Karnataka Motor Vehicles Taxation Act, 1957.	Two rupees
2. Motor cab as defined in the Motor Vehicles Act, 1939 (Central Act IV of 1939) other than those exempted from municipal toll under the Karnataka Motor Vehicles Taxation Act, 1957.	Two rupees
3. Trailer attached to goods-vehicle other than those exempted from municipal toll under the Karnataka Motor Vehicles Taxation Act, 1957.	One rupee
4. On every four-wheeled carriage	Fifty paise
5. On every two-wheeled carriage on springs other than jutka.	Twenty five paise
6. On every jutka laden	Fifteen paise
7. On every jutka unladen	Ten paise
8. On every other vehicle with springs	Fifteen paise
9. On every cart or other vehicle not on springs drawn by two bullocks, buffaloes, horses, ponies, asses or mules, if laden.	Twenty five paise

	Yearly Rs. P.
10. On every cart or other vehicle not on springs drawn by two buffaloes, bullock, horses, ponies, asses or mules, if not laden.	Fifteenpaise
11. On every cart or other vehicle not on springs drawn by a single bullock, buffalo, horse, pony, ass or mule, if laden.	Fifteenpaise
12. On every cart or other vehicle not on springs drawn by a single bullock, buffalo, horse, pony, ass or mule, if not laden.	Ten paise

SCHEDULE VIII

(See section 103)

TAX ON ADVERTISEMENTS

Sl. No.	Particulars	Maximum amount of tax per annum
1	2	3
		Rs.
1.	Non-illuminated advertisements on land, building, wall, boardings, frame, post, structures, etc.	
	(a) For a space up to 1 sq. m.	10
	(b) For a space over 1 sq. m. and upto 2.5 sq. m.	16
	(c) For every additional 2.5 sq. m. or less	16

1	2	3
2.	Non-illuminated advertisements carried on vehicles drawn by bullocks, horses or other animals, human beings, cycle or any other device carried on any vehicle—	
	(a) For a space up to 5 sq. m.	60
	(b) For every additional 5 sq. m. or less	60
3.	Illuminated advertisement boards carried on vehicles	
	(a) For a space upto 5 sq. m.	75
	(b) For every additional 1 sq. m. or less	15
4.	Non-illuminated advertisement boards, carried by switch boardmen.—	
	(a) For each board not exceeding 1 sq. m.	15
	(b) For each board exceeding 1 sq. m. and upto 2.5 sq. m.	30
	(c) For each additional 1 sq. m. in area or less	15
5.	Illuminated advertisement boards carried by switch boardmen.—	
	(a) For each board not exceeding 1 sq. m	30
	(b) For each board exceeding 1 sq. m. and upto 2.5 sq. m.	50
	(c) For each additional 1 sq. m. in area or less	20
6.	Illuminated advertisements on land, building, wall or boardings, frame, post, structures, etc.	
	(a) For a space upto 2 sq. m.	15
	(b) For a space over 2 sq. m. and upto 5 sq. m.	30
	(c) For a space over 5 sq. m. and upto 2.5 sq. m.	35
	(d) For every additional 2.5 sq. m. or less	25

1	2	3
7.	Advertisements exhibited on screens in cinema houses and other public places by means of lantern slides or similar devices.	
	(a) For a space upto 5 sq. m.	50
	(b) For a space over 5 sq. m. upto 2.5 sq. m.	55
	(c) For every additional 2.5 sq. m. or less	55
8.	Non-illuminated advertisements suspended across streets.	
	(a) For a space upto 1 sq. m.	10
	(b) For a space over 1 sq. m. and upto 2.5 sq. m.	16
	(c) For every additional 2.5 sq. m. or less	16
N.B.	The tax on item 8 will be in addition to the rent for the space which will be chargeable according to the scale to be determined by the Commissioner.	
9.	Non-illuminated, advertisement, boards standing blank but bearing the name of the advertiser or the announcement "To be let" displayed thereon.	
	(a) For a space upto 1 sq. m.	5
	(b) For a space over 1 sq. m. and upto 2.5 sq. m.	8
	(c) For every additional 2.5 sq. m. or less	8
10.	Permission to auctioneers to put up not more than two boards of reasonable size advertising each auction sale, other than those in the premises where the auction is held, one on a prominent site in the locality and one on a corporation lamp post.	100 (including the rent for exhibiting the board on corporation lamp post).

SCHEDULE IX
FINANCIAL RULES

(See section 151)

PART I

*Authorised expenditure and investment of corporation fund and
manner of payment from the fund*

1. The purposes to which the corporation fund may be applied include all objects expressly declared obligatory or discretionary by this Act and in general everything necessary for or conducive to the safety, health, convenience or education of the citizens or to the amenities of the city and everything incidental to the administration and the fund shall be applicable thereto within the city subject to these rules and such further rules or special order as the Government may prescribe or issue: and shall be applicable thereto outside the city if the expenditure is authorised by this Act or specially sanctioned by the Government.

2. The items of expenditure incidental to the administration include,—

(a) the provision and maintenance of a principal corporation office and record room and of other offices with the cost of appurtenances and fittings and insurance;

(b) salaries, allowances, liveries, pensionary and provident fund contributions, gratuities and pensions and the cost provident vehicles for the commissioner and the corporation officers and servants, study leave allowances of professional officers and subordinates; sending corporation servants to any hospital or institute for treatment; the purchase of provisions and other necessaries for sale to corporation subordinates.

Explanation.— ‘Salary’ for the purpose of this rule shall include the privilege, if any granted by the corporation of receiving payments in kind in lieu of the whole or a portion of the salary by purchasing articles from the corporation at such prices as the corporation may fix from time to time;

(c) stationery, printing and all office and advertising expenses including the cost of reporting the discussions of the corporation;

(d) legal expenses;

(e) election expenses;

(f) auditor’s fees;

(g) the provision and maintenance of corporation workshops;

(h) corporation surveys, the preparation of maps of the city and of proposed extensions;

(i) the preparation and maintenance of record of rights in immovable property;

(j) the acquisition of land for all or any of the purposes of the Act.

3. All moneys received by the corporation shall be lodged in such bank or treasury as the Government may by order direct and shall be credited to an account entitled the ‘Corporation Fund Account’:

Provided that any such moneys may, with the sanction of the Government—

(i) be invested in any of the securities which may be approved by the Government or

(ii) be placed on a fixed deposit in any bank approved by the Government.

4. (1) All orders or cheques against the corporation fund shall be signed by the Commissioner or in his absence by the revenue officer, and the bank or treasury in which the fund is lodged shall, so far as the funds to the credit of the corporation admit, pay all orders or cheques against the fund which or so signed.

(2) If the corporation shall have given previous authority in writing, such bank or treasury may at once pay out of the corporation fund without such orders or cheques any expense which the Government have incurred on behalf of the corporation.

5. The payment of any sum out of the corporation fund may be made or authorised by the Commissioner if such sum is covered by a budget grant and sufficient balance of such budget grant is available.

6. The payment of any sum out of the corporation fund may be made or authorised by the Commissioner in the absence of budget provision in the case of—

(a) refunds of taxes and other moneys authorised by law, rule, bye-law or regulation;

(b) repayments of moneys belonging to contractors or other persons and held in deposit and of moneys collected or credited the corporation fund by mistake;

(c) costs incurred by the Commissioner in the exercise of his powers under clause (b) of sub-section (1) of section 64;

(d) sums payable under sections 97 and 165;

(e) sums payable under a decree or order of a civil court passed against the corporation or under a compromise of any suit or legal proceeding or claim;

(f) any sum which the Commissioner is required by law, rule or bye-law to pay by way of compensation or expenses;

(g) the salary payable to a special health officer appointed under section 85;

(h) expenses incurred by the Commissioner under section 406 and expenses lawfully incurred in anticipation of recoupment from a person liable under any provision of law:

Provided that the Commissioner shall forthwith communicate the circumstances to the standing committee which shall take any action that may in the circumstances be necessary or expedient to cover any expenditure not covered by a budget grant.

7. The Commissioner shall not overdraw.

PART II

Audit, surcharge and disallowances

8. The corporation chief auditor appointed under section 150 hereinafter referred to as the auditor shall maintain and keep a continuous audit of the corporation accounts.

9. (1) The commissioner shall submit all accounts to the auditor as required by him.

(2) The commissioner shall make ready the annual accounts and registers and produce them before the auditor for scrutiny not later than the first day of October in the year succeeding that to which such account and registers relate.

10. (1) The auditor may,—

(a) require in writing the production of such vouchers, statements, returns, correspondence, notes or other documents in relation to the accounts as he may think fit;

(b) require in writing any salaried servant of the corporation accountable for, or having the custody or control of such voucher, statements, returns, correspondence, notes or other documents or of any property of the corporation or any person having directly or indirectly

by him or his partner, any share or interest in any contract with or under the corporation to appear in person before him at his office and answer any question;

(c) in the event of an explanation being required from a member of a corporation in writing, invite such person to meet him at his office and shall in writing specify the point on which his explanation is required.

(2) The auditor may, in any requisition or invitation made under this rule fix a reasonable period, not being less than three days within which the said requisition or invitation shall be complied with.

(3) The auditor shall give to the corporation not less than two weeks' notice in writing of the date on which he proposes to commence the audit:

Provided that, notwithstanding anything contained in this sub-rule the auditor may, for special reasons which shall be recorded in writing, give shorter notice than two weeks or commence a special or detailed audit without giving notice.

11. The auditor shall include in his report a statement of,—

(a) every payment which appears to him to be contrary to law;

(b) the amount of any deficiency or loss which appears to have been caused by the gross negligence or misconduct of any person.

(c) the amount of any sum received which ought to have been, but is not brought into, account by any person; and.

(d) any material impropriety or irregularity which he may observe in the accounts other than those mentioned in clauses (a) (b) and (c).

12. The auditor shall submit to the standing committee for taxation and finance a final statement of the audit and duplicate copy

thereof to the Government within a period of three months from the end of the financial year, or within such other period as the Government may notify.

13. (1) The standing committee shall forthwith remedy any defects or irregularities that may be pointed out by the auditor and report the same to the corporation.

(2) The corporation shall submit its remarks on the audit report, if any, to the Government through the Controller, State Accounts Department within six months after the receipt of the report by the corporation.

14. (1) The auditor may disallow every item contrary to law and surcharge the same on the person making or authorising the making of the illegal payment; and may charge against any person responsible thereof the amount of any deficiency or loss incurred by the wilful negligence or misconduct of that person or of any sum which ought to have been but is not brought into account by that person and shall, in every such case, certify the amount due from such person.

(2) The auditor shall state in writing the reasons for his decision in respect of every disallowance, surcharge or charge and furnish by registered post a copy thereof to the person against whom it is made.

(3) If the person to whom a copy of the auditor's decision is so furnished refuses to receive it, shall nevertheless be deemed to have been duly furnished with a copy of such decision within the meaning of sub-rule (2). The period of fourteen days fixed in rules 15 and 16 shall be calculated from the date of such refusal.

15. Any person aggrieved by disallowance, surcharge or charge made may, within fourteen days after he has received or been served with the decision of the auditor, either,—

(a) apply to the District Court, to set aside such disallow-

ance, surcharge or charge and the Court, after taking such evidence as is necessary may confirm, modify or remit such disallowance, surcharge or charge with such orders as to costs as it may think proper in the circumstances, or

(b) in lieu of such application, appeal to the Government who shall pass such orders as it thinks fit.

16. Every sum certified to be due from any person by the auditor under this Act shall be paid by such person to the Commissioner within fourteen days after the intimation to him of the decision of the auditor unless within that time such person has appealed to the court or to the Government against the decision; and such sum if not so paid, or such sum as the court or the Government shall declare to be due, shall be recoverable on an application made by the Commissioner to the court in the same way as an amount decreed by the court.

PART III

Form of accounts

17. The corporation shall make regulations to provide for—

(a) the form in which the budget estimates, budget statements and returns of the corporation shall be kept, and

(b) the form in which the accounts of the corporation shall be kept.

SCHEDULE X

Purposes for which premises may not under section 353 be used without a licence

(See section 353)

- Aerated waters*— Manufacturing.
- Ammunition*— Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.
- Articles made of flour*— Baking, preparing, keeping or storing for human consumption (for other than domestic use).
- Ashes*— Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever, dumping or shifting.
- Biscuits*— Baking, preparing, keeping or storing for human consumption (for other than domestic use).
- Blood*— Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.
- Bones*— Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.
- Bread*— Baking, preparing, keeping or storing for human consumption (for other than domestic use).
- Bricks*— Manufacturing.
- Camphor*— Storing, packing, pressing, cleansing, preparing or manufacturing by process whatever or boiling.
- Candles*— Packing, pressing, cleansing, preparing or manufacturing by any process whatever.
- Carpets*— Manufacturing.
- Catgut*— Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.
- Cement*— Packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Charcoal— Dumping, sifting, or storing.

Chemical preparations— Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Chillies— Grinding by machinery.

Chlorate mixture— Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Cinders— Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever or dumping or sifting.

Cloths— Dyeing.

Coal— Dumping, sifting, selling or storing.

Coconut fibre— Storing, packing, pressing, cleansing, preparing, or manufacturing by any process whatever.

Combustible material— Storing.

Combustibles— Baking, preparing, keeping or storing for human consumption (for other than domestic use).

Confectionery— Baking, preparing, keeping or storing for human consumption (for other than domestic use).

Cotton, cotton refuse— Storing, packing, pressing, cleansing preparing or manufacturing by any process whatever.

Dyes— Packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Explosive— Storing.

Fat— Storing, packing, pressing, cleaning, preparing or manufacturing by any process whatever.

Firewood— Selling or storing.

Fireworks- Storing, packing pressing cleansing, preparing or manufacturing by any process whatever.

- Fish*— Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.
- Fish Oil*— Storing, packing, pressing, cleansing, preparing, or manufacturing by any process whatever.
- Flax*— Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.
- Fleshings*— Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.
- Flour*— Packing, pressing, cleansing, preparing or manufacturing by any process whatever.
- Fuel*— Using for any industrial purpose.
- Fulminate of mercury*— Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.
- Gas*— Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.
- Gold*— Refining.
- Gram*— Husking by machinery.
- Gun Cotton*— Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.
- Gun powder*— Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.
- Nitro-glycerine*— Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.
- Nitro-mixture*— Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.
- Offal*— Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Oil— Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Paddy— Boiling or husking by machinery.

Paper— Packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Petroleum products— Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever in quantities not exceeding six gallons, provided that no licence shall be required for storing petroleum in accordance with the provisions of the Petroleum Act, 1934 (Central Act, XXX of 1934), or the rules issued or the notifications published under that Act.

Pottery— Manufacturing by any process whatever.

Resin (including rosin)— Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Saltpetre— Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Seegekai— Powdering by machinery.

Shellar— Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Soap— Manufacturing by any process whatever.

Spirit— Manufacturing by any process whatever.

Sulphur— Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Tallow— Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Tar— Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Thatching materials— Selling or storing.

Tiles— Manufacturing.

Timber— Selling or storing.

Tobacco (including snuff, cigars, cigarattes and beedies)—
Storing, pressing, cleansing, preparing or manufacturing by
any process whatever.

Turpentine— Storing, packing, pressing, cleansing, preparing or manu-
facturing by any process whatever.

Wool— Storing, packing, pressing, cleansing, preparing or manufac-
turing by any process whatever, dyeing. or drying.

Yarn— Dyeing.

Provided that no licence shall be required for the storage only if any of the articles mentioned in this Schedule or for boiling paddy when such storage or boiling is for domestic use and limited to such quantities as may from time to time be fixed by the Commissioner.

Gilding or electro-plating.

Keeping a shaving or hair-dressing saloon.

Keeping together pigs, or twenty or more sheep or goats or ten or more heads of cattle.

Manufacturing articles from which offensive or unwholesome smell, fumes, dust or noise arise.

SCHEDULE XI
Ordinary Penalties
(See section 431)

Section or rule	sub- section or clause	Subject	Fine which may be imposed
1	2	3	4
80	(1)	Interested councillor voting or taking part in discussion.	Two hundred rupees
114	(1)	Failure to give notice of transfer of title and(3) or to produce documents.	Fifty rupees
188	...	Tresspassing on premises connected with water supply	Fifty rupees
190	...	Failure to maintain house connections in conformity with bye-laws.	Fifty rupees
192	(2)	Occupying or allowing occupation of house without proper water supply.	Fifty rupees
192	(3)	Failure to comply with requisition make house connection.	Fifty rupees
194	...	Use for non-domastic purpose of water supplied for domestic purposes.	One hundred rupees
208	...	Waste or misuse of water	Fifty rupees
209	...	Refusal of admittance, etc.	One hundred rupees
211	(1)	Laying of water pipes, etc., in a position where the same may be injured or water therein polluted.	One hundred rupees
218	(1)	Execution of work by a person other than a licensed plumber.	Two hundred rupees

1	2	3	4
218	(2)	Failure to furnish when required name of licensed plumber employed	One hundred rupees
218	(6)	Licensed plumber not to demand more than the charges prescribed.	One hundred rupees
218	(8)	License plumber not to contravene regulation or execute work carelessly or negligently etc.	One hundred rupees
219	...	Prohibition of wilful or neglectful acts relating to water works.	One hundred rupees
223		Flow of contents of Corporation sewers or drains or sewers communicating with corporation sewers.	One hundred rupees
224	(2)	Private drain not to be connected with corporation sewers without notice.	Fifty rupees
225	(2)	Non-compliance with requisition for and(4) drainage of undrained premises.	Not less than hundred rupees and not more than five hundred rupees
226	...	Erection of new premises without drains	One thousand rupees
227	...	Non-compliance with requisition for maintenance or drainage works for any group or block of premises.	One hundred rupees
228	...	Non-compliance with direction to close or limit the use of private drains in certain cases.	Fifty rupees

1	2	3	4
229	...	Non-compliance with Commissioner's orders regarding the use of a drain by a person other than the owner thereof.	Fifty rupees
230	...	Non-compliance with requisition for keeping sewage and rain water drains distinct.	Fifty rupees
231	...	Non-compliance with requisition for the payment of courtyard etc.	Fifty rupees
233	...	Connection with sewers without written permission.	Two hundred rupees
236	(4)	Non-compliance with requisition to close, remove or divert pipe or drain.	Fifty rupees
240	(1)	Execution of work by a person other than a licensed plumber.	Two hundred rupees
240	(2)	Failure to furnish when required name of licensed plumber employed.	One hundred rupees
	read with section 223		
240	(2)	Licensed plumbers not to demand more than the charges prescribed.	One hundred rupees
	read with section 218		
240	(2)	Licensed plumbers not to contravene regulations or execute work carelessly or negligently, etc.	One hundred rupees
	read with section 218(8)		

1	2	3	4
241	...	Prohibition of wilful or neglectful acts relating to sewage works.	One hundred rupees
242	(3)	Failure to maintain housedrains, etc. in conformity with bye-laws.	Fifty rupees
246	(2)	Keeping of public privy without licence.	Fifty rupees
	(3)	Allowing public privy to be in unclean condition or improper order.	Fifty rupees
247	...	Failure to comply with requisition to provide privy or to remove privy to another site and failure to keep privies clean and in proper order.	Fifty rupees
248	...	Failure to provide privies for premises used by large number of people or to keep them clean and in proper order.	One hundred rupees
249	...	Failure to comply with requisition to provide privies for market, cattle shed or cartstand or to keep them clean and in proper order.	One hundred rupees
250	...	Failure to construct privies so as to screen persons using them from view.	Twenty rupees
252	...	Making connection with mains without permission.	Two hundred rupees
256	(1)	Failure to comply with direction to collect rubbish and filth and deposit them in public receptacle.	Ten rupees
256	(2)	Failure of occupier to comply with direction to collect rubbish and filth and deposit them in a box or basket or other	Ten rupees

1	2	3	4
		receptacle of his own at or near premises.	
257	(b)	Failure to comply with direction to collect and remove rubbish and filth accumulating on business premises.	Ten rupees
263	(1)	Allowing rubbish or filth to accumulate on premises for more than twenty four hours.	Twenty rupees
	(2)	Irregular deposit of rubbish or filth.	Ten rupees
	(3)	Depositing carcasses of animals rubbish or filth in improper places.	Twenty rupees
	(4)	Keeping rubbish or filth for more than twenty-four hours, etc.	Ten rupees
	(5)	Allowing filth to flow in streets.	Twenty rupees
272	...	Building within street alignment or building line without permission.	One thousand rupees
273	(1)	Failure to comply with orders to set back buildings.	Five hundred rupees
278	...	Unlawful displacement etc. of pavement or fences, posts and other materials of public street.	Fifty rupees
280	...	Failure to provide streets or roads on building sites prior to disposal.	Two hundred rupees
281	...	Unlawful faking or laying of new street.	Five hundred rupees
283	...	Failure to comply with requisition to metal, etc., private street.	One hundred rupees

1	2	3	4
285	...	Building wall or erecting fence, etc., in a street or any public place vested in the control of the corporation.	One hundred rupees
286	...	Allowing doors, groundfloor windows, etc., to open outwards without licence or contrary to notice.	Twenty rupees
287	...	Failure to remove permanent encroachment.	Two hundred rupees
288	...	Failure to remove temporary encroachment.	Fifty rupees
290	...	Unlawful removal of bar, or storing of timber etc, or removal or extinction of light.	Fifty rupees
291	(1)	Unlawful making of hole or placing of obstruction in street.	Fifty rupees
	(3)	Failure to remove obstruction.	Fifty rupees
292	...	Construction, etc., of building without licence where street or foot-way is likely to be obstructed.	Fifty rupees
292	...	Failure to fence, etc., such building while under repair.	Fifty rupees
293	(3)	Unlawful destruction, etc., of number of public street.	Twenty rupees
294	(2)	Unlawful destruction, etc., of number of building.	Twenty rupees
294	(3)	Failure to replace number when required to do so.	Twenty rupees

1	2	3	4
296	(5)	Construction or reconstructing buildings contrary to declaration issued by corporation.	Two hundred rupees
297	(1)	Failure to comply with requisition to round or display off buildings at corners of streets.	One hundred rupees
298	...	Construction, reconstruction or retention of external roof, etc., with inflammable materials.	Fifty rupees
310	(1)	Failure to send notice to Commissioner after completion of construction or reconstruction of building.	Fifty rupees
319	...	Failure to keep external wall of premises in proper repair.	Twenty rupees
322	...	Failure to comply with requisition to take down, repair or secure dangerous structure.	Five hundred rupees
323	...	Failure to comply with requisition to secure, lop or cut down dangerous trees.	Fifty rupees
324	...	Failure to comply with requisition to repair, etc., tank or other place dangerous to passers by or persons living in neighbourhood.	Fifty rupees
325	...	Failure to comply with notice regarding precautions against fire.	One hundred rupees
326	(1)	Constructing well, etc., without permission.	Fifty rupees
	(3)	Failure to comply with notice to fill up or demolish well, etc.,	Fifty rupees

1	2	3	4
327	...	Failure to comply with requisition to stop dangerous quarrying.	One hundred rupees
328	(1)	Failure to comply with requisition to fill up, etc., tank or well, or drain off water, etc.,	Fifty rupees
	(3)	Cultivating contrary to prohibitions or regulations.	Five hundred rupees
329	...	Failure to comply with requisition to cleanse or close, etc., tanks, well or other source of water used for drinking, bathing or washing clothes.	Fifty rupees
331	...	Defiling water in tanks, etc.	Fifty rupees
332	...	Failure to comply with requisition to enclose, clear or cleanse untenanted premises.	Fifty rupees
333	...	Failure to comply with requisition to clear or cleanse, etc., building or land in filthy state or overgrown with any thick or noxious vegetation.	Fifty rupees
334	...	Failure to comply with requisition to abate nuisance caused or likely to be caused by dumping, etc., of coal ashes, etc.	One hundred rupees
335	...	Failure to comply with requisition to fence building or land or trim, prune or cut edges and trees or lower and enclosing wall.	Fifty rupees
336	...	Failure to comply with requisition to lime-wash or otherwise cleanse building.	Fifty rupees

1	2	3	4
337	...	Failure to comply with requisition to execute work or take other action with respect to insanitary buildings.	One hundred rupees in the case of masonry building and fifty rupees in the case of hut.
338	(2)	Using or allowing the use of buildings unfit for human habitation after prohibition.	Twenty rupees for each day
	(4)	Failure to comply with requisition to demolish the same.	Twenty rupees per day
339	(1)	Allowing overcrowding in building after order to abate the same.	Twenty rupees per day
	(4)	Failure to comply with requisition to vacate over crowded building or room.	Twenty rupees per day
343	(1)	Keeping a lodging house, eating house, tea shop, etc., without licence or contrary the licence.	One hundred rupees
344	(a)	Unlawful keeping of pigs	Twenty rupees
	(b)	Unlawful keeping of animals so as to be a nuisance or danger.	Twenty rupees
	(c)	Feeding of animals on filth.	Twenty rupees
346		Use of place as stable, cattle shed, etc., without licence or contrary to licence.	Fifty rupees
347		Construction or maintenance of stable, cattle shed, etc., contrary to Act or subsidiary legislation.	Fifty rupees

1	2	3	4
349		Using a public place or the sides of a public street as a cart-stand, etc.	Twenty rupees
351	(1)	Opening or keeping open a new private cart-stand without licence or contrary to licence.	Two hundred rupees
352		Failure to remove carcasses of animals.	Twenty rupees
353	(1)	Using a place for any of the purposes specified in Schedule X without licence or contrary to licence.	Two hundred rupees
354	(1),(2) and(3)	Unlawful erection of factory, work and(3) shop, workplace or machinery.	One thousand rupees
	(5)	Disobedience of order regarding chimneys.	Five hundred rupees
355	(1)	Disobedience of order regarding abatement of nuisance.	One hundred rupees
355	(2)	Disobedience of order prohibiting the working of the factory, etc., or the use of particular kind of fuel.	Two hundred rupees
357	...	Failure to comply with requisition to put factory, etc., in order to abate over crowding, etc.	One hundred rupees
358	...	Disobedience of order regarding abatement of nuisance or danger to life, etc.	One hundred rupees
363	(2)	Washing of clothes by washerman at unauthorised places.	Twenty rupees
365	...	Use of place as slaughter house without licence or contrary to licence.	Fifty rupees

1	2	3	4
367	...	Slaughter of animals for sale or food or skinning or cutting up carcasses without licence or contrary to licence or drying skin so as to cause nuisance.	Twenty rupees for every animal carcass or skin
370	...	Sale or exposure for sale in public market of animal or article without permission or contrary to permission.	Fifty rupees
371	(2)	Opening private market without licence or contrary to licence.	One hundred rupees
372	...	Keeping open private market without licence or contrary to licence.	One hundred rupees
375	...	Sale or exposure for sale of animal or articles in unlicensed private market.	Twenty rupees
376	...	Failure to comply with direction to construct approaches, drains, etc., to private markets or to pave them etc.	Fifty rupees
377	(2)	Opening, or keeping open of private market after suspension or refusal of licence for default to carry out works.	Fifty rupees
378	...	Breach of market regulations	Ten rupees
379	...	Failure of person incharge of markets to expel persons suffering from leprosy or other infectious or contagious disease.	Fifty rupees
381	...	Carrying on butcher's fishmonger's or poulterer's trade without licence, etc.	Ten rupees
382	...	Sale or exposure for sale of animal or article in public streets.	Twenty rupees

1	2	3	4
386	...	Preventing the Commissioner or any person authorised by him from exercising his powers of entry, etc., under section 385.	Fifty rupees
388	...	Removing or in any way interfering with an animal or article secured under section 387.	Five hundred rupees
392	(1)	Opening, etc., without licence, a place for the disposal of the dead.	One hundred rupees
394	(4)	Use or allowance of use of unlicensed burial or burning ground. Use or allowance of use of unregistered burial or burning ground.	Five rupees One hundred rupees
395	...	Failure to give information of burials or burnings in burial or burning ground.	Twenty rupees
396	...	Construction of vault or grave for burial of corpse in place of public worship.	Five hundred rupees
397	(3)	Burial or burning in place after prohibition.	Two hundred rupees
398	...	Burial or burning, etc., of corpses.	Fifty rupees
400	...	Discharge of office of grave digger or attendant at place for disposal of dead without licence.	Twenty rupees
402	...	Failure of Medical Practitioner or owner or occupier to give information of existence of dangerous disease in private or public dwelling.	Fifty rupees

1	2	3	4
406	...	Failure to comply with requisition to cleanse or disinfect building or article.	Fifty rupees
408	(2)	Washing of infected articles at un- authorised places.	Fifty rupees
409	...	Giving, lending, etc., of infected articles.	Fifty rupees
410	...	Infected person carrying on occupa- tion.	Fifty rupees
411	(1)	Entry of infected person into public conveyance without notifying fact of infection.	Fifty rupees
412	(1)	Failure to disinfect public conveyance, etc.	Fifty rupees
	(2)	Using before obtaining certificates from Health Officer a public conveyance in which an infected person travelled.	Fifty rupees
413	...	Letting or sub-letting of infected build- ing without certificate from the Health Officer.	Two hundred rupees
414	...	Failure to close place of public enter- tainment.	Two hundred rupees
415	...	Sending infected child to school.	Fifty rupees
416	...	Use or permitting the use of book from public or circulating library by infected person.	Fifty rupees
417	...	Using water after prohibition.	Fifty rupees
419	...	Failure to give information of small- pox.	Fifty rupees

1	2	3	4
420	...	Entering city within forty days of inoculation for smallpox without certificate.	One hundred rupees
430	(3)	Prevention of inspection of copies of rules and bye-laws publicly exhibited.	Fifty rupees
	(4)	Destruction, etc., of board exhibiting printed copies of bye-laws and rules.	Fifty rupees
443	(7)	Failure to produce licence on request.	Ten rupees
447	...	Failure to comply with requisition to attend, produce document or give evidence.	One hundred rupees
457	(1)	Failure of occupier to comply with requisition to permit owner to comply with provisions of Act.	Fifty rupees for each day
459	...	Preventing the Commissioner or any person authorised by him from exercising his powers of entry, etc.	Fifty rupees
494	...	Obstructing or molesting corporation, standing committee, Mayor, etc.	Two hundred rupees
495	...	Removing mark set up for indicating level, etc.	Two rupees
496	...	Removal, etc., of notice exhibited by or under order of the Corporation or Commissioner.	Fifty rupees
497	...	Unlawful removal of earth, sand or other material from land vested in the corporation or deposit of matter or encroachment in or water courses.	Fifty rupees

SCHEDULE XI

Penalties for continuing treaches

(See section 431)

Section or rule	sub- section or clause	Subject	Fine which may be imposed
1	2	3	4
190	...	Failure to maintain house connections in conformity with bye-laws.	Five rupees
192	(2)	Failure to comply with requisition to make house-connection.	Five rupees
194	...	Use for non-domestic purposes of water supplied for domestic purposes.	Five rupees
211	(1)	Laying of water pipes, etc., in a position where pipes may be injured or water therein polluted.	Five rupees
	(2)	Construction of privies, etc., in a position where pipes may be injured or water therein polluted.	One hundred rupees
219	...	Injury to, or interference with the free flow of contents of corporation sewers or drains or sewers communicating with corporation sewers.	Fifty rupees
224	(2)	Private drains not to be converted with corporation sewers without notice.	Five rupees
225	...	Non-compliance with requisition for drainage of undrained premises.	Twenty five rupees

1	2	3	4
233	...	Connection with sewers without written permission.	Fifty rupees
236	(4)	Non-compliance with requisition to close, remove or divert a pipe or drain.	Five rupees
242	(3)	Failure to maintain house drains, etc., in conformity with bye-laws.	Ten rupees
246	(2)	Keeping of public privy without licence.	Ten rupees
246	(3)	Allowing public privy to be in an unclean condition or improper order.	Ten rupees
247	...	Failure to comply with requisition to provide privy or to remove privy to another site and failure to keep privies clean and in proper order.	Ten rupees
248	...	Failure to provide privies for premises used by large number of people or to keep them clean and in proper order.	Twenty rupees
249	...	Failure to comply with requisition to provide privies for market, cattle stand or cart-stand or to keep them clean and in proper order.	Twenty rupees
263	(1)	Allowing rubbish or filth to accumulate on premises for more than twenty four hours.	Ten rupees
272	...	Building within street alignment or building line without permission.	One hundred rupees
287	...	Failure to remove permanent encroachment.	Ten rupees

1	2	3	4
288	...	Failure to remove temporary encroachment.	Five rupees
291	(1)	Unlawful making of hole or placing of obstruction in street.	Ten rupees
292	...	Construction, etc., of building without licence where street or footway is likely to be obstructed.	Ten rupees
297	(1)	Failure to comply with requisition to round or display off buildings at corners of streets.	Fifty rupees
298	...	Construction, reconstruction or retention of external roof, etc., with inflammable materials.	Ten rupees
319	...	Failure to keep external wall of premises in proper repair.	Ten rupees
324	...	Failure to comply with requisition to repair, etc., tank or other place dangerous to passers by or persons living in neighbourhood.	Ten rupees
325	...	Failure to comply with notice regarding precautions against fire.	Ten rupees
327	...	Failure to comply with requisition to stop dangerous quarrying.	Ten rupees
328	...	Failure to comply with requisition to fill up, etc., tank or well or drain off water, etc.	Ten rupees
329	...	Failure to comply with requisition to cleanse or close, etc., tank, well, etc., or	Ten rupees

1	2	3	4
		other source of water used for drinking, bathing, or washing clothes.	
332	...	Failure to comply with requisition to enclose, clear or cleanse untenanted premises.	Ten rupees
333	...	Failure to comply with requisition to clear or cleanse, etc., building or land in filthy state or overgrown with any thick or noxious vegetation.	Ten rupees
334	...	Failure to comply with requisition to abate nuisance caused or likely to be caused by dumping, etc., of coal ashes, etc.	Twenty rupees
335	...	Failure to comply with requisition to fence building or land, or trim, prune, or cut edges and trees or lower an enclosing wall.	Ten rupees
336	...	Failure to comply with requisition to lime-wash or otherwise cleanse building.	Ten rupees
338	...	Failure to comply with requisition to execute work or take other action with respect to insanitary buildings.	Ten rupees in the case of masonry buildings and five rupees in the case of huts
343	(1)	Keeping a lodging house, eating house, tea shop, etc., without licence or contrary to licence.	One hundred rupees

1	2	3	4
344	(a)	Unlawful keeping of pigs.	Five rupees
	(b)	Unlawful keeping of animal so as to be a nuisance or danger.	Five rupees
346	...	Use of place as stable, cattleshed, etc., without licence or contrary to licence.	Ten rupees
347	...	Construction or maintenance of stable, cattle-shed, etc., contrary to Act or subsidiary Legislation.	Ten rupees
349	...	Using a public place or the sides of public street as a cartstand, etc.	Twenty rupees
351	...	Opening or keeping open new private cart-stand without licence or contrary to licence.	Twenty rupees
352	...	Failure to remove carcass of animals.	Five rupees
353	(1)	Using a place for any of the purposes specified in Schedule X without licence or contrary to licence.	Fifty rupees
354	(1),(2)	Unlawful erection of factory, work and(3) shop, workplace or machinery.	One hundred rupees
	(5)	Disobedience of order regarding chimneys.	Fifty rupees
355	(1)	Disobedience of order regarding abatement of nuisance.	One hundred rupees
355	(2)	Disobedience of order prohibiting the working of the factory, etc., or the use of particular kind of fuel.	Two hundred rupees
357	...	Failure to comply with requisition to put factory, etc., in order to abate overcrowding, etc.	One hundred rupees

1	2	3	4
358	...	Disobedience of order regarding abatement of nuisance or danger to life, etc.	One hundred rupees
95	...	Use of place as slaughter house without licence or contrary to licence.	Fifty rupees
371	...	Opening private market without licence or contrary to licence.	One hundred rupees
372	...	Keeping open private market without licence or contrary to licence.	One hundred rupees
378	...	Breach of market regulations.	Ten rupees
379	...	Failure of person incharge of markets to expel persons suffering from leprosy or other infectious or contagious disease.	Fifty rupees
381	...	Carrying or butcher's fish-monger's or poulterer's trade without licence, etc.	Ten rupees
392	...	Opening, etc., without licence, a place for the disposal of the dead.	One hundred rupees
406	...	Failure to comply with requisition to cleanse or disinfect building or article.	Ten rupees
410	...	Infected person carrying on occupation.	Fifty rupees
414	...	Failure to close place of public entertainment.	One hundred rupees
417	...	Using water after prohibition.	Fifty rupees

**THE KARNATAKA MUNICIPAL CORPORATION RULES,
1977.
ARRANGEMENT OF RULES**

Rules:

1. Title and commencement.
2. Definitions.

**CHAPTER II
TAXATIONS**

3. Publication of resolution for imposing taxes under section 104.
4. Collection of transfer duty.
- 4A. Depreciation for the buildings.

**CHAPTER III
PROPERTY AND CONTRACTS**

5. Disposal of property.
6. Powers of the several authorities to sanction the estimates.
- 6A. Restriction on the power to make contracts.
7. Invitation to tenders.

**CHAPTER IV
REGULATION OF BUILDINGS**

8. Additional documents to be furnished.

**CHAPTER V
PREVENTION OF DISEASES**

9. Enforcement of Vaccination.

CHAPTER VI
OFFICERS AND SERVANTS OF THE CORPORATION

10. Direct Recruitment.
11. Procedure for Appointment.
12. Disqualification for Appointment.
13. Save as otherwise provided in these rules every candidate for appointment by direct recruitment must have attained the age of eighteen years and not attained the age of.
14. Provisions for reservation of Appointments or posts.
15. Provision for Ex-Servicemen.
16. Conditions relating to suitability and certificates of Character.
17. Conditions relating to physical fitness.
18. Fees.
19. Method of Recruitment and qualification for certain temporary posts.
20. Provision for appointment of retired persons and for appointment by contract.
21. Relaxation of rules relating to appointment and qualification.
22. Appointment by Direct Recruitment.
23. Joining time for Appointment.
24. Probation and Appointment by Promotion.
25. Misconduct.
26. Appointment of officers of the Corporation.

HOUSING AND URBAN DEVELOPMENT SECRETARIAT

Notification No. HMA 270 MNU 77

Bangalore, dated 19th December, 1977.

G.S.R. 390.— Whereas the draft of the Karnataka Municipal Corporation Rules 1977 was published as required by sub-section 1 of section 421 of the Karnataka Municipal Corporations Act, 1976 (Karnataka Act No. 14 of 1977) in the Notification No. HMA 270 MNU 77 dated 27th October, 1977 (GSR. 324 in Part IV 2-C (i) of the Karnataka Gazette dated, 28th October, 1977 inviting objections and suggestions from all persons likely to be affected thereby before 7th November, 1977.

Whereas the said Gazette was made available on 3rd November, 1977;

Whereas the objections and suggestions received on the said draft have been considered by the Government;

Now, therefore, in exercise of the powers conferred by section 421 of the Karnataka Municipal Corporation Act, 1976 (Karnataka Act No. 14 of 1977), the Government of Karnataka hereby makes the following rules namely:—

**THE KARNATAKA MUNICIPAL CORPORATION RULES,
1977.**

1. Title and Commencement.— (1) These rules may be called the Karnataka Municipal Corporations Rules, 1977.

* (2) They shall come into force at once.

2. Definitions.— In these rules unless the context requires—

(1) “Act” means the Karnataka Municipal Corporations Act, 1976 (Karnataka Act 14 of 1977).

(2) "Commission" means the Karnataka Public Service Commission.

(3) "Appointing Authority" means the authority mentioned in the Schedule;

(4) "Direct recruitment" relating to any post means appointment otherwise than by promotion.

(5) "Equivalent qualification" means qualification notified by the Government as equivalent to a qualification prescribed in respect of any post in these rules relating to recruitment;

(6) "Promotion" means appointment from a post or grade of service of class of service to a higher post or higher grade of service or higher class of service;

(7) "Ex-Servicemen" means a person who has served in any rank (whether as a combatant or non-combatant) in the Armed Forces of the Union for a continuous period of not less than six months and—

(i) has been released, otherwise than by way of dismissal or discharge on account of misconduct or inefficiency, or has been transferred to the reserve pending such release, or

(ii) has to serve for not more than six months for completing the period of service requisite for becoming entitled to be released or transferred to the reserve as aforesaid;

(8) "Bachelor's Degree", "Master's Degree" or "Doctorate" means such degree or doctorate granted by a University established by law in India;

(9) "Armed forces of the Union" means the Naval, Military or Air Forces of the Union and includes the Armed Forces of the Former Indian States;

(10) "Selection" means selection in accordance with the provisions of these rules,—

(i) after consulting the Commission where such consultation is necessary; or

(ii) by the Advisory or Selection Committee, if any, appointed for the purpose by the Government; or

(iii) by the appointing Authority where no Advisory or Selection Committee has been appointed.

CHAPTER II

TAXATIONS

3. Publication of resolution for imposing taxes under Section 104.— The notice of resolution for imposing the tax shall be in form-A and shall be published in the news papers and also in the notice Board of the Corporation office.

4. Collection of transfer duty.— (1) The Sub-Registrar shall at the time of the registration of the instrument maintain an account of the duty of transfer levied in respect of each such instrument i.e., regulating the collection and shall, send an account thereof to the Corporation at the end of every month and also to the District Registrar Stamps.

(2) Three per cent of the amount so collected shall be deducted towards expenses incurred by the Government in connection with thereof.

(3) The District Registrar shall send intimation to the Commissioner of the Corporation once in every quarter about the amount payable to the Corporation, on the basis of the said information and the Commissioner shall prepare a bill and draw the amount from the concerned District Treasury and credit the same to the Corporation fund.

¹[4A. Depreciation for the buildings.— The depreciation for buildings of the class referred to in sub-clause (ii) of clause (a) of the proviso to sub-section (2) of Section 109 shall be as follows:—

Age of the Building		Depreciation
If the age of the building,—		
1.	does not exceed five years	... Ten per cent
2.	exceeds five years but does not exceed ten years.	... Fifteen per cent
3.	exceeds ten years but does not exceed fifteen years.	... Twenty per cent
4.	exceeds fifteen years but does not exceed twenty years.	... Twenty five per cent
5.	exceeds twenty years but does not exceed twenty five years.	... Thirty per cent
6.	exceeds twenty five years but does not exceed thirty years.	... Thirty five per cent
7.	exceeds thirty years but does not exceed thirty five years.	... Forty per cent
8.	exceeds thirty five years but does not exceed forty years.	... Forty five per cent
9.	exceeds forty years but does not exceed forty five years.	... Fifty per cent
10.	exceeds forty five years but does not exceed fifty years.	... Fifty five per cent
11.	exceeds fifty years but does not exceed fifty five years.	... Sixty per cent
12.	exceeds fifty five years but does not exceed sixty years.	... Seventy per cent]

CHAPTER III
PROPERTY AND CONTRACTS

5. Disposal of property.— No moveable property exceeding rupees two thousand in value shall be sold otherwise than by the public auction.

1[6. Powers of the several authorities of the Corporations to sanction estimates.—

(1) The powers of the several authorities of the Corporation of the City of Bangalore to sanction estimates shall be as follows, namely.—

(i) The Commissioner may sanction any estimates the amount of which does not exceed Rupees 10 lakhs.

(ii) When the amount of an estimate exceeds Rupees 10 lakhs but does not exceed Rupees 15 lakhs, sanction of the Standing Committee shall be required.

(iii) Any estimate the amount of which exceeds Rupees 15 lakhs but does not exceed Rupees 30 lakhs, shall require sanction of Corporaion.

(iv) Any estimate the amount of which exceeds Rupees 30 lakhs, shall require the sanction of the Government.

(2) The powers of the several authorities of the Corporations of the Cities of Hubli-Dharwad and Mysore to sanction estimates shall be as follows, namely:—

(i) The Commissioner may sanction any estimate the amount of which does not exceed Rupees 2 lakhs.

(ii) When the amount of an estimate exceeds Rupees 2 lakhs but does not exceed Rupees 4 lakhs, sanction of the Standing Committee shall be required.

(iii) Any estimate the amount of which exceeds Rupees 4 lakhs but does not exceed Rupees 8 lakhs, shall require sanction of the Corporation.

(iv) Any estimate the amount of which exceeds Rupees 8 lakhs shall require the sanction of Government.

(3) The powers of the several authorities of the Corporations of the Cities of Belgaum, Mangalore and Gulbarga to sanction estimates shall be as follows, namely:—

(i) The Commissioner may sanction any estimate the amount of which does not exceed Rupees 1 lakh.

(ii) When the amount of an estimate exceeds Rupees 1 lakh but does not exceed Rupees 3 lakhs, sanction of the Standing Committee shall be required.

(iii) Any estimate the amount of which exceeds Rupees 3 lakhs but does not exceed Rupees 8 lakhs, shall require sanction of the Corporation.

(iv) Any estimate the amount of which exceeds Rupees 8 lakhs, shall require the sanction of the Government.

14[6-A. Restriction on the power to make contracts.—

(1) (a) The restriction on the power of the several authorities of the Corporation of the City of Bangalore to make contracts shall be as follows, namely:—

(i) The Commissioner shall not make a contract involving the expenditure exceeding Rupees 10 lakhs unless he has obtained sanction of the Standing Committee.

(ii) The Standing Committee shall not authorise making of contract involving an expenditure exceeding Rupees 15 lakhs unless sanction of the Corporation thereto is obtained.

(iii) The Corporation shall not authorise making of contract involving an expenditure exceeding Rupees 20 lakhs unless it has obtained sanction of the Government.

(b) Any variation of the contract involving an expenditure which exceeds 5 per cent over the expenditure involved in the original contract shall require sanction of the Standing Committee if the original contract has been made by the Commissioner of the Corporation if the original contract has been made with the sanction of the Standing Committee, and of the Government if the original contract has been made after obtaining the sanction of the corporation.

(2) (a) The restriction on the power of the several authorities of the Corporations of the Cities of Hubli-Dharwad and Mysore to make contracts shall be as follows, namely:—

(i) The Commissioner shall not make a contract involving an expenditure exceeding Rupees 3 lakhs unless he has obtained sanction of the Standing Committee—

(ii) The Standing Committee shall not authorise making of contract involving an expenditure exceeding Rupees 5 lakhs unless sanction of the Corporation thereto is obtained—

(iii) The Corporation shall not authorise making of contract involving an expenditure exceeding Rupees 10 lakhs unless it has obtained sanction of the Government.

(b) Any variation of the contract involving an expenditure which exceeds 5 percent over the expenditure involved in the original contract shall require sanction of the Standing Committee if the original contract has been made by the Commissioner, of the Corporation if the original contract has been made with the sanction of the Standing Committee, and of the Government if the original contract has been made after obtaining the sanction of the Corporation.

(3) (a) The restriction on the power of the several authorities of the Corporations of the Cities of Belgaum, Mangalore and Gulbarga to make contracts shall be as follows, namely:—

(i) The Commissioner shall not make a contract involving an expenditure exceeding Rupees 2 lakhs, unless he has obtained sanction of the Standing Committee.

(ii) The Standing Committee shall not authorise making of contract involving an expenditure exceeding Rupees 5 lakhs unless sanction of the Corporation thereto is obtained.

(iii) The Corporation shall not authorise making of contracts involving an expenditure exceeding Rupees 8 lakhs unless it has obtained sanction of the Government.

(b) Any variation of the contract involving an expenditure which exceeds 5 per cent over the expenditure involved in the original contract shall require the sanction of the Standing Committee if the original contract has been made by the Commissioner, of the Corporation if the original contract has been made with the sanction of the Standing Committee, and of the Government if the original contract has been made after obtaining the sanction of Corporation."

7. Invitation to tenders.— The advertisement inviting tenders for contracts shall be published only in such newspapers having the circulation of not less than five thousand copies per day.

CHAPTER IV

REGULATION OF BUILDINGS

8. Additional Documents to be furnished.— Where any person intends to construct or reconstruct a building he shall, in addition to the documents specified under section 299, furnish the following documents namely.—

1. Title deed or Possession Certificate (Certified Copies).
2. Katha Certificate (Extract)
3. Up-to-date tax paid receipt (Certified Copies).
4. Schedule-II form of the Government of India, Ministry of Works and Housing, National Building Organization.

5. From 'A' (Bye-law No. 2) affixing 50 paise Court Fee Stamp.
6. Challan for having remitted the licensing fee.

CHAPTER V

PREVENTION OF DISEASES

9. Enforcement of Vaccination.— Vaccination may be enforced in the following manner:—

“The Corporation shall enforce Vaccination throughout the City in such manner as may be specified by Health Officer and it may enforce re-vaccination through the City or in any part thereof, in respect of such person to such extent and in such manner as may be specified from time to time by the Health Officer”.

CHAPTER VI

OFFICERS AND SERVANTS OF THE CORPORATION

10. Direct Recruitment.— (1) All vacancies in respect of direct recruitment shall be filled either by competitive examination or by selection through the Commission in accordance with the Karnataka Public Service Commission (*Service of Local Authorities*) (*Functions*) *Rules, 1963*.

(2) All posts other than posts mentioned in Sub-rule (1) to be filled by direct recruitment shall be filled by the appointing authority concerned on the basis of the performance of the candidate, out of the list sent by the Employment Exchange at the *viva-voce* or such other test or tests the appointing authority may deem fit to conduct in each case.

11. Procedure for Appointment.— Subject to the provision of these rules appointment to any cadre of the post shall be made,—

(1) In the case of a direct recruitment,

(a) If it is by competitive examination in the order of merit from the list of the candidates prepared by the Commission or by the appointing authority;

(b) If it is by selection, after giving such adequate publicity to the recruitment, such Appointing Authority may determine in the order of merit of the candidates as determined by the Commission or the Appointing Authority as the case may be.

(2) In the case of recruitment by promotion,—

(a) If it is to a post to be filled by promotion by selection of a person on the basis of merit and suitability in all respects to discharge the duties of the post with due regard to the seniority from among persons available for promotion.

(b) If it is to a post other than referred to in clause (a) by selection of a person on the basis of seniority-*cum*-merit, that is, seniority subject to the fitness of the candidate to discharge the duties of the post, from among persons eligible for promotion.

12. Disqualification for Appointment.— (1) No person shall be eligible for appointment to any service under the Corporation unless he is,—

(a) A Citizen of India; or

(b) Eligible for appointment to a State Civil Service.

(2) No person who has more than one wife living and no woman who has married a person already having another wife, shall be eligible for appointment to any Corporation Service.

(3) No person who attempts to obtain extraneous support of his candidature from official or non-officials shall be eligible for appointment to any Corporation Service.

(4) No applicant for appointment to any post shall be eligible for appointment if he is at the time of his application in permanent or

temporary employment in any Department of Government or under any other State Government or Central Government or any other Authority specified by the Government in this behalf and has made the application without the written consent of the Head of the Department or the Government or the authority as the case may be under whom he is employed.

(5) No person shall be eligible for appointment to any Corporation service if he or she,—

(a) Is or has been a member of or associated himself or herself with anybody or association after such body or association is declared as an unlawful body or association; or

(b) Has participated in or associated with any activity or programme,—

(i) Aimed at sub version of the Constitution of India;

(ii) Aimed at organised breach or defiance of law, involving violence;

(iii) Which is prejudicial to the interests of the sovereignty and integrity of India or the security of the State;

(iv) Which promotes on grounds of religion, race, language, caste or community feelings of enmity or hatred between different sections of the people;

(c) Is dismissed from service under the Government of India or under any State Government or any Corporation;

(d) Is or has been permanently debarred or disqualified by the Union or any State Public Service Commission from appearing for any examinations or selections conducted by it.

(6) No person who is or has been convicted of an offence involving moral turpitude or who is or has been temporarily debarred or disqualified by the Union or any State Public Service commission

from appearing for examinations or selections conducted by it shall ordinarily be appointed to Corporation Service unless Government after review of all the circumstances consider him suitable for such appointment.

AGE LIMIT FOR APPOINTMENT

13. Save as otherwise provided in these rules every candidate for appointment by direct recruitment must have attained the age of eighteen years and not attained the age of,—

(a) Thirtythree years in the case of person belonging to any of the Scheduled Castes or Scheduled Tribes or Backward Tribes and;

(b) Twentyeight years in the case of any other person, on the last date fixed for the receipt of applications or on such other date as may be specified by the Appointing Authority.

(2) Where a maximum age limit other than the age limit specified in sub-rule (1) is fixed for recruitment to any category of posts under these rules, then, unless it provides for enhanced age limit in the case of a candidate belonging to any Scheduled Castes or Scheduled Tribes or Backward Tribes the maximum age limit shall be deemed to have been enhanced by five years in respect of such candidate.

(3) Notwithstanding anything contained in sub-rule (1) the maximum age limit shall be deemed to be enhanced in the following cases to the extent mentioned namely:—

(a) In the case of a candidate who is or was holding a post under the Government or Local Authority or a Corporation owned or controlled by Government by the number of years during which he is or was holding such post or five years whichever is less;

(b) In the case of a candidate who is an Ex-Serviceman by the number of years of service rendered by him in the Armed Force of Union.

(c) In the case of a candidate who is physically handicapped by ten years;

(d) In the case of a candidate who is a widow by ten years;

Explanation.— For the purpose of clause (c) a physically handicapped candidate is one,—

(a) Who suffers from—

(i) Total absence of sight;

(ii) Visual acuity not exceeding 3/60 to 10/200 (snellen) in the better eye with correcting lenses; or

(b) In whom the sense of hearing is fully non-functional for the ordinary purpose of life; or

(c) Who has physical defect or deformity which causes adequate interference to significantly impede normal functioning of the bones, muscles and joints.

(4) Where the Government is of the opinion that it is necessary or expedient so to do, it may, by order for reasons to be recorded in writing, relax any other provisions of sub-rules (1) to (2) with respect to any appointment.

14. Provisions for reservation of Appointments or posts.—

Subject to provision of sub-rule (3) of rule 17 appointments or posts shall be reserved for the members of Scheduled Castes or Scheduled Tribes and socially and educationally Backward Class citizens as specified in section 89 of the Act.

15. Provision for Ex-Servicemen.— (1) Notwithstanding anything contained in these rules in respect of any category of post of which direct recruitment is prescribed one of the method of recruitment the percentage or number of vacancies set apart for that method shall be reduced by ten per cent as such number is equal to ten per cent of the vacancies and the percentage or number so reduced shall be filled by direct recruitment from among ex-servicemen and members of the

families of persons who while serving in the Armed Forces of the Union were either killed or permanently disabled.

Explanation.— For the purpose of this sub-rule, “member of the family” means the wife or husband as the case may be and children and step-children wholly dependent on the person who served the Armed Forces of the Union.

(2) If sufficient number of suitable persons belonging to the categories mentioned in sub-rule (1) are not available for filling up the vacancies set apart for them such vacancies shall be filled by direct recruitment.

(3) Orders relating to reservation of vacancies for Scheduled Castes and Scheduled Tribes and socially and educationally backward classes of citizens specified in section 89 of the Act shall not be applicable to recruitment from among persons belonging to categories mentioned in sub-rule (1).

16. Conditions relating to suitability and certificates of Character.— No person shall be appointed to any category of post unless the Appointing Authority is satisfied that he is of good character and he is in all respects suitable for appointment to Corporation Service. Every candidate selected for direct recruitment shall furnish to the Appointing Authority certificates given not more than six months prior to the date of his selection by two respectable persons unconnected with his college or university and not related to him testifying to his character in addition to the certificate or certificates which may be required to be furnished from the educational institution last attended by the candidate. If any doubt arises regarding the suitability of a candidate for appointment in Corporation Service the decision of the Government shall be final.

17. Conditions relating to physical fitness.— No candidate selected for appointment in accordance with provisions of clause (1) or rule 11 shall be appointed to any post unless he satisfies the Appointing

Authority that he is physically fit to discharge the duties that he may be called upon to perform. He may also be required to appear for the said purpose before such medical authority as the Appointing Authority may direct and the opinion of the medical authority regarding the fitness of the candidate shall be binding on the candidate.

18. Fees.— Every candidate for direct recruitment to any category of posts may be required to pay such fees if any as may be specified in the notification.

(i) By the Commission or other Authority making direct recruitment with the consent of the Government in respect of his application and examination, and

(ii) In respect of his medical examination.

19. Method of Recruitment and qualification for certain temporary posts.— In case of any temporary post not included in any cadre in these rules the method of recruitment and qualification for recruitment shall be the same as are applicable to the corresponding permanent post included in such cadre or in respect of which the said rules of recruitment are applicable.

20. Provision for appointment of retired persons and for appointment by contract.— (1) Notwithstanding anything contained in rules the Corporation may with prior approval of the Government if it considers necessary for reasons to be recorded in writing that it is in the public interest so to do—

(a) Appoint to any category of post any person who has retired from service of the Government on such terms and conditions and for such period as may be necessary and after consultation with the Commission when such consultation is necessary.

(b) Appoint to any category of post who in its opinion is able to discharge duties of such post on such terms and conditions as may be determined by agreement for a period not exceeding one year

at a time, provided that the total period of appointment of any person or the total period of appointment in any post under this clause shall not exceed five years.

21. Relaxation of rules relating to appointment and qualification.— Notwithstanding anything contained in these rules the Appointing Authority may for reasons to be recorded in writing,—

(a) Appoint to a post,—

(i) An officer of the Defence Service, an All India Service or a Civil Service of a Union or the Civil Services of the State or any other State;

(ii) An Officer holding a post of an equivalent grade by transfer or by deputation from any of Civil Service of the State;

(iii) An Officer who by bodily infirmity is permanently incapacitated for the post which he holds:

Provided that appointment under this clause shall not be,—

(i) To a post lower than that held by such Officer save with his consent;

(ii) To a post higher than the post held by such Officer except when the Appointing Authority is of one opinion that there is no other equivalent post which such officer can be appointed;

(b) Relax by notification for such period as may be prescribed therein the qualification prescribed for the purpose of direct recruitment to any post under these rules if candidates possessing the prescribed qualifications are not available:

Provided that in the case of a post for which the recruitment is to be made in consultation with the Commission such relaxation shall not be made except after consulting the Commission.

22. Appointment by Direct Recruitment or by promotion in certain cases.— Notwithstanding anything contained in these rules the Appointing Authority may,—

(a) Fill by direct recruitment vacancy reserved to be filled by promotion when it is satisfied that all persons eligible to be considered for promotion is not fit to be promoted; or

(b) Fill by promotion a vacancy filled by direct recruitment when such vacancy is not likely to last for more than one year; or

(c) Fill by promotion temporarily on the basis of seniority-*cum*-merit the vacancy required to be filled by direct recruitment where selection to the post has not been finally made and there is likelihood of delay in making direct recruitment. No such promotion shall be made unless a requisition has been sent to the appropriate Appointing Authority for selection of a suitable candidate. A candidate temporarily promoted under this rule shall not have any preferential claim for a regular promotion and shall not count the period of service in the promoted post for seniority. He shall revert to his original post on the expiry of one year or on the appointment of a direct recruit whichever is earlier.

23. Joining Time for Appointment.—(1) A candidate appointed by direct recruitment shall assume charge of the post specified by the Appointing Authority as soon as possible after the date of the order of the appointment but not later than forty five days from that date.

Explanation.— For the purpose of this sub-rule “the date of order of appointment” means the date of despatch of the order of appointment by registered post to the address given by the candidate.

(2) Notwithstanding anything contained in sub-rule (1) the Appointing Authority may on the application of the candidate and if satisfied that there are good and sufficient reasons for doing so, by order in writing grant such further time as it may deem necessary.

(3) The name of the candidate who fails to assume charge of the post within the time specified in sub-rule (1) or within the further time granted under sub-rule (2) shall stand deleted from the list of the selected candidates and the candidates concerned shall cease to be eligible for appointment.

24. Probation and Appointment by Promotion.— (1) All appointments by direct recruitment to any category of posts under these rules shall be on probation for such period not being less than two years;

(a) All appointments by promotion shall be on an officiating basis for a period of one year which may for reasons to be recorded in writing be extended by the Appointing Authority for a period not exceeding one year. At the end of period of officiation or extended period of officiation, as the case may be, the appointing authority shall consider the suitability of the persons so promoted to hold the post to which he was promoted. If the appointing authority considers that the work of the persons so promoted during the period of officiation or extended period of officiation is satisfactory, it shall as soon as possible issue an order declaring the person to have satisfactorily completed the period of officiation, such an order shall have the effect to the date of the expiry of the officiation or the extended period of officiation as the case may be;

(b) If at the end of the period of officiation or the extended period of officiation as the case may be, the appointing authority considers that the person is not suitable for the post to which he is promoted it shall by order revert the person to the post which he held prior to his promotion. Such person shall not be considered to have satisfactorily completed the period of officiation unless a specific order to that effect is passed and any delay in issue of the said order shall not entitle any person to be deemed to have satisfactorily completed the period of officiation.

(c) A person who has been declared to have satisfactorily completed his officiation shall be confirmed as full member of his

service in the class or the category for which he was promoted at the earliest opportunity in any substantive vacancy which may exist or arise in the permanent cadre of such class or category:

Provided that where the appointment is made by promotion to a temporary post the person concerned shall be continued on an officiating basis in the temporary post.

25. Misconduct.— A candidate found guilty of impersonation or of submitting fabricated documents or documents which have been tampered with or of making statements which are incorrect or false or of suppressing material information or of using or attempting to use unfair means in any examination conducted for purposes of recruitment or otherwise resorting to any other irregular or improper means in connection with his recruitment may in addition to himself liable to criminal prosecution and to disciplinary action be debarred either permanently or for a specified period.—

(i) By the Commission or the appointing authority for admission to any examination or appearing for any interview for selection of candidates; and

(ii) By the Corporation from employment under the Corporation.

26. Appointment of officers of the Corporation.— In each of the Corporation the posts mentioned in column (2) of the Table below shall be filled by Government by appointment of Officers of the cadre specified in the corresponding entries in column (3) thereof and the number of such posts in each corporation shall be as specified in the corresponding entries in column (4) thereof.

TABLE

Sl. No.	Posts	Method of appointment of Officers	No. of Posts
1	2	3	4
BANGALORE CITY CORPORATION			
(A) Administration			
1.	Commissioner	As per Section 14 of the K.M.C. Act, 1976.	1
2.	Deputy Commissioners.	By deputation of an Officer from the I.A.S. cadre.	1
		By deputation of an Officer (Senior scale) from the K.A.S. Cadre in the Cadre of K.A.S. (Senior Scale)	1
	Administrative Officer (redesignated as Deputy Commissioner).	By deputation of a K.M.A.S. Officer (Municipal Commissioner Grade I)	1
3.	Council Secretary.	By deputation from the K.A.S. (Class I Junior Scale officer).	1
4.	Assistant Commissioners.	By deputation of a K.M.A.S. Officer of rank of Municipal Commissioner Grade II or by promotion from immediate lower cadre.	1
5.	Public Relation Officers.	By deputation of a K.M.A.S. Officer (Municipal Commissioner Grade II).	1
6.	Welfare Officers.	By deputation from department of Labour of an Officer of the status of an Assistant Commissioner.	1

1	2	3	4
7.	Chief Auditor.	By deputation of an Officer from the State Accounts Department of the rank of Deputy Controller.	1
8.	Chief Accounts Officer.	By deputation of an Officer from the State Accounts Department of the rank of a Deputy Controller.	1

(B) Revenue

9.	Revenue Officers.	From the State Civil Services By deputation from the K.M.A.S. of an Officer of the rank of <i>Deputy Revenue Officer</i> .	1
10.	Octroi Superintendent and Deputy Revenue Officers.	From the K.M.A.S. cadre or by promotion of an <i>Assistant Revenue Officer</i> and <i>Assistant Octroi Superintendent</i> .	7
11.	Assistant Revenue Officers.	By promotion from among the Assistant Octroi Superintendents of Octroi and Revenue and Section Managers/Record keepers and Reporters in the ratio of 4:2:1:1.	12

(C) Health

12.	Health Officers.	By deputation from the directorate of Health and Family Welfare Services of the status of Deputy Director.	1
13.	Additional Health Officer.	By deputation of the Deputy Health Officer in the grade of Deputy Director.	1

1	2	3	4
14.	Deputy Health Officers.	By deputation of an Officer from the Directorate of Health and Family Welfare Services from the cadre of Surgeon or by promotion.	3
15.	Surgeons	By deputation from the Directorate of Health and Family Welfare Services or by Promotion.	3
16.	Asst. Surgeons/ Health Officers/ Medical Officers.	50% by deputation and 50% by direct recruitment.	45
17.	Chemists	By deputation of an Officer from the Directorate of Health and Family Welfare Services.	1

(D) Engineering

18.	Chief Engineer	By deputation of an Officer from the Public Works Department.	1
19.	Superintending Engineer.	-do-	1
20.	Executive Engineers.	By deputation from the cadre of Assistant Engineers.	3
21.	Assistant Engineers.	25 per cent by deputation from the P.W.D. 75 per cent by promotion of Junior engineers, Division I and II in the ratio of 2:1	24

(E) Planning

22.	Deputy Director of Town Planning	By deputation from the Department of Town Planning.	1
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1	2	3	4
23.	Assistant Directors of Town Planning.	By deputation from the Department of Town Planning.	1
24.	Assistant director of Horticulture.	By deputation from the Department of Horticulture.	1
25.	Statisticians	By deputation from the Bureau of Economics and Statistics/Direct Recruitment.	1

TABLE

Sl. No.	Posts	Method of appointment of Officers	No. of Posts
1	2	3	4

HUBLI DHARWAD MUNICIPAL CORPORATION, HUBLI

(A) Administration

1.	Commissioner	As per Section 14 of the K.M.C. Act, 1976.	1
2.	Deputy Commissioner.	By deputation of a K.M.A.S. Officer (Municipal Commissioner Grade I)	1
3.	Council Secretary.	By deputation from the K.A.S. (Class I Junior Scale Officer).	1
4.	Assistant Commissioner.	By deputation of a K.M.A.S. Officer of rank of Municipal Commissioner Grade II or by promotion from immediate lower cadre.	1
5.	Public Relation Officer.	By deputation of K.M.A.S. Officer (Municipal Commissioner, Grade II)	1

1	2	3	4
6.	Welfare Officer.	By deputation from department of Labour of an Officer of the Status of an Assistant Commissioner.	1
7.	Chief Auditor	By deputation of an Officer from the State Accounts Department of the rank of a Deputy Controller.	1
8.	Chief Accounts Officer.	By deputation of an Officer from the State Accounts Department of the rank of a Deputy Controller.	1
(B) Revenue			
9.	Revenue Officer	By deputation from the State Service.	1
10.	Octroi Superintendent and Deputy Revenue Officer.	From the K.M.A.S. cadre or by promotion of an Assistant Revenue Officer and Assistant Octroi Superintendent.	2
(C) Health			
11.	Health Officer	By deputation from the Directorate of Health and Family Welfare Services of the Status of an Assistant Director.	1
12.	Additional Health Officer.	By promotion of the Deputy Health Officer in the cadre of Deputy Director.	1
13.	Deputy Health Officer.	By deputation of an Officer from the Directorate of Health and Family Welfare Services from the cadre of Surgeon or promotion.	1
14.	Surgeons	By deputation from the Directorate of Health and Family Welfare Services or by promotion.	3

1	2	3	4
15.	Assistant Surgeons/Health Officers/ Medical Officers	50 per cent by deputation and 50 per cent by direct recruitment.	20
16.	Chemists	By deputation of an Officer from the Directorate of Health and Family Welfare Services.	1
17.	Superintending Engineer.	Deputation from the Public Works Department.	1
18.	Executive Engineers.	By promotion from the cadre of Assistant Engineers.	2
19.	Assistant Engineers.	25 per cent by promotion from the P.W.D/ 75 per cent by promotion of Junior Engineers Division I and II in the ratio of 2:1.	10
(E) Planning			
20.	Deputy Director of Town Planning.	By deputation from the Department of Town Planning.	1
21.	Assistant Director of Town Planning.	By deputation from the Department of Town Planning.	1
22.	Assistant Director of Horticulture.	By deputation from the department of Horticulture.	1
23.	Statisticians	By deputation from the Bureau of Economics and Statistics.	

TABLE

Sl. No.	Posts	Method of appointment of Officers	No. of Posts
1	2	3	4
BELGAUM CITY CORPORATION			
(A) Administration			
1.	Commissioner	As per Section 14 of the K.M.C. Act, 1976.	1
2.	Deputy Commissioner.	By deputation of a K.M.A.S. Officer (Municipal Commissioner Grade I)	1
3.	Council Secretary.	By deputation from the K.A.S. (Class I Junior Scale Officer).	1
4.	Assistant Commissioner.	By deputation of a K.M.A.S. Officer of rank of Municipal Commissioner Grade II or by promotion from immediate lower cadre.	1
5.	Public Relation Officer.	By deputation of K.M.A.S. Officer (Municipal Commissioner, Grade II)	1
6.	Welfare Officer.	By deputation from department of Labour of an Officer of the Status of an Assistant Commissioner.	1
7.	Chief Auditor	By deputation of an Officer from the State Accounts Department of the rank of an Assistant Controller.	1
8.	Chief Accounts Officer.	By deputation from the State Accounts Department of an Officer of the rank of an Assistant Controller.	1

1	2	3	4
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(B) Revenue

9.	Revenue Officer	By deputation from the State Civil Service.	1
10.	Octroi Superintendent and Deputy Revenue Officers.	From the K.M.A.S. cadre.	2

(C) Health

11.	Health Officer	By deputation from the Directorate of Health and Family Welfare Services of the Status of an Assistant Director.	1
12.	Assistant Surgeons/Health Officer/Medical Officers.	50 Per cent by deputation and 50 per cent by direct recruitment.	2
13.	Chemists	By deputation of an Officer from the Directorate of Health and Family Welfare Services.	1

(D) Engineering

14.	Superintending Engineer.	Deputation from the Public Works Department.	1
15.	Executive Engineer.	By deputation from the Public Works Department/by promotion from the cadre of Assistant Engineers.	1
16.	Assistant Engineers.	25 per cent by deputation from the P.W.D/ 75 per cent by promotion of Junior Engineers Division I and II in the ratio of 2:1.	4

1	2	3	4
(E) Planning			
17.	Assistant Director of Horticulture.	By deputation from the Department of Horticulture.	1
18.	Statisticians	By deputation from the Bureau of Economics and Statistics.	1

TABLE

Sl. No.	Posts	Method of appointment of Officers	No. of Posts
1	2	3	4

MYSORE CITY CORPORATION

(A) Administration

1.	Commissioner	As per Section 14 of the K.M.C. Act, 1976.	1
2.	Deputy Commissioner.	By deputation of a K.M.A.S. Officer (Municipal Commissioner Grade I)	1
3.	Council Secretary.	By deputation from the K.A.S. (Class I Junior Scale Officer).	1
4.	Assistant Commissioner.	By deputation of a K.M.A.S. Officer of rank of Municipal Commissioner Grade II or by promotion from immediate lower cadre.	1
5.	Public Relation Officer.	By deputation of K.M.A.S. Officer (Municipal Commissioner, Grade II)	1
6.	Welfare Officer.	By deputation from the department of Labour of an Officer of the status of an Assistant Commissioner.	1

1	2	3	4
7.	Chief Auditor	By deputation of an Officer from the State Accounts Department of the rank of an Assistant Controller.	1
8.	Chief Accounts Officer.	By deputation from the State Accounts Department of an Officer of the rank of an Assistant Controller.	1
(B) Revenue			
9.	Revenue Officer	By deputation from the State Civil Service.	1
10.	Octroi Superintendent and Deputy Revenue Officer.	From the K.M.A.S. cadre.	1
(C) Health			
11.	Health Officer	By deputation from the Directorate of Health and Family Welfare Services of the Status of an Assistant Director.	1
12.	Assistant Surgeons/Health Officer/Medical Officers.	By Deputation	1
13.	Chemists	By deputation of an Officer from the Directorate of Health and Family Welfare Services.	1
(D) Engineering			
14.	Superintending Engineer.	Deputation from the Public Works Department.	1

1	2	3	4
15.	Executive Engineers.	By deputation from the Public Works Department/by promotion from the cadre of Assistant Engineers.	1
16.	Assistant Engineers.	25 per cent by deputation from the P.W.D/ 75 per cent by promotion of Junior Engineers Division I and II in the ratio of 2:1.	3
		(E) Planning	
17.	Assistant Director of Horticulture.	By deputation from the Department of Horticulture.	1
18.	Statisticians	By deputation from the Bureau of Economics and Statistics.	1

CHAPTER VIII

MISCELLANEOUS

27. Matters unconnected with Municipal Administration.— No resolution shall be moved, no motion shall be made and no discussion shall be held in respect of any matter unconnected with the Municipal Administration except with the prior approval of the Mayor.

28. Authorities for purpose of sub-section (3) of section 432.— Administrator appointed by Government under Section 99 or Section 100, as the case may be, shall be the authorities for the purposes of sub-section (3) of Section 432.

29. Publication of order, notice or other documents.— Every order and every documents directed to be published in the Act or rule or bye-law or regulation shall be published in the following manner, namely:—

(1) By publication in a newspaper having a circulation of not less than 10,000 copies per day.

(2) By affixture on the notice board of the Corporation.

30. Legal Cell.— The number of posts of officers borne on the Legal Cell of each Corporation shall be as specified in column (2) of table below and shall possess the qualifications mentioned in column (3) thereof.

TABLE

Sl. No.	Officers	Number of Posts	Qualifications
1	2	3	4
1.	Head of the Legal Cell; Tenure post not exceeding 3 years.		Retired District and Session Judge or
	1. Corporation of the City of Bangalore.	1	Practising Advocate having 10 years experience.
	2. Corporation of the City of Hubli-Dharwad.	1	Practising Advocate, having 5 years experience.
2.	Legal Assistants, Tenure post not exceeding 3 years.		
	1. Corporation of the City of Bangalore.	3	
	2. Corporation of the City of Hubli-Dharwad.	3	

1	2	3	4
	3. Corporation of the City of Belgaum.	3	
	4. Corporation of the City Mysore.	3	

31. Corporation Security Force.—The Supervisory Officers and Members of the Corporation Security Force shall be as mentioned in the Table below and they shall be filled by deputation of any officers of equivalent grade in the Karnataka State Police Services—

Sl. No.	Posts	Methods of appointments of Officers	No. of Posts
1	2	3	4

I. SUB-INSPECTOR

1. Corporation of the City of Bangalore.	By Deputation from Karnataka State Police Service.	1
2. Corporation of the City of Hubli-Dharwad	"	1
3. Corporation of the City of Belgaum	"	1
4. Corporation of the City of Mysore	"	1

II. HEAD CONSTABLES

1. Corporation of the City of Bangalore.	"	1
2. Corporation of the City of Hubli-Dharwad.	"	1
3. Corporation of the City of Belgaum.	"	1
4. Corporation of the City of Mysore.	"	1

III. CONSTABLES

1. Corporation of the City of Bangalore.	"	4
2. Corporation of the City of Hubli-Dharwad.	"	4
3. Corporation of the City of Belgaum.	"	4
4. Corporation of the City of Mysore.	"	4

1	2	3	4
IV. ARMED GUARDS			
1. Corporation of the City of Bangalore.	"	2	
2. Corporation of the City of Hubli-Dharward.	"	2	
3. Corporation of the City of Belgaum.	"	2	
4. Corporation of the City of Mysore.	"	2	

FORM A

NOTICE DATED

Whereas, the Corporation of the City of
..... has decided vide Resolution Number
..... dated to levy the taxes as specified in the
Schedule below:

It is hereby notified for general information as required under
section 104 of the Karnataka Municipal Corporations Act, 1976 (Kar-
nataka Act No. 14 of 1977) that any objections or suggestions which
may be received from any persons with respect to the aforesaid proposal
will be considered by the Corporation on or after

Objections or suggestions may be addressed to the Commis-
sioner, Corporation of the City of

SCHEDULE

xx here specify the details. xx xx

KARNATAKA ACT NO. 24 OF 1978

*(First published in the Karnataka Gazette Extraordinary on the
Twenty-ninth day of September, 1978)*

**THE KARNATAKA MUNICIPAL CORPORATIONS
(AMENDMENT) ACT, 1978.**

*(Received the assent of the Governor on the Twentyseventh day of
September, 1978)*

An Act to amend the Karnataka Municipal Corporations Act, 1976.

Whereas it is expedient to amend the Karnataka Municipal Corporations Act, 1976 (Karnataka Act 14 of 1977) for the purposes hereinafter appearing;

Be it enacted by the Karnataka State Legislature in the Twenty-ninth Year of the Republic of India as follows:—

1. **Short title and commencement.**— (1) This Act may be called the Karnataka Municipal Corporations (Amendment) Act, 1978.

(2) This section, sections 2,3,4,5,6,7,8,9 and 12 shall come into force at once. Sections 10 and 11 shall be deemed to have come into force on the first day of June 1977.

(Sections 2 to 11 incorporated in the principal Act)

12. **Validations.**— Notwithstanding anything contained in any law, judgement, decree or order of any court or any other authority an Administrator appointed under the Acts repealed by section 507 of the principal Act or under the Karnataka Municipalities Act 1964 and continued after the coming into force of this Act or after the conversion of a City Municipality into a City under this Act, as the case may be shall be deemed to have been continued and appointed in accordance with the provisions of the principal Act as amended by this Act and accordingly, and order issued, anything done or any proceeding or action taken or purported to be issued, done or taken by such Administrator shall for all purposes be deemed to be and to have always been issued, done or taken in accordance with the principal Act as amended by this Act.

KARNATAKA ACT NO. 11 OF 1979

*(First published in the Karnataka Gazette Extraordinary on the
Twentythird day of February, 1978)*

**THE KARNATAKA MUNICIPAL CORPORATIONS
(AMENDMENT) ACT, 1979.**

*(Received the assent of the Governor on the Twenty first day of
February, 1978)*

An Act further to amend the Karnataka Municipal Corporation Act, 1976.

Whereas it is expedient further to amend the Karnataka Municipal Corporations Act, 1976 (Karnataka Act 14 of 1977);

Be it enacted by the Karnataka State Legislature in the Thirtieth Year of the Republic of India as follows:—

1. **Short title and commencement.**— (1) This Act may be called the Karnataka Municipal Corporations (Amendment) Act, 1979.

(2) It shall be deemed to have come into force on the Seventeenth day of November, 1978.

(Section 2 is incorporated in the principal Act)

3. **Repeal of Karnataka Ordinance No. 12 of 1978.**— (1) The Karnataka Municipal Corporations (Amendment) Ordinance, 1978 (Karnataka Ordinance No. 12 of 1978) is hereby repealed.

(2) Notwithstanding such repeal any action taken or any appointment, notification, order, scheme, rule, form or bye-law made or issued under the principal Act as amended by the said Ordinance shall be deemed to have been taken, made or issued under the principal Act as amended by this Act and shall continue in force accordingly unless and until superseded by any action taken or any appointment, notification, order, scheme, rule, form or byelaw made or issued under the principal Act as amended by this Act.

KARNATAKA ACT No. 21 OF 1979

*(First published in the Karnataka Gazette Extraordinary on the
Thirty first day of March, 1978)*

**THE KARNATAKA TAXATION AND CERTAIN OTHER
LAWS (AMENDMENT) ACT, 1979.**

*(Received the assent of the Governor on the Thirtyfirst day of
March, 1979)*

An Act to amend taxation and other laws, as in force in the State of Karnataka.

Whereas it is expedient to amend taxation and other laws as in force in the State of Karnataka for purposes hereinafter appearing;

Be it enacted by the Karnataka State Legislature in the Thirtieth Year of the Republic of India as follows:—

1. Short title and commencement.— (1) This Act may be called the Karnataka Taxation and Certain Other Laws (Amendment) Act, 1979.

(2) It shall come into force at once.

(Section 9 is incorporated in the principal Act)

10. Repeal of Karnataka Act 34 of 1975.— The Karnataka Municipalities (Postponement of Elections) Act, 1975 (Karnataka Act No. 34. of 1975) shall be and shall be deemed to have been repealed with effect (on and from 14th day of March 1979:

Provided that the provisions of section 6 of the Karnataka General Clauses Act, 1899, (Karnataka Act No. 3 of 1899) shall not apply to such repeal and the members and administrators who were continued in office under the proviso to section 3 thereof shall cease to hold such office with effect from the said date.

11. Savings.— (1) For removal of doubts it is hereby declared that.—

(i) from the date of commencement of this Act, there shall be no levy of octroi under the Karnataka Village Panchayats and Local Boards Act, 1959 (Karnataka Act No. 10 of 1959) the Karnataka Municipalities Act, 1964 (Karnataka Act No. 22 of 1964) and the Karnataka Municipal Corporations Act, 1976 (Karnataka Act 14 of 1977);

(ii) the provisions of the Karnataka General clauses Act, 1899 (Karnataka Act No. 3 of 1899) shall apply in relation to the repeal of the provisions relating to octroi in the Acts referred to in clause (i).

(2) Where in respect of a motor vehicle the tax payable under this Act for a year, half year or quarter has been paid before the commencement of the Karnataka Taxation and Certain Other Laws (Amendment) Act, 1979, then, notwithstanding that a taxation card has been granted therefor, revised tax and the additional surcharges payable under section 4 for the said year, half year, or quarter shall be paid within sixty days from the said date.

12. Power to remove difficulties.— If any difficulty arises in giving effect to the provisions of this Act, the State Government may by notification, make such provisions as appear to it to be necessary or expedient for removing the difficulty.

KARNATAKA ACT No. 28 OF 1980

(First published in the Karnataka Gazette Extraordinary on the Tenth day of September, 1980)

**THE KARNATAKA MUNICIPAL CORPORATIONS
(AMENDMENT) ACT, 1980.**

(Received the assent of the Governor on the Sixth day of September, 1979)

An Act further to amend the Karnataka Municipal Corporations Act, 1976.

Whereas it is expedient further to amend the Karnataka Municipal Corporations Act, 1976 (Karnataka Act 14 of 1977) for the purposes hereinafter appearing;

Be it enacted by the Karnataka State Legislature in the Thirtyfirst Year of the Republic of India as follows:—

1. Title and Commencement.— (1) This Act may be called the Karnataka Municipal Corporations (Amendment) Act, 1980.

(2) It shall come into force at once.

(Sections 2 to 4 incorporated in the principal Act)

5. Validation.— Every act or thing done by the Government or other authority before the commencement of this Act that would have been lawful if the principal Act as amended by this Act had been in force at the time when it was done is hereby validated and declared to have been awfully done by the Government or such other authority.

KARNATAKA ACT No. 40 OF 1981

(First published in the Karnataka Gazette Extraordinary on the Twelfth day of August, 1981)

**THE KARNATAKA MUNICIPAL CORPORATIONS
(AMENDMENT) ACT, 1981.**

(Received the assent of the Governor on the Seventh day of August, 1981)

An Act further to amend the Karnataka Municipal Corporations Act, 1976.

Whereas it is expedient further to amend the Karnataka Municipal Corporations Act, 1976 (Karnataka Act 14 of 1977) for the purposes hereinafter appearing;

Be it enacted by the Karnataka State Legislature in Thirtysecond year of the Republic of India as follows:—

1. Short title and commencement.— (1) This Act may be called the Karnataka Municipal Corporations (Amendment) Act, 1981.

(2) It shall come into force at once.

(Sections 2 to 7 incorporated in the principal Act)

8. Validation.— (1) The Karnataka Municipal Corporations rules, 1977 made in notification No. HMA 270 MUN 77 dated 19th December 1977 and published as GSR 390 in the Karnataka Gazette (Extraordinary) dated 22nd December 1977) hereinafter referred to as the said rules) shall, notwithstanding anything contained in any judgment, decree or order of any court or other authority or in the principal Act, be deemed to be as valid and effective for all purposes as if the said rules had been made under the principal Act as amended by this Act and accordingly,—

(a) all actions or things taken or done (including appointments and promotions made) under the said rules shall, for all purposes be

deemed to be and to have always been taken or done in accordance with law;

(b) no,

(i) suit or other proceedings shall be maintained or continued in any court or tribunal or before any authority questioning the validity of any action or thing taken or done under the said rules; and

(ii) court shall recognise or enforce any decree or order declaring that the said rules or any action or thing taken or done thereunder as invalid, on the ground that the rules were made without giving reasonable opportunity to persons likely to be affected by it to file their objections and suggestions.

(2) Notwithstanding anything contained in any judgment, decree or order of any court or other authority or in the principal Act all appointments of Administrators made or continued before the commencement of this Act shall be deemed to have been validly made for all purposes as if the said appointments had been made under the principal Act as amended by this Act and accordingly all actions and things taken or done by or under the authority of the Administrators shall be and shall be deemed to have always been validly taken or done and no suit or other proceedings shall lie or be continued in any court of law or any other authority on the ground that at the time when such action or thing was taken or done the appointment or continuance of the Administrator was not authorised by law.

9. Repeal and Savings.— (1) Kamataka Municipal Corporations (Amendment) Ordinance, 1981 (Karnataka Ordinance 12 of 1981) is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the principal Act as amended by the said Ordinance shall be deemed to have been done or taken under the principal Act as amended by this Act.

KARNATAKA ACT No. 8 OF 1982

(First published in the Karnataka Gazette Extraordinary on the Ninth day of March, 1982)

**THE KARNATAKA MUNICIPAL CORPORATIONS
(AMENDMENT) ACT, 1982.**

(Received the assent of the Governor on the Sixth day of March, 1982)

An Act further to amend the Karnataka Municipal Corporations Act, 1976.

Whereas it is expedient further to amend the Karnataka Municipal Corporations Act, 1976 (Karnataka Act 14 of 1977) for the purposes hereinafter appearing;

Be it enacted by the Karnataka State Legislature in the Thirtythird Year of the Republic of India as follows:—

1. Short title and commencement.— (1) This Act may be called the Karnataka Municipal Corporations (Amendment) Act, 1982.

(2) It shall be deemed to have come into force on the 9th day of November, 1981.

(Sections 2 and 3 incorporated in the principal Act)

4. Repeal and Savings.— (1) the Karnataka Municipal Corporations (Amendment) Ordinance, 1981, (Karnataka Ordinance 21 of 1981) is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the principal Act as amended by the said Ordinance shall be deemed to have been done or taken under the principal Act as amended by this Act.

KARNATAKA ACT No. 13 OF 1983

*(First published in the Karnataka Gazette Extraordinary on the
Twentyeighth day of April, 1983)*

**THE KARNATAKA MUNICIPAL CORPORATIONS
(AMENDMENT) ACT, 1983.**

*(Received the assent of the Governor on the Twentysixth day of
April, 1983)*

An Act further to amend the Karnataka Municipal Corporations Act, 1976.

Whereas it is expedient further to amend the Karnataka Municipal Corporations Act, 1976 (Karnataka Act 14 of 1977), for the purposes hereinafter appearing;

Be it enacted by the Karnataka State Legislature in the Thirty fourth Year of the Republic of India as follows:—

1. Short title and commencement.— (1) This Act may be called the Karnataka Municipal Corporations (Amendment) Act, 1983.

(2) All sections of this Act except clause (b) of section 6 shall be deemed to have come into force on the twenty fourth day of February, 1983 and clause (b) of section 6 shall be deemed to have come into force on the first day of March, 1983.

(Sections 2 to 6 incorporated in the principal Act)

7. Repeal and Savings.— (1) The Karnataka Municipal Corporation (Amendment) Ordinance, 1983 (Karnataka Ordinance 2 of 1983) is hereby repealed.

(2) Notwithstanding such repeal anything done or any action taken under the principal Act as amended by the said Ordinance shall be deemed to have been done or taken under the principal Act as amended by this Act.

KARNATAKA ACT NO. 34 OF 1984.

(First published in the Karnataka Gazette Extraordinary dated on the Twentysixth day of June, 1984)

THE KARNATAKA MUNICIPAL CORPORATIONS AND CERTAIN OTHER LAWS (AMENDMENT) ACT, 1984.

(Received the assent of the Governor on the Twentyfifth day of June, 1984).

An Act further to amend the Karnataka Municipal Corporations and certain other laws, as in force in the State of Karnataka.

Whereas it is expedient further to amend the Karnataka Municipal Corporations and certain other laws, as in force in the State of Karnataka for the purposes hereinafter appearing;

Be it enacted by the Karnataka State Legislature in the Thirtyfifth Year of the Republic of India as follows:—

1. Short title and commencement.— (1) This Act may be called the Karnataka Municipal Corporations and certain other Laws (Amendment) Act, 1984.

(2) It shall come into force at once.

2. Amendment of Mysore Act III of 1903.— In the City of Mysore Improvement Act, 1903 (Mysore Act III of 1903), after section 43, the following section shall be inserted namely:—

“43A. Prohibition of unauthorised occupation of land.— (1) Any person who unauthorisedly enters upon and uses or occupies any land belonging to the Board to the use or occupation of which he is not entitled or has ceased to be entitled, shall, on conviction, be punished with imprisonment for a term which may extend to three years and with fine which may extend to five thousand rupees.

(2) Any person who, having unauthorisedly occupied, whether before or after the commencement of the Karnataka Municipal Corpo-

rations and certain other Laws (Amendment) Act, 1984, any land belonging to the Board to the use or occupation of which he is not entitled or has ceased to be entitled, fails to vacate such land in pursuance of an order under sub-section (1) of section 5 of the Karnataka Public Premises (Eviction of Unauthorised Occupants) Act, 1974 (Karnataka Act 32 of 1974), shall, on conviction, be punished with imprisonment for a term which may extend to three years and with fine which may extend to five thousand rupees and with a further fine which may extend to fifty rupees per acre of land or part thereof for every day on which the occupation continues after the date of the first conviction for such offence.

(3) Whoever intentionally aids or abets the commission by any other person of an offence punishable under sub-section (1) or sub-section (2) shall, on conviction, be punishable with the same punishment provided for such offence under the said sub-sections."

3. Amendment of Karnataka Act 22 of 1964.— In the Karnataka Municipalities Act, 1964 (Karnataka Act No. 22 of 1964), after section 262, the following new section shall be inserted, namely:—

"262A. Prohibition of unauthorised occupation of land.—
(1) Any person who unauthorisedly enters upon and uses or occupies any land belonging to a City Municipal Council to the use or occupation of which he is not entitled or has ceased to be entitled shall, on conviction, be punished with imprisonment for a term which may extend to three years and with fine which may extend to five thousand rupees.

(2) Any person who having unauthorisedly occupied, whether before or after the commencement of the Karnataka Municipal Corporations and certain other Laws (Amendment) Act, 1984, any land belonging to a Municipal Council to the use or occupation of which he is not entitled or has ceased to be entitled, fails to vacate such land in pursuance of an order under sub-section (1) of section 5 of the

Karnataka Public Premises (Eviction of Unauthorised Occupants) Act, 1974 (Karnataka Act 32 of 1974), shall, on conviction, be punished with imprisonment for a term which may extend to three years and with fine which may extend to five thousand rupees and with a further fine which may extend to fifty rupees per acre of land or part thereof for every day on which the occupation continues after the date of the first conviction for such offence.

(3) Whoever intentionally aids or abets the commission by any other person of an offence punishable under sub-section (1) or sub-section (2) shall, on conviction, be punishable with the same punishment provided for such offence under the said sub-sections."

4. Amendment of Karnataka Act 33 of 1974.— In section 2 of the Karnataka Slum Areas (Improvement and Clearance) Act, 1973 (Karnataka Act 33 of 1974),—

(1) in clause (ff) of section 2, the following shall be added at the end, namely:—

“and where there is no such authority, such authority as the State Government may by notification specify and until, such notification is made, the Tahsildar of the Taluk concerned.”

(2) for section 5A, the following shall be substituted, namely:—

“**5A. Application.**— This Chapter shall extend to the whole State of Karnataka.”;

(3) in sub-section (1) of section 5B, the words “in any area” and “in such area” and “under the relevant law” shall be omitted.

5. Amendment of Karnataka Act 11 of 1976.— In the Karnataka Improvement Boards Act, 1976 (Karnataka Act 11 of 1976) after section 32, the following section shall be inserted, namely:—

“32A. Prohibition of unauthorised occupation of land.—

(1) Any person who unauthorisedly enters upon and uses or occupies any land belonging to the Board to the use or occupation of which he is not entitled or has ceased to be entitled, shall, on conviction, be punished with imprisonment for a term which may extend to three years and with fine which may extend to five thousand rupees.

(2) Any person who having unauthorisedly occupied, whether before or after the commencement of the Karnataka Municipal Corporations and certain other Laws (Amendment) Act, 1984 any land belonging to the Board to the use or occupation of which he is not entitled or has ceased to be entitled, fails to vacate such land in pursuance of an order under sub-section (1) of section 5 of the Karnataka Public Premises (Eviction of Unauthorised Occupants) Act, 1974 (Karnataka Act 32 of 1974), shall, on conviction, be punished with imprisonment for a term which may extend to three years and with fine which may extend to five thousand rupees and with a further fine which may extend to fifty rupees per acre of land or part thereof for every day on which the occupation continues after the date of the first conviction for such offence.

(3) Whoever intentionally aids or abets the Commission by any other person of an offence punishable under sub-section (1) or sub-section (2) shall, on conviction be punishable with the same punishment provided for such offence under the said sub-sections.”

6. Amendment of Karnataka Act 12 of 1976.— In the Bangalore Development Authority Act, 1976 (Karnataka Act 12 of 1976), after section 33, the following section shall be inserted, namely:—

“33A. Prohibition of unauthorised occupation of land.—

(1) Any person who unauthorisedly enters upon and uses or occupies any land belonging to the Authority to the use or occupation of which he is not entitled or has ceased to be entitled, shall, on conviction, be punished with imprisonment for a term which may extend to three years and with fine which may extend to five thousand rupees.

(2) Any person who having unauthorisedly occupied, whether before or after the commencement of the Karnataka Municipal Corporations and certain other Laws (Amendment) Act, 1984, any land belonging to the Authority to the use or occupation of which he is not entitled or has ceased to be entitled, fails to vacate such land in pursuance of an order under sub-section (1) of section 5 of the Karnataka Public Premises (Eviction of Unauthorised Occupants) Act, 1974 (Karnataka Act 32 of 1974) shall, on conviction, be punished with imprisonment for a term which may extend to three years and with fine which may extend to five thousand rupees and with a further fine which may extend to fifty rupees per acre of land or part thereof for every day on which the occupation continues after the date of the first conviction for such offence.

(3) Whoever intentionally aids or abets the commission by any other person of an offence punishable under sub-section (1) or sub-section (2) shall, on conviction, be punishable with the same punishment provided for such offence under the said sub-sections."

7. Amendment of Karnataka Act of 1977.— In the Karnataka Municipal Corporations Act, 1976 (Karnataka Act 14 of 1977), after section 436, the following section shall be inserted, namely:—

“436A. Prohibition of unauthorised occupation of land.—

(1) Any person who unauthorisedly enters upon and uses or occupies any land belonging to a Corporation to the use or occupation of which he is not entitled or has ceased to be entitled, shall, on conviction, be punished with imprisonment for a term which may extend to three years and with fine which may extend to five thousand rupees.

(2) Any person who, having unauthorisedly occupied whether before or after the commencement of the Karnataka Municipal Corporations and certain other Laws (Amendment) Act, 1984, any land belonging to a Corporation to the use or occupation of which he is not entitled or has ceased to be entitled, fails to vacate such land in

pursuance of an order under sub-section (1) of section 5 of the Karnataka Public Premises (Eviction of Unauthorised Occupants) Act, 1974 (Karnataka Act 32 of 1974), shall, on conviction, be punished with imprisonment for a term which may extend to three years and with fine which may extend to five thousand rupees and with a further fine which may extend to fifty rupees per acre of land or part thereof for every day on which the occupation continues after the date of the first conviction for such offence.

(3) Whoever intentionally aids or abets the commission by any other person of an offence punishable under sub-section (1) or sub-section (2) shall, on conviction, be punishable with the same punishment provided for such offence under the said sub-sections."

KARNATAKA ACT No. 32 OF 1886

(First published in the Karnataka Gazette Extraordinary on the Seventh day of October, 1986)

THE KARNATAKA MUNICIPAL CORPORATIONS (SECOND AMENDMENT) ACT, 1986

(Received the assent of Governor on the Sixth day of October, 1986)

An Act further to amend the Karnataka Municipal Corporations Act, 1976.

Whereas it is expedient further to amend the Karnataka Municipal Corporations Act, 1976 (Karnataka Act 14 of 1977) for the purposes hereinafter appearing;

Be it enacted by the Karnataka State Legislature in the Thirty-seventh Year of the Republic of India as follows:—

1. Short title and commencement.—

(1) This Act may be called the Karnataka Municipal Corporations (Second Amendment) Act, 1986.

(2) Sections 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16 and 17 shall be deemed to have come into force on the seventeenth day of June, 1986 and the remaining sections shall come into force at once.

2. Amendment of section 2.—

In section 2 of the Karnataka Municipal Corporations Act, 1976, (Karnataka Act 14 of 1977) (hereinafter referred to as the principal Act), in clause (18), for the words “taluk development board”, the words “Zilla Parishad” and for the words “village or town panchayat”, the words “Mandal Panchayat” shall be substituted.

3. Amendment of section 9.—

In section 9 of the principal Act, after the words, “part or whole of the city”, the words, “and a nominated member of the State Legislative Assembly if he is ordinarily a resident of the city” shall be inserted.

4. Amendment of section 11.—

In section 11 of the principal Act,—

(1) in sub-section (1), for the words, “of the corporation”, the words, “in the case of corporations other than the Corporation of the City of Bangalore”, shall be substituted;

(2) after sub-section (1), the following sub-section shall be inserted, namely:—

“(1A) There shall be the following standing committees for the Corporation of the City of Bangalore:

- (a) the standing committee for taxation and finance;
- (b) the standing committee for public health;
- (c) the standing committee for works;
- (d) the standing committee for education;
- (e) the standing committee for town planning and improvement; and
- (f) the standing committee for accounts”.

5i. Amendment of section 13A.—

In section 13A of the principal Act, for sub-section (1), the following sub-section shall be substituted, namely:—

“(1) In addition to the standing committees specified in section 11, there shall be a Social Justice Committee of the corporation consisting of the Mayor and six other members elected by the councillors belonging to the Scheduled Castes and Scheduled Tribes and the women councillors from among themselves in accordance with the system of proportional representation by means of the single transferable vote”.

6. Amendment of section 17.—

In section 17 of the principal Act, for sub-section (2), the following sub-section shall be substituted, namely:—

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

Provided that the limit so prescribed shall not be more than rupees twenty-five thousand and different limits may be prescribed for different corporations.

7. Amendment of section 62.—

In section 62 of the principal Act, after sub-section (5), the following sub-section shall be inserted, namely:—

“(5A) Notwithstanding anything contained in the foregoing sub-sections, the functions, powers and duties of each standing committee of the Corporation of the City of Bangalore shall be such, as may be prescribed by regulations. The Corporation may by regulation also provide for a conference of two or more standing committees or for the appointment, out of such committees, of a Joint Committee for any purpose in respect of which they may be jointly interested”.

8. Amendment of section 150.—

In section 150 of the principal Act, in sub-section (2), after the words, “who shall” the words, “subject to the supervision and control of the Controller of State Accounts” shall be inserted.

9. Amendment of section 183.—

In section 183 of the principal Act, in sub-section (1), for the words, “five thousand” the words, “ten thousand” shall be substituted.

10. Insertion of new sections 288A, 288B, 288C and 288D.—

After section 288 of the principal Act, the following sections shall be inserted, namely:—

“288A. Prohibition of structures or fixtures which cause obstruction in public streets.—

No person shall except with the written permission of the

Commissioner under section 288 erect or set up any wall fence, rail, post, step, booth or other structures or fixtures in or upon any public street or upon or over any open channel, 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.

288B. Prohibition of deposits etc. of things in public street.—

No person shall except with the written permission of the Commissioner place or deposit upon any public street or upon any open channel, drain or well in any street or in any public place, any stall, chair, bench, box, ladder, bale or other things so as to form an obstruction thereto or encroachment thereto.

288C. Licence for sale in public places.—

Except under and in conformity with the terms and provisions of a licence granted by the Commissioner in this behalf, no person shall hawk or expose for sale in any public place or in any public street any article whatsoever whether it be for human consumption or not.

288D. Commissioner may without notice remove encroachment.—

Notwithstanding anything contained in this Act, the Commissioner may, without notice, cause to be removed:—

(a) any wall, fence, rail, step, booth or other structure or fixture which is erected or set up in contravention of the provisions of section 288A;

(b) any stall, chair, bench, box, ladder, bale or any other thing whatsoever, placed or deposited in contravention of section 288B;

(c) any article, whatsoever, hawked or exposed for sale in any public place or in any public street in contravention of section 288C and any vehicle, package, box, board, shelf or any other thing in or on which such article is placed or kept for the purpose of sale”

11. Amendment of section 301.—

Section 301 of the principal Act shall be renumbered as sub-section (1) thereof and after sub-section (1) as so renumbered, the following sub-section shall be inserted, namely:—

“(2) If the Commissioner has not within the said period of thirty days passed any order, the applicant may address a letter to the Commissioner by name, requesting him to pass necessary orders on his application, and the Commissioner shall, within a further period of 30 days from the date of receipt of such letter, by written order, either grant such permission or refuse, on one or more of the grounds mentioned in section 303 or section 304, to grant it”.

12. Amendment of section 302.—

In section 302 of the principal Act, in sub-section (1), for the words and figures, “section 301”, the words, figures and brackets, “sub-section (2) of section 301”, shall be substituted.

13. Amendment of section 310.—

In section 310 of the principal Act,—

(1) after sub-section (1), the following sub-section shall be inserted, namely:—

“(1A) Notwithstanding anything contained in sub-section (1), where permission is granted to any person for erection of a building having more than one floor, such person shall, within one month after completion of execution of any of the floors of such building, deliver or send or cause to be delivered or sent to the Commissioner at his office, a notice in writing of such completion accompanied by a certificate in the form prescribed in the bye-laws, signed and subscribed in the manner prescribed and shall give to the Commissioner all necessary facilities for inspection of such floor of the building and may apply for permission to occupy such floor of the building”.

(2) in sub-section (2),—

(i) after the words, “any such building”, the words, “or part of the building” shall be inserted;

(ii) in clause (b), for the words, “twenty one”, the words “thirty” shall be substituted.

14. Amendment of section 443.—

In section 443 of the principal Act, in sub-section (4), for the words, “Subject to the special provisions in chapters XV and XVII regarding buildings and private markets and subject to such sanction as may be required for the refusal of a licence or permission”, the words, “Notwithstanding anything contained in this Act” shall be substituted.

15. Amendment of section 445.—

In section 445 of the principal Act, for the words, “thirty days” in the two places where they occur, the words, “sixty days” shall be substituted.

16. Amendment of section 482.—

In section 482 of the principal Act,—

(1) in sub-section (1),—

(a) the words, “for damage or compensation” shall be omitted;

(b) for the words, “one month”, the words, “sixty days” shall be substituted.

(2) after sub-section (1), the following sub-section shall be inserted, namely:—

“(1A) A suit to obtain an urgent or immediate relief against the corporation or any municipal authority, corporation officer or servant in respect of any act done or purporting to be done by such officer or servant in his official capacity, may be instituted with the leave of the court, without serving any notice as required by sub-section (1), but the court shall not grant relief in the suit, whether interim or otherwise

except after giving to the corporation officer or servant, as the case may be, a reasonable opportunity of showing cause in respect of the relief prayed for in the suit:

Provided that the court shall, if it is satisfied after hearing the parties that no urgent or immediate relief need be granted in the suit, return the plaint, for presentation to it after complying with the requirements of sub-section (1)";

(3) sub-section (3) shall be omitted.

17. Amendment of section 483.—

In section 483 of the principal Act,—

(i) in clause (g), the words, "with the approval of the corporation" shall be omitted; and

(ii) to clause (g), the following proviso shall be inserted at the end, namely:—

"Provided that he shall, within fifteen days from the date of taking action under this clause report to the corporation with regard to such action;"

18. Amendment of section 500.—

In section 500 of the principal Act,—

(1) in the heading, for the words, "panchayat area" the word, "mandal" shall be substituted;

(2) in the first paragraph, for the word "panchayat", the word, "mandal" and for the words and figure, "Karnataka Village Panchayats and Local Boards Act, 1959", in the two places where they occur, the words and figures, "Karnataka Zilla Parishads, Taluk Panchayat Samithis, Mandal Panchayats and Nyaya Panchayats Act, 1983", shall be substituted;

(3) in clause (a), for the words, "the panchayat of such local area," the words, "the Mandal Panchayat of such local area", and for the words, "Taluk Development Board of the Taluka", the words, "Zilla Parishad" shall be substituted;

(4) in clause (b), for the words, "panchayat fund" the words, "Mandal Panchayat Fund" shall be substituted;

(5) in clauses (c) and (d), for the words and figures, "Karnataka Village Panchayats and Local Boards Act, 1959", the words and figures, "Karnataka Zilla Parishads, Taluk Panchayat Samithis, Mandal Panchayats and Nyaya Panchayats Act, 1983" shall be substituted.

19. Amendment of section 501.—

In section 501 of the principal Act,—

(1) in the heading, for the words, "panchayat area" the word, "mandal", shall be substituted;

(2) in the first paragraph, for the word, "panchayat", the word, "mandal" and for the words and figures, "Karnataka Village Panchayats and Local Boards Act, 1959", the words and figures, "Karnataka Zilla Parishads, Taluk Panchayat Samithis, Mandal Panchayats and Nyaya Panchayats Act, 1983" shall be substituted;

(3) in clause (a) for the words "Panchayat Fund", the words, "Mandal Panchayat Fund" and for the word "panchayat", the words, "Mandal Panchayat" shall be substituted.

(4) in clauses (b) and (c), for the word, "panchayat" the words, "Mandal Panchayat" shall be substituted.

20. Repeal and savings.—

(1) The Karnataka Municipal Corporations (Amendment) Ordinance, 1986 (Karnataka Ordinance 9 of 1986) is hereby repealed.

(2) Notwithstanding such repeal anything done or any action taken under the principal Act as amended by the said Ordinance, shall be deemed to have been done or taken under the principal Act as amended by this Act.

By Order and in the name of the Governor of Karnataka,

K. Ishwar Bhat,
Addl. Draftsman and Ex-Officio,
Addl. Secretary to Government,
Department of Law and Parliamentary Affairs.

Sub. National Systems Unit,
National Institute of Educational
Planning and Administration
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DOC. No. D-5853
Date..... 26-2-91

Govt. Suburban Press B'lore-59

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