THE KARNATAKA MUNICIPALITIES ACT, 1964

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STATEMENTS OF OBJECTS AND REASONS

I

Act 22 of 1964.—The Municipal Councils in the State are now governed by seven different enactments in force in the different areas and in order to have a uniform law in the whole State, this Bill has been brought forward. The Bill governs both City Municipalities and Town Municipalities as the provisions are in most case common and it is convenient to have a single enactment for both kinds of Municipalities. The Bill embodies the principal features of the enactment in force at present. Provision has also been made in chapter IX of the Bill for undertaking and executing improvement schemes and levying betterment fees on lands whose value increases by execution of improvement schemes.

(Published in the Karnataka Gazette (Extraordinary), Part IV-2A, dated 30th March 1963, as No. 46, at p. 292.)

II

Amending Act 34 of 1966.—In order to empower municipal councils to exercise control over the functions of the Chief Officer it is considered necessary to amend the Mysore Municipalities Act, 1964. Opportunity has been taken to make certain other amendments found necessary to facilitate the proper working of the Act. Hence the Bill.

(Published in the Karnataka Gazette (Extraordinary), Part IV-2A, dated 28th July 1966, as No. 132, at p. 8.)

III

Amending Act 2 of 1976.—The Corporation of the City of Bangalore and the Municipalities in the State are empowered to levy an additional duty on transfer of immovable properties in the form of surcharge on the duties imposed under the Stamp Act on instruments of sale, gift, exchange etc. The basis of the levy was the amount of consideration in the case of sale and value in the other two cases.

But the Stamp Act was amended by the Act No. 12 of 1975 changing the basis in the case of sale etc., to be the market value. Consequential amendments therefore became necessary in the municipal laws. Corresponding provision was not available in the Bombay Provincial Municipal Corporation Act, 1949, under which the Hubli-Dharwar Municipal Corporation is established. It was considered necessary to provide for it also to achieve uniformity.

Hence, the Karnataka Municipal Laws (Amendment) Ordinance, 1975 was promulgated.

The Bill is to replace the said Ordinance.

(Published in the Karnataka Gazette, PART IV—2-A, dated 22nd January 1976, at p. 7–8.)

IV

Amending Act 39 of 1976.—In order to augment the revenues of the State it is considered necessary to levy a tax on urban land. This tax is payable with effect from 1st April 1975 in the cities of Bangalore and Hubli-Dharwar and in the city municipalities of Mysore, Mangalore, Belgaum, Gulbarga, Bellary, Davanagere, Bijapur, Shimoga and Bhadravati. In respect of other places the effective date will be notified. This tax will be in lieu of land revenue assessment, including non-agricultural assessement, ground rent, jodi or quit rent and any other amount specified by the State Government, payable in respect of that land. The levy will be at graduated scales on the market value of the urban land. Procedure for the determination of the market value is provided and the market value once determined will hold good for five years at a time. Appeal to Tribunal by the aggrieved is provided. Small bits of lands not exceeding 223 square meters and lands used for public purposes are exempted from the payment of the tax.

(Published in the Karnataka Gazette (Extraordinary), Part IV-2A, dated 14th February 1975, as No. 343, at p. 27.)

V

Amending Act 83 of 1976.—The Karnataka Municipalities Act, 1964 received the assent of the President on 7th May 1964 and came into force in the State. The action Committee of the Karnataka State Municipal President and Vice-President conference held during 1969 desired a scrutiny of the Karnataka Municipalities Act, 1964. A Committee was therefore constituted to have a detailed scrutiny of the provisions of the Act and to suggest amendments thereto. Some difficulties were also felt in the implementation of the provisions of the Act. The Divisional Commissioners and the Controller, State Accounts Department also proposed certain amendments to the Karnataka Municipalities Act, 1964.

This committee was constituted under the Chairmanship of the minister for Law and Municipal Administration. The Committee has made a detailed study of the provisions of the Karnataka Municipalities Act, 1964 and keeping in view the proposals and suggestions from the different quarter and has proposed certain amendments in the form of the Bill.

The salient features of the Bill are as follows:—

1. The strength of the Councillors is raised with reference to population.

2. The territorial divisions shall be so formed as to comprised as far as may be, contiguous blocks.

3. Corrections in the Electoral roll may be effected till the last date for making nominations.

4. Offences under the untouchability Act and the Food Adulteration Act etc., constitute disqualification from being Councillors.

5. Every Councillor may receive monthly allowance out of the Municipal funds.

6. Elections should be subjected to control and supervision of the Government and Government may make rules to provide for or regulate all or any of the matters for the purpose of holding elections of the Councillors.

7. Councillors, Vice-Presidents and Presidents may resign by giving notice in writing and such resignation shall take effect on the expiry of the tenth day after receipt of resignation.

8. Allowances to the President and Vice-Presidents are revised.

9. The President have been given additional powers and the Presidents shall be ex-officio members of all the Standing Committees but without the power of vote on any question.

10. Every councillor is to be provided with copies of the meeting proceedings before the next meeting.

11. The Chairman of the Standing Committee shall be elected by the members thereof by the system of single transferable vote.

12. The power of the Council to lease, sell or contract is raised.

13. Power of Government to supersede a Municipal Council in certain circumstances shall not exceed one year.

14. Conversion of notified areas, Town Boards, the Sanitary Boards etc., into municipalities is provided for.

15. Provision is made to meet the expenditure on Municipal Administration Services from out of the consolidated fund.

16. The Madras Public Health Act is so far as it applies to the employees coming within the purview of the Karnataka Municipalities Act shall be repealed.

Hence the Bill.

(Publishedin the Karnataka Gazette (Extraordinary), Part IV-2A, dated 18th March 1976, as No. 1539, at p. 17–19.)

VI

Amending Act 13 of 1979.—Section 18 of the Karnataka Municipalities Act, 1964 (Karnataka Act 22 of 1964) provides that the term of the Councillors elected at a general elections shall be four years.

In some Municipalities, for various reasons, election of the Municipal Councillors could not be held immediately after the expiry of their term and the elected councillors continued to function as such. To validate their actions it is proposed to take powers to extend the term of elected councillors upto a period not exceeding 24 months.

Provisions relating to resignation of members. President and Vice-President are being made simple and clear by amending section 40.

In section 42 provision is being made to limit the effect of the resolution of the Council limiting the term of the President, only upto the life of the Council passing such resolution.

Opportunity is taken to make some other minor amendments to remove some working difficulties.

Hence this Bill.

(Published in the Karnataka Gazette (Extraordinary), Part IV-2A, dated 24th January 1979, as No. 78, at p. 5.)

VII

Amending Act 21 of 1979.—In order to augment the revenues of the State it is proposed to amend taxation and other laws. Opportunity is taken to make some other amendments also.

Hence this Bill.

(Published in the Karnataka Gazette (Extraordinary), Part IV-2A, dated 27th March 1979, as No. 259, at p. 43.)

VIII

Amending Act 22 of 1981.—With effect from the year 1973-74, the municipal corporations and the municipal Councils are requested to set apart 18 per cent of their revenue every year for the welfare of Schedule Castes and the Schedule Tribes within their respective jurisdictions. In order to ensure that the programmes for the welfare of the Schedule Castes and the Schedule Tribes are formulated well in advance and implemented effectively, it is necessary that each municipal council constitutes a social justice committee and entrusts the responsibility of formulating activities and programmes for the welfare of the Schedule Castes and the Scheduled Tribes in its jurisdiction to the said committee.

Hence the Bill.

(Published in the Karnataka Gazette (Extraordinary), Part IV-2A, dated 3rd February 1981, as No. 82, at p. 4.)

IX

Amending Act 26 of 1982.—It is decided that there should be some minimum period of exercise of profession in a year for attracting the tax liability under the Karnataka Tax on Professions, Trades, Callings and Employment Act, 1976. It is considered desirable to fix up the minimum period at 120 days, in a year.

According to the proviso to item (xi) of section 94 of the Karnataka Municipalities Act, a tax under item (xi) shall not be levied where the Municipality levies a profession tax. As profession tax is now being levied in all cases, item (xi) of the proviso thereto of the Karnataka Municipalities Act are being deleted.

Hence the Bill.

(Published in the Karnataka Gazette (Extraordinary), Part IV-2A, dated 10th June 1982, as No. 469, at p. 3.)

X

Amending Act 28 of 1982.—Section 321 of the Karnataka Municipalities Act, 1964 empowers the Government to delegate its powers to the Divisional Commissioners. It is proposed to empower

Government to delegate its powers to the Deputy Commissioners also in the interest of quick and more expeditious disposal.

Section 342 (1) of the Act provides that the Chief Officers and Municipal Commissioners may make appointments to posts whose monthly salary does not exceed Rs. 60 without the sanction of the Municipal Councils;

Due to the revision of pay scales in 1977, the lowest pay scale is Rs. 250–400 and there is no post whose monthly salary does not exceed Rs. 60. It is therefore, proposed to amend Section 342 to provide that; the monetary limit may be prescribed by rules.

Hence the Bill.

(Published in the Karnataka Gazette (Extraordinary), Part IV-2A, dated 27th June 1981, as No. 488, at p. 3.)

XI

Amending Act 12 of 1983.—By passage of time, there has been a steady increase in the participation of women in all walks of life. In order to ensure more and more involvement of women in the affairs of the municipality it is proposed to provide adequate representation for women by increasing the reservation for women to as nearly as may be 20% of the total number of councillors. Power is being taken to divide the municipalities into single member constituencies.

It is proposed to make all persons who have attained the age of 18 years eligible to vote in election to municipalities. Opportunity is taken to make some of the minor amendments.

Hence this Bill.

(Published in the Karnataka Gazette (Extraordinary), Part IV-2A, dated 25th March 1983, as No. 188, at p. 5.)

XII

Amending Act 2 of 1984.—(Note: By this Act the Karnataka Marriages (Registration and Miscellaneous provisions) Act 1976 was enacted. Therein some consequential amendments were made to the Karnataka Municipalties Act.)

XIII

Amending Act 33 of 1984.—It is proposed to provide that copies of all communications except confidential communications addressed by the Municipal Commissioner or the Chief Officer to the Government shall be simultaneously forwarded to the President.

It is considered necessary to enable the members of the Legislative Assembly to take part in the meetings of the municipal council and the standing committees thereof. However they shall not have the right to vote or to contest for any elected office in the council or in the standing committee.

It is proposed to provide that the President or the Vice-President of a municipal council shall not preside over a meeting of the council in which a no-confidence motion against them is discussed. However he will have the right to take part in the discussion and the right to vote.

At present water rate is being levied by the municipalities both in the form of tax on buildings and the lands and charges for supply of water. The High Court has held that according to the existing proviso it is not permissible to levy it in both forms. It is considered necessary to levy it in both forms by making suitable modification in the provision and to validate the collection made so far.

It is proposed to enhance the maximum fees leviable on buses using municipal bus stands from twenty-five paise to five rupees. The actual rate will be specified in the bye-laws.

Hence the Bill.

(Published in the Karnataka Gazette (Extraordinary), Part IV-2A, dated 29th March 1984, as No. 194, at p. 5.)

XIV

Amending Act 34 of 1984.—The problem of encroachments on lands belonging to Municipalities, Bangalore Development Authority, Improvement Boards and other Local Bodies has assumed serious proportions. It is necessary to provide deterrent punishment for such encroachments.

2. Hence it is proposed to introduce a provision to make encroachment on lands belonging to the City Improvement, Trust Board, Mysore, Village Panchayats, Taluk Boards, Municipal Councils, Municipal Corporations, Improvement Boards and the Bangalore Development Authority an offence punishable with imprisonment for a term which may extend to three years and with fine which may extend to five thousand rupees. Further, it is also proposed that any person who had unauthorisedly occupied land belonging to any of the said bodies and who fails to vacate such land in pursuance of an order under Section 5 (1) of the Karnataka Public Premises (Eviction of Unauthorised Occupants) Act 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 Rs. 50 per acre of land or part thereof for every day on which the occupation continues after the date of first conviction. A person who intentionally aids or abets the commission of these offences shall also be liable to receive the same punishment. It is proposed to introduce this provision in the following statutes:

(1) The City of Mysore Improvement Act, 1903.

(2) Karnataka Village Panchayats and Local Boards Act, 1959.

(3) Karnataka Municipalities Act, 1964.

(4) Karnataka Municipal Corporations Act, 1976.

(5) Karnataka Improvement Boards Act, 1976.

(6) Bangalore Development Authority Act, 1976.

3. It is also proposed to extend the application of chapter III A of the Karnataka Slum Areas (Improvement and Clearance) Act 1974 to the whole State and to make the Tahsildar of the Taluk the licensing authority, where there is already no licensing authority.

Hence this Bill.

(Published in the Karnataka Gazette (Extraordinary), Part IV-2A,dated 6th February 1984, as No. 104, at p. 8–9.)

XV

Amending Act 33 of 1986.—At present the Municipal Councils do not have adequate funds for implementing water supply schemes efficiently. It is proposed to take over the maintenance of water supply schemes by Government and to entrust them to the Karnataka Urban Water Supply and Drainage Board in a phased manner. Therefore, it is proposed to levy 10 per cent water supply cess on property tax to raise the necessary resources for the purpose.

2. It is proposed to entrust the Divisional Commissioner alone with the powers of revision which were hither to being exercised both by the Government as well as Divisional Commissioners.

3. Provisions have been made to enable the Government to delegate certain powers exercised by the Government, the Commissioners and the Deputy Commissioners to the Director of Municipal Administration to have effective control and supervision over the Municipal Councils.

4. Opportunity is also taken to make certain changes which are necessitated due to the coming into force of the Karnataka Zilla Parishads, Taluk Panchayat Samithis, Mandal Panchayats and Nyaya Panchayats Act, 1983.

As the Karnataka Legislative Council was not in session and since the matter was very urgent, the Karnataka Municipalities (Amendment) Ordinance 1986 (Karnataka Ordinance 7 of 1986) was promulgated and this Bill seeks to replace the said Ordinance.

Hence the Bill.

(Published in the Karnataka Gazette (Extraordinary), Part IV-2A, dated 19th August 1986, as No. 625, at p. 8.)

XVI

Amending Act 20 of 1987.—It has been considered necessary to provide for prohibition of defection by Members of Zilla Parishads Mandal Panchayats and Councillors of Municipal Corporations and the City and Town Municipal Councils from the political parties by which they were set up as candidates. In order to provide healthy politics in the local bodies it is considered necessary to disqualify such councillors subject to certain conditions in the case of merger or split.

Opportunity is taken to amend the Karnataka Zilla Parishads, Taluk Panchayat Samithis, Mandal Panchayat and Nyaya Panchayat Act, 1983 (Karnataka Act 20 of 1985). The Karnataka Municipal Corporations Act, 1976 (Karnataka Act 14 of 1977) and the Karnataka Municipalities Act, 1964 (Karnataka Act 22 of 1964).

As the Karnataka Legislature Assembly was not in Session and since the matter was very urgent the Karnataka Local Authorities (Prohibition of Defection) Ordinance, 1986 (Karnataka Ordinance No. 18 of 1986) was promulgated.

The Bill seeks to replace the said Ordinance.

Hence the Bill.

(Obtained from LA Bill No. 3 of 1987.)

XVII

Amending Act 2 of 1990.—The Karnataka Municipalities Act, 1964, the Karnataka Municipal Corporations Act, 1976 and the Karnataka Zilla Parishads, Taluk Panchayat Samithis, Mandal Panchayats and Nyaya Panchayats Act, 1983 contain provisions for the preparation of additional Electoral Rolls of the purpose of conferring the right to vote to persons who had attained the age of 18 years.

Pursuant to the amendments affected to the Representation of the People Act, the Electoral Rolls for elections to the Assembly and Parliamentary constituencies now include persons who have attained the voting age of 18 years.

In these circumstances, it has been decided to delete the provisions requiring the preparation of the additional Electoral Roll by making suitable and consequential amendments.

It is also proposed to have a uniform term of office of five years fixed for the Councillors, Corporators and the Members of Zilla Parishads. Consequently, the statutory term of four years for the Councillors is enhanced to five years to be on par with the terms of office of the Corporators and the Members of the Zilla Parishads.

Hence the Bill.

(Published in the Karnataka Gazette (Extraordinary), Part IV-2A, dated 20th December 1989, as No. 616, at p. 5.)

XVIII

Amending Act 14 of 1990.—(Note: By this Act the Civil Services Act was enacted. Therein certain consequential amendments were made to some Acts including the Karnataka Municipalties Act.)

XIX

Amending Act 22 of 1991.—It is considered necessary to prohibit display of any flag other than National Flag or a flag approved by the State Government on the offices of City Corporation and City or Town Municipal Councils.

Hence the Bill.

(Published in the Karnataka Gazette (Extraordinary), PArt IV-2A, dated 15th March 1991, as No. 97, at p. 187.)

XX

Amending Act 36 of 1994.—It is considered necessary to amend the Karnataka Municipalities Act, 1964 to bring it in conformity with the provisions of the Constitution (Seventy-fourth Amendment) Act, 1992.

The Bill among other things provides for,—

(1) specifying smaller urban area and transitional area by the Governor having regard to the population, income generated in the area, percentage of employment in non-agricultural activities and certain other factors enumerated in section 3 and section 349;

(2) composition of the municipal Council and Town Panchayats;

(3) reservation of seats and office of chair persons in municipal councils and town panchayats in favour of Scheduled Castes, Scheduled Tribes, Backward Classes and Women;

(4) preparation of electoral roll by the State Election Commission and superintendence direction and control by the State Election Commission in respect of conduct of election;

(5) Finance Commission constituted under the Karnataka Panchayat Raj Act, 1993 to review the financial position of the Municipal Councils and Town Panchayats and to make recommendation to the Governor;

(6) effect of absorption or conversion of transitional area into smaller urban area or panchayat area and that of panchayat area into transitional area. Certain consequential changes are also made.

As the matter was urgent and the Karnataka Legislative Assembly was not in session, the Karnataka Municipalities (Amendment) Ordinance, 1994 was promulgated.

This Bill seeks to replace the said Ordinance.

Hence the Bill.

(Obtained from Vide LC Bill No. 1 of 1994.)

XXI

Amending Act 20 of 1995.—Section 9 of the Karnataka Municipalities Act, 1964 (Karnataka Act 22 of 1964) provides a period of two months to entertain any objections from all persons to the proposal to constitute the local area to be a smaller urban area or to alter the limits of the smaller urban area in a certain manner or to declare that the local area shall cease to be a smaller urban area, as the case may be. Specifying any urban areas as smaller urban area is a first step in the entire process of election to Municipal Councils. Consequent to the expiry of the term of office of the Councillors, Administrators have been appointed to Municipal Councils and as such election to constitute new bodies will have to be completed as early as possible. Since the period of two months provided in the said section is too long, it is considered necessary to amend the said section to reduce the period of ‘two months’ to ‘Thirty days’.

Hence the Bill.

(Obtained from LA Bill No. 24 of 1995.)

XXII

Amending Act 24 of 1995.—It is considered necessary to amend the Karnataka Municipalities Act, 1964.—

(i) to substitute the existing definition of Backward Classes in order to re-define it on the lines of the definition of “Backward Classes” contained in the Panchayat Raj Act, 1993;

(ii) to earmark eighty per cent of the offices of the President and Vice-President reserved for Backward Classes, in favour of category 'A' and the remaining twenty per cent in favour of category 'B';

(iii) to earmark eighty per cent of the seats reserved for Backward Classes in the Municipal Councils and Town Panchayats in favour of category 'A' and the remaining twenty per cent in favour of category 'B';

(iv) to provide for deemed deputation of the Returning Officers, Assistant Returning Officers, Presiding Officers etc., to the State Election Commission during the period commencing from the election ending with the date of declaration of the result of election, so that such officers shall be subject to the control, superintendence and discipline of the State Election Commission.

Hence the Bill.

(Obtained from LA Bill No. 26 of 1995.)

XXIII

Amending Act 24 of 1998.—It is considered necessary to amend the provisions of section 11 of the Karnataka Municipalities Act, 1964 and section 7 of the Karnataka Municipal Corporations Act, 1976 to do away with the requirement that the members of the House of people and the Legislative Assembly should be registered as electors within the Municipal area or a city as the case may be, so as to bring them in conformity with Article 243R of the Constitution of India.

Hence the Bill.

(Published in the Karnataka Gazette (Extraordinary), Part IV-2A, dated 15th May 1998, as No. 600, at p. 2.)

XXIV

Amending Act 22 of 2000.- It is considered necessary to prepare upto date Codal Volumes of the Karnataka Acts and to repeal all the spent Acts and amendments Acts from time to time.

The Government constituted One-man Committee for the above purpose. The Committee has reviewed the Karnataka Acts for the period for 1.1.1956 to 31.12.1998 and has proposed this "Repealing and Amending Bill, 2000" which seeks to repeal the following types of Acts,-

(i) Acts which amended the Karnataka Acts whether they are now in force or not;

(ii) Acts which amended regional Acts which are no longer in force;

(iii) Appropriation Acts as they are spent Acts;

(iv) Acts which have been struck down or by necessary implication struck down by the Court;

(v) Acts which are by implication repealed by Central Acts; and

(vi) Acts which are temporary and spent enactments.

The Bill does not include,-

(i) Acts which amend the Central Acts and regional Acts which are in force; and

(ii) Acts which are already repealed expressly.

This Bill seeks to repeal and remove all spent and amendment Acts from the Statute Book.

Hence the Bill.

(Obtained from L.A. Bill No. 17 of 2000)

XXV

Amending Act 28 of 2001.- It is considered necessary to amend the Karnataka Municipalities Act, 1964 to simplify the procedure, introduce the system of self-assessment of property tax and to provide for the following,-

(1) to abolish the system of determining the Rateable Value on the basis of annual gross rent to which a building may reasonably be expected to let from month to month or from year to year for the purpose of assessment of property tax;

(2) to introduce a system of assessment of property tax based on Taxable Capital Value having regard to the estimated market value of the land and estimated cost of erecting the building;

(3) to levy property tax at such percentage of Taxable Capital Value fixed by the Municipalities with reference to location, type of construction of the building nature of use to which the property is put, area of the land, plinth area of the building and age of the building;

(4) to provide for payment of property tax and filing of returns by owners or occupiers;

(5) to provide an incentive at the rate of five percent of the tax for owners filing returns within the specified time;

(6) to impose a penalty at the rate of fifty percent of the tax in cases of failure to submit returns;

(7) to collect service charges in respect of properties exempted from property tax;

(8) to collect penalty equal to twice the property tax leviable in respect of unlawful buildings without prejudice to any proceedings or action to be taken for unlawful construction;

(9) to publish property tax register for public information;

(10) to undertake survey of lands and buildings and preparation of property register;

Certain other consequential and incidental amendments are also made.

Hence the Bill.

(Vide L.A. Bill No.31 of 2000 File No. ಸಂವ್ಯಶಾಇ 49 ಶಾಸನ 2000

XXVI

Amending Act 8 of 2003.- To give effect to the proposals made in the Budget Speech for the year 2003-04, it is considered necessary to amend the Karnataka Stamp Act, 1957, the Karnataka Municipalities Act, 1964, the Karnataka Municipal Corporations Act, 1976 and the Karnataka Panchayat Raj Act, 1993.

Hence the Bill.

[LA Bill No. 8 of 2003]

(Entries 5 and 63 of List-II of the Seventh Schedule to the Constitution of India)

XXVII

Amending Act 23 of 2003.- It is considered necessary to amend the Karnataka Municipalities Act, 1964 to provide for Minimum representation of the persons belonging to the Scheduled Castes and Scheduled Tribes in the Municipal Councils and Town Panchayats.

The 74th Constitutional Amendment provides that in every Urban Local Bodies the members of House of the People as well as members of the State Legislative Assembly be represented in the concerned Municipalities. When the Acts were amended in 1994, the provisions of section 11 were amended to ensure that the members of the House of the People and Member of the State Legislative Assembly and Members of the Council be permitted to participate in the deliberations of the Municipalities and also to vote in the Council. This particular provision was not incorporated in respect of Town Panchayats. It is therefore proposed to amend section 352 for the purpose.

Hence the Bill.

[LA Bill No.20 of 2002]

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

XXVIII

Amending Act 24 of 2003.- Second proviso to sub-section (1) and sub-section (3) of section 3 of the Karnataka Municipalities Act, 1964 provide for specifying an Industrial Township. Now it is

considered necessary to omit the aforesaid provision and to have a separate chapter in the Karnataka Municipalities Act, 1964 for specifying industrial township and other related matters and to make elaborate provisions in that behalf. Therefore, it is proposed to insert a new chapter XVI-A to provide for the following:-

(i) Specifying industrial township having regard to the factors enumerated in the proposed section 364A;

(ii) Constitution of Industrial Township Authority and its composition;

(iii) Term of office of chair-person and other members;

(iv) Transaction of business by the Industrial Township Authority and its functions and duties.

(v) Conferring on the Industrial Township Authority, the powers of the Municipal Council specified in sections 175 to 275.

(vi) Power to extend provisions of the Act, rules and bye-laws applicable to a Municipal Council to the Industrial Township Authority.

(vii) Funds, budget and accounts of Industrial Township Authority.

(viii) Power to levy and collect property tax.

(ix) Power to appoint Chief Executive Officer and other officers and staff and their conditions of service.

(x) Power to appoint an Administrator.

(xi) Effect of conversion of part of a panchayat area etc., into an Industrial Township.

(xii) Power to make regulation.

Certain other incidental and consequential provisions are also made.

Hence the Bill.

[L.C. Bill No.12 of 2002]

Article 243Q and Entry 5 of List-II of Seventh Schedule to the Constitution of India]

XXIX

Amending Act 31 of 2003.- It is considered necessary to amend the Karnataka Municipalities Act, 1964 (Karnataka Act 22 of 1964),-

1) to provide for specifying a smaller urban area in which district head quarters is situated to be a city municipal area even though population is less than 50 thousand;

2) to require that motion of expressing want of confidence in the President or Vice President should be passed by a majority of the total number of councillors having voting right and by a majority of not less than two-third of the councillors having voting right present and voting;

3) to dispense with the requirement of sanction of the Government to levy tax;

4) to reduce the rate of property tax on vacant land from the existing rate of minimum 0.3% and maximum 0.6% in view of several objections received from public;

(5) to provide for exemption from levy of property tax in respect of places of public worship, choultaries for charitable purposes etc. as provided in the Karnataka Municipal Corporations Act, 1976;

6) to levy a penalty at 2% per month on belated payment of property tax due;

7) to omit the provisions relating to levy of water cess to mitigate the tax burden;

8) to exempt vacant land to a maximum of 50 square meters around a residential building constructed on a site measuring up to 225 square meters from the levy of property tax;

9) to provide for delegation of powers of the Government and other officers;

10) to validate the assessment etc. already made.

Certain other incidental and consequential amendments are also made.

As the matter was urgent and the Karnataka Legislative council was not in Session the Karnataka Municipalities (Amendment) Ordinance, 2003 was promulgated.

Hence the Bill.

[LA Bill No.19 of 2003]

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

XXX

Amending Act 40 of 2003.- Considering the complaints received from general public that candidates contesting in elections to urban local bodies spend huge sum of money on publicity and other things concerning campaigning which amounts to corrupt practice, the State Election Commission has proposed for bringing suitable amendment to the Karnataka Municipalities Act, 1964 to insert a new provision providing for disqualification for failure to lodge account of election expenses.

Hence the Bill.

[LA Bill No.22 of 2002]

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

XXXI

Amending Act 17 of 2004.- According to the Karnataka Municipal corporations (Amendment) Act, 2003 and the Karnataka Municipalities (Amendment) Act, 2003, property owners are required to pay the property tax for the years 2002-2003 and 2003-2004 before 30th September, 2003 without a penalty. There have been requests from the general public to extend the period of payment of tax without penalty. Hence, it is proposed to extend the period of payment of tax without penalty up to 31st March, 2004 in order to provide some relief to the tax payers.

Hence the Bill,

(LC Bill No.8 of 2004)

(Entry 5 of List II of the Seventh Schedule to the Constitution of India)

XXXII

Amending Act 5 of 2005.- It is considered necessary to amend the Karnataka Municipalities Act, 1964 (Karnataka Act 22 of 1964) and The Karnataka Municipal Corporations Act, 1976 (Karnataka Act 14 of 1977) to provide for,-

(1) reduction of property tax levied for the years 2002-2003, 2003-2004 and 2004-2005 from two and half times to two times of the tax levied for the year 2001-2002;

(2) exemption of Property Tax in respect of the vacant land around all classes of buildings in the Municipalities and City Corporations;

(3) total exemption of the tax on vacant land in Municipalities having a population of less than one lakh;

(4) enhancement of Property Tax once in three years commencing from the year 2005-2006 and to give guidelines for enhancement;

(5) reduction of tax on commercial buildings from an upper limit of 1.5 percent to 0.9 percent situated in the Municipalities having less than one lakh population and in respect of residential buildings from 1.0 percent to 0.6 percent;

(6) Certain other consequential amendments are also made.

The Bill also seeks to replace the Karnataka Municipalities (Amendment) Ordinance, 2004 (Karnataka Ordinance 3 of 2004) and the Karnataka Municipal Corporations (Amendment) Ordinance, 2004 (Karnataka Ordinance 2 of 2004) with certain modifications.

Hence the Bill.

XXXIII

Amending Act 1 of 2007.- It is considered necessary and expedient in public interest to provide for regualarisation of certain unauthorised constructions and to define the parameters thereof by amending the Karnataka Town and Country Planning Act, 1961, the Karnataka Municipal Corporations Act, 1976 and the Karnataka Municipalities Act, 1964 in the following manner, namely:-

(1) to regularise, subject to payment of prescribed fee,-

(a) all unauthorised constructions as on the date of passing of the Amendment Act.
(b) all violations of change of land user
(c) all constructions made on revenue sites

except, developments affecting,-

(i) alignment of Ring Road, Highways
(ii) lands belonging to Government, Local Authorities and Development Authorities, and Parks and Open spaces
(iii) Basement floor earmarked as parking space, and

(2) to prescribe the fee for different types of contravention permitted and

(3) to provide for other consequential and incidental matters.

Hence the Bill.

(LC Bill No. 11 of 2004)

(Entries 5 and 18 of List II and entry 20 of List III of the Seventh Schedule to the Constitution of India.

XXXIV

Amending Act 17 of 2007.- In G.O.NO.RD 9 BMM 2003, dated: 8.9.2005 the posts of Regional Commissioners at Bangalore, Mysore, Gulbarga and Belgaum along with supporting staff has been created.

The Regional Commissioners have to be conferred with statutory powers by necessary amendments to the relevant Acts.

Since the matter was urgent and the Karnataka Legislature was not in session, the Karnataka Land Revenue and Certain Other Laws (Amendment) Ordinance 2006(Karnataka Ordinance No.5 of 2006) was promulgated to achieve the above Object.

Hence the Bill.

[L.A.Bill No.7 of 2007]

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

XXXV

Amending Act 17 of 2009.- The State Election Commission has decided to use Electronic Voting Machines in the conduct of Elections to the Urban Local Bodies. The using of Electronic Voting Machine will minimize the expenditure and also ease the process of counting. The State Election Commission has also requested the Government to amend the Karnataka Municipalities Act, 1964 and the Karnataka Municipal Corporations Act, 1976 to this effect and to include all the necessary provisions if any to facilitate the State Election Commission to use Electronic Voting Machines in the elections to the urban local bodies.

Therefore, it is considered necessary to amend the Karnataka Municipalities Act, 1964 and the Karnataka Municipal Corporations Act, 1976 to facilitate the State Election Commission to use Electronic Voting Machines in the elections to the urban local bodies.

As the matter was urgent and both the Houses of the Karnataka State Legislature were not in session, the Governor of Karnataka had promulgated the Karnataka Municipalities and certain other law (Amendment) Ordinance, 2009 (Karnataka Ordinance No 1 of 2009).

This Bill seeks to replace the said Ordinance.

Hence, this Bill.

(LA Bill No.30 of 2009, File No.DPAL 25 Shasana 2009)

(Entry 5 of List II of the Seventh Schedule to the Constitution of India.)

XXXVI

Amending Act 24 of 2011.- The 13th Finance Commission of India, has recommended that State Governments to establish Property Tax Board to assist urban local bodies, in determining and

collection of Property Tax and to make a provision relating to audit report to place before the State Legislature. Therefore, it is considered necessary to amend the Karnataka Municipal Corporation's Act, 1976 (Karnataka Act 14 of 1977) and Karnataka Municipalities Act, 1964 (Karnataka Act 22 of 1964) to provide for the same.

Hence the Bill.

[L.A. Bill No. 26 of 2011, File No. Samvyashae 25 Shasana 2011]
[Entries 5 and 49 of List II of the Seventh Schedule to the Constitution of India.]

XXXVII

Amending Act 19 of 2012.- It is considered necessary to amend the Karnataka Municipalities Act, 1964 and the Karnataka Municipal Corporations Act, 1976 to provide for,-

(a) making it mandatory to build rain water harvesting structure by house holds subject to certain conditions in the Municipal Corporation areas;
(b) exemption of property tax on building and land belonging to ex-servicemen or member of the family of the ex-servicemen; and
(c) enhancement of the upper limit of property tax leviable by the municipal bodies.

Hence, the Bill.

[L.A. Bill No.46 of 2011, File No.Samvyashae 4 Shasana 2011]
[Entry 5 of List II of the Seventh schedule to the constitution of India.]

XXXVIII

Amending Act 20 of 2012.- One of the nine conditions laid down by the thirteenth Finance Commission for grant of performance grants to local bodies is to entrust the supervision and technical audit of the said Local bodies to C & A.G. This condition is to be met by the State Government before the end of March, 2012. The Accountant General also suggested few modifications.

Therefore, it was considered necessary to amend the Karnataka Municipal Corporations Act, 1976 (Karnataka Act 14 of 1977) and the Karnataka Municipalities Act, 1964 (Karnataka Act 22 of 1964)., to provide for the above.

As the matter was urgent and both the Houses of the Karnataka State Legislature were not in session, the Karnataka Municipal Corporations and certain other Law (Amendment) Ordinance, 2012 (Karnataka Ordinance No.1 of 2012) was promulgated on 14.03.2012.

This Bill seeks to replace the said Ordinance.

Hence the Bill.

[L.A. Bill No. 15 of 2012, File No.Samvyashae 21 Shasana 2012]
[Entry 5 of List II of the Seventh Schedule to the Constitution of India.]

XXXIX

Amending Act 31 of 2012.- The State Government has set up a State Urban Transport Fund to finance initiatives and capacity building in urban transport with budgetary support and amount to be raised through cess on property tax. The existing provisions of the Karnataka Municipalities Act, 1964 and the Karnataka Municipal Corporations Act, 1976, do not provide for collection of cess for Urban Transport. Therefore, it is considered necessary to amend the said Acts for provide for collection of cess at prescribed rates for the purpose of promoting sustainable urban transport systems and infrastructure. The Cess so levied shall form a part of State Urban Transport Fund. Certain other incidental and consequential provisions also have been proposed.

Hence, the Bill.

[L.A. Bill No.16 of 2012, File No. Samvyashae 20 Shasana 2012]
[Entry 5 of List II of the Seventh Schedule to the Constitution of India.]

XL

Amending Act 32 of 2012.- It is considered necessary to amend the Karnataka Municipalities Act, 1964 (Karnataka Act 22 of 1964) and the Karnataka Municipal Corporations Act, 1976 (Karnataka Act 14 of 1977) to provide for reservation of not more than fifty percent of seats to women in the urban local bodies thereby to give effect to the Judgment of Hon'ble Supreme Court of

India in the case of K.Krishnamurthy and others v/s Union of India in writ petition (civil) No. 1356 of 1994.

Hence the Bill.

[L.A. Bill No.19 of 2012, File No. Samvyashae 13 Shasana 2012]

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

XLI

Amending Act 57 of 2013.- It is considered necessary to amend the Karnataka Town and Country Planning Act, 1961 (Karnataka Act 11 of 1963), the Karnataka Municipal Corporations Act, 1976 (Karnataka Act 14 of 1977) and the Karnataka Municipalities Act, 1964 (Karnataka Act 22 of 1964) to provide for,-

(a) Extension of time limit for filing application for regularisation by one year from the date of commencement of this Amendment Act;

(b) Regularisation of buildings constructed in violation of provisions of law and building bye law prior to 3rd day of December 2009; and

(c) Reduction of fee/amount for regularisation of such buildings.

Hence the Bill.

[L.A. Bill No. 43 of 2009, File No. Samvyashae 52 Shasana 2009]

[Entries 5 and 18 of List II and 20 of List III of the Seventh Schedule to the Constitution of India.]

XLII

Amending Act 67 of 2013.- It is considered necessary to amend the Karnataka Town and Country Planning Act, 1961, (Karnataka Act 11 of 1963) the Karnataka Municipal Corporations Act, 1976 (Karnataka Act 14 of 1977) and the Karnataka Municipalities Act, 1964 (Karnataka Act 22 of 1964) to provide for,-

(1) extension of time limit for regularization of unauthorized constructions till the date of promulgation of the Karnataka Town and country Planning and certain other Laws (Amendment) Ordinance, 2013 (Karnataka Ordinance 2 of 2013); and

(2) empowering the State Government to prescribe the last date for receiving applications for regularization of unauthorized constructions.

As the matter was urgent and both Houses of the Karnataka State Legislature were not in session, the Karnataka Town and Country Planning and certain other laws (Amendment) Ordinance, 2013 (Karnataka Ordinance 2 of 2013) was promulgated on 19.10.2013.

This bill seeks to replace the said ordinance.

Hence the Bill.

[L.A. Bill No. 19 of 2013, File No. Samvyashae 46 Shasana 2013]

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

XLIII

Amending Act 06 of 2015.- It is considered necessary to amend the Karnataka Municipalities Act, 1964 (Karnataka Act 22 of 1964) and the Karnataka Municipal Corporations Act, 1976 (Karnataka Act 14 of 1977) to comply the observation made by Hon'ble High Court of Karnataka in W.A. Nos. 1/2011 and 551-552/2011 c/w W.A. Nos. 1009/2011 and others and further to give effect to levy tax on telecommunication towers or advertisement structure by urban local bodies.

Hence, the Bill.

[L.A. Bill No. 56 of 2014, File No. Samvyashae 32 Shasana 2014]
[entry 5 of List II of the Seventh Schedule to the Constitution of India.]

XLIV

Amending Act 42 of 2015.- It is considered necessary to amend the Karnataka Municipalities Act, 1964 (Karnataka Act 22 of 1964) and the Karnataka Municipal Corporations Act, 1976 (Karnataka Act 14 of 1977) in order to meet the objectives of the Karnataka Industrial Policy 2014-2019 by exempting certain enterprises from obtaining trade license in the jurisdiction of Urban Local bodies .

Hence, the Bill.

[L.A. Bill No.38 of 2015, File No. Samvyashae 46 Shasana 2015]
[entry 05 of List II of the Seventh Schedule to the Constitution of India.]

XLV

Amending Act 10 of 2020.- It is considered necessary to amend the Karnataka Municipalities Act, 1964 (Karnataka Act 22 of 1964) and the Karnataka Municipal corporations Act, 1976 (Karnataka Act 14 of 1977) to give option to the voters in the ballot papers and electronic voting machine regarding the none of the above candidates contesting at the election.

Hence, the Bill.

[L.A. Bill No. 12 of 2020, File No. Samvyashae 12 Shasana 2019]
[Entry 5 of list II of the Seventh Schedule to the Constitution of India.]
[Published in the Karnataka Gazette Extra-ordinary No. 154 in part-IV dated: 27.04.2020]

XLVI

Amending Act 39 OF 2020.- It is considered necessary to amend the Karnataka Municipalities Act, 1964 (Karnataka Act 22 of 1964) to establish neighbourhood groups, area sabhas and ward Committees along with their specified powers, functions and responsibilities in all the municipalities in the State in accordance with Article 243S of the Constitution, on the lines of Area sabha and ward committee constituted under the Karnataka Municipal Corporations Act, 1976 (Karnataka Act 14 of 1977) at municipal corporation level for better Governance with participation of people of the ward.

Hence, the Bill.

[L.A. Bill No. 28 of 2020, File No. Samvyashae 09 Shasana 2020]
[Entry 5 of List II of the Seventh Schedule to the Constitution of India.]
[Published in Karnataka Gazette Extra-ordinary No. 465 in part-IVA dated: 19.10.2020]

XLVII

Amending Act 03 of 2021.- It is considered necessary to amend the Karnataka Municipalities Act, 1964 (Karnataka Act 22 of 1964) in order to, -

(i) revise the existing property tax structure and provide a simplified property tax base;

(ii) improve the revenues of the Municipalities by linking the property tax base to the prevailing guidelines value under section 45B of the Karnataka Stamps Act, 1957; and

(iii) enable the State Government to become eligible for additional borrowing limit of 0.25 percent of GSDP (Gross State Domestic Product) for the year 2020-21, it is desirable to bring about property tax reforms for the purpose of strengthening Municipalities.

As the matter was urgent and both the Houses of the State Legislature were not in session, the Karnataka Municipalities (Amendment) Ordinance, 2021 (Karnataka Ordinance 02 of 2021) was promulgated to achieve the above object.

This Bill seeks to replace the above ordinance.

Hence, the Bill.

[L.A. Bill No. 07of 2021, File No. Samvyashae 06 Shasana 2021]
[Entry 05 of List II of the Seventh Schedule to the Constitution of India.]
[Published in Karnataka Gazette Extra-ordinary No. 191 in part-IVA dated: 18.02.2021]

XLVIII

Amending Act 07 of 2021.- In view of the covid-19 pandemic in the financial year 2020-21, it is considered necessary to amend the Karnataka Municipalities Act, 1964 (Karnataka Act 22 of 1964) and the Karnataka Municipal Corporations Act, 1976 (Karnataka Act 14 of 1977) to extend the time limit for payment of the property tax and also to provide rebate of five percent in case tax is paid within one month from the date of commencement of this Amendment Act.

Hence, the Bill.

[L.A. Bill No. 06 of 2021, File No. Samvyashae 83 Shasana 2020]
[Entry 05 of List II of the Seventh Schedule to the Constitution of India.]
[Published in Karnataka Gazette Extra-ordinary No. 193 in part-IVA dated: 19.02.2021]

XLIX

Amending Act of 16 OF 2021.- It is considered necessary to amend the Karnataka Municipalities Act, 1964 (Karnataka Act 22 of 1964) to remove the discrimination against the person who are suffering from leprosy, as it is a curable disease in conformity with the direction of Honourable Supreme Court of India in Writ petition Civil No.1151/2017 (PIL-W)

Hence, the Bill.

[L.A. Bill No. 12 of 2021, File No. Samvyashae 02 Shasana 2021]
[Entry 5 of List II of the Seventh Schedule to the Constitution of India.]
[Published in Karnataka Gazette Extra-ordinary No. 377 in part-IVA dated: 31.03.2021]

L

Amending Act 30 of 2021.- It is considered necessary to amend the Karnataka Municipalities Act, 1964 (Karnataka Act 22 of 1964) and the Karnataka Municipal Corporations Act, 1976 (Karnataka Act 14 of 1977) to provide the power to the urban local bodies to levy fee for granting permission for

erecting outdoor advertisements within their jurisdiction so that the urban local bodies do not incur loss of revenue, as the advertisement tax has been subsumed under the Goods and Services tax.

Hence the Bill.

[L.A. Bill No. 31 of 2021, File No. Samvyashae 29 Shasana 2021]
[Entry 5 of List II of the Seventh Schedule and Article 243X of the Constitution of India.]
[Published in Karnataka Gazette Extra-ordinary No. 819 in part-IVA dated: 07.10.2021]

LI

Amending Act 2 of 2022,- It is considered necessary to amend the Karnataka Municipal Corporations Act, 1976 (Karnataka Act 14 of 1977) and the Karnataka Municipalities Act, 1964 (Karnataka Act 22 of 1994) to give effect to the proposal made in the Budget Speech of 2021-22, to specify separate rate of property tax to be levied for industrial buildings in the Corporations and other urban local bodies, to encourage the establishment of industries in the State.

Hence, the Bill.

[L.A. Bill No. 41 of 2021, File No. DPAL 51 Shasana 2021]
[entry 5 of List II of the Seventh Schedule to the Constitution of India..]
[Published in Karnataka Gazette Extra-ordinary No. 47 in part-IVA dated: 13.01.2022]

LII

Amending Act 33 of 2022.- The cabinet sub-committee on E-Swaththu and E-Khatha, headed by the Honarable Minister for Law, Parlimentary Affairs and Minor Irrigation, has decided in its meeting held on 11.05.2022, to remove the technical difficulties in obtaining building plan sanctions in the areas which do not fall in the jurisdiction of the local planning authorities. Section 4-K of the Karnataka Town and Country Planning Act, 1961 (Karnataka Act 11 of 1963) stipulates the regulation of development of land in the areas other than the local planning area. In view of this, the provisions of section 387 of the Karnataka Municipalities Act, 1964 (Karnataka Act 22 of 1964) needs to be omitted with effect from 12.08.2021, i.e. from the date of insertion of section 4-K in the Karnataka Town and Country Planning Act, 1961 (Karnataka Act 11 of 1963).

Therefore it is considered necessary further to amend the Karnataka Municipalities Act, 1964 (Karnataka Act 22 of 1964) to exempt taking approval for building plans in rural areas from the Department of Town and Country Planning and for matters connected therewith or incidental thereto.

As the matter was urgent and both the Houses of the State Legislature were not in session, the Karnataka Municipalities (Amendment) Ordinance, 2022 (Karnataka Ordinance 03 of 2022) was promulgated to achieve the above object.

Hence, the Bill.

[L.A. Bill No. 16 of 2022, File No. SAMVYASHAE 15 SHASANA 2022]

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

[Published in Karnataka Gazette Extra-ordinary No.517 in part-IVA dated: 13.10.2022]

LIII

Amendment Act 43 of 2024:- It is considered necessary to amend the Karnataka Municipalities Act, 1964 (Karnataka Act 22 of 1964) and the Karnataka Municipal Corporations Act, 1976 (Karnataka Act 14 of 1977) to ,-

(i) bring in all assets under the purview of the urban local authorities under their network of financial resources;
(ii) extend the provisions of property tax to the premises and buildings in unauthorised settlements, other than Government land, and to unauthorized buildings in official settlements, as provided in the Bruhat Bengaluru Mahanagara Palike Act, 2020 (Karnataka Act 53 of 2020);
(iii) provide for necessary provisions regarding e-Asthi software; and
(iv) provide for penalty to the officers in case of non-compliance of the provisions of the said Acts.

Hence, the Bill.

[L.A. Bill No.31 of 2024, File No. SAMVYASHAE 33 SHASANA 2024]

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

[Published in Karnataka Gazette Extra-ordinary No.434 in part-IVA dated:10.09.2024]

LIV

Amendment Act 61 of 2025:- It is considered necessary to amend the following Acts for decriminalising and rationalising offences and to further enhance trust-based governance for ease of living and doing business, namely:-

1. the Bangalore Water Supply and Sewerage) Act, 1964 (Karnataka Act 36 of 1964);

2. the Karnataka Urban Development Authorities Act, 1987 (Karnataka Act 34 of 1987);

3. the Karnataka Agricultural produce marketing (Regulation and Development) Act, 1966 (Karnataka Act 27 of 1966);

4. In the Karnataka Warehouse Act, 1961 (Karnataka Act 11 of 1962);

5. the Karnataka Tourism Trade (Facilitation and Regulation) Act, 2015 (Karnataka Act 21 of 2015);

6. the Karnataka Industrial Areas Development Act, 1966 (Karnataka Act 18 of 1966);

7. the Karnataka Gram Swaraj and Panchayatharaj Act, 1993 (Karnataka Act 14 of 1993);

8. the Karnataka Lifts, Escalators and Passenger Conveyors Act, 2012 (Karnataka Act 9 of 2013);

9. the Karnataka Municipalities Act, 1964 (Karnataka Act 22 of 1964);

10. the Karnataka Municipal Corporations Act, 1976 (Karnataka Act 14 of 1977);

11. the Karnataka Town and Country Planning Act, 1961 (Karnataka Act 11 of 1963) ;and

12. the Karnataka Industries (Facilitation) Act, 2002 (Karnataka Act 45 of 200

Hence, the Bill.

[L.A. Bill No. 59 of 2025, File No. SAMVYASHAE 65 SHASANA 2025]

[Entries 5, 6, 28, 32 of List II and entry 20 of List III of the Seventh Schedule to the Constitution of India]

[Published in Karnataka Gazette Extra-ordinary No.577 in part-IVA dated:12.09.2025]

THE [1][KARNATAKA][1] MUNICIPALITIES ACT, 1964.

(*Received the assent of the President on the Seventh day of April, 1964.*)

(Amended by Karnataka Acts 34 of 1966, 2 of 1976, 39 of 1976, 83 of 1976, 13 of 1979, 21 of 1979, 22 of 1981, 26 of 1982, 28 of 1982, 12 of 1983, 2 of 1984, 33 of 1984, 34 of 1984, 33 of 1986, 20 of 1987, 2 of 1990, 14 of 1990, 22 of 1991, 36 of 1994, 20 of 1995, 24 of 1995, 24 of 1998, 22 of 2000, 28 of 2001, 8 of 2003, 23 of 2003, 24 of 2003, 31 of 2003, 40 of 2003, 17 of 2004, 5 of 2005, 1 of 2007, 17 of 2007, 17 of 2009, 24 of 2011, 19 of 2012, 20 of 2012, 31 of 2012, 32 of 2012, 57 of 2013, 67 of 2013, 06 of 2015, 42 of 2015,10 of 2020, 39 of 2020, 03 of 2021, 07 of 2021, 16 of 2021, 30 of 202, 02 of 2022, 33 of 2022, 43 of 2024 and 61 of 2025)

An Act to consolidate and amend the law relating to the management of municipal affairs in towns and cities in the [1][State of Karnataka][1].

WHEREAS it is expedient to consolidate and amend the law relating to the management of municipal affairs in towns and cities other than cities for which municipal corporations are established in the [1][State of Karnataka][1];

BE it enacted by the [1][Karnataka State][1] Legislature in the Fourteenth year of the Republic of India as follows:—

1. Adapted by the Karnataka Adaptations of Laws Order, 1973 w.e.f. 01.11.1973.

CHAPTER I

PRELIMINARY

1. Short title, extent and commencement.—(1) This Act may be called the [1][Karnataka][1] Municipalities Act, 1964.

1. Adapted by the Karnataka Adaptations of Laws Order, 1973 w.e.f. 01.11.1973.

(2) It extends to the whole of the [1][State of Karnataka][1].

1. Adapted by the Karnataka Adaptations of Laws Order, 1973 w.e.f. 01.11.1973.

(3) This section and sections 2, 323, 365, 381, 383, 384 and 385 shall come into force at once; and the rest of this Act shall come into force on such [1][date][1] as the Government may, by notification, appoint.

1. Rest of the Act came in to force w.e.f. 1.4.1965 by notification Text of notification is at the end of the Act.

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

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

1. Omitted by Act 28 of 2001 w.e.f. 19-11-2001.

[1][(1A) "Backward Classes" means such class and classes of citizens as may be classified as category "A" and "B" and notified by the Government from time to time for the purposes of reservation of seats and offices of President and Vice-President in a Municipal Council or Town Panchayat;][1]

1. Substituted by Act 24 of 1995 w.e.f. 26-9-1995.

(2) "betterment fee" means the fee payable under section 160 in respect of an increase in the value of land resulting from the execution of an improvement scheme;

(3) "building" includes a house, out-house, stable, latrine, urinal, shed, hut, wall, verandah, fixed platform, plinth, doorstep, staircase or any other such structure, [1][including telecommunication tower or Advertisement structures whatever name called][1] whether of masonry, bricks, wood, mud, metal or any other material whatsoever; but does not include a portable shelter;

1 . Inserted by Act 06 of 2015 w.e.f. 09.01.2015.

(4) “City Municipal Council” means a city municipal council established under this Act;

[1][(5) “Commissioner” means the Regional Commissioner or other Officer appointed to perform the duties of the Commissioner under this Act.][1]

1. Inserted by Act 17 of 2007 w.e.f. 5-1-2007.

(6) “Councillor” means any person who is legally a member of a municipal council [1][or Town Panchayat][1];

1. Inserted by Act 24 of 1995 w.e.f. 26-9-1995.

(7) “dangerous disease” means,—

(*a*) cholera, plague, chicken-pox, small-pox, tuberculosis, leprosy, enteric fever, cerebro-spinal meningitis and diphtheria, and

(*b*) any other endemic, epidemic or infectious disease which the Government may by notification declare to be a dangerous disease for the purposes of this Act;

(8) “date of commencement of this Act” means the date appointed under sub-section (3) of section 1;

[1][(8A) "Director of Municipal Administration" means the director of municipal administration appointed under sub-section (1-A) of section 388][1]

1. Inserted by Act 31 of 2003 w.e.f. 20-8-2003.

(9) “Election Tribunal” means in respect of any area any judicial officer appointed by notification by the Government to be Election Tribunal in respect of such area and where no such judicial officer is appointed, the [1][Civil Judge][1] having jurisdiction over the area within which the election has been or should have been held.

1. Adapted by the Karnataka Adaptations of Laws Order, 1973 w.e.f. 01.11.1973.

[1][***Explanation.—***x x x][1]

1. Omitted by SO 1911 dated 24.10.1973.

(10) “Government” means the State Government;

(11) “hut” means any building which is constructed principally of wood, bamboo, mud, leaves, grass, cloth or thatch and includes any structure of whatever material made which the municipal council may declare to be a hut for the purposes of this Act;

(12) “land” includes land which 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;

(13) “market” includes any place where persons assemble for the sale of, or for the purpose of exposing for sale, meat, fish, fruits, vegetables, 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 be no common regulation for 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 by any other person;

(14) “municipal council” means the council of a town or city [1][municipal area][1] established under this Act;

1. Substituted by Act 36 of 1994 w.e.f. 1-6-1994.

[1][(15) “municipal area” means any area specified as a smaller urban area and which is deemed to be a municipal area under section 3 and includes any local area which is deemed to be a municipal area under section 350;][1]

1. Substituted by Act 36 of 1994 w.e.f. 1-6-1994.

(16) “notification” means a notification published in the official Gazette;

(17) “nuisance” includes any act, omission, place, animal 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;

(18) "occupier" includes,—

(*a*) any person who for the time being is paying or is liable to pay to the owner the rent or any portion of the rent of the land or building in respect of which such rent is paid or is payable;

(*b*) an owner in occupation of, or otherwise using his land or building;

(*c*) a rent-free tenant of any land or building;

(*d*) a licensee in occupation of any land or building; and

(*e*) any person who is liable to pay to the owner damages for the use and occupation of any land or building;

[1][(19) x x x][1]

1. Omitted by Act 21 of 1979 w.e.f. 31-3-1979.

(20) "owner" includes a person who for the time being is receiving or is entitled to receive, the rent of any land or building whether on his own account or on account of himself and others or as an agent, trustee, guardian or receiver for any other person or who would to receive the rent or be entitled to receive it, if the land or building or part thereof were let to a tenant and also includes the custodian of evacuee property in respect of evacuee property vested in him under the Administration of Evacuee Property Act, 1950 (Central Act XXXI of 1950);

[1][(20A) "population" means the population as ascertained at the last preceding census of which the relevant figures have been published;][1]

1. Inserted by Act 36 of 1994 w.e.f. 1-6-1994.

(21) "prescribed" means prescribed by rules made by the Government under this Act;

(22) "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 a premises on his own land to secure access to or the convenient use of such premises;

(23) "public securities" means,—

(*a*) securities of the Government of India,

(*b*) securities of the [1][Government of Karnataka][1], or of any other State Government,

1. Adapted by the Karnataka Adaptations of Laws Order, 1973 w.e.f. 01.11.1973.

(*c*) debentures or other securities for money issued by or on behalf of any local authority in exercise of the powers conferred by a law in force in the State, or

(*d*) a security expressly authorised by any order which the Government makes in this behalf;

(24) "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 roadway over any public bridge or causeway,

(*b*) the footway attached to any such street, public bridge or causeway,

(*c*) the drains abutting to any such street, public bridge or causeway and the land, whether covered or not by any pavement, verandah, or other structure, which lines on either side of the roadway up to the boundaries of the adjacent property, whether that property is private property or property belonging to the Government or the municipal council, and

(*d*) any street which, under any provision of this Act, becomes or is declared to be a public street;

(25) "Scheduled Castes" means the Scheduled Castes and Scheduled Tribes specified in respect of the [1][State of Karnataka][1] or in respect of any area thereof in the Constitution

(Scheduled Castes) Order, 1950, and the Constitution (Scheduled Tribes) Order, 1950, for the time being in force;

1. Adapted by the Karnataka Adaptations of Laws Order, 1973 w.e.f. 01.11.1973.

[1][(25A) "State Election Commission" means the State Election Commission constituted under section 308 of the Karnataka Panchayat Raj Act, 1993;][1]

1. Inserted by Act 36 of 1994 w.e.f. 1-6-1994.

(26) "street" means any road, footway, square, court, alley or passage, accessible whether permanently or temporarily to the public, whether a thoroughfare or not; and shall include every vacant space, notwithstanding that it may be private property and partly or wholly obstructed by any gate, post, chain or other barrier, if houses, shops or other buildings abut thereon and if it is used by any person as a means of access to or from any public place or thoroughfare, whether such persons be occupiers of such buildings or not; but shall not include any part of such space which the occupier of any such building has a right at all hours to prevent all other persons from using as aforesaid;

(27) "tax" shall include any toll, rate, cess, fee or other impost leviable under this Act;

[1][(27A) "Taxable capital value" means the [2][value of any buildings including any land occupied by it or vacant land or both][2] fixed in accordance with the provisions of this Act and rules for the porpuse assessment of [2][tax on buildings or vacant land or both][2]][1]

1. Inserted by Act 28 of 2001 w.e.f. 19-11-2001.
2. Substituted by Act 31 of 2003 w.e.f. 19-11-2001.

(28) "Town Municipal Council" means a town municipal council established under this Act;

[1][(28A) "Town Panchayat" means a Town Panchayat established under this Act;][1]

1. Inserted by Act 24 of 1995 w.e.f. 26.9.1995.

[1][(28B) "Vacant land" means land not builtupon; [2][but does not include appurtenant land to a building][2]][1]

1. Inserted by Act 31 of 2003 w.e.f. 19-11-2001.
2. Inserted by Act 5 of 2005 w.e.f. 1.4.2005.

(29) "vehicle" includes carriage, cart, van, truck, hand-cart, bicycle, tricycle, cycle rickshaw, and every wheeled conveyance which is used or is capable of being used on a public street.

CHAPTER II

CONSTITUTION OF [1][MUNICIPAL AREAS][1]

1. Substituted by Act 36 of 1994 w.e.f. 1-6-1994..

[1][**3. Specification of smaller urban area.**—(1) The Governor may subject to the provisions of section 9 and having regard to,—

(*a*) the population of any area;

(*b*) the density of population of such area;

(*c*) the revenue generated for the local administration of such area;

(*d*) the percentage of employment in non-agricultural activities in such area;

(*e*) the economic importance of such area; and

(*f*) such other factors as may be prescribed,

specify, by notification, such area to be a smaller urban area and such smaller urban area shall be deemed to be a municipal area:

Provided that no such area shall be so specified as a smaller urban area unless,—

(i) the population of such area is not less than twenty thousand and not more than three lakhs;

(ii) the density of population in such area is not less than one thousand five hundred inhabitants to one square kilometer of area;

(iii) the revenue generated for local administration from such area from tax and non-tax sources in the year of the last preceding census is not less than rupees nine lakhs per annum or a sum calculated at the rate of rupees forty-five per capita per annum, whichever is higher;

(iv) the percentage of employment in non-agricultural activities is not less than fifty per cent of the total employment:

[1][xxx][1]

1. Omitted by Act 24 of 2003 w.e.f. 21-8-2003.

(2) The Governor may while specifying any area to be a smaller urban area in sub-section (1) may also specify such area to be a city municipal area, in case the population of such area is not less than fifty thousand or a town municipal area, in case the population is not less than twenty thousand but less than fifty thousand.

[1][Provided that if a District Head Quarters is situated in such smaller urban area the Governor may; specify such area to be a city municipal area even though it contains population of less than fifty thousand.][1]

1. Inserted by Act 31 of 2003 w.e.f. 20-8-2003.

[1][Provided further that notwithstanding anything contrary contained in this Act where after specifying any area to be a city municipal area or town municipal area, its population is reduced on account of specifying Industrial Township areas, its status shall continue as such city municipal area or town municipal area, as the case may be till the area is specified afresh under this section.][1]

1. Inserted by Act 24 of 2003 w.e.f. 21.8.2003.

[1][(3) xxx][1]

1. Sub-section (3) Omitted by Act 24 of 2003 w.e.f. 21.8.2003.

(4) Notwithstanding anything contained in sub-section (1), no cantonment or part thereof shall be comprised in any such municipal area;

(5) Every notification issued under sub-section (1), shall define the limits of the smaller urban area, or as the case may be, the industrial township to which it relates;][1]

1. Sub-Section 3 upto sub-section (5) Substituted by Act 36 of 1994 w.e.f. 1-6-1994.

4. Power to include or exclude areas in or from [1][smaller urban area][1] and the effect thereon.—(1) The [1][Governor][1] may, after consulting the municipal council and subject to the provisions of section 9 [2][and having regard to the provisions of clauses (*a*) to (*f*) of sub-section (1) of section 3][2], by notification,—

1. Substituted by Act 36 of 1994 w.e.f. 1-6-1994.
2. Inserted by Act 36 of 1994 w.e.f. 1-6-1994.

(*a*) include within a [1][smaller urban area][1] any local area adjacent thereto;

1. Substituted by Act 36 of 1994 w.e.f. 1-6-1994.

(*b*) exclude from a [1][smaller urban area][1] any local area comprised therein.

1. Substituted by Act 36 of 1994 w.e.f. 1-6-1994.

(2) Every such notification shall define the limits of the local area to which it relates.

(3) When a local area is included in any [1][smaller urban area][1], this Act and all notifications, rules, bye-laws, orders, resolutions, directions and powers (including any tax levied) issued, made or conferred under this Act or any other law applicable to such [1][smaller urban area][1] shall apply to the said area from the date of publication of the notification under sub-section (1).

1. Substituted by Act 36 of 1994 w.e.f. 1-6-1994.

(4) Save as otherwise provided in this Act or any other law for the time being in force when a local area is excluded form any [1][smaller urban area][1],—

1. Substituted by Act 36 of 1994 w.e.f. 1-6-1994.

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

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

5. Erection and maintenance of boundary marks.—It shall be the duty of the municipal council in every [1][municipal area][1] and of every municipal council whose local limits are altered, to cause, at its own cost, to be erected or set up if and when so required by the [2][Director of Municipal Administration][2] or Deputy Commissioner, and thereafter to maintain, at its own cost, substantial boundary marks of such description and in such positions as shall be approved by the Deputy Commissioner defining the limits or the altered limits of the [1][municipal area][1] subject to its authority.

1. Substituted by Act 36 of 1994 w.e.f.1.6.1994

2. Substituted by Act 31 of 2003 w.e.f.20.8.2003

[1][**6.** x x x][1]

1. Omitted by Act 36 of 1994 w.e.f. 1-6-1994.

7. Property and rights of [1][Municipal Council of the smaller urban area][1] which has ceased to exist to vest in Government.—(1) Subject to the provisions of section 9, the [1][Governor][1] may by notification declare that any local area shall from a date to be specified in the notification cease to be a [1][smaller urban area.][1]

1. Substituted by Act 36 of 1994 w.e.f. 1-6-1994.

(2) When any local area [1][ceases to be a smaller urban area][1], the municipal council constituted therefor shall cease to exist, and the property and rights vested in any such [1][municipal council][1] shall subject to all charges and liabilities affecting the same, vest in the Government and the proceeds thereof, if any, shall be expended under the orders of the Government for the benefit of the local areas in which such [1][municipal council][1] had jurisdiction.

1. Substituted by Act 36 of 1994 w.e.f. 1-6-1994.

8. Naming of [1][smaller urban area][1] comprising two or more places.—When two or more places bearing different names are formed into one [1][smaller urban area][1], the name of the [1][smaller urban area][1] shall be determined by the [1][Governor.][1]

1. Substituted by Act 36 of 1994 w.e.f. 1-6-1994.

9. Procedure for constitution, abolition, etc., of [1][smaller urban areas][1].—Not less than [2][thirty days][2] before the publication of any notification declaring any local area to be a [1][smaller urban area][1], or altering the limits of any such [1][smaller urban area][1] or declaring that any local area shall cease to be [1][smaller urban area][1], the [1][Governor][1] shall cause to be published in the official Gazette, in English and Kannada, and to be posted up in conspicuous places in the said local area in Kannada, a proclamation announcing that it is proposed to constitute the local area to be [1][smaller urban area][1], or to alter the limits of the [1][smaller urban area][1] in a certain manner, or to declare that the local area shall cease to be a [1][smaller urban area][1], as the case may be, and requiring all persons who entertain any objection to the said proposal to submit the same, with the reasons therefor, in writing to the [3][Director of Municipal Administration][3] within [2][thirty days][2] from the date of the said

proclamation, and whenever it is proposed to add to or exclude from a [1][smaller urban area][1] any inhabited area, it shall be the duty of the municipal council also to cause a copy of such proclamation to be posted up in conspicuous places in such area. The Commissioner shall, with all reasonable despatch, forward every objection so submitted to the [1][Governor][1].

1. Substituted by Act 36 of 1994 w.e.f. 1-6-1994.
2. Substituted by Act 20 of 1995 w.e.f. 7-7-1995.
3. Substituted by Act 31 of 2003 w.e.f. 20.8.2003.

No such notification as aforesaid shall be issued by the [1][Governor][1] unless the objections, if any, so submitted are in [1][his][1] opinion insufficient or invalid.

1. Substituted by Act 22 of 2000 w.e.f. 29-11-2000.

10. Incorporation of city and town municipal councils.—(1) In every [1][municipal area][1], there shall be a municipal council, and every such municipal council shall be a body corporate by the name of "the City Municipal Council of . . . . . ." or "the Town Municipal Council of . . . . . .", as the case may be, and shall have perpetual succession and a common seal with power, subject to the provisions of this Act, to acquire, hold and dispose of property and to contract and may by the said name sue and be sued [2][through its Chief Officer or Municipal Commissioner][2].

1. Substituted by Act 36 of 1994 w.e.f. 1-6-1994.
2. Inserted by Act 34 of 1966 w.e.f. 16.1.1967

(2) Save as otherwise provided in this Act, the municipal Government of a [1][municipal area][1] shall vest in the municipal council.

1. Substituted by Act 36 of 2004 w.e.f. 1.6.1994

[1][**11. Constitution of municipal councils.**—(1) The municipal council shall consist of,—

1. Substituted by Act 36 of 2004 w.e.f. 1994

(*a*) such number of directly elected councillors specified in column (3) of the table below in respect of the municipal areas specified in the corresponding entries in column (2) thereof, namely:—

TABLE

Serial No.	Population of the municipal area	Number of Councillors
(1)	(2)	(3)
(1)	for a municipal area with a population of not less than 20,000 but less than 40,000.	23
(2)	for a municipal area with a population of not less than 40,000 but less than 50,000.	27
(3)	for a municipal area with a population of not less than 50,000 but less than one lakh.	31
(4)	for a municipal area with a population of not less than one lakh but less than three lakhs.	35

(*b*) not more than five persons nominated by the Government from amongst the residents of the municipal area and who are,—

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

(ii) social workers.

(*c*) the members of the House of the People and the members of the State Legislative Assembly, representing a part or whole of the municipal area whose constituencies lie within the municipal area [1][x x x][1];

1. Omitted by Act 24 of 1998 w.e.f. 10-6-1998.

(*d*) the members of the Council of States and members of the State Legislative Council registered as electors within the municipal area:

Provided that the persons referred to in clause (*b*) shall not have the right to vote in the meetings of the municipal council.

(2) Seats shall be reserved in a municipal council,—

(*a*) for the Scheduled Castes; and

(*b*) for the Scheduled Tribes;

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

[1][Provided that atleast one seat each shall be reserved in a municipal council for the persons belonging to the Scheduled Castes and the Scheduled Tribes:

Provided further that, if no person belonging to the Scheduled Castes is available the seat reserved for the category shall also be filled by the persons belonging to the Scheduled tribes and vice versa.][1]

1. Inserted by Act 23 of 2003 w.e.f. 10-11-2003.

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

[1][Provided that out of the seats reserved under this sub-section eighty per cent of the total number of such seats shall be reserved for the persons falling under category “A” and the remaining twenty per cent of the seats shall be reserved for the persons falling under category “B”:

Provided further that if no person falling under category “A” is available, the seats reserved for that category shall also be filled by the persons falling under the category “B” and *vice versa*.

[2][Provided also that the number of seats so reserved for the backward classes under this sub-section shall be so determined that the total number of seats reserved for the scheduled castes and the scheduled tribes under sub-section (2) and the backward classes under this sub-section shall not exceed fifty per cent of the total number of seats in the Municipal Council.][2]

Explanation.—For the purpose of this sub-section sub-section (2A) of section 42 and sub-section (5) of section 352 categories “A” and “B” shall mean categories “A” and “B” referred to in clause (1A) of section 2.][1]

1. Inserted by Act 24 of 1995 w.e.f. 26-9-1995.

2. Inserted by Act 32 of 2012 w.e.f. 30.08.2012.

(4) [1][Not more than fifty percent of the seats reserved][1] for each category of persons belonging to the Scheduled Castes, Scheduled Tribes and Backward Classes and those of the non-reserved seats to be filled by direct election in a municipal council shall be reserved for women:

Provided that the seats reserved in sub-sections (2), (3) and (4) shall be allotted by rotation to different wards in a municipal area.

1. Substituted by Act 32 of 2012 w.e.f. 30.08.2012.

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

(6) Nothing contained in sub-sections (2), (3) and (4) shall be deemed to prevent the members of the Scheduled Castes, Schedule Tribes, Backward Classes or Women from standing for election to the non-reserved seats.][2]

[1][**12.** x x x][1]

1. Omitted by Act 36 of 1994 w.e.f. 1-6-1994.

13. [1]**[Wards]**[1] **for elections.**—[2][(1)][2] For the purposes of election of councillors to be elected to fill the seats under [1][clause (*a*) of sub-section (1)][1] of section 11, the Government shall, [3][x x x][3] by notification determine,—

1. Substituted by Act 36 of 1994 w.e.f. 1-6-1994.
2. Renumbered by Act 83 of 1976 w.e.f. 8-12-1976.
3. Omitted by Act 12 of 1983 w.e.f. 24-2-1983.

(*a*) the number of territorial [1][wards][1] into which the [1][municipal area][1] shall be divided;

1. Substituted by Act 36 of 1994 w.e.f. 1-6-1994.

(*b*) the extent of each territorial [1][ward][1];

1. Substituted by Act 36 of 1994 w.e.f. 1-6-1994.

(*c*) the number of seats allotted to each territorial [1][ward][1] which shall be [2][one [3][x x x][3]][2]; and

1. Substituted by Act 36 of 1994 w.e.f. 1-6-1994.
2. Substituted by Act 12 of 1983 w.e.f. 24-2-1983.
3. Omitted by Act 36 of 1994 w.e.f. 1-6-1994.

(*d*) the number of seats, if any, reserved for the [1][Scheduled Castes, Schedule Tribes, Backward classes and for women][1] in each territorial [1][ward][1].

1. Substituted by Act 36 of 1994 w.e.f. 1-6-1994.

[1][Provided that the territorial [2][wards][2] formed shall comprise, as far as may be, of contiguous blocks.][1]

1. Inserted by Act 83 of 1976 w.e.f. 8-12-1976.
2. Substituted by Act 36 of 1994 w.e.f. 1-6-1994.

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

1. Inserted by Act 12 of 1983 w.e.f. 24-2-1983.

[1][(2) and (3) x x x][1]

1. Inserted by Act 83 of 1976 and omitted by Act 13 of 1979 w.e.f. 23-2-1979.

14. List of voters.—[1][(1) The list of voters of the municipal council shall be prepared subject to the superintendence, direction and control of the State Election Commission:

Provided that the electoral roll of the Karnataka Legislative Assembly for the time being in force for such part of the municipal area as is included in any ward may be adopted for the purpose of preparation of list of voters of the municipal council for such ward:

Provided further that the list of voters for such ward of the municipal council shall not include any amendment, transposition, inclusion or deletion of entry made after the last date for making nomination for the election to such ward and before completion of such election.][1]

1. Substituted by Act 36 of 1994 w.e.f. 1-6-1994.

(2) The officer designated by the [1][State Election Commission][1] in this behalf in respect of a [1][municipal area][1] shall maintain a list of voters for each [1][ward][1] of such [1][municipal area][1].

1. Substituted by Act 36 of 1994 w.e.f. 1-6-1994.

Explanation.—For the purpose of this section, "electoral roll" shall mean an electoral roll prepared under the provisions of the Representation of the People Act, 1950 (Central Act XLIII of 1950), for the time being in force.

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

1. Substituted by Act 36 of 1994 w.e.f. 1-6-1994.

(4) In every [1][ward][1], a voter shall have as many votes as there are councillors to be elected from that [1][ward][1], but no voter shall at any election give more than one vote to any one candidate.

1. Substituted by Act 36 of 1994 w.e.f. 1-6-1994.

15. Qualification of candidates.—(1) Every person whose name is in the list of voters for any of the [1][wards][1] of the [1][municipal area][1] shall, unless disqualified under this Act or any other law for the time being in force, be qualified to be elected at the election for that [1][ward][1] or any other [1][ward][1] of the [1][municipal area][1] and every person whose name is not in such list shall not be qualified to be elected, at the election for any [1][ward][1] of the [1][municipal area][1]:

1. Substituted by Act 36 of 1994 w.e.f. 1-6-1994.

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

(*a*) to a seat reserved for Scheduled Castes [1][or Scheduled Tribes][1] unless he is a member of any of those castes or tribes; and

1. Inserted by Act 36 of 1994 w.e.f. 1-6-1994.

[1][(*aa*) to a seat reserved for Backward Classes, unless he is a member of such classes.][1]

1. Inserted by Act 36 of 1994 w.e.f. 1-6-1994.

(*b*) to a seat reserved for women unless such person is a woman.

(2) Subject to any disqualification incurred by a person, the list of voters shall be conclusive evidence for the purpose of determining under this section whether the person is qualified or is not qualified to vote or is qualified or is not qualified to be elected, as the case may be, at an election.

16. General disqualifications 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 (1) the offence is one which involves moral turpitude and (2) such sentence has not been reversed or quashed or the offence pardoned; or

[1][(*b*) if he is convicted of an offence under the provisions of the Untouchability Offences Act, 1955 (Central Act 22 of 1955) or the Prevention of Food Adulteration Act, 1954 (Central Act 37 of 1954); or][1]

1. Substituted by Act 83 of 1976 w.e.f. 8-12-1976.

(*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 of any local or other authority subject to the control of any of the said Governments other than such offices as are declared by rules made under this Act not to disqualify the holder; or

(*d*) if he has been dismissed from service under a local authority or 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 has been removed from office under section 41 of this Act; or

(g) if he is unsound mind and stand so declared by 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

[1][(*j*) if he is so disqualified by or under any law for the time being in force for the purpose of election to the State Legislature:

Provided that no person shall be disqualified on the ground that he is less than twenty-five years, if he has attained the age of twenty-one years.][1]

1. Substituted by Act 36 of 1994 w.e.f. 1-6-1994.

(*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 of the municipal council, or in any contract or employment with or under, or by or on behalf of the municipal council; or

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

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

(*n*) if he fails to pay any arrears of any kind due by him, otherwise than as an agent, receiver, trustee or an executor, to the municipal council 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 171-E or section 171-F of the Indian Penal Code, or any offence punishable under section 36 or clause (*a*) of sub-section (2) of section 37 of this Act,

unless a period of five years has elapsed since the date of the finding, or the disqualification has been removed by order by the Government:

Provided that,—

(*a*) the disqualification in sub-clause (*b*) shall cease to operate after the expiry of the period during which a person is ordered to furnish security;

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

(i) any pension, or

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

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

(*d*) a person shall not be deemed to have incurred disqualification under sub-clause (*k*) by reason of his,—

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

(ii) having a share or interest in any joint stock company otherwise than as a 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 municipal council, or

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

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

(v) having a share or interest in the occasional sale of any article in which he regularly trades, to the municipal council to a value not exceeding in any one official year, such amount as may be prescribed, or

(vi) having a share or interest in the occasional letting out on hire to the municipal council, or in the hiring from municipal council, 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 prescribed.

[1][(1A) A person shall be disqualified for being a Councillor if he is so disqualified under the Karnataka Local Authorities (Prohibition of Defection) Act, 1987.][1]

1. Inserted by Act 20 of 1987 w.e.f. 29-12-1986.

[1][(1B) A person shall be disqualified for being chosen as and for being a Councillor if he is disqualified under section 16C.

Provided that the disqualification under this sub-section shall cease to operate after the expiry of three years from the date of the order made under section 16C;][1]

1. Inserted by Act 40 of 2003 w.e.f. 10.11.2003.

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

(*a*) becomes subject to any disqualification specified in sub-section (1), or

(*b*) votes or takes part as a councillor in the discussion 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-clause (i), (ii), (iii) or (v) of clause (*d*) 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 municipal council, or

(*c*) absents himself from the meetings of the municipal council, during three consecutive months except with the leave of the municipal council:

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

Provided further that when an application is made by a councillor to the municipal council for leave to absent himself and the municipal council 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 municipal council,

the Deputy Commissioner either *suo motu* or on a report made to him and after such inquiry as he deems fit, shall declare the seat of the person concerned to have become vacant.

(3) Any person aggrieved by the decision of the Deputy Commissioner under sub-section (2) may, within a period of thirty days from the date of such decision, appeal to the Government if the person affected by the order was a councillor of a city municipal council and to the [1][Director of Municipal Administration][1] if such person was a councillor of a town municipal council and the orders passed by the Government or the [1][Director of Municipal Administration][1] on such appeal shall be final:

1. Substituted by Act 31 of 2003 w.e.f. 20.8.2003.

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.

[1][**16A. Account of election expenses and maximum thereof.-** (1) Every candidate at an election under this Act shall either by himself or by his election agent, keep a separate and correct account of all expenditure in connection with the election incurred or authorised by him or by his election agent between the date on which he has been nominated and the date of declaration of the result thereof, both dates inclusive.

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

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

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

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

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

16B. Lodging of account with the returning officer.- Every contesting candidate at the election under this Act shall, within thirty days from the date of election of the returned candidate or, if there are more than one returned candidate at the election and the dates of the election are different, the later of those two dates lodge with the Returning Officer appointed at an election under this Act an account of his election expenses which shall be a true copy of the account kept by him or by his election agent under section 16A.

16C. Failure to lodge an account of election expenses.- If the State Election Commission is satisfied that any person,-

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

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

The State Election Commission shall by order published in the official Gazette declare him to be disqualified and any such person shall be disqualified for a period of three years from the date of the order.][1]

1. Sections 16A, 16B and 16C Inserted by Act 40 of 2003 w.e.f. 10-11-2003.

17. General election of Councillors.—(1) A general election of councillors shall be held for the purpose of constituting a municipal council for the first time or [1][before the expiry of the period for which][1] an Administrator is appointed under section 315 or [1][before the expiry of the period specified][1] under section 316.

1. Substituted by Act 36 of 1994 w.e.f. 1-6-1994.

(2) A general election shall also be held for the purpose of filling the vacancies arising by the efflux of time in the office of the councillors.

18. Term of office of Councillors.—[1][(1) The term of office of a councillor,—

1. Sub-section (1) substituted by Act 13 of 1979 w.e.f. 8.12.1976

(*a*) elected at a general election shall be [1][five years][1];

1. Substituted by Act 2 of 1990 w.e.f. 6-1-1990.

[1][Proviso x x x][1]

1. Omitted by Act 36 of 1994 w.e.f. 1-6-1994.

[1][(*b*) nominated under clause (*b*) of sub-section (1) of section 11 shall, subject to the pleasure of the Government be five years.][1]

1. Substituted by Act 36 of 1994 w.e.f. 1-6-1994.

[1][(1A) The term of office of the councillor elected at a general election or nominated in clause (*b*) of sub-section (1) of section 11 shall commence on the date appointed for the first meeting of the municipal council.][1]][1]

1. Substituted by Act 36 of 1994 w.e.f. 1-6-1994.

(2) The term of office of a councillor elected [1][x x x][1] [2][x x x][2] to fill a casual vacancy shall continue so long only as the councillor in whose place he is elected [3][x x x][3] would have been entitled to hold office if the vacancy had not occurred.

1. Omitted by Act 22 of 2000 w.e.f. 29-11-2000.
2. Omitted by Act 83 of 1976 w.e.f. 8-12-1976.
3. Omitted by Act 13 of 1979 w.e.f. 2-9-1978.

[1][(3) Not withstanding anything contained in this Act, where two thirds of the total number of councillors required to be elected have been elected the municipal council shall be deemed to have been duly constituted under this Act.][1]

1. Substituted by Act 36 of 1994 w.e.f. 1-6-1994.

[1][**18A. Allowances to Councillors.**—Every Councillor may receive out of the Municipal funds, such monthly allowance not exceeding rupees one hundred as the Government may, from time to time, fix and different rates may be fixed for different municipal councils.][1]

1. Inserted by Act 83 of 1976 w.e.f. 8-12-1976.

19. Casual vacancies how to be filled up.—Where a vacancy occurs through the resignation or non-acceptance of office by a person elected [1][x x x][1] to be a councillor, or through such person becoming disqualified to be a councillor, or through any election being set aside under the provisions of section 23 or through the death, removal or disability of a councillor previous to the expiry of his term of office, the vacancy shall be filled up as soon as may be after the occurrence of such vacancy by the election of a person thereto:

1. Omitted by Act 36 of 1994 w.e.f. 1-6-1994.

Provided that no election shall be held to fill a casual vacancy occurring within [1][six][1] months prior to the expiry of the term of office of councillors under sub-section (1) of section 18.

1. Substituted by Act 83 of 1976 w.e.f. 8-12-1976.

20. Publication of results of elections.—The names of persons elected [1][x x x][1], as councillors, president or vice-president of municipal council shall be published in the official Gazette:

1. Omitted by Act 36 of 1994 w.e.f. 1-6-1994.

Provided that the names of all the councillors elected at a general election and [1][nominated under section 11][1] shall be so published as far as possible simultaneously.

1. Substituted by Act 36 of 1994 w.e.f. 1-6-1994.

21. Election petitions.—(1) No election of a councillor shall be called in question except by an election petition presented to the Election Tribunal within fifteen days from the date of the declaration of the result of the election.

(2) An election petition calling in question any such election may be presented on one or more of the grounds specified in section 23,—

(*a*) by any candidate at such election, or

(*b*) by any voter of the 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 with sufficient particulars, set forth the ground or grounds on which the election is called in question; and

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

22. Relief that may be claimed by the petitioner.—(1) A petitioner may claim,—

(*a*) a declaration that the election of all or any of the returned candidates, is void, and

(*b*) in addition thereto, a further declaration that he himself or any other candidate has been duly elected.

(2) The expression "returned candidate" means a candidate who has been declared as duly elected.

23. Grounds for declaring elections to be void.—(1) Subject to the provisions of sub-section (2), if the Election Tribunal 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 agent or by any other person with the consent of a returned candidate or his agent, or

(*c*) that any nomination paper 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 or by any other person acting with the consent of such candidate or agent, or

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

(iv) by the non-compliance with the provisions of this Act or of any rules or orders made thereunder,

the Election Tribunal shall declare the election of the returned candidate to be void.

(2) If in the opinion of the Election Tribunal, any agent of a returned candidate has been guilty of any corrupt practice, but the Tribunal is satisfied,—

(*a*) that no such corrupt practice was committed at the election by the candidate, and every such corrupt practice was committed contrary to the orders and without the consent of the candidate;

(*b*) that the candidate 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 Tribunal may decide that the election of the returned candidate is not void.

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

25. Decision of the Election Tribunal.—(1) At the conclusion of the trial of an election petition, the Election Tribunal shall make an order,—

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

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

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

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

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

(*b*) that but for the votes obtained by the returned candidate by corrupt or illegal practices the petitioner or such other candidate would have obtained a majority of the valid votes,

the Tribunal 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.

26. Procedure in case of equality of votes.—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 Election Tribunal shall decide between them by lot and proceed as if the one on whom the lot falls had received an additional vote.

27. Appeal.—An appeal shall lie from an order of the Election Tribunal under section 25, to the High Court within a period of thirty days from the date of the order of the Tribunal excluding the time requisite for obtaining a copy of the order and the decision of the High Court on such appeal shall be final and conclusive.

28. Election valid unless called in question.—An election of a councillor not called in question in accordance with the foregoing provisions shall be deemed to be a good and valid election.

29. Corrupt practices.—The following shall be deemed to be corrupt practices for the purposes of this Act:—

(1) bribery as defined in clause (1) of section 123 of the Representation of the People Act, 1951 (Central Act XLIII 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 systematic appeal by a candidate or his agent or by any other person, to vote or refrain from voting on grounds of caste, race, community or religion 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 that candidate's election;

(4) the publication by a candidate or his agent or by any other person 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 from contest of any candidate, being a statement reasonably calculated to prejudice the prospects of that candidate's election;

(5) the hiring or procuring whether on payment or otherwise of any vehicle or vessel by a candidate or his agent or by any other person for the conveyance of any elector (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 or vessel by an elector or by several electors at their joint cost for the purpose of conveying him or them to or from any such polling station shall not be deemed to be a corrupt practice under this clause if the vehicle or vessel so hired is a vehicle or vessel propelled by mechanical power:

Provided further that the use of any public transport vehicle or vessel or any railway carriage by an elector 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 vehicles or otherwise;

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

(7) the issuing of any circular, placard or poster having a reference to the election which does not bear the name and address of the printer and publisher thereof;

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

30. Maintenance of 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 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 be punished with imprisonment for a term which may extend to three months, or with fine, or with both.

31. 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, or an officer or clerk appointed by the returning officer or the presiding officer to perform any duty in connection with an 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 endeavour,—

(*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; or

(*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 be punished with imprisonment for a term which may extend to six months or with fine, or with both.

32. 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 yards of the polling station, namely:—

(*a*) canvassing for votes; or

(*b*) soliciting the vote of any elector; or

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

(*d*) persuading any elector not to vote at the 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 be punished with fine which may extend to two hundred and fifty rupees.

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

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

(*a*) use or operate within or at the entrance of the polling station, or in any public or private place in the neighbourhood thereof, any apparatus for amplifying or reproducing the human voice, such as a megaphone or a loudspeaker; or

(*b*) shout or otherwise act in a disorderly manner, within or at the entrance of the polling station or in any public or private place in the neighbourhood thereof,

so as to cause annoyance to any person visiting the polling station for the poll, or so as to interfere with the work of the officer and other persons 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 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.

34. 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 elector 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 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.

35. 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 be punished with fine which may extend to five hundred rupees.

(2) No suit or other legal proceeding 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 returning officers, assistant returning officers, presiding officers, polling officers and any other person appointed to perform any duty in connection with the receipt of nominations or withdrawal of candidature, or the recording or counting of votes at an election; and the expression "official duty" shall for the 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.

36. Removal of ballot papers [1][or voting machine][1] from polling station to be an offence.—(1) Any person who at any election fraudulently takes or attempts to take a ballot paper [1][or voting machine] [1] out of a polling station, or wilfully aids or abets the doing of any such act, shall 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.

1.Deemed to have been inserted by Act 17 of 2009 w.e.f.28.05.2009.

(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 [1][or voting machine][1] 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.

1.Deemed to have been inserted by Act 17 of 2009 w.e.f.28.05.2009.

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

37. 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 [1][or voting machine] [1] or the official mark on any ballot paper [1][or voting machine] [1]; or

1.Deemed to have been inserted by Act 17 of 2009 w.e.f.28.05.2009.

(*d*) without due authority supplies any ballot paper to any person or receives any ballot paper [1][or voting machine] [1] from any person or is in possession of any ballot paper [1][or voting machine] [1]; or

1.Deemed to have been inserted by Act 17 of 2009 w.e.f.28.05.2009.

(*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 [1][or voting machine] [1] then in use for the purposes of the election; or

1.Deemed to have been inserted by Act 17 of 2009 w.e.f.28.05.2009.

(*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.

1.Deemed to have been inserted by Act 17 of 2009 w.e.f.28.05.2009.

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

(*a*) if he is a returning officer or an assistant returning officer or a presiding officer at a polling station or any other officer or clerk employed on official duty in connection

with the election, 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, be punished with imprisonment for a term which may extend to six months, or with fine, or with both.

(3) For the purposes 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 [1][or voting machine][1]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.

1.Deemed to have been inserted by Act 17 of 2009 w.e.f.28.05.2009.

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

(5) No court shall take cognizance of any offence under section 31 or under section 35 or under clause (*a*) of sub-section (2) of this section unless there is a complaint made by order of, or under authority from, the Deputy Commissioner.

[1][**38. Control of elections.**—[2][(1) The superintendence, direction and control of the preparation of list of voters for, and the conduct of all elections to the municipal council shall be vested in the State Election Commission.][2]

1. Substituted by Act 83 of 1976 w.e.f. 8-12-1976.
2. Sub-section (1) Substituted by Act 36 of 1994 w.e.f. 1.6.1994.

(2) [1][Subject to sub-section (1)][1], Government may, by notification and after previous publication, make rules to provide for or to regulate all or any of the following matters for the purpose of holding elections of councillors under this Act, namely:—

1. Substituted by Act 36 of 1994 w.e.f. 1-6-1994.

(*a*) the manner of the splitting up of electoral rolls for Legislative Assembly constituencies into parts for the purpose of constituting one or more of such parts into the list of voters for a [1][ward][1]; and the officer or authority by whom such splitting up is to be carried out;

1. Substituted by Act 36 of 1994 w.e.f. 1-6-1994.

(*b*) revision and correction of electoral rolls;

(*c*) redistribution of territorial [1][wards][1];

1. Substituted by Act 36 of 1994 w.e.f. 1-6-1994.

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

(*e*) the nomination of candidates, form of nomination papers, objections to nominations and scrutiny of nominations;

(*f*) 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 municipal council;

(*g*) the withdrawal of candidatures;

(*h*) the appointment of agents of candidates;

(*i*) the procedure in contested and uncontested elections and the special procedure at elections in [1][wards][1] where any seat is reserved for the [1][Scheduled Castes, Scheduled Tribes, Backward Classes and Women][1];

1. Substituted by Act 36 of 1994 w.e.f. 1-6-1994.

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

(i) the appointment of polling stations for each [1][ward][1];

1. Substituted by Act 36 of 1994 w.e.f. 1-6-1994.

(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 voters of reference to the electoral roll;

(v) the marking with indelible ink on the left fore-finger 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;

[1][(via) the manner of giving and recording of votes by voting machines;][1]

1.Deemed to have been inserted by Act 17 of 2009 w.e.f.28.05.2009.

[1][(vi -b) the manner of cast of vote by the qualified voter in favour of none of the above (NOTA) candidates contesting at the election, in case where he does not want to cast his vote in favour of any candidate][1]

1. Inserted by Act 10 of 2020 w.e.f. 27.04.2020

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

(viii) the scrutiny of votes, counting of votes, the declaration and publication of the results and the procedure in case of equality of votes or in the event of a councillor being elected to represent more than one [1][ward][1];

1. Substituted by Act 36 of 1994 w.e.f. 1-6-1994.

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

(x) the suspension of polls 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;

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

(*l*) any other matter relating to elections or election disputes in respect of which the Government deems it necessary to make rules under this section or in respect of which this Act makes no provision or makes insufficient provision and provision is, in the opinion of the Government necessary.

(3) In making any rule under this section, the Government may provide that any contravention thereof shall be punishable with fine which may extend to one hundred rupees.][1]

[1][**38A. Returning Officer, Presiding Officer etc. deemed to be on deputation to State Election Commission.**—Notwithstanding anything contained in this Act or any other law for the time being in force, the returning officer, assistant returning officer, presiding officer, polling officer and any other officer appointed by or under this Act and any police officer designated for the time being by the Government, for the conduct of any election of councillors under this Act shall be deemed to be on deputation to the State Election Commission for a period commencing on and from the date of notification calling for such election and ending with the date of declaration of the result of such election and accordingly, such officer shall during that period, be subject to the control of superintendence and discipline of the State Election Commission.][1]

1. Inserted by Act 24 of 1995 w.e.f. 26-9-1995.

[1]**[38B. Voting machine at elections.-** Notwithstanding anything contained in this Act or the rules made thereunder, the giving or recording of votes by voting machines may be adopted in such constituency or constituencies as the State Election Commission may having regard to the circumstances of each case specify.

Explanation.- For the purpose of this section 'voting machine' means any machine or apparatus whether operated electronically or otherwise used for giving or recording of votes and any reference to a ballot box or ballot paper in this Act or the rules made thereunder shall, save as otherwise provided, be construed as including a reference to such voting machine wherever such voting machine is used in any election.][1]

1.Deemed to have been inserted by Act 17 of 2009 w.e.f.28.05.2009.

39. 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 a councillor, president or vice-president, unless such suit is authorised by the provisions of this Act or any rule made under this Act.

[1][**40. Resignation.**—(1) Subject to the provisions of sub-section (2), a councillor may resign his membership and a president or a vice-president may resign his membership or office as president or vice-president by giving notice in writing to that effect,—

(*a*) to the Deputy Commissioner in the case of Town Municipal Council;

(*b*) to the [2][Director of Municipal Administration][2] in the case of a City Municipal Council.

(2) The resignation under sub-section (1) shall take effect on the expiry of the tenth day after the receipt of the notice of resignation unless withdrawn in the meanwhile.][1]

1. Substituted by Act 13 of 1979 w.e.f. 23-2-1979.
2. Substituted by Act 31 of 2003 w.e.f. 20.8.2003.

41. Liability to removal from office.—(1) The Government, if it thinks fit on the recommendation of the municipal council, may remove any councillor elected [1][x x x][1] under this Act, [2][x x x][2] and after such enquiry as it deems necessary, if such councillor has been guilty of misconduct in the discharge of his duties, or of any disgraceful conduct, or has become incapable of performing his duties as a councillor.

1. Omitted by Act 36 of 1994 w.e.f. 1-6-1994.
2. Omitted by Act 83 of 1976 w.e.f. 8.12.1976.

[1][Provided that no Councillor shall be removed except after being afforded an opportunity for submitting an explanation.][1]

1. Inserted by Act 83 of 1976 w.e.f. 8-12-1976.

(2) When under sub-section (10) of section 42 any person is removed from the office of president or vice-president for misconduct in the discharge of his duties, he shall, from the date of such removal cease to be a councillor and shall be deemed to have been removed from the office of councillor under sub-section (1).

42. President and vice-president.—(1) For every municipal council, there shall be a president and a vice-president.

[1][(2) Subject to the provisions of sub-section (2A) the Councillors shall at the first meeting of the Municipal Council after the general election and at a subsequent meeting held immediately before the expiry of term of office of the President and Vice-president chose two members from amongst the elected councillors to be respectively president and Vice-President and so often as there is a casual vacancy in the office of the President, or Vice-

President shall choose another member from amongst the elected councillors to be the President or Vice-president, as the case may be.][1]

1. Substituted by Act 36 of 1994 w.e.f. 1-6-1994.

[1][(2A) There shall be reserved by the Government in the prescribed manner,—

1. Sub-section (2A) Inserted by Act 36 of 1994 w.e.f. 1-6-1994.

(*a*) such number of offices of President and Vice-President in the State for the persons belonging to the Scheduled Castes and Scheduled Tribes and the number of such offices bearing as nearly as may be the same proportion to the total number of offices in the State as the population of the Scheduled Castes in the State or of the Scheduled Tribes in the State bears to the total population of the State;

(*b*) such number of offices of President and Vice-president in the State which shall as nearly as may be one-third of the total number of offices of President and Vice-president in the State for the persons belonging to the Backward Classes;

[1][Provided that out of the offices reserved under this clause eighty per cent of the total number of such offices shall be reserved for the persons falling under category "A" and the remaining twenty per cent of the offices shall be reserved for the persons falling under category "B":

Provided further that if no person falling under category "A" is available, offices reserved for that category shall also be filled by the persons falling under category "B" and *vice versa*.][1]

[2][Provided also that the number of offices of President and Vice-President reserved for the backward classes under this clause shall be so determined that the total number of offices of President and Vice-President reserved for the scheduled castes and the scheduled tribes and the backward classes under this clause shall not exceed fifty percent of the total number of offices of President and Vice-President of the Municipal Councils in the State.][2]

1. Inserted by Act 24 of 1995 w.e.f. 26-9-1995.

2. Inserted by Act 32 of 2012 w.e.f. 30-8-2012.

(*c*) [1][not more than fifty percent of the total number of offices of the President and Vice-President][1] in the State from each of the categories, reserved for persons belonging to the Scheduled Castes, Scheduled Tribes and Backward Classes and those which are non-reserved, for women:

Provided that the offices reserved under this sub-section shall be allotted by rotation in the prescribed manner to different municipal councils.

1. Substituted by Act 32 of 2012 w.e.f. 30-8-2012.

Explanation.—For the removal of doubts it is hereby declared that the principal of rotation for the purpose of reservation of offices under this sub-section shall commence from the first ordinary election to be held after the first day of June 1994;][1]

(3) The election of the president or the vice-president and the filling up of vacancies in the said offices and the determination of disputes relating to such election shall be [1][x x x][1] in accordance with such rules as may be prescribed:

1. Inserted by Act 83 of 1976 w.e.f. 8-12-1976 and omitted by Act 36 of 1994 w.e.f. 1.1.1996..

Provided that the authority to determine such election disputes shall be such judicial officer as may be prescribed.

[1][(4) x x x][1]

1. Omitted by Act 36 of 1994 w.e.f. 1-1-1996.

(5) During a vacancy in the office of the president of a municipal council and when there is no vice-president to take his place or if a vice-president fails to assume charge of the office of president which has fallen vacant as required by sub-section (2) of section 44, then without prejudice to any action under sub-section (10) the Deputy Commissioner or the person performing the duties of the Deputy Commissioner for the time being in the case of

[1][city municipal councils and in the case of town municipal councils][1] any officer nominated by him in this behalf not below the rank of an Assistant Commissioner in the case of [1][municipal councils][1] at district headquarters or the Tahsildar or the person performing the duties of the Tahsildar for the time being [2][or any other person not disqualified for being a Councillor][2] in the case of other [1][municipal councils][1] shall, notwithstanding anything contained in this Act or in the rules or orders issued thereunder, perform the functions of the president.

1. Substituted by Act 36 of 1994 w.e.f. 1-1-1996.
2. Inserted by Act 83 of 1976 w.e.f. 8-12-1976.

(6) Every president who, for a period exceeding two months and every vice-president who for a period exceeding one month, absents himself from the [1][municipal area][1] in such manner as to be unable to perform his duties as such president or vice-president, shall cease to be president or vice-president, unless leave so to absent himself has been granted by the municipal council. The question whether a vacancy has arisen under this sub-section shall be decided by the Deputy Commissioner.

1. Substituted by Act 36 of 1994 w.e.f. 1-1-1996.

(7) Leave under sub-section (6) shall not be granted for a period exceeding six months. Whenever leave is granted to a president and the office of the vice-president is vacant, the vacancy in the office of the president shall be filled up by election by the municipal council from among the [1][elected councillors][1] within such period and in such manner as may be prescribed. [2][x x x][2] When leave is granted to a vice-president or when the vice-president is acting for the president, the vacancy in the office of the vice-president may be filled up by election of some other [1][elected councillor][1] thereto.

1. Substituted by Act 36 of 1994 w.e.f. 1-1-1996.
2. Omitted by Act 36 of 1994 w.e.f. 1-1-1996.

(8) If a vice-president of a municipal council is elected [1][x x x][1] as president of the municipal council, he shall be deemed to have vacated his office as vice-president.

1. Omitted by Act 36 of 1994 w.e.f. 1-1-1996.

(9) Every president and every vice-president of a municipal council shall forthwith be deemed to have vacated his office if a resolution expressing want of confidence in him is passed by a [1][majority of the total number of councillors having voting right and by a majority of not less than two-thirds of the councillors having voting right present and voting][1] at a special general meeting convened for the purpose:

1. Substituted by Act 31 of 2003 w.e.f. 20-8-2003.

Provided that no such resolution shall be moved unless notice of the resolution is signed by not less than one-third of the [1][total number of councillors having voting right][1] and at least ten days' notice has been given of the intention to move the resolution:

1. Substituted by Act 31 of 2003 w.e.f. 20-8-2003.

Provided further that where a resolution expressing want of confidence in any president or vice-president has been considered and negatived by a municipal council, a similar resolution in respect of the same president or vice-president shall not be given notice of or moved within one year from the date of the decision of the municipal council.

(10) Every president and vice-president shall, [1][x x x][1], be removable from his office as such president or vice-president by the Government for misconduct in the discharge of his duties or for neglect of or incapacity to perform his duties or if he is unable to pay [2][dues he owes to the Municipal Council or has suffered an order for commitment to civil prison for non-payment of any decretal debt][2], and a president and vice-president so removed who does not cease to be a councillor under sub-section (2) of section 41, shall not be eligible for re-

election as president or vice-president during the remainder of his term of office of councillor specified in section 18.

1. Omitted by Act 83 of 1976 w.e.f. 8-12-1976.

2. Substituted by Act 83 of 1976 w.e.f. 8-12.1976.

[1][Provided that no such order shall be made except after the president or the Vice-President has been given an opportunity for submitting explanations.][1]

1. Inserted by Act 83 of 1976 w.e.f. 8-12.1976.

[1][***Explanation.—***x x x][1]

1. Omitted by Act 83 of 1976 w.e.f. 8-12.1976.

[1][(11) Save as otherwise provided under this Act, the President and Vice President shall hold office for a period of thirty months from the date of their election, provided that in the meantime they do not cease to be councillors.][1]

1. Substituted by Act 36 of 1994 w.e.f. 1-1-1996.

(12) In the event of the non-acceptance of office, death, resignation or removal from office of a president or vice-president or of his election being void, or of his becoming incapable of acting in such office or having ceased to be a councillor, previous to the expiry of his term of office as president or vice-president, the vacancy shall be filled up [1][by election][1], in accordance with the provisions of the foregoing sub-sections [2][x x x][2].

1. Substituted by Act 36 of 1994 w.e.f. 1-1-1996.

2. Omitted by Act 36 of 1994 w.e.f. 1-1-1996.

[1][(13) The President and the Vice-President may receive out of the Municipal Fund such monthly allowances, not exceeding rupees two hundred, as the Government may, from time to time, fix and different rates may be fixed for different municipal councils.

(14) The Municipal Council shall place at the disposal of the President annually such sum not exceeding one thousand rupees as may be determined by it; by way of sumptuary allowance.][1]

1. Substituted by Act 83 of 1976 w.e.f. 8-12-1976.

43. Functions of president.—(1) Subject to the provisions of Chapter XIV, it shall be the duty of the president of a municipal council to,—

(*a*) preside, unless prevented by reasonable cause, at all meetings of the municipal council and subject to the provisions of the rules for the time being in force under clause (*a*) of sub-section (2) of section 323, to regulate the conduct of business at such meetings;

(*b*) watch over the financial and executive administration of the municipal council;

(*c*) perform all the duties and exercise all the powers specifically imposed or conferred upon him by, or delegated to him under and in accordance with this Act;

(*d*) furnish within a period of a fortnight to the Commissioner or to such other officer as the [1][Director of Municipal Administration][1] shall from time to time nominate in this behalf, a copy of every resolution passed at any meeting of the municipal council; and

1. Substituted by Act 31 of 2003 w.e.f. 20.8.2003.

(*e*) furnish any extract from the minutes of the proceedings of the municipal council or of any committee or other document or thing which the [1][Director of Municipal Administration][1] or other officer calls for under section 304.

1. Substituted by Act 31 of 2003 w.e.f. 20.8.2003.

[1][(2) The President of a municipal council may, in cases of emergency direct the execution or stoppage of any work or the doing of any act which requires the sanction of the municipal council, and the immediate execution or doing of which is, in his opinion,

necessary for the service or safety of the public, and may direct that the expenses of executing such work or doing such act shall be paid from the municipal fund:

Provided that,—

(*a*) he shall not act under this section in contravention of any order of the municipal council prohibiting the execution of any particular work or the doing of any particular act, and

(*b*) he shall report forthwith the action taken under this section and the reason therefor to the standing committee at its next meeting.][1]

1. Inserted by Act 34 of 1966 w.e.f. 16-1-1967.

[1][(3) The President shall have the following additional powers, namely:—

(*a*) to issue directions to the [2][Municipal Commissioner][2] or the Chief Officer to implement the resolutions of the Council or the Standing Committees;

(*b*) to require the Administration Report and the Annual Report of the Council prepared and placed before the end of the year;

(*c*) to issue directions to the concerned officers to comply with the points made out in the audit report;

(*d*) to undertake inspection and supervision of the works taken up by the Council; and

(*e*) to call for any record but the same to be returned within one month.

(4) The President shall ex-officio be a member of all the standing committees but without the power of vote on any question.

(5) The [2][Municipal Commissioner][2] or the Chief Officer shall, whenever they address communications to Government, simultaneously forward copies thereof to the President.][1]

1. Inserted by Act 83 of 1976 w.e.f. 8-12-1976.
2. Substituted by Act 33 of 1984 w.e.f. 26-6-1984.

44. Functions of vice-president.—(1) It shall be the duty of the vice-president of a municipal council to exercise such of the powers and perform such of the duties of the president as the president from time to time delegates to him in accordance with the general or special orders of the Government issued in this behalf.

(2) It shall be the duty of the vice-president,—

(*a*) in the absence of the president and unless prevented by reasonable cause, to preside at the meetings of the municipal council, and he shall, when so presiding, exercise the same authority as is vested in the president under clause (*a*) of sub-section (1) of section 43, and

(*b*) pending the succession, appointment or election of a president, or during the absence of a president [1][for any period exceeding seven days][1] [2][x x x][2], to exercise the powers and perform the duties of the president.

1. Inserted by Act 83 of 1976 w.e.f. 8-12-1976.
2. Omitted by Act 34 of 1966 w.e.f. 16-1-1967.

[1][(3) The Vice-President shall ex-officio be a member of all the Standing Committees but shall not be entitled to vote on any question.][1]

1. Inserted by Act 83 of 1976 w.e.f. 8-12-1976.

45. Rights and privileges of individual councillors and president.-

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

(2) Every councillor shall have the right to interpellate and to move resolutions on matters connected with the municipal administration, subject to such rules as may be prescribed.

[1][(2A) Every councillor shall be furnished with copies of the proceedings of the meetings by the [2][Director of Municipal Administration][2] or the Chief Officer along with the notice of the next meeting.][1]

1. Inserted by Act 83 of 1976 w.e.f. 8-12-1976.
2. Substituted by Act 31 of 2003 w.e.f. 20.8.2003.

(3) Every councillor shall have access to the records of the municipal council after giving due notice to the chief officer or the municipal commissioner, as the case may be, provided that the chief officer or the municipal commissioner may for reasons given in writing forbid such access. The councillor may appeal from the order of the chief officer or the municipal commissioner to the president whose decision shall be final.

(4) The president shall have full access to all the records of the municipal council and the chief officer or the municipal commissioner shall comply without unreasonable delay with any requisition of the president for any information appertaining to the municipal administration. [1][The President may also call for any record of the Municipal Council from the [2][Director of Municipal Administration][2], the Chief Officer or any other officer, but any record so made available shall be returned within one month.][1]

1. Inserted by Act 83 of 1976 w.e.f. 8-12-1976.
2. Substituted by Act 31 of 2003 w.e.f. 20.8.2003.

46. Penalty for refusal to hand over charge to new president or vice-president.—(1) On the election of a new president or vice-president the retiring president or vice-president in whose place the new president or vice-president has been elected and on the removal of a president or vice-president, under sub-section (9) or (10) of section 42 the president or vice-president who is so removed shall hand over charge of his office to such new president or vice-president, as the case may be.

(2) If the retiring president or vice-president or the president or vice-president, removed under sub-section (9) or (10) of section 42 fails or refuses to hand over charge of his office as required under sub-section (1) or sub-section (3) of section 368, then without prejudice to any action under said sub-section, the Government or any authority empowered by the Government in this behalf, may, by order in writing, direct the president or the vice-president, as the case may be, to forthwith hand over charge of his office and all papers and property of the municipal council, if any, in his possession as such president or vice-president, to the new president or vice-president.

(3) If the retiring president or vice-president or the president or vice-president removed under sub-section (9) or (10) of section 42 to whom a direction has been issued under sub-section (2) does not comply with such direction, he shall be punished with simple imprisonment for a term which may extend to one month or with fine which may extend to five hundred rupees or with both.

CHAPTER III

TRANSACTION OF BUSINESS BY THE MUNICIPAL COUNCIL

47. Meeting.—(1) The municipal council shall ordinarily hold at least one meeting in every month for the transaction of business, [1][which shall be called an ordinary general meeting.][1]

1. Inserted by Act 34 of 1966 w.e.f. 16-1-1967.

(2) The president may, whenever he thinks fit, and shall, upon the written request of not less than one-third of the whole number of councillors and for a date not more than fifteen days after the presentation of such request, call a special general meeting.

(3) If the president fails to call a special general meeting as provided in sub-section (2), the vice-president or one-third of the whole number of councillors may call such meeting for a day not more than thirty days after the presentation of such request and require the chief officer or the municipal commissioner to give notice to the councillors and take such action as may be necessary to convene the meeting.

(4) Any meeting may be adjourned until the next or any subsequent date, and an adjourned meeting may be further adjourned in like manner.

[1][**47A.** x x x]`

1. Inserted by Act 33 of 1984 w.e.f. 26.6.1984 and Omited by Act 36 of 1994 w.e.f. 1-6-1994.

48. Notice of meetings and business.—Seven clear days' notice of an ordinary general meeting, and three clear days' notice, or in case of great urgency, notice of such shorter period as is reasonable, of a special general meeting, specifying the time and place at which such meeting is to be held and the business to be transacted threat, shall be given by the chief officer or the municipal commissioner to the councillors, and posted up at the municipal office. The said notice shall include any motion or proposition which a councillor shall have given written notice, not less than ten days previous to the meeting, of his intention to bring forward thereat and, in the case of a special general meeting any motion or proposition mentioned in any written request made for such meeting:

Provided that the motion or proposition in respect of which notice is given shall relate to matters connected with the municipal administration and shall not be inconsistent with the provisions of this Act.

49. Place of holding meetings and maintenance of order thereat.—(1) Every meeting of a municipal council shall, except for reasons to be specified in the notice convening the meeting, be held in the building used as a municipal office by such municipal council.

(2) The president or the person presiding over a meeting shall preserve order thereat and shall have all powers necessary for the purpose of preserving such order.

(3) The president or the person 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 meeting.

(4) Subject to sub-section (5), every meeting shall be open to the public, unless a majority of the members present at the meeting decide that any inquiry or deliberation pending before the municipal council should be held in private.

(5) The Government may make rules under clause (*a*) of sub-section (2) of section 323 for the purpose of admission of the members of the public to meetings of municipal councils and for the removal by force, if necessary, of any member of the public so admitted if he is found interrupting or disturbing the proceedings of the meeting.

(6) Notwithstanding anything contained in section 56, in the case of grave disorder arising in a meeting, the president or the person presiding may, if he thinks it necessary to do so, adjourn the meeting to a date specified by him.

50. Quorum.— If less than one-third of the total number of councillors be present at a meeting at any time from the beginning to the end thereof, the presiding authority shall, after waiting for thirty minutes, adjourn the meeting to such hour on the following or some other future day as he may reasonably fix, and a notice of such adjournment shall be fixed up in the municipal office, and the business which should have been brought before the original

meeting had there been a quorum thereat, shall be brought before the adjourned meeting and may be disposed of at such meeting, provided that not less than one-fourth of the total number of councillors be present.

[1][provided that if any meeting called for the purpose of election of President or Vice-President is adjourned to the following dayu or to a future day for want of quorum, it shall not be necessary to have a quorum for such adjourned meeting.][1]

1. Inserted by Act 23 of 2003 w.e.f. 10.11-2003.

51. Presiding officer.—(1) The president or in his absence, the vice-president shall preside at every meeting of the municipal council.

(2) In the absence of both the president and the vice-president from the meeting, the members present shall elect one from among themselves to preside.

(3) The president or the person presiding over a meeting shall have and exercise a second or casting vote in all cases of equality of votes.

[1][(4) Notwithstanding anything contained in the foregoing sub-sections, at any meeting of the municipal council, while any resolution expressing want of confidence in the President is under consideration, the President, or while any resolution expressing want of confidence in the Vice-President is under consideration, the Vice-president, shall not, though he is present, preside, but shall have the right to speak and otherwise to take part in the proceedings of the municipal council while any such resolution is under consideration. The provisions of sub-section (2) shall *mutatis mutandis* apply for such meeting.][1]

1. Inserted by Act 33 of 1984 w.e.f. 10-11-2003.

52. Method of deciding questions.—(1) Save as otherwise provided in this Act, all matters required to be decided by the municipal council shall be decided by the majority of the votes of the members present and voting.

(2) The voting shall be by show of hands, but the municipal council may, subject to such rules as may be made under clause (*a*) of sub-section (2) of section 323 resolve that any question or class of questions shall be decided by ballot.

(3) At any meeting, unless voting be demanded by at least four members, a declaration by presiding officer at such meeting that a resolution has been carried or lost, and an entry to that effect in the minutes of the proceedings shall, for the purposes of this Act, be conclusive evidence of the fact without proof of the number or proportion of the votes recorded in favour of or against such resolution.

(4) If voting as aforesaid is demanded, the votes of all the members present who desire to vote shall be taken under the direction of the presiding officer at the meeting and the result of the voting shall be deemed to be the resolution of the municipal council at such meeting.

53. Business to be transacted at meetings and order of business how to be settled.—(1) Save as provided in the proviso to sub-section (2) of section 59, no business shall be transacted and no proposition shall be discussed at any general meeting unless it has been mentioned in the notice convening such meeting, or in the case of a special general meeting in the written request for such meeting.

(2) The order in which any business or proposition shall be brought forward at such meeting, shall be determined by the presiding authority, who in case it is proposed by any member to give priority to any particular item of such business, or to any particular proposition shall put the proposal to the meeting and be guided by the majority of votes given for or against the proposal:

Provided that answers to interpellations shall be given priority and not more than half an hour shall be allotted for the said purpose.

54. Minutes of proceedings.—There shall be kept in Kannada, and if the municipal council so resolves, in English, either in lieu of or in addition to Kannada, minutes of the names of the councillors and of the Government officers, if any, present and of the proceedings at each meeting, in a book to be provided for this purpose, which shall be signed, by the presiding authority of such meeting, and shall at all reasonable times be open to inspection by any councillor, and on payment of a fee of twenty naye paise by any other person.

55. Councillors not to vote on matter in which they are interested.—(1) No councillor shall vote at a meeting of the municipal council or of any committee thereof on any question relating to his own conduct or vote or take part in any discussion on any matter (other than a matter affecting generally the residents of the town or city or of any particular [1][ward][1]), which affects his pecuniary interest or any property in respect of which he is directly or indirectly interested, or any property of or for which he is a manager or agent.

1. Substituted by Act 36 of 1994 w.e.f. 1.6.1994.

(2) If the presiding authority is believed by any councillor present at the meeting to have any such pecuniary interest in any matter under discussion, and if a motion to that effect be carried, he shall not preside at the meeting during such discussion, or vote on or take part in it. Any other councillor may be chosen or elected to preside at the meeting during the continuance of such discussion.

56. Adjournment of meetings.—Subject to such rules as may be prescribed, any general meeting may, with the consent of a majority of the councillors present, be adjourned from time to time to a later hour on the same day or to any other day; but no business shall be transacted at any adjourned meeting other than that left undisposed of at the meeting from which the adjournment took place. A notice of such adjournment posted in the municipal office shall be deemed sufficient notice of the adjourned meeting.

57. Modification and cancellation of resolutions.—No resolution of a municipal council shall be modified or cancelled within three months after the passing thereof, except by a resolution passed by not less than one-half of the total number of councillors at a general meeting, whereof notice shall have been given, fulfilling the requirements of section 48 and setting forth fully the resolution which it is proposed to modify or cancel at such meeting, and the motion or proposition for the modification or cancellation of such resolution.

58. Motions and amendments.—(1) Every motion or any amendment thereof shall be received in writing and then duly moved. Every motion shall be seconded, and until seconded no debate thereon shall take place nor shall it be put to vote. No amendment which merely negatives an original motion shall be allowed.

(2) Any motion or amendment may be withdrawn by its proposer with the consent of the municipal council.

(3) An amendment to an amendment may be moved at any stage of the debate.

(4) On the conclusion of the debate, in the event of there being several amendments to an amendment, the presiding authority shall put the last amendment to vote first and after it is disposed of the next preceding amendment shall be put to vote and so on until all the amendments are disposed of. The original motion or the amended motion, as the case may be, shall then be put to vote.

(5) When any motion or amendment involves many points the presiding authority may divide it and put each point to vote separately.

(6) When a motion or amendment has been put to vote and declared by the presiding authority as carried, no further proposals for amending the motion or amendment shall be entertained.

59. Conduct of ordinary meetings.—(1) At an ordinary meeting business shall be conducted in the following order:—

(*a*) the minutes of the previous ordinary meeting and of any special meeting held since shall be read and confirmed;

(*b*) business postponed at the previous meeting shall be considered;

(*c*) subjects noted on the agenda shall then be considered.

(2) A councillor may propose any resolution connected with or incidental to the subjects included in the list of business:

Provided that the president may propose any urgent subject of a routine nature not included in the list of business if no councillor objects to it.

(3) All points of order shall be decided by the presiding authority with or without discussion as he may deem fit, and his decision shall be final.

(4) Any question of procedure not herein provided for in this Act or the rules made thereunder shall be decided by a majority of the councillors present and voting.

60. Notice of business to be transacted must in certain cases be given to the Government Executive Engineer.—Except for reasons which the presiding authority deems emergent, no business relating to any work which is being executed for the municipal council by the Public Works Department shall be transacted at any meeting of a municipal council unless a letter has been addressed to the Executive Engineer or the [1][Assistant Executive Engineer][1] concerned informing him of the intention to transact such business thereat and of the motions or propositions to be brought forward concerning such business.

1. Substituted by Act 22 of 2000 w.e.f. 29-11-2000.

61. Certain Government officers may attend meetings of municipal council.—(1) The Executive Engineer of the [1][ward][1] concerned, the principal officer of Health in the district and any other officer approved and notified by the Government in this behalf, may be present at any meeting of a municipal council and, with the consent of the municipal council, may take part at such meeting in the discussion or consideration of any question, on which in virtue of the duties of his office, he considers his opinion or the information which he can supply will be useful to such municipal council:

Provided that the said officer shall not be entitled to vote upon any such question.

1. Substituted by Act 36 of 1994 w.e.f. 1.6.1994.

(2) If it shall appear to a municipal council that the presence of the Executive Engineer of the Public Works Department or the principal officer of Health in the district or an Educational Officer or an officer of the Department of Veterinary Services and Animal Husbandry [1][or the Executive Engineer Karnataka Electricity Board or the Executive Engineer Public Health Engineering or the Deputy Assistant Director Town Planning][1] or any other officer approved and notified by the Government in this behalf is desirable for the purpose aforesaid at any future meeting of such municipal council, it shall be competent to such municipal council, by letter addressed to such officer not less than fifteen days previous to the intended meeting, to require his presence thereat; and the said officer, unless prevented by sickness or other reasonable cause, shall be bound to attend such meeting:

Provided that such officer on receipt of such letter may, if unable to be present himself, instruct a deputy or assistant or other competent subordinate as to his views and may send him to the meeting as his representative, instead of appearing thereat in person.

1. Inserted by Act 83 of 1976 w.e.f. 8-12-1976.

62. Interpellation.—(1) A councillor may, subject to the provisions of sub-section (2), ask the Municipal Commissioner or the Chief Officer questions on any matter relating to the

municipal government or the administration of this Act or the functions of any of the municipal authorities.

(2) The right to ask a question shall be governed by the following conditions, namely:—

(*a*) not less than ten clear days' notice in writing specifying the question shall be given to the Municipal Commissioner or the Chief Officer;

(*b*) not more than two questions shall be sent by any councillor for being answered at any ordinary meeting;

(*c*) no question shall,—

(i) bring in any name or statement not strictly necessary to make the question intelligible,

(ii) contain arguments, ironical expressions, imputations, epithets or defamatory statements,

(iii) ask for an expression of opinion or the solution of a hypothetical proposition,

(iv) ask as to the character or conduct of any person except in his official or public capacity,

(v) relate to a matter which is not primarily the concern of the municipal council or of any of the municipal authorities,

(vi) make or imply a charge of a personal character,

(vii) raise questions of policy too large to be dealt with within the limits of an answer to a question,

(viii) repeat in substance questions already answered or to which an answer has been refused,

(ix) ask for information on trivial matters,

(x) ordinarily ask for information on matters of past history,

(xi) ask for information set forth in accessible documents or in ordinary works of reference,

(xii) raise matters under the control of bodies or persons not primarily responsible to the municipal council, or

(xiii) ask for any information on matter which is under adjudication by a court of law.

(3) The presiding authority shall disallow any question which is, in his opinion, in contravention of the provisions of sub-section (2).

(4) If any doubt arises whether any question is or is not in contravention of the provisions of sub-section (2), the presiding authority shall decide the point and his decision shall be final.

(5) The Municipal Commissioner or the Chief Officer shall not be bound to answer a question if it asks for information which has been communicated to him in confidence or if in the opinion of the presiding authority it cannot be answered without prejudice to public interest or the interest of the municipal council.

(6) Unless otherwise directed by the presiding authority or the presiding officer of the meeting, every question shall be answered by the Municipal Commissioner or the Chief Officer at a meeting of the municipal council.

(7) Written answer to admitted questions shall as far as possible be given to the councillors one hour before the meeting.

(8) Questions not answered at any meeting for want of time or otherwise shall lapse.

[1][**63. Standing Committee.**—(1) In every municipal council there shall be a standing committee, which will deal with the following subjects, namely:—

(*a*) taxation, finance and appeals;

(*b*) public health, education and social justice;

(*c*) town planning and improvement;

(*d*) accounts;

(2) The standing committee shall consist of such number of councillors not being more than eleven or less than five as the municipal council may determine, and elected by the municipal council in accordance with the rules framed under clause (*a*) of sub-section (2) of section 323.

(3) The members of the standing committee shall hold office for a period of one year.

(4) The President and the Vice-President shall not be eligible for election as members of the standing committee.

(5) The standing committees shall exercise the functions allotted to them under this Act and subject to any limitations specified by the municipal council especially in this behalf or generally by rules made under clause (*a*) of sub-section (2) of section 323, and to the provisions of Chapter XIV shall exercise all the powers of the municipal council.][1]

1. Substituted by Act 36 of 1994 w.e.f. 1-1-1996.

[1][**64.** x x x][1]

1. Omitted by Act 83 of 1976 w.e.f. 8-12-1976.

65. Casual vacancies.—A vacancy occurring in a standing committee [1][x x x][1] shall, as soon as possible, be filled up by the appointment of a member thereto subject to the same provisions as those under which the member whose place is to be filled up was appointed. A person appointed under this section shall hold office so long only as the person in whose place he is appointed would have held it if the vacancy had not occurred. No person shall be ineligible at any time for appointment as a member of any such committee on the ground that he has previously been a member of that committee.

1. Omitted by Act 36 of 1994 w.e.f. 1-1-1996.

[1][**66. Chairman of Standing Committee.**—The Chairman of the Standing Committee shall be elected by the members thereof by the system of single transferable vote.][1]

1. Substituted by Act 83 of 1976 w.e.f. 8-12-1976.

67. Procedure at meetings.—(1) The provisions of sections 49, 52 and 54 and of sub-section (1) of section 61 shall be complied with in all proceedings of committees as if meetings of committees were included in all references to meetings of municipal council contained in those provisions. If the chairman of any committee has been absent from the municipality for a period exceeding [1][seven][1] days, the president or vice-president may, in his absence, call a meeting thereof:

Provided that notwithstanding anything to the contrary contained in section 54, committees may record their proceedings either in English or in Kannada as they may think fit.

(2) Committees may meet and adjourn as they think proper, but the chairman of a committee may, whenever he thinks fit, and shall upon the written request of the president of the municipal council or of not less than two members of the committee, and for a date not more than two days after the presentation of such request, call a special meeting of such committee.

(3) No business shall be transacted at any committee meeting unless more than one-third of the members of the committee be present thereat.

1. Substituted by Act 83 of 1976 w.e.f. 8.12.1976.

68. Procedure by circulation.—(1) Notwithstanding anything contained in section 67, the chairman of a committee may, instead of convening a meeting, circulate a written proposition of his own, or of any other member of the committee or of the Municipal Commissioner or Chief Officer of the municipal council for the observation and votes of the members of the committee.

(2) Previous to circulating any such proposition as aforesaid, the chairman may, if he thinks fit, and, if the business to which it relates is of the nature described in section 60 shall obtain thereupon the remarks, if any, which any officer, whose presence the municipal council would be entitled to require under provisions of sub-section (2) of section 61, desires to record.

(3) The decision on any proposition so circulated shall be in accordance with the majority of votes of the members of the committee who vote upon it, unless a special meeting is convened to consider the said proposition.

(4) Every decision arrived at by the committee under this section shall be recorded in the minute book.

69. Subordination of committees to instructions of municipal council and compliance with requisitions of municipal council.—(1) Every committee shall conform to any instruction that may from time to time be given to it by the municipal council; the municipal council may, at any time, call for any extract from any proceedings of any committee, and for any return, statement or account or report concerning or connected with any matter with which any committee has been authorised or directed to deal, and every such requisition shall, without unreasonable delay, be complied with by the committee so called upon.

(2) Every order passed by a standing committee [1][x x x][1] shall be subject to such revision and open to such appeal as may be required or allowed in respect thereof by any rules that may be made by the Government in this behalf.

1. Omitted by Act 36 of 1994 w.e.f. 1-1-1996.

70. Powers, duties and functions may be delegated to officers whose expenses may be paid.—Any powers or duties or executive functions which may be exercised or performed by or on behalf of the municipal council may be delegated, in accordance with rules to be made by the Government in this behalf, to the president or to the vice-president, or to the chairman of any committee, or to one or more stipendiary or honorary officers, but without prejudice to any powers that may have been conferred on a Municipal Commissioner or Chief Officer under Chapter XIV or any committee by or under section 63; and each person, who exercises any power or performs any duty or function so delegated, may be paid all expenses necessarily incurred by him therein:

Provided that in a [1][municipal area][1] for which there is a Municipal Commissioner the power or duties or executive functions under this Act or under any rule or bye-law made thereunder conferred or imposed upon or vested in the Municipal Commissioner shall not be delegated save as provided in section 344.

1. Substituted by Act 36 of 1994 w.e.f. 1.6.1994.

71. Joint committees of local bodies and joint levy of [1][toll][1].—(1) A municipal council may from time to time,—

1. Substituted by Act 21 of 1979 w.e.f. 31-3-1979.

(*a*) join with any other municipal council or with any [1][Town Panchayat][1], cantonment authority, [1][Taluk Panchayat or Grama Panchayats][1] or with any combination of such [1][municipal councils][1] or panchayats,-

1. Substituted by Act 36 of 1994 w.e.f. 1-6-1994.

(i) in appointing out of their respective bodies a joint committee for any purpose in which they are jointly interested, and in appointing a chairman of such panchayats.

(ii) in delegating to any such committee power 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

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

(*b*) enter, subject to the sanction of the Government, into an agreement with a municipal council, [1][Town Panchayat][1], cantonment authority, [1][Taluk Panchayat or Grama Panchayats][1] or committees or combinations as aforesaid [2][that the levy of tolls][2] by the bodies so contracting may be levied together instead of separately within the limits of the area subject to the control of the said bodies.

1. Substituted by Act 36 of 1994 w.e.f. 1-6-1994.
2. Substituted by Act 21 of 1979 w.e.f. 31-3-1979.

(2) Where a municipal council has requested the 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 [1][Deputy Comissioner][1] may pass such orders as he may deem fit, requiring the concurrence of such other local authority, not being a cantonment authority, in the matter aforesaid; and such other local authority shall comply with such orders.

1. Substituted by Act 36 of 1994 w.e.f. 1.6.1994.

(3) If any difference of opinion arises between bodies having joined or entered into an agreement for any purpose under this section, the decision thereupon of the Government or of such officer as it appoints in this behalf shall be final:

Provided that if one of the bodies concerned is a cantonment authority any such decision shall be subject to the concurrence of the Central Government.

[1][**71A. Staff of municipal council.**—Subject to the provisions of section 365 and the rules made under section 323, every municipal council shall be entitled to employ such officers and servants as may be necessary for the discharge of its duties.][1]

1. Inserted by Act 34 of 1966 w.e.f. 1-4-1965.

72. Competency of municipal council to lease, sell and contract.—(1) Subject to the conditions and restrictions contained in sub-sections (2) to (9), and such other restrictions and conditions as the Government may by general or special orders specify, every municipal council shall be competent to lease, sell or otherwise transfer any movable or immovable property which belongs to, or for the purpose of this Act has been acquired by it, and so far as is not inconsistent with the provisions and purposes of this Act, to enter into and perform all such contracts as it may consider necessary or expedient in order to carry into effect the said provisions and purposes.

(2) No free grant of immovable property whatever may be its value, no grant for an upset price and no lease for a term exceeding five years, and no sale or other transfer of immovable property exceeding [1][twenty-five thousand][1] rupees in value, shall be valid unless the previous sanction of the Government is obtained.

1. Substituted by Act 33 of 1986 w.e.f. 6-6-1986.

(3) In the case,—

(*a*) of a lease for a period exceeding one year or of a sale or other transfer, or contract for the purchase of any immovable property,

(*b*) of every contract which will involve expenditure not covered by a budget grant,

(*c*) of every contract the performance of which cannot be completed within the official year current at the date of the contract,

the sanction of the municipal council by a resolution passed at a general meeting is required.

(4) In the case of a contract for the purchase of movable property, or for the sale of any movable property belonging to a municipal council, if the expenditure which the purchase would involve, or the value of the property to be sold, as estimated in the municipal accounts exceeds one thousand rupees in the case of a town municipal council and two thousand rupees in the case of a city municipal council, the sanction of the municipal council is required.

(5) Before any contract for the supply of materials or goods or for the execution of any work which will involve an expenditure exceeding [1][five thousand rupees][1] is entered into, tenders shall be publicly invited in such manner as may, from time to time, be determined by the municipal council, from persons willing to enter into such contract and, when the estimated value exceeds such amount as may be prescribed no such contract shall be entered into without the previous approval of the Government or of an officer duly authorised by the Government in this behalf.

1. Substituted by Act 83 of 1976 w.e.f. 8-12-1976.

(6) In the case of every contract not otherwise provided for in the sub-sections (2) to (4), the sanction of such committee, or of such person as under the provisions of this Act or of the rules for the time being in force thereunder, is empowered in this behalf, is required.

(7) Every contract entered into by or on behalf of municipal council, other than a contract to which sub-section (6) applies, shall be in writing, and shall be signed by the president or vice-president and two other councillors, and shall be sealed with the common seal of the municipal council. Every contract to which sub-section (6) applies shall be executed by the chairman of such committee or by such other person as is empowered in that behalf, in such manner and form as according to the law for the time being in force, would bind such chairman or person if such contract were executed by him on his own behalf.

(8) No contract which is not made in accordance with the requirements of this section shall be valid or binding on the municipal council.

(9) The provisions of this section shall be subject to the provisions of section 86 and Chapter XIV.

73. Transfer of property may be subject to conditions.—The grant, lease, sale or other transfer of movable or immovable property by the municipal council may be subject to such conditions as the municipal council may specify and notwithstanding anything contained in the Transfer of Property Act, 1882, or any other law, for the time being in force, the grant, lease, sale or other transfer shall be subject to such conditions.

74. Contracts by officers appointed by Government to execute municipal works and payment for such works.—Notwithstanding anything contained in section 72 any person appointed by the Government to execute any work on behalf of a municipal council may, subject to such control as the Government may prescribe, make such contracts as are necessary for the purpose of executing such works to the extent of the sum provided for such work; and the municipal council shall pay to the person so appointed such sums as may be required for the said purpose, to the extent aforesaid.

75. Compulsory acquisition of land.—Whenever a municipal council requires any immovable property for the purposes of this Act, the Government may, at the request of the municipal council procure the acquisition thereof under the Land Acquisition Act, 1894, and on payment by the municipal council of the compensation awarded under that Act and of all charges incurred by the Government in connection with the proceedings, the immovable

property shall be transferred to the municipal council and shall thereafter vest in such council.

76. Municipal fund ordinarily liable for all costs and expenses incurred by municipal councils.—(1) Except as herein otherwise provided, no president or councillor shall be personally liable in respect of any contract or agreement made, or for any expense incurred by or on behalf of, the municipal council; the municipal fund shall be liable for and be charged with all costs in respect of any such contract or agreement and all such expenses.

(2) Without prejudice to any other action under this Act or any other law, the president, the vice-president and every councillor, the Municipal Commissioner, the Chief Officer or other employee of the municipal council, shall be liable for the loss, waste or misapplication, if such loss, waste or misapplication of any money or other property owned by or vested in the municipal council is a direct consequence of his neglect or has been caused or facilitated by his misconduct.

77. Officer or servant of municipal council not to be interested in any contract with such municipal council.—(1) Any person, who has, directly or indirectly, by himself or his partner, any share or interest in any contract with, by or on behalf of, a municipal council, or in any employment with, under, by, or on behalf of, a municipal council other than as a municipal officer or servant, shall be disqualified for being an officer or servant of such municipal council.

(2) If any municipal officer or servant shall acquire or has acquired directly or indirectly, by himself or his partner, any share or interest in any such contract for employment as is referred to in sub-section (1), he shall be liable to be transferred or removed from his office by an order of the authority appointing him:

Provided that before an order of removal is made, such officer or servant shall be given a reasonable opportunity of showing cause against the action proposed to be taken in regard to him:

Provided further that no person by reason of his being a share-holder, in or member of, any company be held to be interested in any contract entered into between such company and the municipal council unless he is a director of such company.

Explanation.—For the purpose of this section, “company” includes a co-operative society.

78. Penalty for councillor being interested in any contract, etc., with the municipal council.—Any councillor who knowingly acquires, directly or indirectly any share or interest in any contract or employment with, under, by or on behalf of, a municipal council not being a share or interest such as, under section 16, it is permissible for a person to have, without being thereby disqualified for being a councillor, shall be punished with fine which may extend to five hundred rupees.

79. Councillors, etc., to be deemed public servants.—(1) Every councillor, officer or servant of a municipal council, every auditor appointed under section 290 and every lessee of the levy of any municipal tax, and every servant or other person employed by any such lessee shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code and the Prevention of Corruption Act, 1947 (Central Act II of 1947) for the time being in force.

(2) The words “State Government” and “Government” in section 161 of the Indian Penal Code, shall for the purposes of sub-section (1) of this section be deemed to include a municipal council.

80. Validity of proceedings.—(1) No disqualification of or defect in the election or appointment of any person acting as councillor, or as the president or presiding authority of a general meeting or a chairman or member of a committee appointed under this Act, shall be deemed to vitiate any act or proceeding of the municipal council or of any such committee, as the case may be, in which such person has taken part, whenever the majority who were parties to such act or proceeding, were entitled to act.

(2) No resolution of a municipal council or of any committee appointed under this Act shall be deemed invalid on account of any irregularity in the service of notice, upon any councillor or member provided that the proceedings of the municipal council or committee, were not prejudicially affected by such irregularity.

(3) Until the contrary is proved every meeting of a municipal council or of a committee appointed under this Act in respect of proceedings whereof a minute has been made and signed in accordance with this Act, shall be deemed to have been duly convened and held and all the members of the meeting shall be deemed to have been duly qualified; and where the proceedings are the proceedings of a committee, such committee shall be deemed to have been duly constituted and to have had the power to deal with the matters referred to in the minute.

(4) During any vacancy in a municipal council or committee the continuing councillors or members may act as if no vacancy had occurred.

(5) No act done or proceeding taken under this Act shall be questioned on the ground merely of any defect or irregularity not affecting the merits of the case.

[1][CHAPTER III-A

NEIGHBOURHOOD GROUP, AREA SABHA AND WARD COMMITTEE

80A. Definitions and application.- (1) In this Chapter, unless the context otherwise requires.-

(i) “Area Sabha” means, the Area Sabha consisting of representatives selected from the Neighbourhood group within the specific polling station under section 80-G;

(ii) “Association” means a trust, society, association or organisation registered under Karnataka Societies Registration Act, 1960;

(iii) “Neighbourhood group” means an association or group consisting of one hundred voters or less of a polling station as specified in section 80-B;

(iv) “Nodal Officer” means any official of the Municipality designated as such by the Municipal Commissioner or Chief Officer as the case may be;

(v) “Polling Station” means Polling station set up for conducting elections to the Municipalities;

(vi) “Ward Action Plan” shall be the annual action plan prepared by the Ward Committee on a priority basis; and

(vii) “Ward Committee” means a committee constituted under section 80-M.

(2) The provisions of this Chapter shall apply to all Municipalities in the State.

80B. Constitution of Neighbourhood group.- There shall be a Neighbourhood group for approximately every one hundred voters in the polling station area of every ward from the same locality or street or layout or Residents Welfare Association or apartment or

any other contiguous area of a ward. If such a locality is bigger and has more voters, then more than one Neighbourhood group shall be constituted in the same locality.

80C. Meetings of the Neighbourhood Group.- (1) The Neighbourhood groups shall hold their meetings and their deliberations in the same locality in any facility meant for the social gathering in that area, irrespective of the ownership.

(2) The Neighbourhood group meetings may be called as per the requirement but not less than once in three months.

(3) It shall be the duty of the representative selected among the Neighbourhood group to call the meeting of the Neighbourhood.

(4) All the decisions in the Neighbourhood group shall be taken by simple majority.

(5) The representative of the Neighbourhood group shall become member of the Area Sabha of the polling station area of the ward and participate in the proceedings of the Area Sabha as representative of the Neighbourhood group.

(6) The representative of the Neighbourhood group shall raise any issue or debate on any issue in the Area Sabha only after getting the mandate and deciding on the stand to be taken in the meeting of the Neighbourhood group.

(7) The representative shall communicate the decisions or crux of the deliberations of the Area Sabha to the members of the Neighbourhood group in the immediate next meeting of the Neighbourhood group after the Area Sabha meeting.

(8) There shall be no secretarial assistance to the representative of the Neighbourhood group, they have to arrange meetings, draw up proceedings and maintain the records.

(9) The records of the Neighbourhood group shall be maintained for a minimum period of five years and if the Neighbourhood group wishes it may be maintained for long period.

80D. Representative of the Neighbourhood group, term of office and allowance.- (1) The Neighbourhoods shall select one among them as representative of them who shall preside over the meetings and deliberations of that Neighbourhood group.

(2) The Neighbourhoods shall also select one additional representative who shall stand in for representative in the absence of the representative. However, the additional representative shall attend the meetings of Area Sabha along with the representative and shall assist the representative if required in all the functions.

(3) The representative and additional representative shall be selected by the members by lot from the available eligible members.

(4) The representative shall strictly be a non political and must declare that he is neither sympathiser nor a member of any political party or outfit.

(5) The office of the representative shall be for a tenure of thirty months and no person shall be eligible to be a representative for second term within five years.

(6) The position of representative and additional representative shall not be from the same gender and the same shall be rotated every year**.**

(7) The first year after the election to the Municipalities, the position of representative shall be allotted to female and that of additional representative shall be allotted to male.

(8) The representative shall not be paid any allowance, sitting fee or remuneration.

(9) The Neighbourhood groups shall conduct meetings without incurring any expenditure and there shall not be any reimbursement by either the Municipality or by the Government.

(10) The Neighbourhood groups shall not demand presence of any officials of either the Municipality or otherwise.

80E. Powers and functions of the Neighbourhood group.- (1) The neighbourhood group shall perform and discharge the following functions, namely:-

(i) selection of beneficiaries;

(ii) watch and ward over street light operations and maintenance;

(iii) ensuring that property tax is paid by all households of the locality;

(iv) ensuring individual water connection to each household, metering and ensuring that water tariff is paid by all households;

(v) assisting or taking up Primary collection and segregation of solid waste management;

(vi) watch and ward over sanitation of the Neighbourhood locality;

(vii) suggesting civil works relating to water supply maintenance, street light maintenance, solid waste management, de-silting of drains, etc.;

(viii) suggesting any development works which are localised in nature to be taken for the current year and for the whole of the five year period;

(ix) protecting all Government and Municipality properties from encroachment by anyone;

(x) participating in all socio-economic programmes of the Government and municipality like housing, poverty alleviation, etc as required;

(xi) actively participating in public health aspects and programmes of the Government and municipality; and

(xii) it shall perform such other functions as may be assigned to it by the municipality.

(2) The procedure to be adopted by the ward neighbourdhood group in the transaction of its business shall be as may be prescribed.

80F. Removal of representative/ additional representative of the neighbourhood group.- The representative who has taken a stand contrary to the mandate of the neighbourhood group shall be replaced by the neighbourhood group by simple majority of the total members of the neighbourhood group.

80G. Constitution of Area Sabhas.- (1) There shall be one Area Sabha for each polling station area of the ward of the Municipality.

(2) The Area Sabha shall consist of representatives and additional representatives of all the Neighbourhood Groups within the limits of the polling station area of the ward of the Municipality:

Provided that, the additional representatives shall not have voting rights if the representative is present in the meeting.

80H. Meetings of the Area Sabha.- (1) The Area Sabhas shall hold meetings as per the requirement but not less than once in three months.

(2) The meetings shall be conducted in any of the public buildings belonging to either the Municipality or any other Government Department or Government Undertakings.

(3) In the event of Government building or public premises not being available, the meetings may be held in any private premise offered by any organisation or individual free of charges.

(4) It shall be the duty of the representative of the Area Sabha to call the meetings and record the proceedings.

(5) There shall not be any secretarial assistance to the Area Sabha and the Area Sabha representative shall maintain the records. The records shall be maintained atleast for a period of five years.

(6) All the decisions in the Area Sabha shall be taken by simple majority.

(7) The representative of the Area Sabha shall become member of the Ward Committee of the ward and participate in the proceedings of the Ward Committee as representative of the Area Sabha.

(8) The representative of the Area Sabha shall raise any issue or debate on any issue in the Ward Committee only after getting the mandate and deciding on the stand to be taken in the meeting of the Area Sabha.

(9) The representative shall communicate the decisions or crux of the deliberations in the Ward Committee to the members of the Area Sabha in the immediate next meeting of the Area Sabha after the meeting.

(10) There shall be no secretarial assistance to the representative of the Area Sabha, they have to arrange meetings, draw up proceedings and maintain the records.

(11) The records of the Area Sabha shall be maintained for a minimum period of five years.

80I. Representative of the Area Sabha.- (1) The Area Sabhas shall select one among them as representative of them unanimously or by lot who shall preside over the meetings and deliberations of that Area Sabha.

(2) The Area Sabhas shall also select one additional representative who shall stand for representative in the absence of the representative. However, the additional representative shall attend the meetings of Area Sabha along with the representative and shall assist the representative if required in all the functions.

(3) The representative shall strictly be non political and must declare that he is neither sympathizer nor a member of any political party or outfit.

(4) The position of the representative shall be for a tenure of thirty months and no person shall become a representative again within five years.

(5) The position of representative and additional representative shall not be from the same gender and the same shall be rotated every year.

(6) The first year after the election to the Municipalities, the position of representative shall be allotted to female and that of additional representative shall be allotted to male.

(7) The representative shall not be paid any allowance, sitting fee or remuneration.

(8) The Area Sabhas shall conduct the meetings without incurring any expenditure and there shall not be any reimbursement by either the Municipality or by the Government.

(9) The Area Sabhas shall not demand presence of any officials of either the Municipality or otherwise.

80J. Powers and functions of the Area Sabhas.- (1) The Area Sabha shall perform the following powers and functions, namely:-

(i) It shall co-ordinate over all the functions of the Neighbourhood groups;

(ii) It shall weed out any ineligible beneficiary selected by the Neighbourhood group but shall not add any new beneficiary or rectify any other decision of neighbourhood group which is binding on any individual or group of people or on the Municipality;

(iii) It shall strategise and work through the Neighbourhood groups for all the matters relating to the collection of property tax, collection of water supply tariff, maintenance of water supply, maintenance of street light operations, maintenance of solid waste management, maintenance of sanitation, etc.;

(iv) It may also take up responsibility of retailing of water supply as and when handed over by the Municipality retailing of water supply shall include buying bulk water from Municipality, retailing and collecting water tariff on behalf of Municipality;

(v) It shall do well in Solid Waste Management, may share their experience in the neighboring wards;

(vi) It shall also maintain the list of properties of Government and Municipality in their area and shall protect them from any encroachment by reporting it to the concerned authority;

(vii) It shall strategise and work through Neighbourhood Groups for all the socio-economic programmes, health and sanitation programmes of the Municipality and the Government;

(viii) It shall consolidate proposals of neighbourhood groups regarding civil works which are localised in nature to be undertaken in the current year and forward the same to ward committee for incorporation in the action plan of the Municipality;

(ix) It shall not add any work or item more than 25% of items other than what is suggested by the neighbourhood groups but shall delete or prioritiese both for current year as well as for period of five years;

(x) It shall revise the action plans at any point of time with the consent of neighbourhood groups;

(xi) It shall take up social auditing of the projects of the Municipality and other Government departments and bodies related to the Urban Local bodies; and

(xii) It shall maintain vigil on the quality of the development works taken up by the Municipality or by any other Government Departments and bodies like ensuring the information board relating to the work is put up on the site, ensuring that safety precautions as per the tender conditions are taken and seek information on whether the work is being executed as per the tender conditions, etc. Such function shall not be taken up by any individual member of Area Sabha but shall be taken up by the Area Sabha as a whole.

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

80K. Appeal.- Either the individual beneficiary or a citizen or the Neighbourhood group may prefer appeal against any of the decision of the Area Sabhas to the Ward Committee. The decision of the Ward Committee shall be binding on the Area Sabha.

80L. Removal of Area Sabha Representatives or Additional Representatives.- (1) The representative who has taken a stand contrary to the mandate of the Area Sabha shall be replaced by the Area sabha by simple majority of the total members of the Area Sabha.

(2) No person shall continue to be a Area Sabha Representative or Additional Representative if at any time during his tenure, he incurs any of the disqualifications prescribed by or under any law for the time being inforce for the purpose of election to the Municipality concerned.

80M. Constitution of Ward Committee.- (1) There shall be a ward committee for one or more wards within the territorial area of the Municipality.

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

(i) all the representatives and additional representative of area sabhas shall be members;

(ii) the Councilor of the Municipalities representing the Ward, who shall preside over the Ward Committee;

(iii) five other members to be nominated by the Deputy Commissioner of the District from amongst the residents of the Municipal area, who shall not be a member a political party possessing knowledge and experience in Municipality Administration or matters relating to Public Health, Town Planning etc., out of which, there shall be,-

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

(B) at least two members representing Residents Welfare Associations of whom one shall be a woman, satisfying all conditions mentioned below, namely:-

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

(b) it shall be a registered Association, comprising of individuals who serve in a fiduciary capacity.

(3) Any person disqualified from being elected as a Councilor shall not be nominated as member of the Ward Committee.

80N. Meeting of the Ward Committee.- (1) The Ward Committee shall meet as and when required but at least once in a month. The Ward Councilor shall preside over the meeting of the Ward Committee.

(2) The date of first meeting shall be fixed by the newly elected council by its resolution and such date need not be altered. If Ward Committee Representative is unable

to attend the Ward Committee meeting on a particular date, then Ward Committee members may unanimously select any one among them to preside over the meeting on that day.

(3) The Ward Committee shall select one among them as Secretary unanimously or by lot of the Ward Committee.

(4) The Secretary of the Ward Committee shall be the convener of the meeting of the Ward Committee who shall convene the meeting in consultation with the Chairman.

(5) All minutes of the proceedings of the meeting of the Ward Committee shall be recorded and video graphed by the Secretary and a copy of the same shall be forwarded to the Municipal Councils within a fortnight.

(6) An officer of appropriate rank shall be designated as representative of Municipal Commissioner or Chief Officer who shall provide information or clarification on any procedure, rules, etc., but shall not perform any role in the Committee.

(7) All decisions in the Ward Committee shall as far as possible be arrived through a consensus of all the members present. When there is no consensus, the decision shall be taken by the majority of the members present. In case of equality of votes, the presiding authority shall cast his vote to break the tie.

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

(9) The Commissioner or Chief Officer of the Municipality as the case may be or his nominee, shall be entitled to take part in the meetings and deliberations of the Ward Committee. The Chairperson of the Ward Committee may request the representatives of the concerned department as special invitees to participate in the meetings.

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

The Ward Committee,-

(a) shall co-ordinate over all the functions of Area Sabha like, tax collection, water supply, surface drainage, underground drainage, solid waste management, street lighting, etc.

(b) shall strategise on all these items and work on any initiatives through the Area Sabhas and Neighbourhood Groups.

(c) shall give advice to the Neighbourhood groups and Area Sabhas but they are not binding in nature.

(d) shall consolidate the action plans for works localised in nature from the list suggested by Area Sabhas as action plan for the five year term of the elected council for all the development works which are localised in nature.

(e) shall prioritise the works among them and prepare annual action plans for implementation every year.

(f) shall as far as possible select works for annual action plan from the action plan consolidated from Area Sabhas and desist from adding new items.

(g) shall have the power to add new items to the extent of 25% of the value of the action plan assigning reasons for choosing the works outside of consolidated action plan.

(h) shall assign sufficient reason why the new works are preferred over the works included in the action plan for five years by the Area Sabhas.

(i) shall have complete freedom to choose the works which are not localised in nature and resolve to suggest to the council to be added to the annual as well as long term action plans.

(j) The works or items chosen in the ward committee shall only be included in the action plans prepared by the Municipality both for works of localised and non-localised in nature.

(k) shall take up social auditing of developmental works of Urban Local Bodies or any Government Department or undertaking in its jurisdiction with the help of Area Sabhas and Neighbourhood groups.

(l) shall take up the responsibility of maintenance of parks or supervise the same.

(m) shall take up the responsibility of afforestation and maintenance or supervision of the same.

(n) shall take up the responsibility of rainwater harvesting and maintenance or supervision of the same.

(o) shall maintain list of Government properties and take all steps to report to Council if any encroachments are noticed by anyone.

(p) shall take steps to prevent encroachment of streets, roads, foot paths and parking spaces by anyone especially by the shop owners, hawkers and street vendors;

(q) shall be responsible for preventing unauthorised layouts or buildings or developments coming up without proper license being obtained.

(r) shall report to the Commissioner or Chief Officer of the Municipalities about unauthorised layouts or developments or buildings and assist to the Commissioner or Chief Officer of the Municipalities for control of the unauthorised developments.

(s) shall take steps along with the officer assigned the responsibility of preventing unauthorised developments to immediately stop such an unauthorised developments.

(t) shall take up any other responsibility assigned to it by the Municipality.

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

80P. Removal of Members of Ward Committee.- (1) The representative who has taken a stand contrary to the mandate of the Ward Committee shall be replaced by the Ward Committee by simple majority of the total members present of the Ward Committee.

(2) Failure to identify and prevent the unauthorised developments shall also be reason for removal of the representative.

80Q. Appeal.- Area Sabhas or neighbourhood groups or any individual or an organisation affected by the decision of the Ward Committee shall make appeal to the Commissioner or the Chief Officer of the Municipality.][1]

1. Inserted by Act 39 of 2020 w.e.f. 1.12.2020

CHAPTER IV

MUNICIPAL PROPERTY AND FUND

81. Municipal property.—(1) Every municipal council may for the purpose of this Act, acquire and hold property both movable and immovable, whether within or without the limits of the [1][municipal area][1].

1. Substituted by Act 36 of 1994 w.e.f. 1-6-1994.

(2) All property of the nature herein specified, and not being specially reserved by the Government, shall be vested in and belong to the municipal council and shall, together with all other property of whatsoever nature or kind not being specially reserved by the Government, which may become vested in the municipal council, 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 town-walls, gates, markets, slaughter houses, manure and night-soil depots, and public buildings of every description;

(*b*) all public streams, tanks, reservoirs, cisterns, wells, springs, aqueducts, conduits, tunnels, pipes, pumps and other water works and all bridges, buildings, engines, works, materials and things connected therewith, or appertaining thereto, and also any adjacent land not being private property appertaining to any public tank or well;

(*c*) all public sewers and drains, and all sewers, drains, tunnels, culverts, gutters and water courses, in, alongside or under any street, and all works, materials and things appertaining thereto, as also all dust, dirt, dung, ashes, refuse, animal matter or filth or rubbish of any kind collected by the municipal council from the streets, houses, privies, sewers, cess-pools or elsewhere;

(*d*) all public lamps, lamp-posts and apparatus connected therewith, or appertaining thereto;

(*e*) all lands and buildings transferred to it by the Government, by gift or otherwise, for local public purposes;

(*f*) all public streets and the pavement, stones and other materials thereof and also all trees, erections, materials, implements and things provided for such streets:

Provided that lands transferred to the municipal council by the Government under clause (*e*) shall not, unless otherwise expressly provided in the instrument of transfer, belong by right of ownership to the municipal council but shall vest in it subject to the terms and conditions of the transfer, and on the contravention of any of the said terms or conditions, the lands with all things attached thereto, including all fixures and structures thereon, shall vest in the Government and it shall be lawful for the Government to resume possession thereof.

(3) It shall be competent to the Government from time to time, by notification, to take over any property vested or vesting in the municipal council under this section on such terms as the Government may determine.

82. Decision of claims to property by or against the municipal council.—(1) In any municipal area to which a survey of lands, other than lands ordinarily used for the purposes of agriculture only, has been or shall be extended under any law for the time being in force, where any property or any right in or over any property is claimed by or on behalf of the municipal council, or by any person as against the municipal council it shall be lawful for the Deputy Commissioner after enquiry, of which due notice has been given to pass an order deciding the claim.

(2) Any suit instituted in any civil court after the expiration of one year from the date of any order passed by the Deputy Commissioner under sub-section (1), or, if one or more appeals have been made against such order within the period of limitation, then from the date of any order passed by the final appellate authority, shall be dismissed (although limitation has not been set up as a defence) if the suit is brought to set aside such order or if the relief claimed is inconsistent with such order provided that the plaintiff has had due notice of such order.

(3) (*a*) The powers conferred by this section on a Deputy Commissioner may also be exercised by an Assistant Commissioner [1][or any other officer of equal rank specified by the Government][1] in the case of a town municipal council.

1. Inserted by Act 83 of 1976 w.e.f. 8-12-1976.

(*b*) Any person shall be deemed to have had due notice of an enquiry or order under this section if notice thereof has been given in accordance with rules made in this behalf by the Government.

83. Municipal Fund.—All moneys received by or on behalf of the municipal council by virtue of 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 municipal council, and all rents accruing from its land or property; also all interest, profits and other moneys accruing by gifts or transfers from the Government or private individuals or otherwise shall constitute the municipal fund, and shall be held and dealt with in the same manner as the property mentioned in section 81;

Provided that,—

(*a*) nothing in this section, or in section 81 shall in any way affect any obligation accepted by or imposed upon any municipal council by any declaration of trust executed by or on behalf of such municipal council, or by any scheme settled by order of the Government for the administration of any trust;

(*b*) a municipal council may, subject to the condition that reasonable provision shall be made for the performance of all obligations imposed or that may be imposed on it by or under this Act or any other law for the time being in force, credit to a separate head in the municipal accounts any portion of the municipal fund received or set apart by it specially for the purposes of schools or dispensaries or water works or fire-brigades or other such purposes as the [1][Deputy Commissioner][1] in this behalf approves, and the municipal council may apply any sums properly so credited exclusively to the special purposes for which such sums were received or set apart; and

1. Substituted by Act 31 of 2003 w.e.f. 20.8.2003.

(*c*) a municipal council shall credit to a separate head in the municipal accounts fees received under section 137, and the municipal council shall apply any sums so credited exclusively for the purposes specified in the said section.

84. Application of Municipal Fund and property.—(1) Subject to the provisions of this Act and such rules as may be prescribed, the municipal fund and all property held by or vested in the municipal council under this Act, shall be applied, for the purposes specified in sections 87, 88 and 91 and for all other purposes for which by or under this Act, or any other law for the time being in force, powers are conferred or duties imposed upon the municipal council, and with the previous sanction of the [1][Director of Municipal Administration][1] or the Government, for any other purposes for which the application of such property or fund is in public interest.

1. Substituted by Act 31 of 2003 w.e.f. 20.8.2003.

(2) Notwithstanding anything contained in sub-section (1) any officer duly authorised by it in this behalf,-

(*a*) incur expenditure beyond the said limits,—

(i) in the acquisition of land, or

(ii) in the construction, maintenance, repair or purchase of works for the purpose of obtaining supply of water required for the inhabitants of the [1][municipal area][1], or of providing the supply of electrical energy for the use of the inhabitants of the said [1][municipal area][1] or of establishing slaughter houses or places for the disposal of night soil or sewage or carcasses of animals beyond the said limits, or for drainage works or for the purpose of providing mechanically propelled transport facilities for conveyance of the public or for the purpose of setting up of dairies or farms for the supply, distribution and processing of milk or milk products for the benefit of the inhabitants of the [1][municipal area][1], or for any other purpose calculated to promote the health, safety or convenience of the inhabitants of the said [1][municipal area][1]; or

1. Substituted by Act 36 of 1994 w.e.f. 1-6-1994.

(*b*) make whether within or beyond the limits of the [1][municipal area][1] a contribution towards expenditure incurred by any other municipal council or a [1][Taluk Panchayat or a Grama Panchayat or cantonment authority][1] or other public institution or person or body of persons for measures promoting the health, education or convenience of the public and calculated to benefit the residents within the limits of the contributing municipal council; or

1. Substituted by Act 36 of 1994 w.e.f. 1-6-1994.

(c) create scholarships tenable outside the limits of the [1][municipal area][1].

1. Substituted by Act 36 of 1994 w.e.f. 1-6-1994.

(3) Nothing in this section, or in any other provision of this Act, shall be deemed to make it unlawful for a municipal council when with the sanction of the Government it has constructed works beyond the limits of the said [1][municipal area][1] for the supply of water or electrical energy or for drainage as aforesaid,—

1. Substituted by Act 36 of 1994 w.e.f. 1-6-1994.

(*a*) to supply or extend to, or for the benefit of, any person or [2][buildings or vacant lands][2] in any place whether such place is or is not within the limits of the said [1][municipal area][1], any quantity of water or electrical energy not required for the purpose of this Act within the said [1][municipal area][1], of the advantages afforded by the system of such drainage works on such terms and conditions, with regard to payment and to the continuance of such supply or advantages, as shall be settled by agreement between the municipal council and such person or the occupier or owner of such [2][buildings or vacant lands][2], or

1. Substituted by Act 36 of 1994 w.e.f. 1-6-1994.
2. Substituted by Act 31 of 2003 w.e.f. 19.11.2001.

(*b*) to incur any expenditure, on such terms with regard to payment as may be settled as aforesaid, for the construction, maintenance, repair or alteration of any connection pipes or any electric supply lines or other works necessary for the purpose of such supply or for the extension of such advantages.

85. Power to deposit and invest surplus fund.—(1) It shall be lawful for the municipal council to deposit at interest with the Government savings bank, or with the sanction of the Government in any scheduled bank or a central co-operative bank in the State, approved by the Government any surplus funds in its hands which may not be required for current charges, and, with the like sanction to invest such funds in public securities in the name of the municipal council, and from time to time dispose of such securities as may be necessary.

(2) All surplus funds over and above what may be required for current expenses shall, unless deposited or invested as provided for in sub-section (1) be deposited in the local Government treasury or such other place or invested in such security as may be sanctioned by the Government.

86. Power of municipal councils to borrow money.—A municipal council may, in pursuance of a resolution passed at a special general meeting and with the previous sanction of the Government and subject to such conditions as may be prescribed by the Government as to security, the rate of interest and the repayment of principal and interest, borrow either from the Government or from any bank, corporation or person, any sum of money required for constructing any work of a permanent nature which it is required or empowered to undertake under the provisions of this Act, or for acquisition of land.

CHAPTER V

OBLIGATORY AND DISCRETIONARY FUNCTIONS OF MUNICIPAL COUNCILS

87. Obligatory functions of municipal councils.—It shall be incumbent on every municipal council to make adequate provision by any means or resources which it may lawfully use or take for each of the following matters within the [1][municipal area][1], namely:—

1. Substituted by Act 36 of 1994 w.e.f. 1-6-1994.

(*a*) lighting public streets, places and buildings;

(*b*) watering public streets and places;

(*c*) cleansing public streets, places and sewers, and all spaces not being private property, which are open to the enjoyment of the public, whether such spaces are vested in the municipal council or not, removing noxious vegetation and abating all public nuisances;

(*d*) extinguishing fires and protecting life and property when fires occur;

(*e*) regulating or abating offensive or dangerous trades or practices;

(*f*) removing obstructions and projections in public streets, bridges, and other public places, and in spaces not being private property, which are open to the enjoyment of the public, whether such spaces are vested in the municipal council or belong to the Government;

(*g*) securing or removing dangerous buildings or places and reclaiming unhealthy localities;

(*h*) acquiring and maintaining, changing and regulating places for the disposal of the dead;

(*i*) constructing, altering and maintaining public streets, culverts, municipal boundary marks, markets [1][(including separate and suitable place for vending vegetables)][1], slaughter houses, latrines, privies, urinals, drains, sewers, drainage works, sewage works, baths, washing places, drinking fountains, tanks, wells, dams and the like;

1. Inserted by Act 83 of 1976 w.e.f. 8-12-1976.

(*j*) obtaining supply of or an additional supply of water proper and sufficient for preventing danger to the health of the inhabitants from the insufficiency or unwholesomeness of the existing supply, when such supply or additional supply can be obtained at a reasonable cost;

(*k*) naming streets and numbering houses;

(*l*) registering births and deaths;

(*m*) public vaccination;

(*n*) providing suitable accommodation for calves, cows, or buffaloes required within the [1][municipal area][1] for the supply of animal lymph;

1. Substituted by Act 36 of 1994 w.e.f. 1-6-1994.

[1][(*o*) maintaining schools for pre-primary education;][1]

1. Substituted by Act 83 of 1976 w.e.f. 8-12-1976.

(*p*) arranging for the destruction or the detention and preservation of such dogs within the [1][municipal area][1] as may be dealt with under the law in force relating to police or under section 222 of this Act;

1. Substituted by Act 36 of 1994 w.e.f. 1-6-1994.

(*q*) providing facilities for anti-rabic treatment and treatment of lepers and mental patients and meeting the expenses of indigent persons undergoing anti-rabic treatment within or outside the municipal limits;

(*r*) providing covered metallic receptacles and covered metallic receptacles mounted on wheels for use by servants employed by the municipal council for the removal of night soil and rubbish and disposing of night-soil and rubbish and, if so required by the Government, preparation of compost manure from such night-soil and rubbish;

Explanation.—In this clause, "rubbish" includes dust, ashes, broken bricks, mortar, sewage, dung, dirt, [1][decomposed][1] substances and refuse of any kind.

1. Substituted by Act 83 of 1976 w.e.f. 8-12-1976.

(*s*) providing accommodation for municipal sweepers and scavengers and granting of loans to such sweepers and scavengers for construction of houses, subject to rules prescribed in this behalf;

(*t*) printing such annual reports on the municipal administration of the [1][municipal area][1] as the Government, by general or special orders, requires the municipal council to submit; [2][x x x][2]

1. Substituted by Act 36 of 1994 w.e.f. 1-6-1994.
2. Omitted by Act 83 of 1976 w.e.f. 8-12-1976.

(*u*) paying the salary and the contingent expenditure on account of such police or guards as may be required by the municipal council for the purpose of this Act or for the protection of any municipal property, and providing such accommodation as may be required by the Government under the law in force relating to police.

[1][(*u*1) vital statistics including registration of births and deaths;

(*u*2) regulation of taneries;][1]

1. Inserted by Act 36 of 1994 w.e.f. 1-6-1994.

[1][(*v*) maintenance of up-to-date record of all buildings and sites within the [2][municipal area][2]; and

(*w*) planting and maintaining of road-side trees.][1]

1. Inserted by Act 83 of 1976 w.e.f. 8-12-1976.
2. Substituted by Act 36 of 1994 w.e.f. 8.12.1976.

88. Special functions.—Subject to such reasonable and adequate provision as is mentioned in section 87 being made, every municipal council shall make reasonable provision for the following special matters, namely:—

(*a*) providing special medical aid and accommodation for the sick in time of dangerous disease; and taking such measures as may be required to prevent the outbreak or suppress and prevent the recurrence of the disease;

(*b*) giving relief to and establishing and maintaining relief works in times of famine or scarcity for destitute persons within the limits of the [1][municipal area][1].

1. Substituted by Act 36 of 1994 w.e.f. 1-6-1994.

89. Power of Government to exempt municipal council from any of the functions.—Notwithstanding anything contained in sections 87 and 88, the Government may exempt any municipal council from any of the provisions of those sections or may declare that, in regard to any municipal council, any of the functions specified in the aforesaid sections shall be deemed to be discretionary duties within the meaning of section 91.

90. Analysis and inspection of water supplied through pipes.—If any municipal council supplies water through pipes, it shall take such steps, at such intervals, and on

payment of such fees, as may be determined by a general or special order made by the Government, to ascertain the condition of the water so supplied, by inspection and analysis at a laboratory approved by the Government in that behalf:

Provided that the Government may, by notification, exempt any municipal council from the provisions of this section.

91. Discretionary functions of municipal councils.—Every municipal council may, in its discretion, provide either wholly or in part for all or any of the following matters, namely:—

(*a*) laying out, whether in areas previously built upon or not new public streets and acquiring the land for that purpose, including the land requisite for the construction of buildings or curtilages thereof, to abut on such street;

(*b*) constructing, establishing or maintaining public parks, gardens, libraries, museums, mental hospitals, halls, offices, dharmasalas, choultries, musafirkhanas, rest-houses, homes for the disabled and destitute persons and other public buildings;

[1][(*c*) providing shelter for destitute women;][1]

1. Substituted by Act 83 of 1976 w.e.f. 8-12-1976.

(*d*) constructing and maintaining, where necessary, suitable sanitary houses for the habitation of the poor and granting loans for construction of such houses or for effecting necessary improvements connected therewith;

(*e*) providing accommodation for any class of servants other than sweepers and scavengers employed by the municipal council or granting loans to such servants for construction of houses, subject to the rules prescribed in this behalf;

[1][(*f*) x x x][1]

1. Omitted by Act 83 of 1976 w.e.f. 8-12-1976.

(*g*) planting and maintaining roadside and other trees;

(*h*) taking statistics and granting rewards for information which may tend to secure the correct registration of vital statistics;

(*i*) making a survey;

(*j*) securing or assisting to secure suitable places for the carrying on of the offensive trades mentioned in section 256;

(*k*) supplying, constructing and maintaining receptacles, fittings, pipes and other appliances whatsoever on or for the use of private premises for receiving and conducting the sewage thereof into a sewer under the control of the municipal council;

(*l*) providing of music or other entertainments in public places or places of public resort;

(*m*) the promotion of public health or child welfare;

(*n*) contribution towards any public funds for the relief of human suffering, within or without the [1][municipal area][1];

1. Substituted by Act 36 of 1994 w.e.f. 1-6-1994.

(*o*) by a resolution passed at a general meeting and supported by one-half of the total number of councillors and with the previous sanction of the Deputy Commissioner in the case of a town municipal council and of the [2][Director of Municipal Administration][2] in the case of a city municipal council organising any public reception, public ceremony, public entertainment or public exhibition within the [1][municipal area][1]:

1. Substituted by Act 36 of 1994 w.e.f. 1-6-1994.

2. Substituted by Act 31 of 2003 w.e.f. 20.8.2003.

Provided that the expenditure on such reception, ceremony, entertainment or exhibition shall not exceed such limits as may be generally or specially prescribed;

(*p*) the organisation or maintenance during scarcity, of shops or stalls for the sale of necessaries of life;

(*q*) housing and maintaining destitute orphans and destitute cripples;

(*r*) subject to the provisions of any law regulating the establishment of warehouses, constructing, establishing and maintaining warehouses;

(*s*) establishment and maintaining of dairy farms and breeding studs;

(*t*) provision of transport facilities within the [1][municipal area][1];

1. Substituted by Act 36 of 1994 w.e.f. 1-6-1994.

(*u*) maintenance of an ambulance service;

(*v*) supply of water beyond the limits of the [1][municipal area][1];

1. Substituted by Act 36 of 1994 w.e.f. 1-6-1994.

(*w*) the acquisition and maintenance of grazing grounds;

(*x*) guaranteeing the payment of interest on money expended for the construction of a telephone line subject to the previous sanction of the Government when the line extends beyond the limits of the [1][municipal area][1];

1. Substituted by Act 36 of 1994 w.e.f. 1-6-1994.

(*y*) promoting the well-being of municipal employees or any class of municipal employees and of their dependents;

(*z*) the construction, purchase, organisation, maintenance extension and management, of mechanically propelled transport facilities for the conveyance of the public;

(*aa*) the construction, maintenance, repairs, purchase of any works for the supply of electrical energy;

(*bb*) making contributions towards the construction, establishment or maintenance of educational institutions including libraries and museums, any hospital, dispensary or similar institution providing for public medical relief, or any other institution of a charitable nature;

(*cc*) construction, maintenance and provision of public bathing houses;

(*dd*) revival or promotion of cottage industries;

(*ee*) improvement of cattle and live-stock including construction and maintenance of veterinary hospitals;

(*ff*) maintenance of maternity homes and child welfare centres;

(*gg*) maintenance of art galleries;

[1][(*gg*1) slum improvements and up-gradation;

(*gg*2) urban forestry, protection of environment and promotion of ecological aspects;

(*gg*3) urban poverty alleviation;

(*gg*4) promotion of cultural, education and aesthetic aspects;][1]

1. Inserted by Act 36 of 1994 w.e.f. 1-6-1994.

(*hh*) promotion, formation, extension or assistance of co-operative societies; and

(*ii*) any other matter not hereinbefore specifically named which is likely to promote education or public health, safety or general welfare or convenience, or the advancement of the economic condition of the inhabitants or which is necessary for carrying out the purposes of this Act, expenditure whereon is resolved by the municipal council by the votes of not less than two-thirds of the total number of councillors and with the approval of the Government, to be an appropriate charge on the municipal fund.

92. Arrangements purporting to be binding permanently or for a term of years.—When a municipal council has entered into any arrangement, or made any promise, purporting to bind itself or its successors for a term of years or for an unlimited period, to

continue to any educational or charitable institution a yearly contribution from the municipal property or fund, it shall be lawful for the municipal council, or its successors, with the sanction of the Government, to cancel such arrangement or promise, or to discontinue or to diminish such yearly contribution provided that it shall have given at least twelve months' notice of its intention so to do to the manager or managers of such institution.

93. Management of public institution maintained by municipal council to vest in it.—The management, control and administration of every public institution exclusively maintained out of municipal property and funds shall vest in the municipal council by which it is maintained:

Provided that the extent of the independent authority of any municipal council in respect of public education, health and sanitation and its relations with the Department of Public Instruction and the Department of Public Health of the Government shall from time to time be prescribed by the Government.

CHAPTER VI

MUNICIPAL TAXATION

Taxes and Procedure for levy.

94. Taxes which may be imposed.—(1) Subject to the general or special orders of the Government, a municipal council,-

(*a*) [1][xxx][1]

1. Omitted by Act 31 of 2003 w.e.f. 20-8-2003.

(*b*) [1][xxx][1] at rates not exceeding those [1][specified in this Act][1].

1. Omitted by Act 31 of 2003 w.e.f. 20-8-2003.
2. Substituted by Act 31 of 2003 w.e.f. 20-8-2003.

may levy any one or more of the following taxes [2][or fee][2]:—

[1][(i) a tax on buildings or vacant lands or both situated within the muncipal area (hereinafter referred to as property tax)][1]

1. Substituted by Act 31 of 2003 w.e.f. 19-11-2001.
2. Inserted by Act 30 of 2021 w.e.f. 07.10.2021.

[1][(ii) x x x][1]

1. Omitted by Act 21 of 1979 w.e.f. 31-3-1979.

(iii) [1][xxx][1]

(iv) [1][xxx][1]

1. Omitted by Act 31 of 2003 w.e.f. 16-6-2003.

[1][(v) to (vii) x x x][1]

1. Omitted by Act 36 of 1994 w.e.f. 1-6-1994.

[1][(viii) and (ix)][1]

1. Omitted by Act 31 of 2003 w.e.f. 16-6-2003.

[1][(x) x x x][1]

1. Omitted by Act 83 of 1976 w.e.f. 8-12-1976.

[1][(xi) x x x][1]

1. Clause (xi) and proviso omitted by Act 26 of 1982 w.e.f. 27-7-1982.

(xii) a duty on transfers of immovable property in the shape of an additional stamp duty;

(xiii) a tax [1][or fee][1] on advertisements (other than advertisements published in newspapers) erected, exhibited, fixed or retained upon or over any land, building, wall, hoarding, frame, post or structure or upon or in any vehicle or displayed to

public view in any manner whatsoever visible from a public street or public place (including any advertisement exhibited by means of cinematograph):

1. Inserted by Act 30 of 2021 w.e.f. 07.10.2021.

Explanation 1.—The word "structure" in this sub-clause includes any movable board on wheels used as an advertisement or an advertisement medium;

Explanation 2.—'public place' for the purpose of this sub-clause, means 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;

Explanation 3.—The word "advertisement" in this sub-clause means any word, letter, model, sign, placard, notice, device or representation, whether illuminated or not, in the nature of, and employed wholly or in part for the purpose of, advertisement, announcement or direction;

[1][xxx][1]

1. The provisos and Explanation (i) and (ii) omitted by Act 31 of 2003 w.e.f. 16-6-2003.

[1][(1-A) The following buildings and vacant lands shall be exempted from the property tax, namely:-

(a) places set apart for public worship and either actually so used or used for no other purpose;

(b) choultries for occupation of which no rent is charged and choultries the rent charged for the occupation of which is used exclusively for charitable purpose;

(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 the State Government;

(d) such ancient monuments protected under the Karnataka Ancient and Historical Monuments and Archaeological Sites and Remains Act, 1961 (Karnataka Act 7 of 1962) and 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 administration as may from time to time be notified by the State Government, but not including residential quarters attached thereto;

(g) burial and cremation grounds included in the list published by the Municipal Commissioner or Chief Officer;

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

(i) buildings or vacant lands exclusively used for,-

(i) student hostels, which are not established or conducted for profit;

(ii) educational purposes by recognized educational institutions;

(j) buildings or vacant lands belonging to the Central Government or any State Government used for the purposes of Government and not used or intended to be used for residential or commercial [2][or industrial][2] purposes;

(k) buildings or vacant lands belonging to the Bangalore Development Authority, the Karnataka Housing Board, the Urban Development Authorities constituted under the Karnataka Urban Development Authorities Act, 1987 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 purpose in the revenue accounts of State Government and is actually used for cultivation of crops;

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

Provided further that for the purposes of clause (j), a certificate issued by the Government or any officer duly authorised by the Government that any building or land is used for the purposes of the State Government and not used or intended to be used for residential or commercial [2][or industrial][2] purposes shall be binding on the municipal council.

(1-B) No tax shall be levied on any advertisement which,-

(a) is exhibited with the window of any building if the advertisement relates to the trade, profession or business carried on in that building; or

(b) relates to trade, profession or business carried on within the land or building upon or over which such advertisement is exhibited or to sale or letting of such land or building or any effects therein or any sale, entertainment or meeting to be held on or upon or in, the same; 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 a railway administration and is exhibited within any railway station or upon any wall or other property of a railway administration;

(e) relates to any activity of the State Government;

(f) relates to any public meeting][1].

1. Inserted by Act 31 of 2003 w.e.f. 16-6-2003.

2. Inserted by Act 02 of 2022 w.e.f.13.01.2022.

[1][(2) Notwithstanding the exemptions granted under [2][sub-section (1A)][2] it shall be open to the Municipal Council to collect service charges for providing civic amenities and for general or special services rendered at such rates as may be prescribed][1].

1. Substituted by Act 28 of 2001 w.e.f. 19-11-2001.
2. Substituted by Act 31 of 2003 w.e.f. 16-6-2003.

(3) The taxes specified in sub-section (1) shall be assessed, levied and collected in accordance with the provisions of this Act and the rules made by the Government under section 323.

[2][[1][94A. Exemption of property tax on building and land of ex-servicemen.- (1) Notwithstanding anything contained in the foregoing provisions of this Chapter, the Municipal Council may exempt fifty percent of the property tax on any one of the land or building belonging to an ex-serviceman or family of a deceased ex-serviceman, in the manner as may be prescribed.

Explanation.- For the purpose of this section,-

(a) "ex-serviceman" means a person who has served in any rank in the regular Army, Navy and Air Force of the Union and includesa person who has served in Defence Security Corps, the General Reserve Engineering Force, the Lok Sahayak Sena and Para Military Forces;

(b) "family of the deceased ex-serviceman" means the father, mother, the surviving spouse and minor children of the deceased ex-serviceman:

Provided that in respect of a building, it must be used by the ex-serviceman or member of the family of a deceased ex-serviceman for the purpose of their residence:

Provided further that the ex-serviceman or his family as the case may be shall submit a certificate from Sainik Welfare Board, Karnataka that he,-

(i) is an ex-serviceman or as the case may be he is a member of the family of the deceased ex-serviceman;

(ii) is a permanent resident of Karnataka; and

(iii) is residing in such building.

(2) It shall be open to the Municipal Council to collect service charges for providing civic amenities and for general or special services rendered at such rates as may be prescribed.][1]][2]

1. Sections 94A Omitted by Act 31 of 2003 w.e.f. 16-6-2003.

2. Inserted by Act 19 of 2012 w.e.f. 28.4.2012.

[1][**94AA. Levy of Urban Transport Cess.-** (1) There shall be levied and collected an Urban Transport Cess at such rates not more than two percent on the property tax collected under section 94 of this Act and which shall be rounded of to the nearest rupee.

(2) Nothing in this section shall affect the operation of the provisions of any other Act and the levy of Urban Transport Cess under this Act is in addition to, and not in lieu of, any other duty or cess that may be levied under any other law for the time being in force.

(3) All money collected in the form of Urban Transport Cess shall be credited to the Urban Transport Fund created under section 149A of the Karnataka Municipal Corporations Act, 1976 (Karnataka Act 14 of 1977).

(4) The State Government may by notification, make rules to prescribe the manner of collection of cess, maintenance and application of the Urban Transport Fund.][1]

1. Inserted by Act 31 of 2012 w.e.f. 7.10.2013

[1][95 and 96. xxx][1]

1. Sections 95 and 96 Omitted by Act 31 of 2003 w.e.f. 20-8-2003.

[1][**97. Publication of resolution with notice.-** (1) A municipal council shall by a resolution passed at a general meeting levy any tax specified in section 94 and in such resolution specify the classes of persons or properties which shall be made liable and the amount or rate at which the tax shall be levied. When such a resolution has been passed the municipal council shall publish a notice of such resolution in the notice board of its office and by advertisement in local newspapers.

(2) The publication of such notice shall be conclusive evidence that the tax has been imposed in accordance with the provisions of this Act and the rules made thereunder.][1]

1. Substituted by Act 31 of 2003 w.e.f. 20-8-2003.

98. Power to suspend, reduce or abolish any existing tax.—(1) A municipal council may, except as otherwise provided in clause (*b*) of the proviso to section 141 at any time for any 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 as may be to the suspension, modification or abolition of any tax.

[1][(3) Suspension, modification or abolition of a tax made by the Municipal Council under sub-section (1) shall not take effect unless approved by the Government.][1]

1. Inserted by Act 83 of 1976 w.e.f. 8-12-1976.

Duty on transfers of immovable properties.

99. Duty on transfers of immovable properties.—[1][(1) The duty on transfers of immovable property shall be levied in the form of a surcharge at the rate of two percent of the duty imposed by the Karnataka Stamp Act, 1957, on instruments of sale, gift, mortgage,

exchange and lease in perpetuity, of immovable property situated within the limits of a smaller urban area][1].

1. Inserted by Act 8 of 2003 w.e.f. 1-4-2003.

Provided that no such duty is leviable in respect of a mortgage where the amount secured by the mortgage does not exceed two thousand and five hundred rupees.

(2) On the introduction of the transfer duty,—

(*a*) section 28 of the [1][Karnataka][1] 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 without the [2][municipal area][2];

1. Adapted by the Karnataka Adaptations of Laws Order, 1973 w.e.f. 01.11.1973.
2. Substituted by Act 36 of 1994 w.e.f. 1-8-1997.

(*b*) section 61 of the same Act shall be read as if it referred to the municipal council as well as the Government.

(3) The Government may make rules for regulating the collection of the duty, the payment thereof to the municipal council [1][or Town Panchayat][1] and the deduction of any expenses incurred by the Government in the collection thereof.

1. Inserted by Act 31 of 2003 w.e.f. 20-8-2003.

(4) No duty shall be chargeable,—

(i) in respect of any instrument executed by or on behalf of or in favour of the Government in cases where but for this exemption the Government would be liable to pay the transfer duty under this section in respect of such instrument, or

(ii) in respect of any instrument exempt from stamp duty under the [1][Karnataka][1] Stamp Act, 1957.

1. Adapted by the Karnataka Adaptations of Laws Order, 1973 w.e.f. 01.11.1973.

Tax on vehicles, boats, animals and dogs.

[1][100. xxx][1]

1. Omitted by Act 31 of 2003 w.e.f. 20-8-2003.

Assessment of and liability to tax on buildings and lands.

[1][101. Description and class of property tax .- (1) Unless exempted under this Act or any other law, property tax shall be levied every year on all buildings [2][or vacant land or both][2] situated within the municipal area.

1. Substituted by Act 28 of 2001 w.e.f. 19-11-2001.
2. Substituted by Act 31 of 2003 w.e.f. 19-11-2001.

(2) The property tax shall be levied in case of,-

(a) commercial building at such percentage not being less than 0.5 percent (rupees five per thousand) [1][not more than three percent][1] of taxable capital value of the building.

1. Substituted by Act 19 of 2012 w.e.f. 28.4.2012.

[2][[1][xxx][1]][2]

1. Inserted by Act 5 of 2005 w.e.f. 1.4.2005.

2. Omitted by Act 19 of 2012 w.e.f. 28.4.2012.

(b) residential building and buildings other than commercial at such percentage not being less than [2][0.2 percent (rupees two per thousand)][2] and not more than [2][[1][1.5 percent (rupees fifteen per thousand)][1]][2] of taxable capital value of the building.

1. Substituted by Act 5 of 2005 w.e.f. 1.4.2005.

2. Substituted by Act 03 of 2021 w.e.f.19.01.2021

[2][[1][xxx][1]][2]

1. Inserted by Act 5 of 2005 w.e.f. 17.3.2005.

2. Omitted by Act 19 of 2012 w.e.f. 28.4.2012.

(c) vacant land [2][XXX][2] at not less than [3][0.2 per cent (rupees two per thousand)][3] [1][not more than 0.5 percent (rupees five per thousand)][1] of taxable capital value of land.

1. Substituted by Act 19 of 2012 w.e.f. 28.4.2012.

2. Omitted by Act 03 of 2021 w.e.f. 19.01.2021

3. Substituted by Act 03 of 2021 w.e.f. 19.01.2021

[3][[2][[1][(d) industrial building at such percentage not being less than seventy percent of rate levied in case of commercial building in accordance with clause (a) of sub-section (2) of taxable capital value of the building:

Provided that, the percentage so fixed shall not be less than the rate levied in case of residential buildings and buildings other than commercial in accordance with clause (b).][1]][2]][3]

1. Substituted by Act 19 of 2012 w.e.f. 28.4.2012.

2. Omitted by Act 03 of 2021 w.e.f. 19.01.2021.

3. Inserted by Act 02 of 2022 w.e.f. 13.01.2022.

[3][[2][[1][(e)XXX][1]][2]][3]

1. Sub-section (2) substituted by Act 31 of 2003, claused (a) and (b) shall be deemed to have come into force w.e.f. 16.6.2003 and claused (c) to (e) w.e.f. 19.11.2001.

2. Substituted by Act 19 of 2012 w.e.f. 28.4.2012.

3. Omitted by Act 03 of 2021 w.e.f. 19.01.2021

[2][[1][(2-A)xxx][1]][2]

1. Inserted by Act 5 of 2005 w.e.f. 1.4.2005.

2. Omitted by Act 19 of 2012 w.e.f. 28.4.2012.

(3) Subject to the minimum and the maximum rates specified in sub-section (2), the Municipal Council shall, fix the property tax at such percentage of the taxable capital value of the buildings [1][vacant land or both][1] having regard to the location, type of construction of the building, nature of use to which the [1][vacant land][1] or building is put, area of the [1][vacant land][1], plinth area of the building, age of the building and such other criteria as may be prescribed:

1. Substituted by Act 31 of 2003 w.e.f. 19-11-2001.

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

[2][[1][Provided further that, the vacant land appurtenant to the building, up to one thousand square feet shall be exempted and more than one thousand square feet shall be levied with property tax on vacant land in accordance with clause (c) of sub-section (2).][1]][2]

1. Substituted by Act 5 of 2005 w.e.f. 1.4.2005.
2. Substituted by Act 03 of 2020 w.e.f. 19.01.2021

[1][Explanation.- xxx][1]

1. Omitted by Act 31 of 2003 w.e.f. 16-6-2003.

1[101A. Application of provisions.- (1) The provisions of Chapter IX-A of the Karnataka Municipal Corporations Act, 1976 shall mutatis mutandis apply to the municipalities established under this Act and the Karnataka Property Tax Board established under section 102D of the said Act shall be deemed to be the Property Tax Board for the purpose of this Act and the said Board shall have jurisdiction over the municipalities established under this Act.

(2) No municipality or any officer of the municipality shall determine the valuation of any zone, area or any nature or class of building without consulting the Karnataka Property Tax Board.]1

1. Inserted by Act 24 of 2011 w.e.f. 10.06.2011.

102. Method of Assessment of property tax.- (1) The taxable capital value of the building shall be assessed [1][together with the land occupied by it][1]. The taxable capital value of such land shall be assessed having regard to the [4][prevailing][4] [2][market value guidelines of properties published][2] of the land notified by the Government under section 45B of the Karnataka Stamp Act, 1957 subject to such rules as may be prescribed, the taxable capital value of the building shall be [3][equivalent of [5][twenty five percent of][3] the prevailing market value guidelines][5] of properties published under section 45B of the Karnataka Stamp Act, 1957 minus depreciation at the time of assessment as may be notified by the Government from time to time][2]

1. Substituted by Act 31 of 2003 w.e.f. 19-11-2001.
2. Substituted by Act 31 of 2003 w.e.f. 16-6-2003.
3. Substituted by Act 5 of 2005 w.e.f. 1.4.2005.
4. Inserted by Act 03 of 2021 w.e.f. 19.01.2021
5. Substituted by Act 03 of 2021 w.e.f. 19.01.2021

(2) The taxable capital value of the vacant land shall be [2][equivalent of [3][twenty five percent of][2] the prevailing [1][market value guidlenes][3] of properties published][1] of the land notified by the Government under section 45B of the Karnataka Stamp Act, 1957.

1. Substituted by Act 31 of 2003 w.e.f. 16.6.2003
2. Substituted by Act 5 of 2005 w.e.f. 1.4.2005.
3. Substituted by Act 03 of 2021 w.e.f. 19.01.2021

[3][2][1][102A. Enhancement of property tax.- (1) Notwithstanding anything contained in section 101 and 102 the property tax assessed and levied under either provision shall be assessed in year of revision of guidance value of property under section 45B of the Karnataka Stamps Act, 1957.

(2) The property tax shall stand enhanced by three percent for every financial year in which no revision of guidance value is made:

Provided that, the Municipal Council may enhance such property tax up to five percent for every financial year and different rate of enhancement may be made to different areas and different classes of buildings and lands.

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

Explanation: "Financial year" shall mean the year commencing on the first day of April.][1]][2]][3]

1. Inserted by Act 5 of 2005 w.e.f. 1-4-2005.
2. Omitted by Act 19 of 2012 w.e.f. 28.4.2012.
3. Substituted by Act 03 of 2021 w.e.f. 19.01.2021

103. Rebate for self-occupied building.- A rebate at the rate of fifty percent of the property tax shall be allowed in respect of [1][any residential building or part of a residential building][1] which is occupied by the owner of such building.

1. Substituted by Act 31 of 2003 w.e.f. 16.6.2003

[1][104.- xxx][1]

1. Omitted by Act 31 of 2003 w.e.f. 16-6-2003.

[1][**105. Assessment of property tax.-** (1) Every owner or occupier who is liable to pay property tax under this Act shall submit every year to the Municipal Commissioner or the Chief Officer, as the case may be or the officer authorised by the Municipal Commissioner or the Chief Officer in this behalf (hereinafter referred to as authorised officer), a return in such form, within such period and in such manner as may be prescribed:

Provided that, if the owner or occupier who is liable to pay tax files his returns and also pays the property tax which is due within one month from the date of commencement of the financial year he shall be allowed a rebate of five percent on the tax payable by him.

[1][Provided further that, for the financial year 2020-2021 if the owner or occupier who is liable to pay tax files his returns and also pay tax which is due within one month from the date of commencement of the Karnataka Municipalities and Certain Other Law (Amendment) Act, 2021 he shall also be allowed a rebate of five percent on the tax payable by him.

Provided also that, in case property tax is paid in full in the financial year 2020-21 before the commencement of the Karnataka Municipalities and Certain Other Law (Amendment) Act, 2021, the rebate so allowed shall be adjusted in payment of tax for the future years.][1]

1. Inserted by Act 07 of 2021 w.e.f. 19.02.2021

(2) Before any owner or occupier submits any return under sub-section (1) he shall pay in advance full amount of the property tax payable by him on the basis of such return and shall furnish along with the return satisfactory proof of payment of such tax and the tax so payable shall for the purposes of this Act be deemed to be the property tax due from such owner or occupier for the purpose of Chapter VII. After the final assessment is made the amount of property tax so paid shall be deemed to have been paid towards the property tax finally assessed.

(3) If the Municipal Commissioner or the Chief Officer, as the case may be or the authorised officer is satisfied that any return submitted under sub-section (1) is correct and complete, he shall assess the property tax in accordance with the provisions of this Act and the rules made thereunder and shall send a copy of the order of assessment to the owner or occupier concerned. Assessment under this sub-section shall be concluded within one year from the date of submission of return under sub-section (1).

[1][Notwithstanding anything contained in this sub-section the assessment made under this sub-section for any return submitted under sub-section (1) for the last six financial years, commencing from the financial year 2023-24, shall be concluded within one year.][1]

1. Inserted by Act 43 of 2024 w.e.f. 10.09.2024.

(4) If any owner or occupier fails to submit a return as required under sub-section (1) [1][or fails to pay in advance full amount of property tax as required under sub-section (2)][1] submits an incomplete or incorrect return, the Municipal Commissioner or the Chief Officer, as the case may be or the authorised officer, shall cause an inspection of the [2][vacant land and building][2] and may also cause such local enquiry as may be considered necessary, and based on such inspection and information collected, he shall assess the property tax and send a copy of the order of assessment to the owner or occupier concerned.

1. Inserted by Act 31 of 2003 w.e.f. 16.6.2003.
2. Substituted by Act 31 of 2003 w.e.f. 16.6.2003.

(5) When making an assessment of tax under sub-section (3) or (4), the Municipal Commissioner or the Chief Officer, as the case may be, or the authorised officer may also direct the owner or occupier to pay in addition to the tax assessed a penalty,-

[1][(a) at the rate of two per cent per month of the amount of property tax assessed and due in case of failure to pay amount of property tax due and to submit a return][1];

1. Substituted by Act 31 of 2003 w.e.f. 16.6.2003.

(b) not exceeding two times the amount of difference between the tax assessed and the tax paid along with his return in the case of submitting knowingly an incorrect or incomplete return.

[1][(c) One hundred rupees in case of faliure to submit return after payment of property tax in full][1]

1. Inserted by Act 31 of 2003 w.e.f. 16.6.2003.

(6) The owner or occupier may either accept the property tax assessed and the penalty if any, levied or send objections to the Municipal Commissioner or the Chief Officer, as the case may be, or the authorised officer within a period of thirty days from the date of receipt of a copy of the order under sub-section (3) or (4).

(7) The Municipal Commissioner or the Chief Officer, as the case may be, or the authorised officer shall consider the objections and pass such order either confirming or revising the assessment of such tax and penalty if any, within a period of sixty days from the date of filling objections and a copy of the order shall be sent to the owner or occupier concerned.

(8) The property tax shall be paid by the person primarily liable within ninety days after the commencement of every year, [1][If default is made in making payment the person liable to pay shall pay a penalty at the rate of two percent per month of the amount of tax remaining unpaid after the expiry of the period][1]

[2][Provided that, for the financial year 2020-2021, the property tax shall be paid by the person primarily liable, within one month after the commencement of the Karnataka Municipalities and Certain Other Law (Amendment) Act, 2021.][2]

1. Inserted by Act 31 of 2003 w.e.f. 16.6.2003.
2. Inserted by Act 07 of 2021 w.e.f. 19.02.2021

(9) In order to facilitate filing of return by an owner or occupier of any [1][building or vacant land][1] and assessment of property tax the Municipal Council shall from time to time issue guidelines for determining the taxable capital value and property tax payable thereon."

1. Substituted by Act 31 of 2003 w.e.f. 16.6.2003.

106. Preparation and publication of property tax register .- (1) A Property tax register in respect of [1][buildings or [2][vacant building sites][2]][1] or both in the municipal area containing such particulars shall be prepared and revised in such manner as may be prescribed.

1. Substituted by Act 31 of 2003 w.e.f. 19.11.2001.
2. Substituted by Act 43 of 2024 w.e.f. 10.09.2024.

[1][(1A) (i) Notwithstanding anything contained in this Act, prior approval for the layout plan by the jurisdictional planning authority shall be obtained by the Commissioner or Chief Officer of the Municipality or any officer authorized by the Commissioner or Chief Officer to issue new PID or khata for the building sites meant for the purposes of construction of building.

(ii) In case, the municipal areas falling under the jurisdiction of the local planning area notified under the Karnataka Town and Country Planning Act, 1961 (Karnataka Act 11 of 1963), the sanctioned layout plan shall be obtained from the jurisdictional planning authority under section 17 of the Karnataka Town and Country Planning Act, 1961 (Karnataka Act 11 of 1963) and no new PID or khata shall be issued without complying with the provisions of section 17 and sub-section (2-E) of the section 17 of the Karnataka Town and Country Planning Act, 1961(Karnataka Act 11 of 1963).

(iii) In case the municipal area is not covered under the jurisdiction of the local planning area or the planning authority constituted under the Karnataka Town and Country Planning Act, 1961 (Karnataka Act 11 of 1963), the sanctioned layout plan shall be obtained from the Director of Town and Country Planning or officer authorized by him under sub-section (2) of section 4-K of the Karnataka Town and Country Planning Act, 1961 (Karnataka Act 11 of 1963), and no new PID or khata shall be issued by the officer concerned without complying with the provisions of the Karnataka Town and Country Planning Act, 1961 (Karnataka Act 11 of 1963):

Provided that, if any officer of the Municipality fails to comply with the said provisions of the Karnataka Town and Country Planning Act, 1961 (Karnataka Act 11 of 1963) and issues new PID or khata to an unlawfully formed plot, the concerned officer shall be liable for such penalty and punishment as may be prescribed.

(1B) (i) The Municipality may levy and collect the property tax from every building, vacant land or both, including a building constructed in violation of the provisions of building bye-laws or in an unauthorized layout or in a revenue land or from a building occupied without issuance of Occupancy or Completion certificate, only for the property created prior to the date of inception of this provision, except for the building constructed illegally in the Government land, land belonging to any local body, any statutory body or an organization owned or controlled by the Government. The property tax levied for such building or vacant site shall be double the tax payable for the first year and only the property tax shall be levied for the subsequent years, which shall be maintained in a separate register. No new property shall be entered in the register after the date of commencement of the Karnataka Municipalities and Certain other Law (Amendment) Act, 2024:

Provided that, levy and collection of property tax under this sub-section from such building or vacant land does not confer any right to regularize violation made, or title, ownership or legal status to such building or vacant land. The persons holding such building

or vacant land shall always be liable for legal action for violation of law, in accordance with the provisions of this Act or any other law for the time being in force.

(ii) The Municipal Commissioner or the Chief Officer shall maintain a record as specified in clause (i), which shall contain the details of the lawful buildings or vacant lands and unlawful buildings or vacant lands, which have been taxed under this section.][1]

1. Inserted by Act 43 of 2024 w.e.f. 10.09.2024.

[1][(2) xxx][1]

1. Omitted by Act 31 of 2003 w.e.f. 20-8-2003.

(3) The authorised officer may on an application made by any person and subject to payment of such fees as may be specified by the Municipal Council from time to time, permit such person to inspect the Property tax register at reasonable hours or grant certified extract of the entries in the register or certified copies thereof.

[1][**107** XXX][1]

1. Omitted by Act 43 of 2024 w.e.f. 10.09.2024.

107A. Survey of lands and buildings and preparation of property register.- (1) The Municipal Commissioner or the Chief Officer as the case may be, shall, subject to the general or special orders of the Government, direct a survey of [1][buildings or vacant land or both][1] within the Municipal area with a view to the assessment of property tax and may obtain the services of any qualified person or agency for conducting such survey and preparation of property register.

1. Substituted by Act 31 of 2003 w.e.f. 19.11.2001.

(2) A property register shall be maintained in such manner and containing such particulars in respect of [1][buildings or vacant land or both][1] as may be prescribed.

1. Substituted by Act 31 of 2003 w.e.f. 19.11.2001.

(3) For the purpose of preparation of property register or assessment of property tax the Municipal Commissioner or the Chief Officer as the case may be or any person authorised by him in this behalf may enter, inspect, survey or measure any [2][vacant land or building][2] after giving notice to the owner or occupier before such inspection and the owner or occupier shall be bound to furnish necessary information required for the purpose.][1]

1. Sections 105 to 107 Substituted and 107A inserted by Act 28 of 2001 w.e.f. 19.11.001.

2 Substituted by Act 31 of 2003 w.e.f. 19.11.2001.

108. Notice to be given to the municipal council of demolition or removal of a building.—(1) When any building or any portion of a building which is liable to the payment of [1][property tax][1] a tax on [2][buildings or vacant lands][2] or both is demolished or removed, otherwise than by order of the municipal council, the person primarily liable for the payment of the said tax shall give notice thereof, in writing to the municipal council.

1. Substituted by Act 28 of 2001 w.e.f. 19.11-2001.

2. Substituted by Act 31 of 2003 w.e.f. 19.11-2001.

(2) Until such notice is given, the person aforesaid shall continue to be liable to pay every such tax as he would have been liable to pay in respect of such building, if the same or any portion thereof, had not been demolished or removed.

(3) Nothing in this section shall apply in respect of a building or portion of a building which has fallen down or been burnt down.

[1][109. xxx][1]

1. Omitted by Act 31 of 2003 w.e.f. 16.6.2003.

110. Tax from whom primarily leviable.— [1][(1) Every tax imposed in the form of property tax shall be payable primarily-

(a) if the property is held from Government or municipal council or town Panchayat, by the actual occupier;

(b) if the property is held by the owner, by the owner;

(c) if the property is let, from the lessor;

(d) if the property is sub-let, from the superior lessor;

(e) if the property is not let, from the person in whom the right to let the same vests;

(f) if the vacant land has been let for any term exceeding one year to a tenant and such tenant has built building upon the vacant land, the property tax upon [2][the land occupied by such building][2] and building erected thereon shall be primarily payable by the said tenant.][1]

1. Substituted by Act 31 of 2003 w.e.f. 20-8-2003.
2. Substituted by Act 5 of 2005 w.e.f. 1-4-2005.

[1][xxx][1]

1. Proviso omitted by Act 28 of 2001 w.e.f. 19-11-2001.

(2) The liability of the several owners of any building which is, or purports to be, severally owned in parts or flats or rooms, for payment of the rate on the building or any instalment thereof payable during the period of such ownership shall be joint and several.

[1][**110A. xxx**][1]

1. Omitted by Act 31 of 2003 w.e.f. 20-8-2003.

111. Notice to be given to municipal council of all transfers of title by persons primarily liable to payment of [1][property tax][1].—(1) Whenever the title of any person primarily liable for the payment of a tax imposed on any premises in the form of a rate on buildings, or lands or both, 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 registration if it be registered or after transfer is effected, if no instrument is executed, give notice of such transfer in writing to the [1][Municipal Commissioner or the Chief Officer][1].

1. Substituted by Act 31 of 2003 w.e.f. 20-8-2003.

(2) In the event of the death of any person primarily liable as aforesaid, the person on whom the title of the deceased devolves, shall give notice of such devolution to the [1][Municipal Commissioner or the Chief Officer][1] within six months from the date of death of the deceased.

1. Substituted by Act 31 of 2003 w.e.f. 20-8-2003.

112. Form of notice.—(1) The notice to be given under section 111 shall be in the form either of Schedule VIII or Schedule IX, as the case may be, and shall state clearly and correctly all the particulars required by the said form.

[1][(2) xxx][1]

1. Omitted by Act 31 of 2003 w.e.f. 20-8-2003.

[1][**113. Name of transferee to be entered in property tax register.-** Whenever such transfer comes to the knowledge of the Municipal Commissioner or Chief Officer through such notice the name of the transferee shall be entered in the property tax register.][1]

1. Substituted by Act 31 of 2003 w.e.f. 20-8-2003.

114. Liability for payment of [1][property tax][1] continue in the absence of notice of transfer.—(1) Every person primarily liable for the payment of a tax imposed on any premises in the form of [1][property tax][1] who transfers his title to or over such premises without giving notice of such transfer to the municipal council as aforesaid, shall, in addition to any other liability which he incurs through such neglect, continue to be liable for the payment of all taxes from time to time payable in respect of the said premises, until he gives such notice, or until the transfer shall have been recorded in the registers of the municipal council.

1. Substituted by Act 28 of 2001 w.e.f. 19-11-2001.

(2) Nothing in this section shall be deemed to affect the liability of the transferee for the said taxes or to affect the prior claim of the municipal council on the premises conferred by section 151 for the recovery of the taxes due thereon.

[1][115. Power to assess in case of escaped from assessment.- Notwithstanding anything contrary contained in this Act or the rules made thereunder if for any reason, any person liable to pay any of the taxes, cess, rates, fees or charges leviable under this chapter has escaped assessment in any year, the Municipal Commissioner or the Chief Officer as the case may be, or the authorised officer 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, rate, cess, charges or fees due and demanding payment thereof within fifteen days from the date of such service; and the provisions of this Act and rules made thereunder shall so far as may be, apply as if the assessment was made in the year to which tax, rate, cess, charges or fee relates.][1]

1. Substituted by Act 28 of 2001 w.e.f. 12-11-2001.

[1][**116** to **122** x x x][1]

1. Omitted by Act 83 of 1976 w.e.f. 8-12-1976.

[1][x x x][1] *Toll.*

[1][**123** to **127** x x x][1]

1. Omitted by Act 21 of 1979 w.e.f. 31-3-1979.

[1][128 and 129 xxx][1]

1. Omitted by Act 31 of 2003 w.e.f. 20-8-2003.

[1][**130** and **131** x x x][1]

1. Omitted by Act 21 of 1979 w.e.f. 31-3-1979.

[1][132. xxx][1]

1. Omitted by Act 31 of 2003 w.e.f. 20.8.2003.

Advertisements and Advertisements Tax.

133. Prohibition of advertisements without written permission of municipal council.— (1) No advertisement shall, after the levy of the tax [2][or fee][2] under section 94 has been determined upon by the municipal council, be exhibited, erected, fixed or retained upon or over any land, building, wall, hoarding, frame, post or structure or upon or in any vehicle or shall be displayed in any manner whatsoever in any place within the [1][municipal area][1] without the written permission of the municipal council, granted in accordance with bye-laws made under this Act.

1. Substituted by Act 36 of 1994 w.e.f. 1.6.1994.

2. Inserted by Act 30 of 2021 w.e.f. 07.10.2021.

(2) The municipal council shall not grant such permission if,—

(i) the advertisement contravenes any bye-laws made under this Act; or

(ii) the tax [1][or fee][1], if any, due in respect of the advertisement has not been paid.

1. Inserted by Act 30 of 2021 w.e.f. 07.10.2021.

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

134. Permission of the municipal council to become void in certain cases.—The permission granted under section 133 shall become void in the following cases, namely:—

(*a*) if the advertisement contravenes any bye-law made under this Act;

(*b*) if any material change is made in the advertisement or any part thereof without the previous permission of the municipal council;

(*c*) if the advertisement or any part thereof falls otherwise than through accident;

(*d*) if any addition or alteration be made to, or in the building, wall, hoarding, frame, post or structure upon or over which the advertisement is exhibited, erected, fixed or retained, if such addition or alteration involves the disturbance of the advertisement or any part thereof;

(*e*) if the building, wall, hoarding, frame, post or structure upon or over which the advertisement is exhibited, erected, fixed or retained is demolished or destroyed.

135. Presumption in case of contravention.— Where any advertisement has been exhibited, erected, fixed or retained upon or over any land, building, wall, hoarding, frame, post or structure or upon or in any vehicle or displayed to public view from a public street or public place in contravention of the provisions of this Act or any bye-laws made thereunder, it shall be presumed, unless and until the contrary is proved, that the contravention has been committed by the person or the persons on whose behalf the advertisement purports to be or the agents of such person or persons.

136. Removal of unauthorised advertisements.—If any advertisement is exhibited, erected, fixed or retained in contravention of the provision of section 133, or after the written permission for the exhibition, erection, fixation or retention thereof for any period shall have expired or become void, the Municipal Commissioner or Chief Officer may, by notice in writing, require the owner or occupier of the land, building, wall, hoarding, frame, post or structure or vehicle upon or over or in which the same is exhibited, erected, fixed or retained to take down or remove such advertisement or may enter any land, building, property or vehicle and have the advertisement dismantled, taken down or removed or spoiled, defaced or screened.

Power to Charge Fees, etc.

137. Fees in respect of Jatra, Urus, etc.—(1) A municipal council may, if in its opinion it is necessary to make special arrangements for the health and comfort of persons resorting to any Shrine, Jatra or Urus periodically within the limits of the [1][municipal area][1], by resolution, and with the previous sanction of the Government, levy a fee not exceeding fifty naye paise per capita on persons over twelve years of age resorting to such Shrine, Jatra or Urus, and in such resolution specify the rate of fee and the period or periods during which the fee shall be levied. The levy of fees under this section shall be published in such [1][municipal area][1] in such manner as may be prescribed.

1. Substituted by Act 36 of 1994 w.e.f. 1-6-1994.

(2) No portion of the proceeds of fees levied under this section shall be expended for purposes other than meeting the charges of the establishment for collection of such fees and the making of arrangements for the health and comfort of persons resorting to such area or the improvement or development of such area.

(3) The levy and collection of such fees shall be made in such manner and be subject to such conditions and exemptions as may be prescribed.

138. Municipal council may charge fees for certain licences, etc.—(1) When any licence or permit is granted by the municipal council under this Act, or when permission is given by it for making any temporary erection or for putting up any projection, or for the temporary occupation of any public street or other land vested in the municipal council, the municipal council may charge a fee for such licence or permission:

Provided that when permission is given for putting up a projection, the authority giving such permission may charge every year a recurring fee until the projection is removed.

(2) The municipal council may charge a higher fee by way of penalty for any erection, or projection, or for the use or occupation of any public street or other land vested in the municipal council by any person without its permission or licence. Such fee shall be leviable irrespective of any other penalty or liability to which the person liable to pay the same may be subject under any other provision of this Act or any other law for the time being in force. The rates of such higher fees shall be determined by bye-laws made by the municipal council.

(3) The municipal council may charge such fees, not exceeding [1][five rupees][1] per bus, as may be fixed by bye-laws made under section 324, for the use of a bus stand maintained by the municipal council:

1. Substituted by Act 33 of 1984 w.e.f. 26-6-1984.

Provided that no fee shall be levied under this sub-section unless a bus stand with adequate facilities for travellers is established and the previous sanction of the Deputy Commissioner for such levy is obtained.

(4) The municipal council may also charge such fees as may be fixed by bye-laws either under clause (*a*) of sub-section (1) of section 324 for the use of any such places mentioned in that sub-section, as belong to the municipal council, or for any other purpose relating to municipal administration.

(5) It shall be lawful for the municipal council to lease the levy of any fee that may be imposed under sub-section (4) by public auction or private contract.

(6) When any fee has been leased under sub-section (5) any person employed by the lessee to collect such fees or the lessee himself may subject to the conditions of the lease, collect the fee or expel from the place for the use of which the fee is payable, any person who is liable to pay the fee, but refuses to pay it.

Special Provisions Relating to Taxes.

139. Fixed charges and agreements for payment in lieu of taxes.—(1) A municipal council 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 municipal council to or for use in connection with, any private [1][vacant lands or buildings][1],—

1. Substituted by Act 31 of 2003 w.e.f. 19.11.2001.

(*a*) fix at rates not exceeding such as shall be specified in the rules in force under section 323, 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 municipal council 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 municipal council and the expense thereof shall, so far as is not inconsistent with the rules or bye-laws of the municipal council, be defrayed by the persons liable for the charges or payments fixed in respect to 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 under section 324.

(2) Where a municipal council has made provision for the cleansing of any factory, hotel, club or any group of [1][buildings or vacant lands][1] used for any one purpose and under one management, it may, instead of levying in respect thereof any special sanitary cess imposed under this Chapter, fix a special rate and the dates and other conditions for periodical payments thereof; such rate, dates and conditions shall be determined either,-

(i) in accordance with the rules for the time being in force under section 323, or

(ii) by written agreement with the person who would have been otherwise liable for the cess:

Provided that in fixing the amount of such rate proper regard shall be had to the probable cost to the municipal council of the service to be rendered.

1. Substituted by Act 31 of 2003 w.e.f. 19.11.2001.

(3) Where a municipal council has imposed a tax on vehicles or animals used for riding, draught or burden and kept for such use within the [1][municipal area][1] it may be compounded with the keeper of any livery-stable or of horses or vehicles kept for sale and hire for the payment of a lumpsum for any period not exceeding one year at a time, in lieu of any amount which such keeper would otherwise have been liable to pay on account of the tax imposed as aforesaid.

1. Substituted by Act 36 of 1994 w.e.f. 1.6.1994.

(4) The municipal council 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 municipal council 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 [1][municipal area][1], 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.

1. Substituted by Act 36 of 1994 w.e.f. 1.6.1994.

(5) Every sum claimed by a municipal council due under sub-section (1) as charges, payments or expenses, or as a special rate under sub-section (2) or as lumpsum under sub-section (3), shall for the purposes of Chapter VII be deemed to be, and shall be recoverable in the same manner as, an amount claimed on account of a tax recoverable under the said Chapter:

Provided that nothing in this section shall affect the right or power of a municipal council to contract with any person to supply for use beyond the limits of the [1][municipal area][1] at such rates and on such conditions as the municipal council may think fit, any quantity of water belonging to the municipal council but not required for the purposes of this Act.

1. Substituted by Act 36 of 1994 w.e.f. 1-6-1994.

140. 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 municipal council, 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 municipal council, within such period as it shall fix in this behalf, to take measures for removing any objection which appears to it to 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 fee, 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.

[1][**141. Power of the Government to require municipal council to impose taxes.-** The Government may by notification require the municipal council or Town Panchayat to impose any tax specified in the notification as may be imposed under section 94 in such manner and to such extent as the Government considers fit and the municipal council or the Town Panchayat, as the case may be, shall forthwith proceed to impose the tax in accordance with the requisition.][1]

1. Substituted by Act 31 of 2003 w.e.f. 20-8-2003.

CHAPTER VII

RECOVERY OF MUNICIPAL CLAIMS

142. Presentation of bill for taxes.—(1) When any amount,—

(*a*) which, by or under any provisions of this Act, is declared to be recoverable in the manner provided by this Chapter, or

(*b*) which, is claimable as an amount or instalment on account of any tax which is now imposed or hereafter may be imposed in any [1][municipal area][1], shall have become due,

1. Substituted by Act 36 of 1994 w.e.f. 1-6.1994.

the municipal council shall, with the least practicable delay, cause to be presented to the person liable for the payment thereof, a bill for the sum claimed as due:

Provided that no such bill shall be necessary in the case of,—

(i) a tax on vehicles;

(ii) a tax on dogs;

(iii) [1][x x x][1] toll payable on demand;

1. Omitted by Act 21 of 1979 w.e.f. 31-3.1979.

(iv) a tax on advertisements;

[1][(v) property tax including penalty leviable under sub-section (5) of section 105:][1]

1. Inserted by Act 28 of 2001 w.e.f. 19-11.2001.

Provided further that no such bill shall be presented to any person for payment of profession tax to the extent to which tax has been deducted from his salary, wages or remuneration by his employer.

(2) Every such bill shall specify,-

(*a*) the period for which, and

(*b*) the property, occupation or thing in respect of which, the sum is claimed, and shall also give notice of,—

(i) the liability incurred in default of payment, and of

(ii) the time within which an appeal may be preferred as hereinafter provided against such claim.

(3) If the sum for which any bill has been presented as aforesaid is not paid into the municipal office, or to a person authorised by any rule in that behalf to receive such

payments, within fifteen days from the presentation thereof, or if the tax on vehicles or the tax on dogs or the [1][property tax including the penalty leviable under sub-section (5) of section 105][1] is not paid after it has become due, the municipal council may cause to be served upon the person liable for the payment of the same a notice of demand in the form set forth in Schedule X or to the like effect.

1. Inserted by Act 28 of 2001 w.e.f. 12-11.2001.

143. Distress.—(1) If the person on whom a notice of demand has been served under sub-section (3) of section 142, does not within thirty days from the service of such notice of demand, either,—

(*a*) pay the sum demanded in the notice, or

(*b*) show cause to the satisfaction of the municipal council, or of such officer as the municipal council by rule may appoint in this behalf, or of the Municipal Commissioner or Chief Officer, if any, why he should not pay the same, or

(*c*) prefer an appeal in accordance with the provisions of section 150 against the demand,

he shall be deemed to be in default, and thereupon such sum not exceeding twenty per cent of the amount of the tax as may be determined by the Municipal Commissioner or the Chief Officer, may be recovered from him by way of penalty, in addition to the amount of tax as an arrear of tax; and the tax and penalty with all costs of the recovery may be levied under a warrant caused to be issued by the municipal council in the form set forth in Schedule XI or to the like effect, by distress and sale of the movable property or attachment and sale of the immovable property of the defaulter [1][within two months from the date of issuance of warrant:][1]

Provided that where any measures precautionary or otherwise have been taken in respect of any such property for the recovery of any sum claimed by the Government, any proceedings under this Chapter in respect of such property shall abate.

1. Inserted by Act 43 of 2024 w.e.f. 10.09.2024.

(2) Every warrant issued under this section shall be signed by the Municipal Commissioner or Chief Officer, of the municipal council causing the same to be issued.

(3) Where the property is in the area under the control of the municipal council, the warrant shall be addressed to an officer of the municipal council. Where the property is in another [1][municipal area][1] constituted under this Act or [2][the Karnataka Municipal Corporations Act, 1976][2], or in a cantonment or in a place which is not a [1][municipal area][1] constituted under this Act, the warrant shall be addressed to the Municipal Commissioner or Chief Officer of the Corporation or of the municipal council concerned or the Executive Officer of the cantonment or to the Tahsildar of the taluk, as the case may be: provided that such Municipal Commissioner, Chief Officer, Executive Officer or Tahsildar may endorse such warrant to a subordinate officer.

1. Substituted by Act 36 of 1994 w.e.f. 1-6.1994.

2. Substituted by Act 22 of 2000 w.e.f. 29-11.2000.

(4) It shall be lawful, for any officer to whom a warrant issued under sub-section (2) is addressed or endorsed, if the warrant contains a special order authorising him in this behalf, but not otherwise, to break open, at any time between sunrise an sunset, any outer or inner door or window of a building, in order to make the distress directed in the warrant, if he has reasonable grounds for believing that such building contains property which is liable to

seizure under the warrant, 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 occupied by women, until he has given three hours' notice of his intention, and has given such women an opportunity to withdraw.

(5) It shall also be lawful for any such officer, authorised by the warrant, to distrain, wherever it may be found, any movable property or attach any immovable property of the person named in the warrant issued under sub-section (1), as defaulter, subject to the following conditions, exceptions and exemptions, namely:—

(*a*) the following property shall not be distrained:—

(i) necessary wearing apparel and bedding of the defaulter, his wife and children, and their cooking and eating utensils,

(ii) tools of artizans;

(iii) books of account; or

(iv) when the defaulter is an agriculturist, his implements of husbandry, seed, grain, and such cattle as may be necessary to enable the defaulter to earn his livelihood;

(*b*) the distress shall not be excessive, that is to say, the property distrained shall be as nearly as possible equal in value to the amount recoverable under the warrant, and if any articles have been distrained which, in the opinion of a person authorised by or under sub-section (2) to sign a warrant or of the person to whom the warrant was addressed, should not have been so distrained, they shall forthwith be released;

(*c*) the officer shall, on distraining the property forthwith make an inventory thereof and shall before removing the same give to the person in possession thereof at the time of distraint a written notice in the form set forth in Schedule XII;

(*d*) (i) when the property is immovable, the attachment shall be made by an order prohibiting the defaulter from transferring or charging the property in any way and all persons from taking any benefit from such transfer or charge;

(ii) the order shall be proclaimed at some place on or adjacent to the property by beat of drum or other customary mode, and a copy of the order shall be affixed on a conspicuous part of the property and upon the notice board of the municipal office, and also, when the property is land paying revenue to the Government in the office of the Tahsildar of the Taluk in which the land is situate;

(*e*) any transfer of or charge on the property attached or of any interest therein made without the written permission of the Municipal Commissioner or Chief Officer shall be void as against all claims of the municipal council enforceable under the attachment.

144. Sale of goods and property distrained or attached.—(1) When the property seized is subject to speedy and natural decay, or when the expense of keeping it in custody together with the amount to be levied is likely to exceed its value, the officer by whom the warrant was signed, shall at once give notice to the person in whose possession the property was when distrained, to the effect that it will be sold at once, and shall sell it accordingly by public auction unless the amount mentioned in the warrant is forthwith paid.

(2) If not sold at once under sub-section (1), the property distrained or a sufficient portion thereof or if the property attached is immovable property, a sufficient portion thereof may, unless the warrant is suspended by the person who signed it, or the sum due by the defaulter together with all costs incidental to the notice, warrant and distress or attachment and detention of property, is paid, be, or the expiry of the time specified in the notice served by the officer executing the warrant, sold by public auction under the orders of the Municipal Commissioner or Chief Officer, and the proceeds, or such part thereof as shall be requisite,

shall be applied firstly in discharge of any sum due to the Government in respect of such property and secondly in discharge of the sum due and of all such incidental costs as aforesaid.

(3) Where the sum due together with costs is paid by the defaulter as aforesaid, the attachment of any immovable property shall be deemed to have been removed. Sale of movable or immovable property under sub-section (2) shall be held in the manner laid down in section 145 and the rules framed in that behalf.

145. Procedure in respect of sales, etc.—(1) When any sale of either movable or immovable property is ordered under the provisions of this Chapter, the officer concerned shall issue a proclamation of the intended sale, specifying the time and place of sale, together with any other particulars as he may think necessary. Such proclamation shall be made by beat of drum at such places and in such other manner as the Municipal Commissioner or Chief Officer may direct.

(2) A notice of the intended sale of immovable property and of the time and place thereof shall be affixed on the notice board of the municipal office, the office of the Tahsildar of the taluk in which the immovable property is situated and at such other places as may be prescribed. In the case of movable property, a notice of the intended sale shall be affixed on the notice board of the municipal office and at such other places as may be prescribed. The notice shall also be published in such other manner as may be prescribed.

(3) No sale shall be held on a public holiday nor until the expiration of at least thirty days in the case of immovable property or seven days in the case of movable property, from the latest date on which any of the notices referred to in sub-section (2) have been published.

(4) If the defaulter or any person on his behalf pays the sum due and all other charges, at any time before the property is knocked down, to the officer conducting the sale, the sale shall be stayed.

(5) In respect of sale of movable property (other than property sold under sub-section (1) of section 144), the person who is declared to be the purchaser shall deposit immediately twenty-five per cent of the amount of his bid, and in default of such deposit, the property shall forthwith be again put up for auction and sold. The full amount of purchase money shall be paid by the purchaser on the next working day after the day on which he is informed of the sale having been confirmed by the Municipal Commissioner or Chief Officer. On payment of such full amount of the purchase money, the purchaser shall be granted a receipt for the same and the sale shall become absolute as against all persons whatsoever.

(6) In respect of sale of immovable property, the person who is declared to be the purchaser shall deposit twenty-five per cent of the amount of his bid, and, in default of such deposit, the property shall forthwith be again put up for auction and sold. The full amount of purchase money shall be paid by the purchaser before the sixteenth day from that on which the sale of the property took place.

(7) In default of payment of the full amount of purchase money within the period specified under sub-section (5) or sub-section (6), the Municipal Commissioner or the Chief Officer may in his discretion direct that the deposit, after deducting therefrom the expenses of the sale, in whole or in part, shall be forfeited to the municipal council, and that the property shall be resold, and thereupon the deposit shall stand forfeited as directed and the defaulting purchaser shall forfeit all claim to the property or to any part of the sum for which it may be subsequently sold. If the proceeds of the resale which is held by reason of the default of the purchaser is less than the price bid by such defaulting purchaser, the difference shall be recoverable in the manner provided in this Chapter from him by the municipal council as an amount due from him to the municipal council.

(8) Every resale of property in default of payment of the purchase money, or after the postponement of the first sale, shall, except when such resale takes place forthwith, be made after the issue of a fresh notice in the manner specified in this section for original sales.

(9) Any person owning or claiming any interest in immovable property sold under this section may at any time within thirty days from the date of the sale deposit in the municipal office,-

(i) a sum equal to ten per cent of the purchase money; and

(ii) a sum equal to the sum due for which the immovable property was sold together with interest at nine per cent per annum thereon and the expenses of attachment, management, and sale and other costs due in respect of the sum due;

and may apply to the Municipal Commissioner or Chief Officer to set aside the sale.

On such deposit and application being made, the Municipal Commissioner or the Chief Officer shall by order set aside the sale and shall repay to the purchaser the purchase money deposited by him together with the ten per centum deposited by the applicant:

Provided that if two or more persons make such deposit and application, the application of the first depositor shall be accepted:

Provided further that if the applicant is also an applicant under sub-section (10), his application under this sub-section shall not be considered unless he withdraws his application under sub-section (10).

(10) At any time within thirty days from the date of sale of immovable property, an application may be made to the Municipal Commissioner or Chief Officer to set aside the sale on the ground of some material irregularity, or mistake or fraud, in publishing or conducting it; but save as otherwise provided in sub-section (11), no sale shall be set aside on the ground of any such irregularity or mistake, unless the applicant proves to the satisfaction of the Municipal Commissioner or Chief Officer that he has sustained substantial injury by reason thereof. If the application is allowed, the Municipal Commissioner or Chief Officer shall set aside the sale and direct a fresh sale.

(11) On the expiration of thirty days from the date of sale, if no application is made under sub-section (9) or sub-section (10), or if an application made under sub-section (10) is rejected, the Municipal Commissioner or Chief Officer shall make an order confirming the sale:

Provided that if the Municipal Commissioner or Chief Officer considers that in the interest of justice the sale should be set aside for any reason, he may, for reasons to be recorded in writing and on such conditions as he may deem proper set aside the sale.

(12) Whenever the sale of any property is not confirmed or is set aside, the purchaser shall be entitled to refund of his deposit or purchase money, as the case may be.

(13) If any claim to any movable property distrained under this Chapter is made by any person, the Municipal Commissioner or Chief Officer shall after a summary enquiry, admit or reject the claim. If the claim is admitted wholly or partly, the property shall be dealt with accordingly. Except in so far as the claim is admitted, the property shall be sold and the title of the purchaser shall be good for all purposes, and the proceeds shall be disposable as provided in section 144.

(14) Where the municipal council itself purchases any immovable property under sub-section (16) it shall on payment by the defaulter within one year from the date of sale of the amount of bid offered by municipal council and the expenses of attachment, management, sale and other costs together with interest at nine per cent per annum thereon, reconvey the property to the defaulter.

(15) After sale of the immovable property by auction as aforesaid, the Municipal Commissioner or Chief Officer shall put the person declared to be the purchaser in possession of the same and shall grant him a certificate to the effect that he has purchased the property to which the certificate refers.

(16) It shall be lawful for the municipal council to offer a bid in the case of any immovable property put up for auction, provided the previous approval of the Deputy Commissioner is obtained to such bidding.

(17) The surplus of the sale proceeds, if any, shall immediately after the sale of the property be credited to the municipal fund, and notice of such credit shall be given at the same time to the owner or person in whose possession the property was at the time of distraint or attachment, and the same shall be refunded to such person on a written application if made within three years from the date of the notice. Any sum not claimed within three years from the date of such notice shall be the property of the municipal council.

146. Sale outside the district.—Where the warrant is addressed outside the [1][municipal area][1], the Municipal Commissioner or Chief Officer may, by endorsement direct the officer to whom the warrant is addressed, to sell the property distrained or attached; in such case it shall be lawful for such officer to sell the property and to do all things incidental to the sale in accordance with the provisions of sections 144 and 145 and to exercise the powers and perform the duties of the Municipal Commissioner or Chief Officer under sub-sections (1) and (2) of section 144 in respect of such sale except the power of suspending the warrant. Such officer shall, after deducting all costs of recovery incurred by him, remit the amount recovered under the warrant to the Municipal Commissioner or Chief Officer by whom it was issued who shall dispose of the same in accordance with the provisions of section 144.

1. Substituted by Act 36 of 1994 w.e.f. 1-6.1994.

147. Procedure when distraint is impracticable.—(1) If, for any reason, the distraint or a sufficient distraint of the defaulter's property under the foregoing provisions of this Chapter is impracticable, the municipal council may prosecute the defaulter before a magistrate of the first class:

Provided that an occupier of a [1][building or vacant land][1], in respect of which any tax remains unpaid in whole or in part, shall not be liable to prosecution in respect of any sum recoverable from him unless he has wilfully prevented distraint or a sufficient distraint of movable property found on the [1][building or vacant land][1].

1. Substituted by Act 31 of 2003 w.e.f. 19-11.2001.

(2) Every person who is prosecuted under sub-section (1), shall be liable on proof, to the satisfaction of the magistrate, that he wilfully omitted to pay the amount due by him, to pay a fine not exceeding twice the amount which may be due by him on account of,—

(*a*) the tax and warrant fee, if any, and

(*b*) if the distraint has taken place, the distraint fee and the expenses incidental to the detention and sale, if any, of the property distrained.

(3) Whenever any person is convicted of an offence under sub-section (2), the magistrate shall, in addition to any fine which may be imposed, recover summarily and pay over to the municipal council the sum, if any, due under the heads specified in clauses (*a*) and (*b*) of sub-section (2), and may in his discretion also recover summarily and pay to the municipal council such amount, if any, as he may fix as the cost of the prosecution.

148. Summary proceeding may be taken against persons about to leave the [1][municipal area][1].—(1) If the municipal council has reason to believe that any person from whom any sum recoverable under the provisions of this chapter is due or is about to become due, is about to leave the [1][municipal area][1], the municipal council may cause a bill for the

sum due or about to become due to be presented to such person and demand immediate payment thereof.

1. Substituted by Act 36 of 1994 w.e.f. 1-6.1994.

(2) If, on presentation of such bill, the said person does not forthwith pay the sum due or about to become due by him, the amount shall be leviable by distress and sale of the movable property or attachment and sale of immovable property of the defaulter in the manner hereinbefore prescribed, except that it shall not be necessary to serve upon the defaulter any notice of demand and the municipal council's warrant for distress or attachment and sale may be issued and executed without any delay.

149. Fees.—Fees for,—

(*a*) every notice issued under sub-section (3) of section 142;

(*b*) every warrant issued under sub-section (1) of section 143;

(*c*) every distress or attachment made under sub-section (5) of section 143; and

the cost of maintaining any live-stock seized under sub-section (5) of section 143; shall be chargeable at the rates, respectively, specified in that behalf in the rules and shall be included in the costs of recovery to be levied under section 144.

150. Appeal to magistrate.— (1) Appeals against any claim included in a notice of demand served under sub-section (3) of section 142 or under sub-section (1) of section 148 may be made to [1][the judicial magistrate having jurisdiction over the area concerned.][1]

1. Substituted by Act 34 of 1966 w.e.f. 16-1.1967.

But no such appeal shall be heard and determined unless,—

(*a*) the appeal is brought within one month next after service of the notice complained of; and

(*b*) an application in writing, stating the grounds on which the claim is disputed, has been made as follows, that is to say:-

[1][(i) in the case of property tax, to the Chief Officer or the Municipal Commissioner, as the case may be, or the authorised officer within fifteen days next after the service of notice under sub-section (3) of section 142.][1]

1. Substituted by Act 28 of 2001 w.e.f. 19-11.2001.

(ii) in the case of any other claim for which a notice of demand served has been presented under sub-section (3) of section 142, to the municipal council within fifteen days next after the service of such notice; and

(*c*) the amount [1][admitted by][1] the appellant has been deposited by him in the municipal office.

1. Substituted by Act 83 of 1976 w.e.f. 8-12.1976.

(2) The decision of the magistrate upon any appeal, shall at the instance of either party, be subject to revision by the court to which appeals from his decisions ordinarily lie.

(3) Subject to the provisions of sub-section (2) the decision of a Magistrate on any appeal or revision under this section shall be final and shall be implemented by the municipal council.

(4) Save as provided in this Act, no entry in the [1][property tax register][1] made under the provisions of this Act and no sum claimed by any person under this Chapter shall be called in question before any court or other authority.

1. Substituted by Act 31 of 2003 w.e.f. 19-11.2001.

151. Liability of [1][vacant land][1], building, etc., for tax.—All sums due on account of any tax imposed in the form of [1][property tax][1] mentioned in section 110 shall subject to prior payment of land revenue, if any, due to the Government thereupon, be a first charge upon the [1][building or vacant land][1], in respect of which such tax is leviable, and upon the movable

property, if any, found within or upon such [1][building or vacant land][1], and belonging to the person liable for such tax or taxes and shall be recoverable as arrears of land revenue:

1. Substituted by Act 31 of 2003 w.e.f. 19-11.2003.

Provided that no arrear of any such tax shall be recovered from any occupier who is not the owner if it has been due for more than three years or for a period during which such occupier was not in occupation.

152. Suspension of power to recover by distress and sale.— The Government may, at any time by notification, suspend the operation of sections 143 and 144 in any [1][municipal area][1], and from such date as shall be fixed in this behalf in the notification, every amount due on account of any tax theretofore recoverable under the said sections, shall be recoverable on application to a magistrate of the first class, in the manner provided in sub-section (2) of section 276 for the recovery of such fines as are therein referred to, and not otherwise.

1. Substituted by Act 36 of 1994 w.e.f. 1-6.1994.

153. Receipt to be given for all payments.— For all sums paid on account of any tax under this Act, a receipt stating the amount, and the tax on account of which it has been paid shall be tendered by the person receiving the same.

154. Recovery of rent on land.—(1) Where any sum is due on account of rent [1][or property tax][1] from a person to the municipal council in respect of land vested in, or entrusted to the management of, the municipal council, the municipal council may apply to the Deputy Commissioner to recover any arrear of such rent [1][or property tax][1] as if it were an arrear of land revenue.

1. Inserted by Act 43 of 2024 w.e.f. 10.09.2024.

(2) The Deputy Commissioner on being satisfied that the sum is due shall proceed to recover it as an arrear of land revenue.

[1][(3) Any officer or employee of the municipality who fails to collect property tax dues under assessment of property tax or any financial causes to the municipality, shall be fined upto rupees fifty thousand in each case and may also be punished with simple imprisonment for fifteen days.][1]

1. Inserted by Act 43 of 2024 w.e.f. 10.09.2024.

CHAPTER VIII

IMPROVEMENT SCHEMES AND IMPROVEMENT BOARDS

155. Power of municipal council to undertake works and incur expenditure for improvement, etc.—(1) The municipal council may, subject to the control of the Government,-

(*a*) draw up detailed schemes (hereinafter referred to as 'improvement scheme') for the improvement or expansion or both of the areas within the [1][municipal area][1];

(*b*) undertake any works and incur any expenditure for the improvement or development of any such area and for the framing and execution of such improvement schemes as may be necessary from time to time.

1. Substituted by Act 36 of 1994 w.e.f. 1.6.1994.

(2) The municipal council may also from time to time make any new or additional improvement schemes, on its own initiative, if satisfied of the sufficiency of its resources.

(3) Notwithstanding anything to the contrary contained in this Act, or in any other law for the time being in force, the Government may, whenever it deems it necessary, require the

municipal council to take up any improvement scheme or work and execute it subject to such terms and conditions as may be specified by the Government.

(4) Upon the passing of a resolution by the municipal council that an improvement scheme under this section is necessary in respect of any locality, it shall be lawful for any person either generally or specially authorised by the municipal council in this behalf and for the municipal servants assisting him, to do all such acts on or in respect of land in that locality as it would be lawful for an officer duly authorised by the Government to act under sub-section (2) of section 4 of the Land Acquisition Act, 1894, and for his servants and workmen to do thereunder; and the provisions contained in section 5 of the said Act shall likewise be applicable in respect of damage caused by any of the acts first mentioned.

156. Particulars to be provided for in an improvement scheme.—Every improvement scheme under section 155,—

(1) shall within the limits of the area comprised in the scheme, provide for,—

(*a*) the acquisition of any land which will, in the opinion of the municipal council be necessary for or affected by the execution of the scheme,

(*b*) relaying out all or any land including the construction and reconstruction of buildings and the formation and alteration of streets,

(*c*) draining streets so formed or altered;

(2) may, within the limits aforesaid provide for,—

(*a*) raising any land which the municipal council may deem expedient to raise for the better drainage of the locality,

(*b*) forming open spaces for the better ventilation of the area comprised in the scheme or any adjoining area,

(*c*) the whole or any part of the sanitary arrangements required,

(*d*) the establishment or construction of markets and other public requirements or conveniences; and

(3) may within and without the limits aforesaid, provide for the construction of buildings for the accommodation of the poorer and working classes, including the whole or part of such classes to be displaced in the execution of the scheme.

157. Procedure on completion of scheme.—(1) Upon the completion of any improvement scheme, the municipal council shall draw up a notification stating the fact of a scheme having been made and the limits of the area comprised therein, and naming a place where particulars of the scheme, a map of the area comprised therein and a statement specifying the land which it is proposed to acquire and of the land in regard to which it is proposed to recover a betterment fee may be seen at all reasonable hours; and shall cause a copy of the said notification to be published during three consecutive weeks in the official Gazette and posted up in some conspicuous part of the municipal office and the Tahsildar's office.

(2) During the thirty days next following the day on which such notification is published in the official Gazette, the municipal council shall serve a notice on every person whose name appears in the assessment list of the municipal council or in the land revenue register as being primarily liable to pay the property tax or land revenue assessment on any [1][building or vacant land][1] which it is proposed to acquire in executing the scheme, or in regard to which the municipal council proposes to recover a betterment fee, stating that the municipal council proposes to acquire such [1][building or vacant land][1] or to recover such betterment fee for the purpose of carrying out an improvement scheme and requiring an answer within thirty days from the date of service of the notice stating whether the person so served, objects to such

acquisition of the [1][building or vacant land][1] or to the recovery of such betterment fee, and if the person objects, the reasons for such objection.

1. Substituted by Act 31 of 2003 w.e.f. 19.11.2001.

(3) Such notice shall be signed by, or by the order of the Municipal Commissioner or Chief Officer and shall be served in the manner specified in section 262.

158. The Scheme to be then forwarded to Government for sanction.—(1) Upon compliance with the foregoing provisions with respect to the publication and service of notices of the schemes, the municipal council shall after consideration of any representation or answer received under section 157 and after inserting in the scheme such modifications as it may think fit, apply to the Government for sanction to the scheme.

(2) The application for sanction shall, save in the case provided for in sub-section (3), be accompanied by,—

(*a*) a description with full particulars of the scheme including the reasons for any modifications inserted therein;

(*b*) complete plans and estimates of the cost of executing the scheme;

(*c*) a statement specifying the land proposed to be acquired;

(*d*) any representation received under sub-section (2) of section 157;

(*e*) a schedule showing the rateable value, as entered in the municipal assessment book, at the date of the publication of a notification relating to the land under section 157, or the land assessment, of all land specified in the statement under clause (*c*); and

(*f*) such further particulars, if any, as may be prescribed.

(3) When under any improvement scheme provision is made for the construction of dwellings for the poorer and working classes, the municipal council may, after complying with the provisions of section 157, forthwith submit to the Government for sanction plans and estimates for the construction of such dwellings, and on receipt of such sanction the provisions of section 159 shall with all necessary modifications, be applicable to the part of the scheme providing for the construction of such dwellings, as if such part were the scheme.

159. On receipt of sanction, declaration to be published giving particulars of land to be acquired.—(1) On receipt of the sanction of the Government, the Municipal Commissioner or Chief Officer shall forward a declaration for notification by the Government, stating the fact of such sanction and that the land proposed to be acquired by the municipal council for the purpose of the scheme is required for a public purpose.

(2) The declaration shall be published in the official Gazette and shall state the limits within which the land proposed to be acquired is situate, the purpose for which it is needed, its approximate area, and the place where a plan of the land may be inspected. The publication of such declaration shall be deemed to be the publication of a declaration under section 6 of the Land Acquisition Act, 1894.

(3) The said declaration shall be conclusive evidence that the land is needed for a public purpose, and the municipal council shall, upon the publication of the said declaration, proceed to execute the scheme.

(4) Subject to the provisions of sub-section (4) of section 155 and sub-sections (2) and (3) of this section, the provisions of the Land Acquisition Act, 1894, shall be applicable for purposes of acquisition of land in respect of an improvement scheme under this Chapter; and after the land vests in the Government under section 16 of the Land Acquisition Act, 1894, the Deputy Commissioner shall, upon payment of the cost of the acquisition and upon the municipal council agreeing to pay any further costs which may be incurred on account of

the acquisition, transfer the land to the municipal council, and the land shall thereupon vest in the said municipal council.

160. Payment of betterment fee.—(1) When, by the making of any improvement scheme, any land in the area comprised in the scheme which is not required for the execution thereof will, in the opinion of the municipal council be increased in value, the municipal council, in framing the scheme, may declare that a betterment fee shall be payable by the owner of the land or any person having an interest therein in respect of the increase in value of the land resulting from the execution of the scheme.

(2) Such increase in value shall be the amount by which the value of the land, on the completion of the execution of the scheme, estimated as if the land were clear of buildings exceeds the value of the land, prior to the execution of the scheme estimated in like manner, and the betterment fee shall be one-third of such increase in value.

161. Assessment of betterment fee by the municipal council.—(1) When it appears to the municipal council that an improvement scheme is sufficiently advanced to enable the amount of the betterment fee to be determined, the municipal council shall, by a resolution passed in this behalf declare that for the purpose of determining such fee the execution of the scheme shall be deemed to have been completed and shall thereupon give notice in writing to every person on whom a notice in respect of land to be assessed has been served under sub-section (2) of section 157 or to the successor in interest of such person, that the municipal council proposes to assess the amount of the betterment fee payable in respect of such land under section 160.

(2) The municipal council shall then assess the amount of betterment fee payable by each person concerned after giving such person an opportunity to be heard and such person shall within three months from the date of receipt of notice in writing of such assessment from the municipal council, inform the municipal council in writing whether or not he accepts the assessment.

(3) When the assessment proposed by the municipal council is accepted by the person concerned within the period specified in sub-section (2), such assessment shall be final.

162. Settlement of betterment fee by arbitrator.—(1) If the person concerned does not accept the assessment made by the municipal council or fails to give the municipal council the information required under sub-section (2) of section 161 within the period specified therein, the matter shall be determined by an arbitrator appointed by the Government.

(2) An arbitrator appointed under sub-section (1) shall be a person who,—

(i) has for at least five years held a judicial office in the State; or

(ii) has for at least five years been an Advocate.

(3) If the Government is satisfied after such inquiry, as it thinks fit, that any arbitrator appointed under sub-section (1) has misconducted himself, it may remove him.

(4) If any such arbitrator dies, resigns, becomes disqualified, is removed, or refuses to perform or in the opinion of the Government, neglects to perform or becomes incapable of performing his functions, the Government shall forthwith appoint another arbitrator.

(5) When the arbitrator has made his award, he shall sign it and forward it to the municipal council and such award shall, subject to the provisions of sub-section (6), be final and conclusive and binding on all persons.

(6) Any party aggrieved by an award including the finding on costs under sub-section (3) of section 164, if any, may, within thirty days from the date of the communication thereof, appeal to the District Judge having jurisdiction over the [1][municipal area][1] and any order or decision of the said District Judge shall be final and conclusive and binding on all persons.

1. Substituted by Act 36 of 1994 w.e.f. 1-6.1994.

163. Fee for arbitrator.—The municipal council shall pay to the arbitrator a fee to be determined by the Government in respect of the whole of the scheme for which his services are utilised.

164. Powers and duties of arbitrator.—(1) The arbitrator shall give notice of his proceedings and conduct them in the manner prescribed and communicate the substance of his award in writing to the parties concerned:

Provided that every party to such proceedings shall be entitled to appear before the arbitrator either in person or by his authorised agent.

(2) The arbitrator shall have all the powers of a civil court under the Code of Civil Procedure, 1908 (Central Act V of 1908), for the purpose of taking evidence on oath and of enforcing the attendance of witnesses and compelling the production of documents and other material objects.

(3) The costs of and incidental to all proceedings before the arbitrator shall be in his discretion and the arbitrator shall have full power to determine by whom or out of what property and to what extent such costs are to be paid and to give all necessary directions for the purpose.

165. Municipal council to give notice to persons liable to payment of betterment fee.— When the amount of the betterment fee payable in respect of land in the area comprised in the scheme has been determined under section 161 or 162, as the case may be, the municipal council shall, by a notice in writing to be served on all persons liable to such payment, fix a date by which such payment shall be made, and interest at the rate of four per cent per annum upon any amount outstanding shall be payable from that date.

166. Agreement to make payment of betterment fee a charge on land.—Any person liable to pay a betterment fee in respect of any land, may, instead of paying the same to the municipal council execute an agreement with the municipal council to leave the payment outstanding as a charge on his interest in the land, subject to the payment for a period not exceeding five years of interest at the rate of six per cent per annum, the first annual payment of such interest to be made one year from the date referred to in section 165.

167. Payment of betterment fee first charge.—(1) Every payment due from any person in respect of a betterment fee and every charge referred to in section 166 shall, notwithstanding anything contained in any other enactment and notwithstanding the existence of any mortgage or other charge, whether legal or equitable, created either before or after the commencement of this Act, and subject to prior payment of land revenue due to the Government, be the first charge upon the interest of such person in such land.

(2) If any instalment of interest due under an agreement executed in pursuance of section 166, is not paid on the date on which it is due, the betterment fee shall become payable on that date, in addition to the said instalment.

(3) At any time after an agreement has been executed in pursuance of section 166 any person may pay off the charge created thereby, with interest, at six per cent per annum up to the date of such payment.

168. Recovery of money payable in pursuance of section 161, 162 or 166.—All moneys payable in respect of any land by any person in respect of a betterment fee under section 161 or section 162 or by any person under the agreement executed in pursuance of section 166 shall be recoverable in the manner provided in Chapter VII by the municipal council together with interest due, up to the date of realisation, at the rate of four per cent per annum from the said person or his successor in interest in such land.

169. Agreement of payment not to bar acquisition under a fresh declaration.—If any land, in respect of which the payment of a betterment fee has been accepted in pursuance of

sub-section (3) of section 161 or has been made after its determination under section 162 or in respect of which an agreement in regard to the betterment fee has been executed under section 166, be subsequently required for any of the purposes of this Chapter the payment or agreement shall not be deemed to prevent the acquisition of the land in pursuance of a fresh declaration published under section 6 of Land Acquisition Act, 1894.

170. Forming of new extensions or layouts or making new private streets.—(1) Notwithstanding anything to the contrary in any law for the time being in force, no person shall form or attempt to form any extension or lay-out for the purpose of constructing buildings thereon or make any new private street without the express sanction in writing of the municipal council and except in accordance with such conditions as the municipal council may specify.

(2) Any person intending to form an extension or lay-out or to make a new private street, shall send to the municipal council, a written application with plans and sections showing the following particulars:—

(*a*) the laying out of the sites of the area upon streets, lanes, or open spaces;

(*b*) the intended level, direction and width of the streets;

(*c*) the street alignment, and the building line, and the proposed sites abutting the streets;

(*d*) the arrangements to be made for levelling, paving, metalling, flagging, channelling, sewering, draining, conserving and lighting the streets and for adequate drinking water supply.

(3) The provisions of this Act and of any rules or bye-laws made under it as to the level and width of streets and the height of buildings abutting thereon, shall apply also in the case of streets referred to in sub-section (2) and all the particulars referred to in that sub-section shall be subject to the approval of the municipal council.

(4) Within six months after the receipt of any application under sub-section (2), the municipal council shall either sanction the forming of the extension or lay-out or making of street on such conditions as it may think fit or disallow it, or ask for further information with respect to it.

(5) The municipal council may require the applicant to deposit, before sanctioning the application, the sums necessary for meeting the expenditure for making roads, side-drains, culverts, underground drainage and water supply and lighting and the charges for such other purposes as such applicant may be called upon by the municipal council, provided the applicant also agrees to transfer the ownership of the roads, drains, water supply mains and open spaces laid out by him to the municipal council permanently without claiming any compensation therefor.

(6) 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 municipal council, likely to be made, for carrying out any general scheme of street improvement or other schemes of improvement or expansion by the municipal council,

(ii) if the proposed street does not conform to the provisions of this Act, or the rules or bye-laws referred to in sub-section (3), or

(iii) if the proposed street is not designed so as to connect at one end with a street which is already open.

(iv) if the lay-out in the opinion of the municipal council cannot be fitted with any existing or proposed expansion or improvement schemes of the municipal council.

(7) If the municipal council requires further information from the applicant under sub-section (4), no steps shall be taken by him to form the extension or lay-out or make the street until orders have been passed by the Municipal Council after the receipt of such information:

Provided that the passing of such orders shall not, in any case, be delayed for more than six months after the municipal council has received all the information which it considers necessary to enable it to deal finally with the said application.

(8) If the municipal council does not refuse sanction within six months from the date of receipt of the application under sub-section (2), or from the date of receipt of all information asked for under sub-section (7), such sanction shall be deemed to have been granted and the applicant may proceed to form the extension or layout or 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 it.

(9) Any person who forms or attempts to form any extension or lay-out in contravention of the provisions of sub-section (1), or makes any street without or otherwise than in conformity with the orders of the municipal council under this section, shall be punished [1][with penalty which may extend to ten thousand rupees.][1]

1. Substituted by Act 61 of 2025 w.e.f. .....

171. Alteration or demolition of extension, lay-out or street.—(1) If any person forms an extension or lay-out or makes any street referred to in section 170 or puts up any building without or otherwise than the conformity with the orders of the municipal council under section 170, the municipal council may, whether or not the offender be prosecuted under this Act, by notice,—

(*a*) require the offender to show sufficient cause, by a written statement signed by him and sent to the municipal council on or before such day as may be specified in the notice, why such extension, lay-out or street should not be altered to the satisfaction of the municipal council or if such alteration be deemed impracticable by the municipal council, why such extension, lay-out or street should not be demolished, or

(*b*) require the offender to appear before the municipal council either personally or by a duly authorised agent in such way and 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 municipal council why such extension, lay-out or street should not be so altered or demolished, the municipal council may pass an order directing the alteration demolition of such extension, lay-out or street.

172. Power of Municipal Council to order work to be carried out or to carry it out itself in default.—(1) The municipal council may,-

(*a*) if any person who applies for permission under section 170 and is permitted expressly by the municipal council to carry out himself the works relating to the forming of the extension or lay-out or the making of a street, does not so carry it out; or

(*b*) if any private street or part thereof is not levelled, paved, metalled, flagged, channelled, sewered, drained, conserved or lighted to the satisfaction of the municipal council,

by notice, require the person forming the extension or lay-out or 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 its opinion, may be necessary and within such time as may be specified in such notice.

(2) If any such work is not carried out within the time specified in the notice under sub-section (1), the municipal council may, if it thinks fit, execute it or cause it to be executed and the expenses incurred shall be paid by the persons or owners referred to in sub-section (1) in such proportions as may be determined by the municipal council. Such expenses may be recovered from the persons concerned as if they were arrears of land revenue.

173. Establishment of Improvement Board.—(1) The Government may after consulting the municipal council, for the purpose of undertaking and executing under this Chapter improvement schemes in any [1][municipal area][1], direct the establishment of an Improvement Board in accordance with the provisions of this Chapter.

1. Substituted by Act 36 of 1994 w.e.f. 1-6.1994.

(2) When the Government directs the establishment of an Improvement Board under sub-section (1) a Board called the . . . . . Improvement Board shall be constituted consisting of [1][seven][1] members as follows:—

1. Substituted by Act 83 of 1976 w.e.f. 8-12.1976.

(*a*) The Chairman of the Board to be appointed by the Government:

[1][(*b*) x x x][1]

1. Omitted by Act 83 of 1976 w.e.f. 8-11.1976.

(*c*) The Municipal Commissioner or Chief Officer for the time being of the municipal council;

[1][(*d*) the Executive Engineer concerned and the nominee of the Director of Town Planning specified by the Government;][1]

1. Substituted by Act 83 of 1976 w.e.f. 8-12.1976.

(*e*) [1][Two][1] members to be appointed by the Government;

1. Substituted by Act 83 of 1976 w.e.f. 8-12.1976.

(*f*) [1][Two][1] members to be elected by the municipal councillors of the [2][municipal area][2] from among themselves in the prescribed manner, or in default of election as aforesaid, to be appointed by the Government from among the municipal councillors of the [2][municipal area][2].

1. Substituted by Act 83 of 1976 w.e.f. 8-12.1976.
2. Substituted by Act 36 of 1994 w.e.f. 1-6.1994.

(3) Every Improvement Board constituted under this section shall, until dissolved under sub-section (15), be a body corporate and shall have perpetual succession and a common seal with power, subject to the provisions of this Act, to acquire, hold and dispose of property and to contract and may by the said name sue and be sued.

(4) The names of the Chairman and members, other than *ex-officio* members, of the Improvement Board shall be notified in the official Gazette.

(5) The term of office of the Chairman and other members, not being *ex-officio* members, of an Improvement Board shall be three years from the date of publication of their names in the official Gazette and shall include any further period which may elapse between the expiration of the said period of three years and the date of publication in the official Gazette of the names of the Chairman and other members of the succeeding Board.

(6) Any casual vacancy in the office of a member occasioned by the death, resignation or removal of such member shall be filled up as soon as may be, in the same manner, by the same authorities, and subject, as far as may be, to the same provisions as are applicable in the case of original appointments and elections of the members of the Board:

Provided that the members so chosen shall hold office so long only as the vacating member would have held the same, if such vacancy had not occurred.

(7) The Chairman and other members, not being *ex-officio* members, shall be entitled to receive such allowances as may be prescribed and the allowances shall be paid from the funds of the Improvement Board.

(8) A person, other than a person who is an *ex-officio* member, shall be disqualified for being chosen as, or for being, a member of an Improvement Board, if he,-

(*a*) holds any office of profit under the Board or the Municipal council or the Government; or

(*b*) is of unsound mind and stands so declared by a competent court; or

(*c*) is an undischarged insolvent or has applied for being adjudged insolvent; or

(*d*) has been convicted of an offence, which involves, in the opinion of the Government, moral turpitude; or

(*e*) has directly or indirectly by himself, by his wife or son or any other near relative dependent on him, or by any partner, any share or interest in any subsisting contract or employment with, by, or on behalf of, the Improvement Board; or

(*f*) is a secretary or manager or other salaried officer of any body corporate which has any share or interest in any contract or employment with, by or on behalf of, the Improvement Board:

Provided that a person shall not be disqualified under clause (*e*) or be deemed to have any share or interest in any contract or employment with, by, or on behalf of, the Improvement Board, by reason only of his being a share-holder of a body corporate which has entered into any contract with the Board, if he has disclosed to the Government the nature and extent of the share held by him from time to time.

(9) The Government may after such inquiry as it deems necessary, remove from office the Chairman or any other member, not being an *ex-officio* member, if he,—

(*a*) refuses to act; or

(*b*) has become incapable of acting; or

(*c*) has, in the opinion of the Government, abused his position in the Board so as to render his continuance on the Board detrimental to its interest; or

(*d*) fails, without such reason as may in the opinion of the Government be sufficient, to attend three consecutive meetings of the Board; or

(*e*) ceases to reside within the limits of the [1][municipal area][1] in respect of which the Improvement Board is established; or

1. Substituted by Act 36 of 1994 w.e.f. 1-6.1994.

(*f*) has since his appointment incurred, in the opinion of the Government, any of the disqualifications specified in sub-section (8); or

(*g*) is otherwise, in the opinion of the Government unsuitable to continue on the Improvement Board:

Provided that no order of removal under this sub-section shall be made, unless the member concerned has been given an opportunity to submit his explanation to the Government.

(10) The Improvement Board shall meet at the office of the Board and shall observe such rules of procedure in regard to transaction of business as may be prescribed.

(11) No act of an Improvement Board shall be deemed to be invalid by reason of any defect in the constitution of the Board or on the ground that any member thereof was not entitled to hold or continue in office by reason of any disqualification or of any irregularity in his appointment or election or by reason of any such act having been done during the period of any vacancy in the office of any member of the Board.

(12) Such members of the staff of an Improvement Board as may be prescribed shall be appointed by the [1][Direct or Municipal Administration][1] from members of the [2][Karnataka Municipal Administrative Service][2]. The Board may, with the sanction of the Government appoint such other members of its staff as it deems necessary.

1. Substituted by Act 31 of 2003 w.e.f. 20.8.2003.
2. Adapted by the Karnataka Adaptations of Laws Order, 1973 w.e.f. 01.11.1973.

(13) The Improvement Board may enter into and perform all such contracts as it may consider necessary or expedient for carrying out any of the purposes of this Chapter and every contract shall be made on behalf of the Board by the Chairman and shall be entered into after complying with such conditions and in such manner as may be prescribed; and a contract not executed in the manner provided in this sub-section and the rules made in this behalf shall not be binding on the Board.

(14) It shall be the duty of the Improvement Board to prepare improvement schemes, and execute them and perform such other functions for purposes of the improvement of the [1][municipal area][1] as the Government may direct from time to time.

1. Substituted by Act 36 of 1994 w.e.f. 1.6.1994.

(15) When the Government is satisfied that all such improvement schemes as it deems necessary have been executed by the Improvement Board, and that such further measures as may be necessary for the improvement of the [1][municipal area][1] may conveniently be undertaken by the municipal council, the Government may by notification declare that the Improvement Board shall stand dissolved with effect from such date as shall be specified in such notification. Every such notification shall include provisions relating to the devolution of the assets and liabilities of the Board, the disposal or management of property vested in the Board, the completion of incomplete works, and all other matters incidental to the dissolution of the Board and the winding up of its affairs:

1. Substituted by Act 36 of 1994 w.e.f. 1-6.1994.

Provided that all immovable properties vested in the Board on the date of its dissolution and not expressly reserved to Government in the said notification shall thereafter vest in the municipal council.

174. Property, finance, powers, etc., of Improvement Board.— (1) Notwithstanding anything contained in this Act, the Government may, from time to time, for the purposes of this Chapter and subject to such limitations and conditions as it may impose and subject to the provisions of this Chapter, transfer to and vest in the Improvement Board any immovable property belonging to the Government or to the municipal council:

Provided that any such immovable property may at any time be resumed by Government, or by the municipal council with the previous sanction of the Government, as the case may be on such terms, if any, as the Government may determine.

(2) The Improvement Board shall have its own fund and all rents, profits and sale proceeds of all lands, buildings and other property vested or vesting in or acquired by the Board, and all other receipts of the Board shall be credited thereto and all payments by the Board shall be met therefrom. There shall also be credited to the said fund,—

(*a*) such sums as may be placed by the Government at the disposal of the Board from time to time for the purposes of this Chapter;

(*b*) such contributions from the Municipal Fund as the municipal council may from time to time be called upon by the Government to make, on a consideration by the Government of the relief or addition to the municipal resources accruing or likely to accrue as the result of improvement schemes undertaken by the Board; and

(*c*) the betterment fee and other sums due and paid to or recovered by the Board under the provisions of this Act.

(3) The Improvement Board shall, in each, year, frame a budget showing the probable receipts and the expenditure which it proposes to incur during the following year and shall submit a copy of the budget for the approval of the Government before such date as may be fixed by it in this behalf. The budget shall contain provisions adequate in the opinion of the Government for the discharge of the duties of the Board and for the maintenance of a working balance. The Government may approve the budget subject to such modifications as it deems fit.

(4) The Improvement Board shall maintain correct accounts of its income and expenditure in such form and in such manner as may be prescribed. Such accounts shall be subject to such audit by such officers as the Government may direct.

(5) Whenever under any improvement scheme the whole or any part of an existing public street or other land vested in the municipal council is included in the site of any part of a street to be formed, altered, widened, diverted, raised, re-arranged or re-constructed by the Improvement Board, the Board shall give notice to the municipal council that the whole or a part, as the case may be, of such existing street or other land (hereinafter referred to as the "part required") is required by the Board as part of a street to be dealt with as aforesaid, and the part required shall thereupon, subject to the provisions of sub-section (8), vest in the Board:

Provided that nothing contained in this sub-section shall be deemed to affect the rights or powers of the municipal council under this Act in or over any municipal drain or work.

(6) On the establishment of an Improvement Board in respect of any [1][municipal area][1], and until its dissolution, all the powers and functions of the municipal council under sections 155 to 169 (both inclusive) shall be exercised and discharged by the Improvement Board and its Chairman, and the references to the municipal council, the Municipal Commissioner and the Chief Officer in the said sections shall be read as references to the Improvement Board and its Chairman:

1. Substituted by Act 36 of 1994 w.e.f. 1-6.1994.

Provided that every scheme drawn up by the Board under section 155 shall be sent to the municipal council and the views of the council received by the Board within thirty days from the date of communication of the scheme, shall with the comments of the Board be sent to the Government under section 158:

Provided further that no extension or layout under section 170 shall be sanctioned by the Board without the concurrence of the municipal council and where there is a difference of opinion between the Board and the municipal council, the decision of the Government shall be final.

(7) (*a*) The Government may also by notification declare that from such date and for such period as may be specified therein and subject to such restrictions and modifications as may be specified in the notification.—

(i) the powers and functions of the municipal council or a committee thereof under this Act, and the rules and bye-laws made thereunder shall be exercised and discharged by the Board; and

(ii) the powers and functions of the Municipal Commissioner or Chief Officer of the municipal council under this Act, shall be exercised and discharged by the Chairman of the Board:

Provided that the municipal council shall be consulted before making such declaration.

(*b*) On the making of a declaration under clause (*a*), notwithstanding anything contained in any other provision of this Act, the municipal council or any Committee thereof or the Municipal Commissioner or the Chief Officer of the municipal council shall not be competent to exercise or discharge the powers or functions conferred or imposed on the Board or the Chairman of the Board, as the case may be, by such declaration.

(8) (*a*) The Government, after consulting the municipal council shall, on being satisfied that any street formed by the Improvement Board has been duly levelled, paved, metalled, flagged, channelled, drained and sewered in the manner provided for in the plans of any improvement schemes and that such lamps, lamp posts and other apparatus as are in its opinion necessary for the lighting thereof and should be provided by the Board have been so provided, declare such street to be a public street, and such street shall thereupon vest or re-vest, as the case may be, in the municipal council and the municipal council shall thereafter maintain, keep in repair, light and cleanse such street.

(*b*) Any open space reserved for ventilation in any part of the [1][municipal area][1], and provided by the Improvement Board as part of any improvement scheme executed by it shall be transferred on completion, to the municipal council for maintenance at the expense of the municipal council and shall thereupon vest in the municipal council.

1. Substituted by Act 36 of 1994 w.e.f. 1-6.1994.

(9) Any dispute which arises between the Improvement Board and the municipal council in respect of any matter shall be determined by the Government whose decision thereon shall be final.

CHAPTER IX

POWERS AND OFFENCES

Powers in respect of streets.

175. Power regarding streets, etc.—(1) It shall be lawful for the municipal council to lay out and make new public streets, and to construct tunnels and other works subsidiary to the same, and to widen, open, enlarge, or otherwise improve any such streets, and to turn, divert, discontinue, or close any such streets, and subject to the provisions of sub-sections (1), (2) and (3) of section 72 to lease or sell any such land theretofore used or acquired by the municipal council for the purposes of such streets, as may not be required for any public street or for any other purpose of this Act:

Provided that no public street vesting in the municipal council shall be diverted, discontinued or closed before the municipal council publishes its intention of doing so and calls for objections and obtains the approval of the Government or such other officer as may be authorised by Government to whom a copy of the resolution of the council and the objections thereto shall be forwarded.

(2) In laying out or making or in turning, diverting, widening, opening, enlarging, or otherwise improving any public street, in addition to the land required for the carriage way and foot way and drains thereof, the municipal council may purchase the land necessary for the houses and buildings to form the said street, and subject to the provision contained in sub-sections (1), (2) and (3) of section 72 may sell such additional land or lease for a term of years, with such stipulations as to the class and description of houses or buildings to be erected thereon as it may deem fit.

176. Power to require repair of streets and to declare such streets public.—(1) When the municipal council considers that in any street, not being a public street, or in any part of such street, within the [1][municipal area][1], it is necessary for the public health, convenience or safety that any work should be done for the levelling, paving, metalling, flagging, channelling, draining, lighting or cleaning thereof, the municipal council may by

written notice require the respective owners of the [2][vacant lands or buildings][2] fronting, adjoining or abutting upon such street or part thereof, to carry out such work in such manner and within such time as may be specified in such notice.

1. Substituted by Act 36 of 1994 w.e.f. 1-6.1994.

2. Substituted by Act 31 of 2003 w.e.f. 19.11.2001.

(2) After such work has been carried out by such owners or as provided in section 264 by the municipal council at the expense of such owners, the street or part thereof in which such work has been done, shall on the joint requisition of a majority of the said owners, be declared by a public notice, put up therein by the municipal council, to be a public street.

(3) If the notice under sub-section (1) is not complied with and such work is executed by the municipal council as provided in section 264, the expenses thereby incurred shall be apportioned by the municipal council, between such owners in such manner as it may think fit, regard being had, if it deems it necessary, to the amount and value of any work already done by the owners or occupiers of any such [1][vacant lands or buildings][1].

1. Substituted by Act 31 of 2003 w.e.f. 19.11.2001.

177. Power to declare any street a public street subject to objections by owners.—A municipal council may, at any time, by notice fixed up in any street or part of a street not maintainable by the municipal council give intimation of its intention to declare the same to be public street, and unless within one month next after such notice has been so put up, the owner or the majority of several owners of such street or such part of a street, lodges or lodge objections thereto at the municipal office, the municipal council may, by notice in writing put up in such street, or such parts, declare the same to be a public street.

178. Temporary closure of streets.—The municipal council may, by an order in writing temporarily close any street to traffic for repair, or in order to carry out any work connected with drainage, water supply or lighting or any of the purposes of this Act:

Provided that the municipal council shall with all reasonable speed cause the repair or work to be completed.

179. The regular line of public street.—(1) It shall be lawful for the municipal council to prescribe, with the sanction of the Government, a line on either side or both sides of any public street within the [1][municipal area][1], and the municipal council may, from time to time, with the like sanction, prescribe a fresh line in substitution of any line so prescribed or for any part thereof:

1. Substituted by Act 36 of 1994 w.e.f. 1-6.1994.

Provided that,—

(*a*) at least one month previous to prescribing such line or such fresh line, as the case may be, the municipal council shall notify the same in the official Gazette and shall give public notice of it and it shall also put up special notice thereof in the street or part of the street for which such line or such fresh line is proposed to be prescribed and shall further give notice to the owners or occupiers of the lands affected by such alignment;

(*b*) the municipal council shall consider any written objection or suggestion in regard to such proposal delivered at the office of the municipal council within such time as it may specify in such public or special notice; and

(*c*) the municipal council shall prepare a map of the area comprised within the said line and the street concerned and a statement specifying the lands enclosed therein which shall be open for the inspection of the public.

(2) The line for the time being so prescribed shall be called the ‘regular line of the public street’.

180. Control of construction of buildings within regular line of streets.— (1) Except under the provisions of section 208, no person shall construct or reconstruct any portion of any building, within the regular line of the public street without the permission of the municipal Council under section 187.

(2) Where the municipal council refuses permission to construct or reconstruct any building in any area within the regular line of the public street, such area shall thenceforth be acquired by the municipal council and deemed part of the public street.

(3) Compensation, the amount of which shall, in case of dispute be ascertained and determined in the manner provided in section 268 shall be paid by the municipal council to the owner of any land acquired by the municipal council under sub-section (2) for the value of the said land and also for any loss, damage, or expense incurred by him in consequence of any action taken or order passed by the municipal council under the said sub-section.

(4) Whoever contravenes the provisions of sub-section (1), shall be punished with fine which may extend to two hundred rupees; and the municipal council may,—

(*a*) direct that the building be stopped, and

(*b*) by a written notice, require such building or portion thereof to be altered or demolished as it may deem necessary.

Powers to regulate buildings, etc.

181. Setting back projecting buildings.—(1) If any part of a building projects beyond the regular line of a public street as prescribed under section 179 or beyond the front of the building on either side thereof, the municipal council may,—

(*a*) if the projecting part thereof is a verandah, step or some other structure external to the main building, then at any time, or

(*b*) if the projecting part is not such external structure as aforesaid, then whenever the greater portion of such building or whenever any material portion of such projecting part has been taken down or burnt down or has fallen down,

require by written notice either that the part, or some portion of the part, projecting beyond the said regular line or beyond the said front of the adjoining building on either side thereof, shall be removed, or that such building when being rebuilt shall be set back to or towards the said regular line or the front of such building; and the portion of the land added to the street by such setting back or removal shall thenceforth be deemed part of the public street and be vested in the municipal council.

(2) If any land, not vested in the municipal council whether open or enclosed, lies within the regular line of a public street and is not occupied by a building other than a platform, verandah, step or other external structure, the municipal council, after giving the owner of the land not less than fifteen clear days' written notice of its intention, or if the land is vested in the Government, then with the permission in writing of the Deputy Commissioner, may take possession of the said land with its enclosing wall, hedge or fence, if any, and, if necessary, clear the same; and the land so acquired shall thenceforward be deemed a part of the public street, and shall vest in the municipal council.

(3) Compensation, the amount of which shall in case of dispute be ascertained and determined in the manner provided in section 268, shall be paid by the municipal council to the owner of any land added to a street under sub-section (1) or acquired under sub-section (2), for the value of the said land, and to the owner of any building for any loss, damage or expense incurred by such owner in consequence of any action taken by the municipal council under either of the said sub-sections, provided that no such compensation shall be payable in cases to which section 213 applies.

(4) When the amount of compensation has been so ascertained and determined or when a ruinous or dangerous building falling under sub-section (1) has been demolished under the provisions of section 213 the municipal council may, after tendering the amount of compensation, if any, as may be payable, take possession of the land so added to the street, and, if necessary, may clear the same.

182. Setting forward the regular line of street.—(1) The municipal council may upon such terms as it thinks fit, allow any building to be set forward for improving the line of any public street in which such building is situated.

(2) If the land which will be included in the premises of any person permitted under sub-section (1) to set forward a building belongs to the municipal council, the permission of the municipal council to set forward the building shall be a sufficient conveyance to the said owner of the said land and the price to be paid to the municipal council by the said owner for such land and the other terms and conditions of the conveyance shall be set forth in the said permission.

183. Buildings at corner of streets.—(1) The municipal council may require any building intended to be erected at the corner of two streets to be rounded off or splayed off to such height and to such extent or 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 municipal council shall pay compensation.

(3) In determining such compensation, allowance shall be made for any benefit accruing to the same premises from the improvement of the street.

184. Roofs and external walls of buildings not to be made of inflammable materials.— (1) The external roofs and walls of buildings erected or renewed after the coming into force of this Act shall not be made of grass, wood, cloth, canvas, leaves, mats or other inflammable materials except with the written consent of the municipal council which may be given either specially in individual cases, or generally in respect of any area specified therein.

(2) The municipal council may, at any time, by written notice, require the owner of any building which has an external roof or wall made of any such materials as aforesaid, to remove such roof or wall within such reasonable time as shall be specified in the notice, whether such roof or wall was or was not made before the date on which this Act came into force, and whether it was made with or without the consent of the municipal council.

(3) Whoever, without such consent as is required by sub-section (1), makes, or causes to be made, or in disobedience to the requirements of a notice given under sub-section (2) suffers to remain, any roof or wall of such materials as aforesaid, shall be punished with [1][penalty which may extend to two hundred and fifty rupees, and with a further penalty which may extend to one hundred rupees][1] for every day on which the offence is continued after the date of the first conviction.

1. Substituted by Act 61 of 2025 w.e.f. ……..

185. Level of buildings.—No building shall be built upon a lower level than will allow of the drainage thereof being led into some public sewer or drain either then existing or proposed by the municipal council, or into some stream or river, or into the sea or some cesspool or other suitable place which may be approved by the municipal council.

186. Rat-proof building for warehouse for storing grain.— Subject to the provisions of any law regulating the construction of warehouses, the municipal council may require that any building, used or intended to be used as a warehouse for the storage of grain, shall be protected or erected so as to render such building rat-proof and may for this purpose

prescribe the plan and the design to be adopted and the materials to be used for such building.

187. Notice of new buildings.— (1) Before beginning to construct any building, or to alter externally or add to any existing building, or to construct or reconstruct any projecting portion of a building in respect of which the municipal council is empowered by section 181 to enforce a removal or set back, or to construct or reconstruct which the municipal council is empowered by section 179 to give permission, the person intending so to construct, alter, add or reconstruct shall give to the municipal council notice thereof in writing and shall furnish to it at the same time, a plan showing the levels at which the foundation and lowest floor of such building are proposed to be laid, by reference to some level known to the municipal council, and all information required by the bye-laws or demanded by the municipal council regarding the limits, dimension, design, ventilation and materials of the proposed building, and the intended situation and construction of the drains, sewers, privies, water-closets and cesspools, if any, to be used in connection therewith, and the location of the building with reference to any existing or projected streets, and the purpose for which the building will be used.

(2) No construction or reconstruction referred to in sub-section (1) shall be begun unless and until permission for the execution of the work is granted under this section.

(3) Save as otherwise provided in this Act or the rules and bye-laws made thereunder, the municipal council may,—

(*a*) either give permission to construct, alter, add or reconstruct according to the plan and information furnished, or

(*b*) impose in writing conditions, in accordance with this Act and the rules and bye-laws made thereunder, as to level, drainage, sanitation, design, materials or to the dimensions and cubical contents of rooms, doors, windows, and apertures for ventilation or to the number of storeys to be erected, or with reference to the location of the building in relation to any existing building or street, existing or proposed, or the purpose for which the building is to be used, or

(*c*) direct that the work shall not be proceeded with, unless and until all questions connected with the respective location of the building, and any such street have been decided to its satisfaction, or

(*d*) refuse permission to construct, alter, add or reconstruct according to the plan and information furnished, in the undermentioned circumstances, the reasons for refusal being stated in the order:—

(i) 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 specifications would contravene some specified provision of any law or some specified order, rule, declaration or bye-law made under any law;

(ii) that the application for such permission does not contain the particulars or is not prepared in the manner required under rules or bye-laws;

(iii) that any of the documents referred to in sub-section (1) have not been signed as required under rules or bye-laws;

(iv) that any information or documents required by the municipal council under the rules or bye-laws have not been duly furnished;

(v) that streets or roads have not been made as required by section 170;

(vi) that the proposed building would be an encroachment upon Government or municipal land;

(vii) that the site of such building does not abut on a street or a proposed street, and there is not access to such building from any such street by a passage or pathway appertaining to such site and not less than twelve feet wide at any part;

(viii) that the person so applying has no right to the land in question or has no right to construct, alter, add or reconstruct;

(ix) that the land on which any building is proposed to be erected or any building situated on which is proposed to be altered, added to or reconstructed is required by the municipal council and action to acquire it is being taken:

Provided that the direction under clause (*c*) shall not be in force after one year from the date on which the direction is given.

(4) Before issuing any orders under sub-section (3), the municipal council may, within one month from the receipt of such notice, either issue,-

(*a*) a provisional order directing that for a period, which shall not be longer than one month from the date of such order, the intended work shall not be proceeded with, or

(*b*) may demand further particulars.

(5) A building proposed in a notice given under sub-section (1) may be proceeded with in such manner, as may have been specified in such notice, as is not inconsistent with any provision of this Act or any rule or bye-law for the time being in force thereunder, in the following cases, that is to say:—

(*a*) in case the municipal council, within one month from the receipt of the notice given under sub-section (1), has neither,—

(i) passed orders under sub-section (3), and served notice thereof in respect of the intended work; nor

(ii) issued under sub-section (4), any provisional order or any demand for further particulars;

(*b*) in case the municipal council having issued such demand for, and having received in accordance with the bye-laws in force in this behalf, such further particulars, has issued no further orders within one month from the receipt of such particulars.

(6) No person who becomes entitled under sub-section (3) or sub-section (5) to proceed with any intended work of which notice is required by sub-section (1), shall commence such work after the expiry of the period of one year from the date on which he first became entitled so to proceed therewith, unless a fresh application is made under sub-section (1) and fresh permission is granted under sub-section (3) or deemed to be granted under sub-section (5).

(7) The Municipal Commissioner or Chief Officer may inspect any building during the construction, reconstruction or erection thereof and if he 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.

if the owner does not show cause as aforesaid, he shall be bound to make the alterations specified in such notice. If the owner shows cause as aforesaid the Municipal Commissioner

or Chief Officer shall by an order cancel the notice or confirm the same subject to such modifications as he may think fit.

(8) Notwithstanding anything contained in this section, the Municipal Commissioner or Chief Officer may at any time stop the construction, reconstruction or erection of any building if in his opinion the work in progress endangers human life.

(9) (*a*) If the Municipal Commissioner or Chief Officer is satisfied,—

(i) that the construction, reconstruction or erection of a building,—

(A) has been commenced without obtaining the permission of the municipal council; or

(B) is being carried on, or has been completed otherwise than in accordance with the plans or particulars on which the permission was granted; 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 alterations required by any notice issued under sub-section (8) have not been duly made,

he may make a provisional order requiring the owner or the builder to demolish the work done, or so much of it as, in the opinion of the Municipal Commissioner or Chief Officer, has been unlawfully executed, or make such alterations as may, in the opinion of the Municipal Commissioner or Chief Officer, be necessary to bring the work into conformity with this Act, rules, bye-laws, direction or requisition as aforesaid, or with the plans or particulars on which such permission 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.

(*b*) The Municipal Commissioner or Chief Officer shall serve a copy of the provisional order made under clause (*a*) on the owner of the building together with a notice requiring him to show cause within a reasonable time not being less than three days, to be specified in the notice why the order should not be confirmed.

(*c*) If the owner fails to show cause to the satisfaction of the Municipal Commissioner or Chief Officer, he may confirm the order, with any modification he may think fit to make and such order shall then be binding on the owner.

(*d*) If within a reasonable time mentioned in the order made under clause (*c*), the owner does not comply with it, the Municipal Commissioner or Chief Officer may take any measures or do anything which may, in his opinion, be necessary for giving due effect to the order.

(*e*) The Municipal Commissioner or Chief Officer may recover any reasonable expenses incurred under clause (*d*) from the person to whom the order was addressed in the same manner as tax on building under this Act, and may in taking measures utilise any materials found on the property concerned or may sell them and apply the sale proceeds towards the payment of the expenses incurred.

Explanation.—The expression “to erect a building” throughout this Chapter includes,—

(*a*) any material alteration, enlargement or reconstruction of any building, or of any wall including compound wall and fencing, verandah, fixed platform, plinth, doorstep, or the like whether constituting part of a building or not;

(*b*) the conversion into a dwelling house of any building not originally constructed for human habitation or, if originally so constructed subsequently appropriated for any other purpose;

(*c*) the conversion into more than one dwelling house of a building originally constructed as one dwelling house only;

(*d*) the conversion of two or more places of human habitation into a greater number of such places;

(*e*) the conversion into a place of religious worship or into a building for a sacred purpose of any building not originally constructed for such purpose;

(*f*) the conversion into a stall, shop, warehouse or godown, stable, factory or garage of any building not originally constructed for use as such or which was not so used before the change;

(*g*) such alteration of the internal arrangements of a building as affect its drainage, ventilation or other sanitary arrangements, or its security or stability; and

(*h*) the addition of any rooms, buildings or other structures to any building;

and a building so altered, enlarged, re-constructed, converted or added to, shall, for the purpose of this Chapter be deemed to be new building.

(10) If within a period of six months from the date on which permission is refused under sub-clause (ix) of clause (*d*) of sub-section (3) the land is not acquired by the municipal council or if within such period, an application has not been made to the Deputy Commissioner for the institution of proceedings for compulsory acquisition under the provisions of the Land Acquisition Act, 1894, or if the municipal council abandons the proposal to acquire the land, the Municipal Commissioner or Chief Officer shall intimate the person concerned that the refusal to build or alter is withdrawn and the application shall be further considered on merits.

1. Substituted by Act 64 of 2025 w.e.f. 12.09.2025.

2. Inserted by Act 64 of 2025 w.e.f. 12.09.2025.

[1]**[187-A. Regularisation of certain unlawful building.-** (1) Notwithstanding anything contained in this Act, when construction of any building is completed in contravention of section 187 and building bye-laws, the Municipal Commissioner or the Chief Officer, as the case may be, may regularise building constructed prior to [3][[2][the date of commencement of the Karnataka Town and Country Planning and certain other Laws (Amendment) Act, 2013]**[2]**]**[3]** subject to the following restrictions and such rules as may be prescribed and on payment of the amount specified in sub-section (2), namely:-

(a) Where the building is built abutting the neighbouring property or where the set back provided is less than the limit prescribed in bye laws, violation upto twenty-five percent in case of non-residential buildings and fifty percent in case of residential buildings shall be regularized.

(b) No development made in the basement or usage in contravention of bye law shall be regularized:

(c) The construction of a building shall not be regularised if it violates the building line specified on any given road unless the owners of such building furnish an undertaking that the space between the building line and the road or footpath or margin will be given up free of cost at any time when required for the purpose of widening the road in question.

(d) The provisions of sub-sections (2) to (14) of section 76 FF of the Karnataka Town and Country Planning Act, 1961, shall apply mutatis and mutandis for regularization of building under this section and the application being made to the Municipal Commissioner or the Chief Officer, as the case may be.

(2) Regularisation of any construction under this section shall be subject to payment of the prescribed amount which may be different for different types of contravention of building bye-laws;

Provided that the amount so prescribed shall not be less than,-

(i) [2][six][2] percent of the market value, determined in accordance with the Karnataka Stamp Act, 1957 and rules made thereunder, of the portion of the building built in violation of the provisions referred to above, if such violation of set back norms and permissible floor area ratio does not exceed twenty five percent;

(ii) [2][eight][2] percent of the market value, determined in accordance with the Karnataka Stamp Act, 1957 and the rules made thereunder, of the portion of the building built in violation of the provisions referred to above, if such violation of set back norms and permissible floor area ratio exceeds twenty five percent but does not exceed fifty percent:

Provided further that where the portion of the building is built in violation of the provisions referred to above is being used or meant for non-residential purpose and amount payable for regularization of such portion shall be,-

(a) [2][twenty][2] percent of the market value, determined in accordance with the Karnataka Stamp Act, 1957 and the rules made thereunder, of the portion of the building built in violation of the provisions referred to above, if such violation of set back norms and permissible floor area ratio does not exceed twelve and a half percent;

(b) [2][thirty five][2] percent of the market value, determined in accordance with the Karnataka Stamp Act, 1957 and the rules made thereunder, of the portion of the building built in violation of the provisions referred to above, if such violation of set back norms and permissible floor area ratio exceeds twelve and a half percent but does not exceed twenty five percent.

(3) No person shall be liable to pay fine or fee for regularization under any other law if he has paid regularization fee under this Act for the same violations.

(4) All payments made under sub-section (1) shall be credited to a separate fund kept in the concerned Local/Planning Authority called the urban areas infrastructure Development fund which shall be utilized in such manner, for the development of infrastructure, civic amenities, lighting, parks, drinking water drainage system and for any other infrastructure, as may be prescribed.

2. Substituted by Act 57 of 2013 w.e.f. 27.08.2013.

3. deemed to have Substituted by Act, 67 of 2013 w.e.f 19.10.2013.

187B. Penalty against jurisdictional officer failing to prevent unauthorised deviations or constructions.- The jurisdictional officer who is proved to have failed to prevent unauthorized deviation or construction that have taken place in his jurisdiction shall be liable for such punishment as may be prescribed][1]

1. Sections 187A and 187B Inserted by Act 1 of 2007 w.e.f. 15-9-2007 by notification. The text of the Notification is at the end of the Act.

188. Sanction accorded under mis-representation.—If at any time after the sanction for any building or work has been accorded, the Municipal Commissioner or Chief Officer is satisfied that such sanction was accorded in consequence of any material misrepresentation or fraudulent statement contained in the notice given or information furnished under section 187, he may by order in writing cancel such sanction for reasons to be recorded in writing and any building or work commenced, erected or done shall be deemed to have been commenced, erected or done without such sanction:

Provided that before making any such order the Municipal Commissioner or Chief Officer shall give a reasonable opportunity to the person affected to show cause as to why such order should not be made.

189. Power of Government to prohibit the erection of buildings in certain areas without permission.— (1) Notwithstanding anything contained in this Act, the Government may, in the public interest and after consulting the municipal council, prohibit by notification the erection of any building within a specified area in a [1][municipal area][1], except with the permission granted by the Government in this behalf:

1. Substituted by Act 36 of 1994 w.e.f. 1-6.1994.

Provided that such permission shall not be refused in the case of land which has been set apart as a building site by the Government or the municipal council prior to the publication of such notification.

(2) The grant of any permission under sub-section (1) may be subject to such conditions as may be fixed by the Government in each case or prescribed generally.

(3) Whoever erects any building contrary to the provisions of sub-section (1) or the conditions imposed under sub-section (2) shall, be punished with fine which may extend to two hundred rupees.

(4) The Government may demolish any building erected contrary to the provisions of sub-section (1) or the conditions imposed under sub-section (2).

190. Completion certificates: permission to occupy or use.—(1) Every person erecting a building or executing a work as is described in sub-section (1) of section 187 shall, within one month after the completion of the erection of such building or the execution of such work, deliver or send or cause to be delivered or sent to the Municipal Commissioner or Chief Officer at his office a notice in writing of such completion, and shall give to the officer of the municipal council deputed for the purpose all necessary facilities for the inspection of such building or of such work:

Provided that,—

(*a*) such inspection shall be commenced within seven days from the date of receipt of the notice of completion; and

(*b*) the Municipal Commissioner or Chief Officer may, not later than one month from the date of receipt of notice of completion, by written intimation addressed to the person from whom the notice of completion was received, and delivered at his address as stated in such notice or in the absence of such address, affixed to a conspicuous part of the building to which such notice relates,—

(i) give permission for the occupation of such building or for the use of the building or part thereof affected by such work, or

(ii) refuse such permission in case such building has been erected or such work executed so as to contravene any provision of this Act, or of any rule or bye-law made under this Act at the time in force or of any order passed under sub-section (3) of section 187 intimating to the person who gave the notice under sub-section (1) of section 187 the reasons for such refusal and requiring such person, or, if the person responsible for giving notice under sub-section (1) of section 187 is not at the time of such notice the owner of such building or work, then such owner, to cause anything which is contrary to any provision of this Act or of any rule or bye-law made under this Act at the time in force or of any order passed under sub-section (3) of section 187 to be amended or to do anything which by any such provision or rule or bye-law or order he is required to do but has omitted to do.

(2) No person shall occupy or permit to be occupied any such building, or use or permit to be used the building or part thereof affected by any such work, until,—

(*a*) the permission referred to in proviso (*b*) to sub-section (1) has been received, or

(*b*) the Municipal Commissioner or Chief Officer has failed for one month after the receipt of the notice of completion, to intimate as aforesaid his refusal of the said permission.

(3) Whoever contravenes the provisions of this section or fails to comply with any order or requisition made thereunder shall be punished with fine which may extend to one hundred rupees and in the case of a continuing contravention or non-compliance, with an additional fine which may extend to ten rupees for every day during which such contravention or non-compliance continues after the conviction for the first such contravention or non-compliance.

191. Regulation of huts.—It shall not be lawful for any person to erect any hut, shed or range or block of huts or sheds, or to add any hut or shed to any range or block of huts or sheds already existing when this Act comes into operation, without giving previous notice to the municipal council and obtaining its permission and the municipal council may require such huts or sheds to be built so that they may stand in regular lines, with a free passage or way in front of and between every two lines of such width as the municipal council may think proper for ventilation and to facilitate scavenging, and at such a level as will admit of sufficient drainage, and may require such huts to be provided with such number of privies and such means of drainage as to it may seem necessary. If any hut or shed or range or block is built without giving such notice to the municipal council, the municipal council may give written notice to the owner or builder thereof or to the owner or occupier of the land on which the same is erected or is being erected, requiring him within such reasonable time as shall be specified in the notice to take down and remove the same, or to make such alterations therein or additions thereto as, having regard to the sanitary considerations, the municipal council may think fit.

192. Improvement of huts.—(1) (*a*) Whenever the Municipal Commissioner or Chief Officer is of opinion that any huts or sheds, whether used as dwellings or stables or for any other purposes, and whether existing at the time when this Act comes into force, or subsequently erected, are by reason,—

(i) of insufficient ventilation or of the manner in which such huts or sheds are crowded together, or

(ii) of the want of a plinth or of a sufficient plinth or of sufficient drainage, or

(iii) of the impracticability of scavenging,

attended with risk of disease to the inhabitants of the neighborhood, he shall cause a notice to be affixed to some conspicuous part of each such hut or shed, requiring the owner or occupier thereof, or the owner of the land on which such hut or shed is built, within such reasonable time as may be fixed by the Municipal Commissioner or Chief Officer for that purpose to take down and remove such hut or shed, or to execute such operations as the Municipal Commissioner or Chief Officer may deem necessary for the avoidance of such risk.

(*b*) Any person aggrieved by an order of the Municipal Commissioner or Chief Officer under clause (*a*) may apply to the municipal council to cancel, amend or revise such order, and the municipal council may, on such application cancel, amend or otherwise revise the order.

(2) In case any such owner or occupier shall refuse or neglect to take down and remove such huts or sheds, or to execute such operations within the time appointed, the Municipal Commissioner or Chief Officer may cause the said huts or sheds to be taken down, or such operations to be performed in respect of such huts or sheds as he may deem necessary to prevent such risk.

(3) If such huts or sheds are pulled down by the Municipal Commissioner or Chief Officer, he shall cause the materials of each hut or shed to be sold separately, if such sale can be effected, and the proceeds, after deducting all expenses, shall be paid to the owner of the hut or shed, or if the owner is unknown or the title disputed, shall be held in deposit by the

municipal council until the person interested therein shall obtain an order of a competent court for the payment of the same:

Provided that, in case any huts or sheds, existing at the time when the land on which they are situate, first became part of a [1][municipal area][1] should be pulled down under this section by order of the Municipal Commissioner or Chief Officer or in pursuance of his notice, compensation shall further be made to the owner or owners thereof and the amount thereof, in case of dispute, shall be ascertained and determined in the manner provided in section 268.

1. Substituted by Act 36 of 1994 w.e.f. 1-6.1994.

Power connected with drainage, water works, etc.

193. Municipal control over drains, etc.—(1) All sewers, drains, privies, water-closets, house-gullies and cesspools within the [1][municipal area][1] shall be under the survey and control of the municipal council.

1. Substituted by Act 36 of 1994 w.e.f. 1.6.1994.

(2) All covered sewers and drains, all cesspools, whether public or private, shall be provided by the municipal council or other person to whom they severally belong, with proper traps, or other coverings or means of ventilation and the municipal council may, by written notice, call upon the owner of any such covered sewers, drains or cesspools to make provision accordingly.

194. Powers for making drains.—(1) In order to carry out any drainage scheme, it shall be lawful for a municipal council to carry any drain, sewer, conduit, tunnel, culvert, pipe or water-course through, across or under any street or any place laid out as or intended for a street, or under any cellar or vault which may be under any street, and, after giving reasonable notice in writing to the owner or occupier, into, through or under any land whatsoever within the [1][municipal area][1].

1. Substituted by Act 36 of 1994 w.e.f. 1-6.1994.

(2) The municipal council or any officer appointed by it for such purpose may enter upon and construct any new drain in the place of an existing drain in any land wherein any drain vested in the municipal council has been already constructed, or may repair or alter any drain vested in the municipal council.

(3) In the exercise of any power under this section, no un-necessary damage shall be done, and compensation, which shall, in case of dispute, be ascertained and determined in the manner provided in section 268 shall be paid by the municipal council to any person who sustains damage by the exercise of such power.

195. Sufficient drainage of houses.—(1) If any [1][building or vacant land][1] is at any time underdrained, or not drained to the satisfaction of the municipal council, the municipal council may, by written notice call upon the owner to construct or lay from such [1][building or vacant land][1] a drain or pipe of such size and materials, at such level, and with such fall as it thinks necessary for the drainage of such [1][building or vacant land][1] into,—

(*a*) some drain or sewer, if there is a suitable drain or sewer within fifty feet of any part of such [1][building or vacant land][1], or

(*b*) a covered cesspool to be provided by such owner.

1. Substituted by Act 31 of 2003 w.e.f. 19.11.2001.

(2) It shall not be lawful newly to erect any building or to rebuild any building, or to occupy any building newly erected or rebuilt, unless and until,—

(*a*) a drain is constructed, of such size, materials and description, at such level, and with such fall, as shall appear to the municipal council to be necessary for the effectual drainage of such building, or

(*b*) there have been provided for and set up in such building and in the land appurtenant thereto all such appliances and fittings as may appear to the municipal council to be necessary for the purposes of gathering and receiving the drainage from, and conveying the same off, the said building and the said land and of effectually flushing the drain of the said building and every fixture connected therewith.

(3) The drain to be constructed as aforesaid shall empty into a municipal drain, or into some place legally set apart for the discharge of drainage, situated at a distance not exceeding fifty feet from such building; but if there is no such drain or place within that distance, then such drain shall empty into such cesspool as the municipal council directs.

196. Power of owners and occupiers of [1][buildings or vacant lands][1] to drain into municipal drains.—The owner or occupier of any [1][building or vacant land][1] within the [2][municipal area][2] shall be entitled to cause his drain to empty into sewers of the municipal council, provided that he first obtains the written permission of the municipal council, and that he complies with such conditions as the municipal council prescribes, as to the mode in which and the superintendence under which the communications are to be made between drains not vested in the municipal council and drains which are so vested.

1. Substituted by Act 31 of 2003 w.e.f. 19.11.2001.
2. Substituted by Act 36 of 1994 w.e.f. 1-6.1994.

197. Right to carry drain through land or into drain belonging to other persons.—(1) If the owner or occupier of any [1][building or vacant land][1] desire to connect the same with any municipal drain by means of a drain to be constructed through land, or to be connected with a drain, belonging to or occupied by or in the use of some other person, he may make a written application in that behalf to the Municipal Commissioner or Chief Officer.

1. Substituted by Act 31 of 2003 w.e.f. 19.11.2001.

(2) Thereupon the Municipal Commissioner or the Chief Officer after giving to such other person a reasonable opportunity of stating any objection to such application may, if no objection is raised or if any objection which is raised in his opinion is insufficient, by an order in writing authorise the applicant to carry his drain into, through, or under the said land, or into the said drain, as the case may be, in such manner and on such conditions as to the payment of rent or compensation, and as to the respective responsibilities of the parties for maintaining, repairing, flushing, clearing and emptying the said drains as may appear to him to be adequate and equitable.

(3) Every such order shall be a complete authority to the person in whose favour it is made, or to any agent or other person employed by him for this purpose, after giving or tendering to the owner, occupier or user of the said land or drain the compensation or rent, if any, specified in the said order, and otherwise fulfilling as far as possible the conditions of the said order, and after giving to the said owner, occupier, or user reasonable notice in writing, to enter upon the land specified in the said order with assistants and, workmen at any time between sunrise and sunset and, subject to the provisions of this Act, to do all such work as may be necessary,—

(*a*) for the construction or connection of the drain, as may be authorised by the said order;

(*b*) for renewing, repairing, or altering the same as may be necessary from time to time; or

(*c*) for discharging any responsibility attaching to him under the terms of the order as to maintaining, repairing, flushing, cleaning or emptying the said drain or any part thereof.

(4) In executing any work under this section as little damage as possible shall be done, and the owner or occupier of the [1][buildings or vacant lands][1] for the benefit of which the work is done, shall,—

(*a*) cause the work to be executed with the least practicable delay;

(*b*) fill in, reinstate and make good at his own cost and with the least practicable delay the ground or any portion of any building or other construction opened, broken up or removed for the purpose of executing the said work; and

(*c*) pay compensation to any person who sustains damage by the execution of the said work.

1. Substituted by Act 31 of 2003 w.e.f. 19.11.2001.

198. Rights of owner of land through which drain is carried in regard to subsequent building thereon.—If the owner of any land into, through or under which a drain has been carried under section 197 whilst such land was not built upon shall at any subsequent time desire to construct a building thereon, the Municipal Commissioner or the Chief Officer, subject to the control of the standing committee, shall, if he sanctions the construction of such building, by written notice require the owner or occupier of the [1][building or vacant land][1], for the benefit of which such drain was constructed, to close, remove or divert the same, and to fill in, reinstate and make good the land in such manner as he may deem to be necessary, in order to admit of the construction or safe enjoyment of the proposed building.

1. Substituted by Act 31 of 2003 w.e.f. 19.11.2001.

199. Provision of privies, etc.—(1) In case the municipal council is of opinion that any privy, or cesspool, or additional privies, or cesspools, should be provided in or on any [1][building or vacant land][1], or shifted or removed from any [1][building or vacant land][1] or, in any [2][municipal area][2] in which a water-closet system has been introduced, that water closets should be substituted for the existing privies in or on any [1][building or vacant land][1], or that additional water-closets should be provided therein or thereon, the municipal council may, by written notice, call upon the owner of such [1][building or vacant land][1] to provide such privies, cesspools or water-closets as the municipal council may deem proper.

1. Substituted by Act 31 of 2003 w.e.f. 19.11.2001.
2. Substituted by Act 36 of 1994 w.e.f. 1-6.1994.

(2) The municipal council, may, by written notice, require any person or persons employing workmen or labourers exceeding twenty in number, or owning or managing any market, school or theatre or other place of public resort, to provide such latrines and urinals as the municipal council may direct, and to cause the same to be kept in proper order, and to be daily cleansed.

(3) The municipal council may, by written notice, require the owner or occupier of any land upon which there is a privy or urinal to have such privy or urinal shut out, by a sufficient roof and a wall or fence, from the view of persons passing by or resident in the neighborhood, or to alter as it may direct any privy-door or trap-door which opens on to any street, and which it deems to be a nuisance.

200. Cost of altering, repairing and keeping in proper order privies, etc.—(1) All sewers, drains, privies, water-closets, house-gullies and cesspools within the [1][municipal area][1] shall, unless constructed at the cost of the municipal council, be altered, repaired, and kept in proper order at the cost and charges of the owners of the land and buildings to which the same belong, or for the use of which they are constructed or continued, and the municipal council may, by written notice, require such owner to alter, repair and put the same in good order in such manner as it thinks fit.

1. Substituted by Act 36 of 1994 w.e.f. 1-6.1994.

(2) The municipal council may, by written notice, require the owner to demolish or close any privy or cesspool, whether constructed before or after the coming into force of this Act, which, in the opinion of the municipal council, is a nuisance, or is so constructed as to be inaccessible for the purpose of scavenging or incapable of being properly cleansed or kept in good order.

201. Power to close existing private drains.—When any [1][building or vacant land][1] within the [2][municipal area][2] has a drain communicating with any cesspool or sewer, the Municipal Commissioner or Chief Officer, if he considers that such drain, though it may be sufficient for the drainage of such [1][building or vacant land][1] and though it may be otherwise unobjectionable, is not adapted to the general sewerage of the locality, may, subject to the control of the standing committee, close such drain and such cesspool or sewer, whether they are or are not on land vested in the municipal council, on providing a drain or drains equally effectual for the drainage of such [1][building or vacant land][1], and the Municipal Commissioner or Chief Officer may, subject as aforesaid do any work necessary for the purpose.

1. Substituted by Act 31 of 2003 w.e.f. 19.11.2001.

2. Substituted by Act 36 of 1994 w.e.f. 1-6.1994.

202. Power in respect of sewers, etc., unauthorisedly constructed, rebuilt or unstopped.—The Municipal Council may, by written notice require that any sewer, drain, privy, urinal, watercloset, house-gully or cesspool on any land within the municipal limits, constructed, or rebuilt or unstopped,—

(*a*) after such land became part of a [1][municipal area][1], and

1. Substituted by Act 36 of 1994 w.e.f. 1-6.1994.

(*b*) either without the consent or contrary to the orders, directions or general regulations or bye-laws of the municipal council, or contrary to the provisions of any enactment in force at the time when it was so constructed, rebuilt or unstopped,

shall be demolished, or altered, as it may deem fit, by the person by whom it was so constructed, rebuilt or unstopped, and every person so constructing, rebuilding or unstopping, any such sewer, drain, privy, water-closet, house-gully or cesspool, whether he does or does not receive such notice, or does or does not comply therewith, shall, in addition to any penalty to which he may be liable on account of such non-compliance, be punished with fine which may extend to twenty-five rupees.

203. Encroachment on municipal drains, etc.— (1) Whoever, without the written consent of the municipal council first obtained, makes or causes to be made any drain into or out from any of the sewers or drains vested in the municipal council, shall be punished [1][with penalty which may extend to two hundred and fifty rupees][1], and the municipal council may, by written notice, require such person to demolish, alter, re-make or otherwise deal with such drain as it may think fit.

(2) No building shall be newly erected or rebuilt over any sewer, drain, culvert or gutter vested in the municipal council without the written consent of the municipal council, and the municipal council may, by written notice, require the person who may have erected or rebuilt such building to pull down or otherwise deal with the same as it may think fit.

1. Substituted by Act 61 of 2025 w.e.f. .....

204. Inspection of drains, etc.—(1) The municipal council or any officer appointed by it for such purposes may, subject to the provisions of this Act, inspect any sewer, drain, privy, water closet, house-gully or cesspool, and for that purpose, at any time between sunrise and sunset, may enter upon any [1][vacant lands or buildings][1] with assistants and workmen and

cause the ground to be opened where he or it may think fit, doing as little damage as may be.

1. Substituted by Act 31 of 2003 w.e.f. 19.11.2001.

(2) The expense of such inspection, and of causing the ground to be closed and made good as before, shall be borne by the municipal council unless the sewer, drain, privy, water-closet, house-gully or cesspool is found to be in bad order or condition, or was constructed in contravention of the provisions of any enactment, or of any bye-law of the municipal council in force at the time, in which case such expenses shall be paid by the owner of such sewer, drain, privy, water-closet, house-gully or cesspool, and shall be recoverable in the same manner as an amount claimed on account of any tax recoverable under Chapter VII.

205. Municipal council may execute certain works without allowing option to persons concerned of executing the same.—(1) The municipal council may, if it thinks fit, cause any work of the nature to which any of the provisions of sections 193 to 204 applies, to be executed by municipal or other agency under its own orders, without first of all giving the person by whom the same would otherwise have to be executed the option of doing the same.

(2) The expenses of any work so done shall be paid by the person aforesaid, unless the municipal council shall, by a general or special order or resolution, sanction the execution of such work at the charge of the municipal fund.

(3) Any pipes, fittings, receptacles, or other appliances for or connected with the drainage of private [1][buildings or vacant lands][1] shall, if supplied, constructed or erected at the expense of the municipal council, be deemed to be municipal property, unless the municipal council shall have transferred its interest therein to the owner of such [1][buildings or vacant lands.][1]

1. Substituted by Act 31 of 2003 w.e.f. 19.11.2001.

206. Power of carrying water mains, etc.—The water supply department of the Government or the municipal council, as the case may be, in whom the duty of construction and maintenance of water works for supply of water to the [1][municipal area][1] vests, shall have the same powers and be subject to the same restrictions for carrying, renewing and repairing water mains, pipes and ducts within or without the [1][municipal area][1] as the municipal council has and is subject to, under the provisions hereinbefore contained for carrying, renewing and repairing drains within the [1][municipal area][1].

1. Substituted by Act 36 of 1994 w.e.f. 1-6.1994.

207. Works to be done by licensed plumber or licensed water supply contractor.—(1) No person other than a licensed plumber or licensed water supply contractor shall execute any work concerned with drainage or water supply and no person shall permit any such work to be executed except by a licensed plumber or licensed water supply contractor:

Provided that if in the opinion of the Municipal Commissioner or Chief Officer the work is of a trivial nature permission may be granted in writing for the execution of such work by a person other than a licensed plumber or licensed water supply contractor.

(2) Every person who employs a licensed plumber or licensed water supply contractor to execute any work shall when so required furnish to the Municipal Commissioner or Chief Officer the name of such plumber or contractor.

(3) When any work is executed except in accordance with the provisions of sub-section (1), such work shall be liable to be dismantled by the municipal council without prejudice to the right of the council to prosecute under this Act the person at whose instance such work has been executed.

(4) If any licensed plumber or licensed water supply contractor contravenes any bye-law made under clause (*cc*) of sub-section (1) of section 324 or of the conditions of his licence, his licence may be suspended or cancelled whether he is prosecuted under this Act or not.

(5) Whoever contravenes the provisions of sub-section (1) or (2), shall be punished with fine which may extend to twenty-five rupees.

Powers regarding external structures, etc.

208. Permission necessary for certain projections.— (1) The municipal council may give written permission to the owners or occupiers of buildings in public streets to put up open verandahs, balconies or rooms, to project from any upper storey thereof, at such height from the surface of the street as the municipal council may fix by bye-laws from time to time, and to an extent not exceeding four feet beyond the line of the plinth or basement wall and may prescribe the extent to which and the conditions under which roofs, eaves, weather-boards, shop-boards and the like may be allowed to project over such streets.

(2) Any such owner or occupier putting up any such projections as aforesaid without such permission or in contravention of such orders, shall be punished with [2][penalty which may extend to two hundred and fifty rupees, and if any such owner or occupier fails to remove any such projection as aforesaid in respect of which he has been convicted under this section, he shall be imposed with further penalty which may extend to one hundred rupees][2] for each day on which such failure or neglect continues.

(3) The municipal council may, by written notice, require the owner or occupier of any building to remove or alter any projection, encroachment or obstruction which, whether erected before or after the site of such building became part of a [1][municipal area][1], shall have been erected or placed against or in front of such building, and which,—

(*a*) overhangs or juts into or in anyway projects or encroaches upon any public street, so as to be an obstruction to safe and convenient passage along such street, or

(*b*) projects and encroaches into or upon any uncovered aqueduct, drain or sewer in such street, so as to obstruct or interfere with such aqueduct, drain or sewer or the proper working thereof:

Provided that the municipal council shall, if such projection, encroachment or obstruction shall have been made in any place before the date on which such place became part of a [1][municipal area][1], or after such date with the written permission of the municipal council, make reasonable compensation to every person who suffers damage by such removal or alteration; and if any dispute shall arise touching the amount of such compensation, the same shall be ascertained and determined in the manner provided in section 268.

1. Substituted by Act 36 of 1994 w.e.f. 1-6.1994.

2. Substituted by Act 61 of 2025 w.e.f. .....

209. Troughs and pipes for rain water.—The municipal council may, by written notice, require the owner of every building in any street to put up and keep in good condition, proper troughs and pipes for catching and carrying the water from the roof and other parts of such building, and for discharging the same, in such manner as it may think fit, so that it shall not fall upon the persons passing along the street or cause damage to the street.

210. Fixing of brackets, etc., to houses.—The municipal council may erect or fix to the outside of any building, brackets for lamps to be lighted with oil or gas, or subject to the provisions of any law in force relating to electricity, for lamps to be lighted with electricity or otherwise, or subject to the provisions of the law in force relating to telegraphs, for telegraph wires or telephonic wires, or for the conduct of electricity for locomotive or other purposes, or such pipes as it may deem necessary for proper ventilation of sewer and waterworks, and such brackets and pipes shall be erected so as not to occasion any inconvenience or

nuisance to the occupant of the said building or any others in the neighbourhood or to the public.

211. Naming streets and numbering houses.—(1) The municipal council may, from time to time, cause to be put up or painted on a conspicuous part of any building at or near each end, corner, or entrance to every street, the name by which such street is to be known and may, from time to time, fix a number in a conspicuous place on the outer side of any building, or at the entrance of the enclosure thereof fronting the street:

Provided that no street shall be named or renamed by the municipal council except with the previous approval of the Government.

(2) No person shall destroy, remove, deface or in any way injure or alter any such name or number or put up or paint any name or number different from that put up or painted by order of the municipal council.

(3) Any person,—

(*a*) who, without the consent of the owner or occupier affixes any poster, bill, placard, or other paper or means of advertisement against or upon any building, wall, board, fence or pale, post, lamp post or the like, or

(*b*) who, without such consent as aforesaid writes upon soils, defaces or marks any such building, wall, board, fence or pale, post, lamp-post or the like with chalk or paint or in any other way whatsoever,

shall be punished [1][with penalty which may extend to two hundred rupees.][1]

1. Substituted by Act 61 of 2025 w.e.f. .....

212. Removal and trimming of hedges, trees, etc.—The municipal council may, by written notice, require the owner or occupier of any land so to trim or prune the hedges thereof bordering any public street that the said hedges may not exceed the height of four feet from the level of the street, and width of four feet, and to cut down, lop or trim all trees or shrubs which in any way overhang, endanger, or obstruct, or which it deems likely to overhang, endanger, or obstruct any public street or to cause damage thereto, or which so overhang any public tank, well or other provision for water supply as to pollute or be likely to pollute the water thereof.

Powers of promotion of public health, safety and convenience.

213. Ruinous or dangerous buildings.—(1) If any building or anything affixed thereon, be deemed by the municipal council to be in a ruinous condition, or likely to fall, or in any other way dangerous to any person occupying, resorting to or passing by such building or any other building or place in the neighbourhood of such building, the municipal council shall immediately, if it appears to it to be necessary, cause a proper hoarding or fence to be put up for the protection of passers-by and other persons; and all expenses incurred by the municipal council under this sub-section shall be paid by the owner or occupier of such building, and shall be recoverable in the same manner as an amount claimed on account of any tax recoverable under Chapter VII.

(2) The municipal council shall also cause notice in writing to be given to the owner or occupier, requiring such owner or occupier forthwith to demolish, secure, or repair such building or thing affixed thereon, as the case shall require, and if such owner or occupier does not begin to demolish, secure or repair, such building or thing within three days after the service of such notice, and complete such work with due diligence, the municipal council shall cause all or so much of such building or thing, as it shall think necessary, to be demolished, repaired, or otherwise secured:

Provided that if the danger be not imminent it shall be at the discretion of the municipal council, instead of itself causing a hoarding or fence to be put up, to issue in the first instance a notice in writing to the owner or occupier to put up a proper hoarding or fence,

and in the event of the owner or occupier failing to put up within two days from the service of such notice, a hoarding or fence which the municipal council considers sufficient in the circumstances of the case, the municipal council shall at once cause such hoarding or fence to be put up and thereafter proceed as provided in sub-sections (1) and (2).

[1][**213A. Precaution in case of dangerous trees.**—(1) If any tree or any branch of a tree or the fruit of any tree appears to the Chief Officer or the Municipal Commissioner to be likely to fall and thereby endanger any person or any structure, the Chief Officer or the Municipal Commissioner may by notice require the owner of the said tree to secure, lop or cut down the said tree so as to prevent any danger therefrom.

(2) If immediate action is necessary, the Chief Officer or Municipal Commissioner shall himself before giving such notice or before the period of such notice expires, secure, lop or cut down the said tree or remove the fruit thereof or fence off a part of any street or take such other temporary measure as he thinks fit to prevent danger, and the cost of so doing shall be recoverable from the owner of the tree in the same manner as an amount claimed on account of any tax recoverable under Chapter VII.][1]

1. Inserted by Act 34 of 1966 w.e.f. 16-1.1967.

214. Powers and duties with regard to dangerous, stagnant or insanitary sources of water supply.—(1) The municipal council may at any time by written notice require that the owner of, or any person who has the control over, any well, stream, channel, tank or other source of water supply shall, whether it is private property or not,—

(*a*) keep and maintain any such source of water supply, other than a stream, in good repair, or

(*b*) within a reasonable time to be specified in the notice, cleanse any such source of water supply from silt, refuse and decaying vegetation, or

(*c*) in such manner as the municipal council prescribes, protect any such source of water supply from pollution by surface drainage, or

(*d*) within twenty-four hours of such notice, repair, protect or enclose in such manner as the municipal council approves any such source of water supply, other than a stream in its natural flow, if for want of sufficient repair, protection or enclosure, such source of water supply is, in the opinion of the municipal council, dangerous to the health or safety of the public or of any persons having occasion to use or to pass or approach the same, or

(*e*) desist from using and from permitting others to use for drinking purposes any such source of water supply which, not being a stream in its natural flow, is proved to the satisfaction of the municipal council to be unfit for drinking, or

(*f*) if, notwithstanding any such notice under clause (*e*), such use continues and cannot, in the opinion of the municipal council, be otherwise prevented, close either temporarily or permanently or fill up or enclose or fence in such manner as the municipal council considers sufficient to prevent such use, such source of water supply as aforesaid, or

(*g*) drain off or otherwise remove from any such source of water supply, or from any land or premises or receptacle or reservoir attached or adjacent thereto, any stagnant water which the municipal council considers is injurious to health or offensive to the neighbourhood.

(2) If the owner or person having control as aforesaid fails or neglects to comply with any such requisition within the time required by or under the provisions of sub-section (1), the municipal council may, and if, in its opinion, immediate action is necessary to protect the health or safety of any person, shall at once, proceed to execute the work required by such notice, and all the expenses incurred therein by the municipal council shall be paid by the

owner of, or person having control over, such water supply, and shall be recoverable in the same manner as an amount claimed on account of any tax recoverable under Chapter VII:

Provided that, in the case of any well or private stream or of any private channel, tank or other source of water supply, the water of which is used by the public or by any section of the public as of right, the expenses incurred by the municipal council, or necessarily, incurred by such owner or person having such control, may, if the municipal council so directs, be paid from the municipal fund.

215. Displacing pavements, etc.— (1) Whoever displaces, takes up, or makes any alteration in the pavement, gutter, flags, or other materials, of any public street, or the fences, walls, or posts thereof, or any municipal lamp, lamp-post, bracket, water-post, hydrant, or other such municipal property therein, without the written consent of the municipal council or other lawful authority, shall be punished [1][with penalty which may extend to one thousand rupees.][1]

(2) Any person who, having displaced, taken up or made alteration in any such pavement, gutter, flags, or other materials, or in the fence, walls, posts, municipal lamps, lamp-posts, brackets, water-posts, hydrants, or other municipal property of any public street, fails to replace or restore the same to the satisfaction of the municipal council after notice to do so, shall be punished [1][with penalty which may extend to five hundred rupees][1] and shall pay any expenses which may be incurred in restoring the same and such expenses shall be recoverable in the same manner as an amount claimed on account of any tax recoverable under Chapter VII.

1. Substituted by Act 61 of 2025 w.e.f. .....

216. Obstructions and encroachments upon public streets and open spaces.— (1) Whoever in any place after it has become a [1][municipal area][1] shall have built or set up or shall build or set up, any wall or any fence, rail, post, stall, verandah, platform, plinth, step or any projecting structure or thing, or other encroachment or obstruction except steps over drains in any public street, or shall deposit or cause to be placed or deposited any box, bale, package or merchandise or any other thing in such street, or in or over or upon, any open drain, gutter, sewer, or aqueduct, in such street, shall be punished with fine which may extend to twenty-five rupees.

1. Substituted by Act 36 of 1994 w.e.f. 1-6.1994.

(2) The municipal council shall have power to remove any such obstruction or encroachment, and shall have the like power to remove any unauthorised obstruction or encroachment of the like nature in any open space not being private property, whether such space is vested in the municipal council or not, provided that if the space is vested in the Government, the permission of the Deputy Commissioner shall have first been obtained and the expense of such removal shall be paid by the person who has caused the said obstruction or encroachment, and shall be recoverable in the same manner as an amount claimed on account of any tax recoverable under Chapter VII.

(3) Whoever, not being duly authorised in that behalf, removes earth, sand, or other material from, or makes any encroachment in or upon, any open space which is not private property shall be punished with fine which may extend to fifty rupees, and in the case of an encroachment, with further fine which may extend to ten rupees for every day on which the encroachment continues after the date of first conviction for such offence.

(4) Nothing contained in this section shall prevent the municipal council from allowing any temporary occupation of, or erection in, any public street on occasions of festivals and ceremonies, or the piling of fuel in by-streets and spaces for not more than four days, and in such manner as not to inconvenience the public or any individual, or from allowing the

occupation of, or temporary erection of structure on, any such streets or spaces for any other purposes in accordance with bye-laws made under this Act.

(5) Nothing contained in this section shall apply to any projection duly authorised under sub-section (1) of section 208 or in any case where permission has been given under sub-section (4) of this section.

217. Hoardings to be set up during repairs, etc.— (1) Every person intending to build or take down any building, or to alter or repair the outward part of any building, in such a position or in such circumstances as that the work is likely to cause or may cause obstruction, danger or inconvenience in any street, shall before beginning such works,—

(*a*) first obtain a licence in writing from the municipal council so to do, and

(*b*) cause sufficient hoardings or fences to be put up in order to separate the building where such works are being carried on from the street, and shall maintain such hoarding or fence standing and in good condition to the satisfaction of the municipal council during such time as the public safety or convenience requires, and shall cause the same to be sufficiently lighted during the night, and shall remove the same when directed by the municipal council.

(2) Whoever contravenes any of the provisions of this section shall be punished [1][with penalty which may extend to five hundred rupees, and with further penalty which may be extended to one hundred rupees][1] for every day or night, as the case may be, on which such contravention continues after the date of the first conviction.

1. Substituted by Act 61 of 2025 w.e.f. .....

218. Provision of facilities when work is executed in public street.—(1) When any work is being executed by the municipal council in any public street it shall, so far as may reasonably be capable, make adequate provision for,—

(*a*) the passage or diversion of traffic;

(*b*) proper access to all premises approached from such street; and

(*c*) any drainage, water-supply, or means of lighting, which are interrupted by reason of the execution of such work.

(2) The municipal council shall, during the construction or repair of any of the streets, sewers, drains or other premises vested in it, take proper precaution for guarding against accident, by shoring up and protecting the adjoining buildings, and shall cause such bars, chains or posts to be fixed across or in any of the streets, to prevent the passage of carriages, carts, or other vehicles or of cattle or horses while such works are carried on, as to it shall seem proper; and the municipal council shall cause any sewer or drain or other works in streets, during the construction or repair thereof, to be sufficiently lighted and guarded during the night.

(3) Whoever takes down, alters or removes any of the said bars, chains or posts, or removes or extinguishes any such light, without the authority or consent of the municipal council, shall be punished with fine which may extend to fifty rupees.

219. Timber not to be deposited or hole made in a street without permission.—(1) No person shall, without the written permission of the municipal council or otherwise than in accordance with such conditions as may therein be prescribed, make a hole in any street, or erect or deposit thereon any timber, stone, brick, earth or other material that has been, or is intended to be, used for building and such permission shall be terminable at the discretion of the municipal council; and when such permission is granted to any person, he shall, at his own expense, cause such materials or such hole to be sufficiently fenced and enclosed until the materials are removed or the hole is filled up or otherwise made secure, to the satisfaction of the municipal council, and shall cause the same to be sufficiently lighted during the night.

(2) Whoever contravenes any of the provisions of sub-section (1) shall be punished [1][With penalty which may extend to two hundred and fifty rupees, and with further penalty which may be extended to one hundred rupees][1] for every day or night, as the case may be, on which such contravention continues after the date of the first conviction.

1. Substituted by Act 61 of 2025 w.e.f. .....

220. Power of municipal council to recover expenses caused by extraordinary traffic.—When by a certificate of an officer of the Government Public Works Department of a rank not below that of Executive Engineer it appears to the municipal council, that having regard to the average expense of repairing roads in the neighbourhood, extraordinary expenses have been incurred by the municipal council in repairing a street by reason of the damage caused by excessive weight passing along the street or extraordinary traffic thereon, the council may recover in the Civil Court having jurisdiction from any person by or in consequence of whose order such weight or traffic has been conducted the amount of such expenses as may be proved to the satisfaction of such Court to have been incurred by such council by reason of the damage arising from such weight or traffic as aforesaid:

Provided that any person against whom expenses are or may be recoverable under this section may enter into an agreement with the municipal council for the payment to it of any amount by way of composition in respect of such weight or traffic and thereupon the person so paying shall not be subject to any proceedings under this section.

221. Dangerous quarrying.—If in the opinion of the municipal council the working of any quarry, or the removal of stone, earth or other material, from the soil in 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 municipal council may, by written notice, require the owner of the said quarry or place, or the person responsible for such working or removal not to continue or permit the working of such quarry or the removing of such material or to take such order with such quarry or place as the municipal council shall direct for the purpose of preventing danger or of abating the nuisance arising or likely to arise therefrom:

Provided that if such quarry or place is vested in the Government, or if such working thereof or removal therefrom as aforesaid is being carried on by or on behalf of the Government or any person acting with the permission or under the authority of the Government or of any officer of the Government acting as such, the municipal council shall not take such action unless and until the Deputy Commissioner has consented to its so doing:

Provided further that the municipal council shall immediately cause a proper hoarding or fence to be put up for the protection of passengers near such quarry or place, if in any case referred to in this section it appears to it to be necessary in order to prevent imminent danger, and any expense incurred by the municipal council in taking action under this section shall be paid by such owner or other person as aforesaid, and shall be recoverable in the same manner as an amount claimed on account of any tax recoverable under Chapter VII.

222. Provision as to dogs.—(1) The municipal council may, by public notice require that every dog, while in the streets and not being led by some person, shall be muzzled in such a way as to allow the dog freely to breathe and to drink, while effectually preventing it from biting.

(2) Subject to the provisions of sub-section (3), the municipal council may take possession of any dog found wandering unmuzzled in any public place and may either detain such dog until its owner has claimed it, has provided a proper muzzle for it and has paid all the expenses of its detention, or cause it to be destroyed.

(3) When a dog which has been detained under the sub-section (2) is wearing a collar with the owner's name and address thereon, such dog shall not be destroyed until a letter stating the fact that it has been so detained has been sent to the said address, and the dog has remained unclaimed for three clear days:

Provided that any dog which is found to be rabid may be destroyed at any time.

(4) Any unclaimed dog and any dog, the owner of which refuses to pay all the expenses of its detention, may be sold or destroyed, after having been detained for the said period of three clear days.

(5) All expenses incurred by the municipal council under this section may be recovered from the owner of any dog which has been taken possession of or detained in the manner provided by Chapter VII.

(6) No damage shall be payable in respect of any dog destroyed under this section.

223. Provision as to keeping of pigs.—(1) If it shall appear to the Municipal Commissioner or Chief Officer at any time that nuisance or annoyance is caused to the public by the keeping of pigs within the limits of the [1][municipal area][1], the Municipal Commissioner or Chief Officer may direct by public notice that no person shall, without his written permission or otherwise than in conformity with the terms of such permission keep any pigs in any part of the [1][municipal area][1].

1. Substituted by Act 36 of 1994 w.e.f. 1-6.1994.

(2) Whoever shall after such direction keep any pigs in any place within the municipal limits without the permission required as aforesaid, or otherwise than in accordance with the terms thereof, shall be punished with fine which may extend to fifty rupees.

(3) Any pigs found straying may be forthwith destroyed and the carcass thereof disposed of as the Municipal Commissioner or Chief Officer shall direct. No claim shall lie for compensation for any pigs so destroyed.

Powers for the prevention of nuisance.

224. Depositing dust, etc.—(1) Whoever deposits or causes or suffers any member of his family or household to deposit any dust, dirt, dung or ashes, or garden, kitchen or stable refuse, or filth of any kind, or any animal matter or any broken glass or earthenware or other rubbish or any other thing that is or may be a nuisance, in any street or in any arch under a street or in any drain beside a street or on any open space or on the bank of any river, water-course or nallah, except at such places, in such manner and at such hours as shall be fixed by the municipal council, and whoever commits or suffers any member of his family to commit nuisance in any such place as aforesaid, shall be punished with fine which may extend to twenty-five rupees.

(2) Whoever throws or puts or causes or suffers any member of his family or household to throw or put any of the matter above described or, except with the permission of the municipal council, any nightsoil into any sewer, drain, culvert, tunnel, gutter or water-course, and whoever commits nuisance, or suffers any member of his family to commit nuisance, in any such drain, culvert, tunnel or water-course or in such close proximity thereto as to pollute the same, shall be punished with fine which may extend to twenty-five rupees.

225. Discharging sewage, etc.—Whoever causes or allows the water of any sink or sewer or any other liquid or other matter which is or which is likely to become offensive, from any [1][building or vacant land][1] under his control, to run, drain, or be thrown or put upon any street or open space, or to soak through any external wall, or causes or allows any offensive matter from any sewer or privy to run, drain or be thrown into a surface drain in any street, without the permission in writing of the municipal council or who fails to comply with any

condition prescribed in such permission, shall be punished [2][with penalty which may be extended to two hundred and fifty rupees.][2]

1. Substituted by Act 31 of 2003 w.e.f. 19.11.2001.
2. Substituted by Act 61 of 2025 w.e.f. .....

226. Non-removal of filth, etc.— Whoever, being the owner or occupier of any [1][building or vacant land][1], keeps or allows to be kept for more than twenty-four hours, or otherwise than in some proper receptacle, any dirt, dung, bones, ashes, night-soil, filth or any noxious or offensive matter, in or upon such [1][building or vacant land][1], or suffers such receptacle to be in a filthy or noxious state, or neglects to employ proper means to remove the filth from and to cleanse and purify such receptacle, or keeps or allows to be kept in or upon such [1][building or vacant land][1] any animal in such a way as to cause a nuisance, shall be punished [2][with penalty which may extend to two hundred and fifty rupees and with further penalty which may be extended to one hundred rupees][2] for every day on which such offence is continued, after the date of the first conviction.

1. Substituted by Act 31 of 2003 w.e.f. 19.11.2001.
2. Substituted by Act 61 of 2025 w.e.f. .....

227. Removal of nightsoil.—(1) The municipal council may from time to time fix the hours during which only it shall be lawful to remove any night-soil or other such offensive matter.

(2) Whoever,-

(*a*) when the municipal council has fixed such hours, and given public notice thereof by beat of drum, removes, or causes to be removed, along any street any such offensive matter at any time except during the hours so fixed, or

(*b*) at any time, whether such hours have been fixed by the municipal council or not,-

(i) uses for any such purpose any cart, carriage, receptacle or vessel not having a covering proper for preventing the escape of the contents thereof and of the stench therefrom, or

(ii) wilfully or negligently slops or spills any such offensive matter in the removal thereof, or

(iii) does not carefully sweep and clean every place in which any such offensive matter has been slopped or spilled, or

(iv) places or sets down in any public place any vessel containing such offensive matter, or

(v) drives or takes or causes to be driven or taken any cart, carriage, receptacle or vessel used for any such purpose as aforesaid through any street or by any route, other than such as shall from time to time be appointed for that purpose by the municipal council by public notice,

shall be punished with fine which may extend to twenty-five rupees.

228. Filthy buildings, etc.— (1) Whoever, being the owner or occupier of any [1][building or vacant land][1] whether tenantable or otherwise, suffers the same to be in a filthy and unwholesome condition, or in the opinion of the municipal council a nuisance to persons residing in the neighbourhood, or overgrown with prickly-pear or rank and noisome vegetation, and who shall not, within a reasonable time after notice in writing by the municipal council to cleanse, clear or otherwise put the same in a proper condition, have complied with the requisition contained in such notice, shall be punished [2][with penalty which may be extended to two hundred and fifty rupees, and with further penalty which may be extended to one hundred rupees][2] for every day on which the failure to comply with the said notice is continued, after the date of the first conviction.

(2) Should the condition of the building be such as in the opinion of the municipal council to render it unfit for human habitation, it may further, by written notice, prohibit the using thereof for that purpose until it is rendered fit.

1. Substituted by Act 31 of 2003 w.e.f. 19.11.2001.

2. Substituted by Act 61 of 2025 w.e.f. ……

229. Deserted and offensive buildings.—If any building, by reason of dilapidation, neglect, abandonment, misuse or disputed ownership, or of its remaining untenanted and thereby,—

(*a*) becoming a resort of idle and disorderly persons or of persons who have no ostensible means of subsistence, or who cannot give a satisfactory account of themselves, or

(*b*) coming into use for any insanitary or immoral purpose, or

(*c*) affording a shelter to snakes, rats or other dangerous or offensive animals,

is open to the objection that it is a nuisance, or so unwholesome or unsightly as to be a source of discomfort, inconvenience or annoyance to the neighborhood or to persons passing by such building, the municipal council, if it considers such objection cannot under any other provision of this Act, be otherwise removed may, if there is any person known or resident within the [1][municipal area][1] who claims to be the owner of such building, by written notice directed to such person, require such person or in any other case by written notice fixed on the door or any other conspicuous part of the building require all persons claiming to be interested in such building, within a period which shall be specified in the notice not being less than seven days from the date of such notice, to cause such building to be demolished and the materials thereof to be removed; and in the event of non-compliance with such requirement, the municipal council, on the expiration of the period specified as aforesaid, may forthwith cause the building to be demolished and the materials to be removed, and may sell such materials and apply the proceeds to defray any expenses incurred by it in so doing; and all such expenses not thereby defrayed shall be recoverable in the same manner as an amount claimed on account of any tax recoverable under Chapter VII.

1. Substituted by Act 36 of 1994 w.e.f. 1-6.1994.

230. Buildings or rooms in buildings unfit for human habitation.—(1) If, for any reason, it shall appear to the municipal council that any building or any room in a building intended for or used as a dwelling is unfit for human habitation, the municipal council shall give to the owner or occupier of such building notice in writing, stating such reason, and signifying its intention to prohibit the further use of the building or room, as the case may be, as a dwelling, and shall in such notice call upon the owner or occupier aforesaid to state in writing any objection thereto within thirty days after the receipt of such notice; and if no objection is raised by such owner or occupier within such period as aforesaid, or if any objection which is raised by such owner or occupier within such period appears to the standing committee invalid or insufficient, the municipal council may by an order in writing prohibit the further use of such building or room as a dwelling.

(2) When any such prohibition as aforesaid has been made, the Municipal Commissioner or Chief Officer shall cause notice of such prohibition to be affixed to, and the letters “U.H.H.” to be painted on the door or some conspicuous part of such building or room, as the case may be; and no owner or occupier of such building or room shall use or suffer the same to be used for human habitation until the Municipal Commissioner or Chief Officer certifies in writing that the building or room, as the case may be, has been rendered fit for human habitation.

(3) The municipal council may further at its discretion serve upon the owner of the building a notice requiring him within such time not being less than thirty days as may be

specified in the notice to execute the works of improvement specified therein and stating that in its opinion those works will render the building fit for human habitation. In addition to serving a notice under this section on the owner, the municipal council may serve a copy of the notice on any other person having an interest in the building whether as a lessee, mortgagee or otherwise.

(4) In determining whether a building can be rendered fit for human habitation at a reasonable expense regard shall be had to the estimated cost of the work necessary to render it so fit and the value which it is estimated that the building will have when the works are completed.

231. Power of City Municipal Councils to order demolition of buildings unfit for human habitation.—(1) Where a city municipal council upon any information in its possession is satisfied that any building is unfit for human habitation and is not capable at a reasonable expense of being rendered so fit it shall serve upon the owner of the building and upon any other person having an interest in the building, whether as a lessee, mortgagee or otherwise a notice to show cause within such time as may be specified in the notice as to why an order of demolition of the building should not be made.

(2) If any of the persons upon whom a notice has been served under sub-section (1), appears in pursuance thereof before the municipal council and gives an undertaking to it that such person shall, within a period specified by the municipal council, execute such work of improvement in relation to the building as will, in the opinion of the municipal council, render the building fit for human habitation or an undertaking that the building shall not be used for human habitation until the municipal council on being satisfied that it has been rendered fit for that purpose, cancels the undertaking, the municipal council shall not make an order of demolition of the building.

(3) If no such undertaking as is mentioned in sub-section (2) is given, or if in a case where any such undertaking has been given, any work of improvement to which the undertaking relates is not carried out within the specified period, or the building is at any time used in contravention of the terms of the undertaking, the municipal council shall forthwith make an order of demolition of the building requiring that the building shall be vacated within a period to be specified in the order not being less than thirty days from the date of the order, and that it shall be demolished within six weeks after the expiration of that period.

(4) In determining for the purposes of section 230 and this section whether a building is unfit for human habitation, regard shall be had to its condition in respect of the following matters, that is to say,—

(*a*) repair;

(*b*) stability;

(*c*) freedom from damp;

(*d*) natural light and air;

(*e*) water supply;

(*f*) drainage and sanitary conveniences;

(*g*) facilities for storage, preparation and cooking of food and for the disposal of rubbish, filth and other polluted matter;

and the building shall be deemed to be unfit as aforesaid if and only if it is so far defective in one or more of the said matters, that it is not reasonably suitable for occupation in that condition.

(5) For the purposes of section 230 and this section, “work of improvement” in relation to a building includes any one or more of the following works, namely:—

(*a*) necessary repairs;

(*b*) structural alterations;

(*c*) provision of light points and water taps;

(*d*) construction of drains, open or covered;

(*e*) provision of latrines and urinals;

(*f*) provision of additional or improved fixtures and fittings;

(*g*) opening up or paving of courtyard;

(*h*) removal of rubbish, filth and other polluted and obnoxious matter;

(*i*) any other work including the demolition of any building or any part thereof which, in the opinion of the municipal council, is necessary for executing any of the works specified above.

232. Power to enter and inspect, etc., buildings.—It shall be lawful for the Municipal Commissioner or Chief Officer or any other officer authorised by the municipal council in this behalf, at any time between sunrise and sunset, on giving such notice as hereinafter provided, to enter into and inspect all buildings and lands and by written notice to direct all or any part thereof to be forthwith internally and externally limewashed or otherwise cleansed for sanitary reasons.

233. Provision of bathing facilities.—(1) The municipal council may set apart sufficient public places for the purpose of being used as bathing places, and may also provide or set apart a sufficient number of convenient tanks or runs of water for the inhabitants to bathe in; and may set apart tanks or reservoirs or runs of water for washing animals or clothes, and for all purposes connected with the health, cleanliness and comfort of the inhabitants, and may prohibit the use for any purpose mentioned in this section, of any or all other public places within the [1][municipal area][1].

(2) Copies of all orders passed and notices issued by the municipal council and for the time being in force under this section, shall be kept at the municipal office and shall be open for inspection by the public at all reasonable times.

1. Substituted by Act 36 of 1994 w.e.f. 1.6.1994.

234. Fouling water.—Whoever, in disobedience of any order of the municipal council under section 233 or of any bye-law, bathes in any stream, pool, tank, reservoir, well, cistern, conduit and aqueduct belonging to the municipal council, or washes, or causes to be washed therein any animal or anything whatever, or throws, puts or casts or causes to enter therein any animal or anything, or causes or suffers to run, drain, or be brought thereinto anything that is, or may become, a nuisance or does anything whatsoever whereby any water therein shall be in any degree fouled or corrupted, and whoever, without permission of the municipal council, steeps in any tank, stream, or ditch within or on the boundary of the [1][municipal area][1], any animal, vegetable or mineral matter likely to render the water of such tank, stream or ditch offensive or a nuisance, shall be punished with fine which may extend to fifty rupees.

1. Substituted by Act 36 of 1994 w.e.f. 1-6.1994.

235. Regulation of washing of clothes by washermen.— The municipal council may, by public notice, prohibit the washing of clothes by washermen in the exercise of their calling, except at such places as it shall appoint for this purpose; and when any such prohibition has been made, no person who is, by calling, a washerman shall wash clothes at any place not appointed for this purpose by the standing committee, except for such person himself or for the owner or occupier of such place.

(2) The municipal council shall provide suitable places for the exercise by washermen of their calling and may require payment of such fees for the use of any such place as shall from time to time be determined by it with the approval of the Government.

(3) The municipal council shall, before issuing any public notice under sub-section (1), publish in such manner as shall in its opinion be sufficient, for the information of persons likely to be affected thereby, a list of washing places proposed to be provided under sub-section (2), together with a notice specifying a date on or after which the list will be taken into consideration; and shall, before finally fixing the said places, receive and consider any objection or suggestion in respect thereto which may be made in writing by any person before the date so specified.

236. Abatement of nuisances from wells, etc.—(1) If, in the opinion of the municipal council,—

(*a*) any pool, ditch, quarry, hole, excavation, tank, well, pond, drain, water-course or any collection of water, or

(*b*) any cistern or other receptacle for water whether within or outside a building, or

(*c*) any land on which water accumulates and which is situate within a distance of one hundred yards from any building used as a dwelling house,

is or is likely to become a breeding place of mosquitoes or in any other respect a nuisance, the municipal council may, by notice in writing, require the owner thereof to fill up, cover over or drain off the same in such manner and with such materials as the municipal council shall prescribe or to take such order with the same for removing or abating the nuisance as the municipal council shall prescribe.

(2) (*a*) No new tank or pond shall be dug or constructed without the previous permission in writing of the municipal council.

(*b*) If any such work is begun or completed without such permission, the municipal council may either,—

(i) by written notice require the owner or other person who has done such work to fill up or demolish such work in such manner as the municipal council shall prescribe; or

(ii) grant written permission to retain such work; but such permission shall not exempt such owner from proceedings for contravening the provisions of clause (*a*) of this sub-section.

237. Regulation or prohibition of certain kinds of cultivation.—The municipal council, on the report of Director of Public Health, the Health Officer, or the local Medical Officer that the cultivation of any description of crop, or the use of any kind of manure, or the irrigation of land in any place within the limits of the [1][municipal area][1] is injurious to the public health 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:

1. Substituted by Act 36 of 1994 w.e.f. 1-6.1994.

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 municipal fund to all persons interested for any damage caused to them by absolute prohibition.

238. Using offensive manure, etc.—Whoever, except with the written permission of the municipal council, and in the manner, if any, enjoined in such permission stores or uses nightsoil or other manure or substance emitting an offensive smell shall be punished with fine which may extend to twenty-five rupees.

239. Tethering cattle, etc.—Whoever tethers cattle or other animals, or causes or suffers them to be tethered by any member of his family or household, in any public street or place so as to obstruct or endanger the public traffic therein, or to cause a nuisance, or who causes or suffers such animals to stray about without a keeper, shall be punished with fine which may extend to twenty-five rupees.

240. Feeding animals on filth.—Whoever feeds any animal which is kept for dairy purposes or is intended for human food on excrementitious matter, stable refuse, filth, or other offensive matter, or permits such animal to feed or to be fed on such matter, shall be punished with fine which may extend to fifty rupees.

241. Consumption of smoke.— (1) It shall be lawful for the municipal council to direct by public notice that every furnace employed, or to be employed, in any works or buildings used for the purpose of any trade or manufacture whatsoever, within the limits of the [1][municipal area][1], whether a steam engine is or is not used or employed therein, shall in all cases, be constructed, supplemented or altered as to consume or burn, or reduce as far as may be practicable, the smoke arising from such furnace.

(2) If any person shall, after such direction, use or permit to be used, any such furnace not so constructed, supplemented, or altered, or shall so negligently use, or permit to be used, any such furnace that the smoke arising therefrom shall not be effectually consumed or burnt as far as may be practicable, every person so offending being the owner or occupier of the said works or buildings or being an agent or other person employed by such owner or occupier for managing the same, shall be punished [2][with penalty which may extend to five hundred rupees and upon any subsequent conviction with penalty which may be extended to five thousand rupees:][2]

Provided that nothing in this section shall be held to apply to locomotive engines used for the purpose of traffic upon any railway or for the repair of roads.

1. Substituted by Act 36 of 1994 w.e.f. 1-6.1994.

2. Substituted by Act 61 of 2025 w.e.f. .....

242. Prohibition of nuisance.—Whoever,—

(*a*) in any public street or public place,—

(i) eases himself; or

(ii) loiters or begs importunately, for alms; or

(iii) exposes or exhibits, with the object of exciting charity, any deformity or disease or any offensive sore or wound; or

(iv) carries meat exposed to public view; or

(v) without proper authority pickets animals, or collects carts; or

(vi) without proper authority affixes upon any building, monument, post, wall, fence, tree or other thing, any bill, notice or other document; or

(vii) without proper authority defaces or writes upon or otherwise marks any building, monument, post, wall, fence, tree or other thing; or

(viii) without proper authority removes, destroys, defaces or otherwise obliterates any notice or other document put up or exhibited under this Act or the rules or bye-laws made thereunder; or

(*b*) makes any grave or burns or buries any corpse at any place not set apart for such purpose; or

(*c*) at any time or place at which the same has been prohibited by the municipal council by public or special notice, beats any drum or TOM-TOM, or blows as horn or trumpt, or beats any utensil, or sounds any brass or other instrument, or plays, any music; or

(*d*) without proper authority disturbs the public peace or order by singing, screaming or shouting, or by using any apparatus for amplifying or reproducing the human voice, such as a megaphone or a loud-speaker; or

(*e*) lets loose any animal so as to cause, or negligently allows any animal to cause injury, danger, alarm or annoyance to any person; or

(*f*) save with the written permission of the Municipal Commissioner or Chief Officer and in such manner as he may authorise, stores or uses night soil, cow-dung, manure, rubbish or any other substance emitting an offensive smell; or

(*g*) uses or permits to be used as a latrine any place not intended for that purpose;

shall, be punished with fine which may extend to one hundred rupees.

Regulation of markets, sale of goods, etc.

243. Licensing markets, slaughter houses and certain businesses.—(1) It shall be lawful for the municipal council to direct that no place not belonging to or vested in the municipal council shall be used for any of the purposes specified in sub-clause (i), (ii), (iii), (iv) and (v) of clause (*b*) of sub-section (1) of section 324 except under and in accordance with the conditions of a licence from the municipal council which may grant such licences and if any of the conditions of licence is contravened or any bye-law or any provisions of this Act is contravened, suspend, withhold or withdraw such licence whether the licensee is prosecuted under this Act or not.

(2) Whoever uses or permits the use of any place contraty to the direction, or without the licence required by sub-section (1), or in contravention of any of the conditions or during the suspension of the licence shall be punished [1][with penalty which may be extended to two hundred and fifty rupees.][1]

(3) Upon a conviction being obtained in respect of any place under sub-section (2) the magistrate shall, on the application of the municipal council but not otherwise, order such place to be closed, and thereupon appoint persons or take other steps to prevent such place being so used; and every person who so uses or permits the use of a place after it has been so ordered to be closed, shall be punished [1][with penalty which may be extended to five hundred rupees][1] for each day during which he continues so to use, or permits such use of, the place after it has been so ordered to be closed.

1. Substituted by Act 61 of 2025 w.e.f. ……

244. Opening, closing and letting of markets and slaughter houses.—(1) The municipal council may, from time to time, open or close any public market or slaughter house. It may also either take stallage or other rents or fees for the use by any person of any such market or slaughter house or from time to time sell by public auction or otherwise the privilege of occupying any stall or space in, or of otherwise using, any such market or slaughter house, and levy fees on any animal slaughtered in any slaughter house, for purposes of consumption.

(2) Any person who, without the permission or licence of the municipal council, sells or exposes for sale any articles in the said markets, or uses the said slaughter houses, shall be punished with fine which may extend to twenty-five rupees.

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

(4) If any officer specially empowered in this behalf by the municipal council is satisfied that any person occupying any stall or space in any market is in unauthorised occupation of the stall or space or continues to occupy the stall or space after authority to occupy has ceased, he may, with the previous sanction of the municipal council, require such person to

vacate the stall or space within such time as may be mentioned in the requisition and if such person fails to comply with the requisition, such person may, in addition to any penalty which may be imposed under this Act, be summarily removed from the stall or space.

[1][**245. Power to expel disturbers etc., from markets.-** The person in charge of a market shall prevent the entry therein of and shall expel there from, any person suffering from any dangerous or contagious disease, who sells or exposes for sale therein any article or who, not having purchased the same handles any article exposed for sale therein; and he may expel there from any person who is creating a disturbance therein.][1]

1. Substituted by Act 16 of 2021 w.e.f. 31.03.2021. The Previous text was "245. Power to expel lepers and disturbers, etc., from 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 dangerous disease, who sells or exposes for sale therein any article or who, not having purchased the same handles any article exposed for sale therein; and he may expel therefrom any person who is creating a disturbance therein."

246. Slaughter houses, etc., beyond municipal limits.—It shall be lawful for the municipal council with the sanction of the Deputy Commissioner, to establish slaughter houses, or places for the disposal of carcasses of animals beyond the limits of the [1][municipal area][1] and all provisions of this Act and of bye-laws in force thereunder relating to such places within municipal limits shall have full force therein, as if such places were within the municipal limits.

1. Substituted by Act 36 of 1994 w.e.f. 1-6.1994.

247. Unwholesome articles of food and drink.—(1) The Municipal Commissioner or Chief Officer or any person authorised by the municipal council in this behalf, may at any reasonable time, enter into and inspect any market, building, shop, stall or place used for the storage or sale of articles of food or drink or used for the slaughter of animals, and examine any article of food or drink or any animal which may be kept therein, and if any article of food or drink or any animal therein appears to be intended for human consumption and to be unfit therefor, he may seize the same.

(2) If the owner or person in whose possession such article or animals is found, consents, thereto, the Municipal Commissioner or Chief Officer or the authorised person may destroy it or dispose of it so as to prevent its being exposed for sale or used for human consumption.

(3) If such article is of a perishable nature, it may be disposed of in the manner specified in sub-section (2) without the consent of the person in possession.

(4) No article of food or drink shall be exposed for sale without proper and hygienic protection.

(5) In cases not falling under sub-sections (2) and (3) the article, or animal seized as aforesaid shall be removed forthwith and placed before a magistrate of the first class for orders under sub-section (6).

(6) If any animal or article is brought before a magistrate under sub-section (5), the magistrate, on its being proved that the article or animal is intended for human consumption and is unfit therefor, may order the article or animal to be destroyed or to be so disposed of as to prevent its being exposed for sale or used for human consumption to be dealt with, as he may think fit, and may direct that the owner or person in possession of such article or animal shall be punished with fine which may extend to one hundred rupees:

Provided that a person who is in possession of any article or animal as a carrier or bailee thereof, in ignorance of its nature shall not be liable to fine under this section:

Provided further that when any article of food or drink referred to in this sub-section appears to the magistrate not to be what it is represented to be, solely by reason of the fact

that there has been added to it some substance not injurious to health, no offence shall be deemed to have been committed by the owner of the article or the person in whose possession the same is found, if such owner or person proves to the satisfaction of the magistrate,—

(*a*) that such substance has been added to the article of food or drink, because the same is required for the production or preparation thereof, as an article of commerce, in a state fit for carriage or consumption and not fraudulently to increase the bulk, weight or measure of the food or of drink or conceal the inferior quality thereof; or

(*b*) that in the process of production, preparation or conveyance of such article of food or drink the extraneous substance has unavoidably come to be intermixed therewith; or

(*c*) that, by a label distinctly and legibly written or printed on or with the said article of food or drink or by other means of public description, he has given sufficient notice that such substance has been so added; or

(*d*) that,—

(i) the said article was purchased by him with a written warranty that it was of a certain nature, substance and quality,

(ii) he had no reason to believe that it was not of such nature, substance, and quality as aforesaid, and

(iii) it was not exposed, hawked about, or brought for sale by him otherwise than as an article of the nature, substance and quality specified in the written warranty, and was in the same state in which he purchased it.

(7) It will be open to a municipal council, to set apart any stall or specified locality for the sale of butter or ghee and in such stall or specified locality no butter or ghee shall be sold or exposed for sale that is adulterated with any other substance.

(8) Whoever sells or exposes for sale adulterated butter or ghee in any stall or locality to set apart shall be punished with fine which may extend to one hundred rupees and the magistrate may cause such ghee to be destroyed or to be so disposed of as to prevent its being exposed for sale in such stall or locality.

(9) In all prosecutions under this section the magistrate shall refuse to issue a summons for the attendance of any person accused of any offence against its provisions unless the summons is applied for within a reasonable time from the alleged date of the offence of which such person is accused.

Prevention of dangerous diseases.

248. Prevention of infectious diseases.—(1) Every municipal council may, subject to such limitations, restrictions and conditions, if any, as may be prescribed in this behalf, exercise all or any of the powers specified in sub-section (2) for the prevention of dangerous diseases.

(2) The powers, which may be exercised under the preceding sub-section are,—

(*a*) power by orders, which may be either of special or general application, to direct that every medical practitioner who knows or may have reason to believe that any person whom he has visited in his professional capacity in any dwelling not being a hospital, or that every manager of any factory or educational institution, or every head of a household, who knows or has reason to believe that any person who resides in any dwelling under the management or control of any such manager or head of a household, is suffering from any illness which may reasonably be supposed to be a infectious disease, shall give information of the same with the least practicable delay to such person as may be designated by the municipal council in that behalf;

(*b*) power to direct or authorise the inspection without notice or with such notice as to the person directed or authorised to inspect appears reasonable of any place in which any infectious disease is reported or suspected to exist and the taking of measures to prevent the spread of the disease beyond such place;

(*c*) power to prohibit the removal of water for the purpose of drinking from any well, tank or other place, which may appear to the municipal council, on the advice of the medical officer, likely to endanger or cause the spread of any infectious disease;

(*d*) power to direct or cause the removal, on a certificate signed by the Health Officer of the municipal council or any duly qualified medical practitioner authorised by the municipal council in this behalf, of any person who is without proper lodging or accommodation or who is lodged in a room or set of apartments occupied by more than one family, or in a place where his presence may be a danger to the neighbourhood, and who is suffering from an infectious disease, to any hospital or place at which person suffering from the said disease are received for medical treatment; and to prohibit the person so removed from leaving such hospital or place without the permission of the municipal council;

(*e*) power to require, by written notice, the owner or occupier of any building, or part of a building, or a person owning or in charge of any article therein, to cleanse or disinfect such building or part thereof or article, either at his own expense, or in case of poverty, or for other cause which the municipal council in the circumstances of the case considers reasonable, at the expense of the municipal council;

(*f*) power to provide the means, and to prescribe places, for disinfecting or washing, bedding or other articles which have been exposed to infection from any infectious disease and to direct the destruction thereof;

(*g*) power,—

(i) to provide and maintain suitable conveyances for the free carriage of persons suffering from any infectious disease, and

(ii) when such provision is made, to prohibit the conveyance of such persons in all or any public conveyance, and

(iii) to direct that any conveyances, that may at any time be used for conveying any such person shall be immediately disinfected;

(*h*) power to prohibit,—

(i) any person suffering from any infectious disease from wilfully exposing himself, without proper precautions against spreading the said disease, in any street or in any school or factory, or in any inn, dharmasala, theatre, market or other place of public resort, or

(ii) any person in charge of any person so suffering from so exposing such sufferer;

(*i*) power to prohibit any person from removing to another place, or transferring to another person, except for the purpose of disinfection, any article which the person prohibited knows, or has reason to believe, has been exposed to infection of any kind whatsoever from any infectious disease;

(*j*) power to prohibit the letting of or the providing of accommodation in any hotel, inn, dharmasala, chattram or musafirkhana in which a person has, or in which there is reason to believe that a person has, been suffering from an infectious disease, unless and until the person desiring so to let or provide accommodation shall have had the building, or part thereof, and any article therein likely to retain infection, disinfected to the satisfaction of the municipal council or of such officer as the municipal council appoints in this behalf;

(*k*) power, with the previous permission in each case of a magistrate exercising not less than second class powers, to destroy any insanitary huts or sheds in which there is reason to believe that persons have been suffering from infectious disease.

(3) The municipal council may, in its discretion, give compensation to any person who sustains substantial loss by the destruction of any property under this section, but except as allowed by the municipal council, no claim for compensation shall lie for any loss or damage caused by any exercise of the powers specified therein.

(4) Any person who, in a [1][municipal area][1], disobeys any order which is for the time being in force therein, and which has been passed by the municipal council in exercise of any power conferred on such municipal council by this section, or obstructs any officer of the municipal council or other person acting under the authority of the municipal council in carrying out or executing any such order, shall, be punished with fine which may extend to two hundred rupees.

1. Substituted by Act 36 of 1994 w.e.f. 1.6.1994.

249. Duties of municipal council on threatened or actual outbreak of infectious disease.—(1) In the event of the [1][municipal area][1] or any part thereof being at any time threatened or visited with an outbreak of any infectious disease, the municipal council shall take all such measures as it deems necessary for the purpose of preventing, meeting, mitigating or suppressing such attack.

1. Substituted by Act 36 of 1994 w.e.f. 1.6.1994.

(2) In such event as aforesaid the Government may, by special notification, declaring that such [1][municipal area][1] is threatened or visited with an outbreak of an infectious disease, confer on the municipal council all or any of the powers specified in the following sub-section, and such municipal council shall, subject to such limitations, restrictions and conditions, if any, as the Government in the same or in any subsequent notification may prescribe, exercise every such power so conferred on it until the same is withdrawn by means of a like notification.

1. Substituted by Act 36 of 1994 w.e.f. 1-6.1994.

(3) The powers, all or any of which may be conferred under the preceding sub-section, are,—

(*a*) power to order, subject, to the conditions,—

(i) that the permission of a magistrate exercising not less than second class powers shall in each case be first obtained, and

(ii) that accommodation for all persons to whom the order refers is available, or shall be provided, elsewhere,

the evacuation of an infected building used as a dwelling or of any part thereof, or of any building so used adjacent to such building, by the person or persons residing whether habitually or temporarily, therein;

(*b*) power to direct the examination by a medical officer of persons and, if necessary, the disinfection of the clothing, bedding or other suspicious articles, belonging to persons, either arriving from places outside the [1][municipal area][1] or residing in any infected building or building adjacent to any infected building, and to direct that any such person shall give his address and present himself daily for medical examination at such time and places as may be specified, for a period not exceeding ten days;

1. Substituted by Act 36 of 1994 w.e.f. 1-6.1994.

(*c*) power to prohibit either generally, or by special order in any individual case, assemblages consisting of any number of persons exceeding fifty, in any place whether public or private, or in any circumstances or for any purpose, if in the opinion, recorded in writing, of the District Health Officer or other senior medical or health officer of the district or other medical or health officer appointed by the Government in this behalf, such

assemblages in such place, in such circumstances or for such purpose, would be likely to become a means of spreading the disease or of rendering it more virulent.

(4) The municipal council may, in its discretion give compensation to any person who sustains substantial loss by the destruction of any property under this section: but except as allowed by the municipal council no claim for compensation shall lie for any loss or damage caused by any exercise of the powers specified therein.

(5) If in any [1][municipal area][1] in which such declaration under sub-section (2), as aforesaid is for the time being in force, any person,—

(*a*) knowingly disobeys any order which for the time being is in force in such [1][municipal area][1] and which has been passed by the municipal council in exercise of any power conferred on it by section 248 or under this section, or

1. Substituted by Act 36 of 1994 w.e.f. 1-6.1994.

(*b*) obstructs any officer of the municipal council or other person acting under the authority of the municipal council in carrying out or executing any such order,

such person shall be punishable with fine which may extend to one thousand rupees.

250. Withdrawal and modification of powers and orders.—(1) The Government may by notification at any time,—

(*a*) withdraw any power conferred by or under sections 248 and 249;

(*b*) cancel or modify any limitation, restriction or condition prescribed in respect of any such power; or

(*c*) cancel any order passed by a municipal council in exercise of any such power.

(2) Every order passed by a municipal council in exercise of any such power as aforesaid shall, on the withdrawal of such power, cease to be in force in the [1][municipal area][1].

1. Substituted by Act 36 of 1994 w.e.f. 1-6.1994.

251. Duties of municipal council in respect of disease among horses, dogs, cattle, sheep or goats.—If in any [1][municipal area][1] any infectious disease amongst horses, dogs, cattle, sheep or goats breaks out, or if the introduction of any such disease appears to be likely, the municipal council shall take all such measures as it deems necessary for the purpose of preventing, meeting, mitigating or suppressing the disease or the outbreak or introduction thereof.

1. Substituted by Act 36 of 1994 w.e.f. 1-6.1994.

252. Proceedings to abate the overcrowding of interiors of buildings.—(1) Whenever the municipal council considers the interior of a building is so overcrowded as to be or to be likely to become dangerous or prejudicial to the health of the inhabitants of that or of any neighbouring building the municipal council may cause proceedings to be taken before a magistrate of the first class for the purpose of obtaining an order to prevent such overcrowding.

(2) Such magistrate may on the production of a certificate by a Medical Officer or Health Officer stating his opinion that the overcrowding complained of is likely to cause disease or risk or risk of disease, and after such further enquiry, if any, as may appear to such magistrate necessary, require the owner of the building within a reasonable time, not being more than six weeks or less than ten days, to abate the number of lodgers, tenants or other inmates of the said building to such extent as he shall deem necessary to prescribe, or any pass such other order as he may deem just and proper.

(3) If the said building shall have been sublet, the landlord of the lodgers, tenants or other actual inmates of the same shall, for the purpose of this sub-section, be deemed to be the owner of the building.

(4) It shall be incumbent on any owner to whom a requisition is issued under sub-section (2), forthwith to give to so many of the lodgers, tenants or other actual inmates of the said building as may be necessary to fulfil the conditions prescribed thereby, written notice to vacate the said building within the period specified in such requisition and any such lodgers, tenants or inmates receiving such notice shall notwithstanding anything contained in any other law, be bound to comply therewith.

(5) Any owner who, after the date specified in any requisition issued under sub-section (2), permits the overcrowding of any building in contravention of such requisition, and any person who omits to vacate any such building in accordance with notice given to him under sub-section (4), shall be punished with fine which may extend to ten rupees for each day subsequent to the date specified in such requisition during which such overcrowding, or such omission to vacate, continues.

253. Special powers which may be conferred by Government in respect of overcrowded areas notified by Government.—(1) If the Government is of opinion that risk of disease has arisen or is likely to arise, either to any occupier in, or to any inhabitants in the neighborhood of, any area by reason of any of the following defects, namely:—

(*a*) the manner in which either buildings, or blocks of buildings, already existing or proposed therein are or are likely to become, crowded together, or

(*b*) the impracticability of cleansing any such buildings, or blocks of buildings already existing or proposed, or

(*c*) the want of drainage or scavenging, or the difficulty of arranging therein, for the drainage or scavenging of any such buildings or blocks or area as aforesaid, or

(*d*) the narrowness, closeness, bad arrangement or bad condition of the streets or buildings or groups of buildings,

the Government may by notification confer on the municipal council, to which such area is subject, all or any of the powers specified in sub-section (2) and the municipal council may subject to the limitations, restrictions, modifications, conditions or regulations, if any, prescribed in this behalf, exercise within that area all powers so conferred, unless and until those powers are withdrawn by a subsequent notification of the Government.

(2) The powers, all or any of which may be conferred on a municipal council under sub-section (1), are as follows:—

(*a*) power, when any building or block, already existing or in course of erection, by reason of any defect specified in sub-section (1), has given or is in the opinion of the municipal council likely to give rise to such risk as aforesaid, to require by a written notice, to be fixed upon some conspicuous part of such building or block and addressed as the municipal council deems fit either to the owners thereof or to the owners of the land on which such building or block is erected or is in course of erection, that the persons so addressed shall within a reasonable time as shall be specified in the notice, either pull down or remove the said building or block, or execute such works or take such action in connection therewith as the municipal council deems necessary to prevent all such risk of disease;

(*b*) power by municipal or other agency, to pull down or remove the said building or block, or to execute such works or take such action, if the persons addressed in the said notice neglect so to do within the time specified therein;

(*c*) power, subject to a right of appeal to an officer who may be empowered by the Government in this behalf and whose decision shall be conclusive, to prohibit by written notice addressed to the owner and occupier of any such site or space and by general notice published in the manner provided in sub-section (6) of section 262 the erection of any building or of any building exceeding such dimensions as may be specified,—

(i) on the site of any building which has in whole or in part in exercise of the power specified in clause (*a*) been pulled down, or

(ii) on any space not occupied by buildings whether such space is private property or not, and whether it is enclosed or not, if the municipal council considers that in order to prevent such risk as aforesaid such site or space should not be built upon and either,

(*a*) to acquire such site or space, or

(*b*) to prescribe such conditions as may be deemed necessary as to the use which the owner or occupier may make or permit to be made thereof:

Provided that in every compensation case the amount of which shall, in case of dispute, be ascertained and determined in the manner provided in section 268, be paid to any person whose rights are affected by such prohibition.

(3) When in pursuance of any notice under sub-section (2) any building has been pulled down, the municipal council shall, unless it has been erected contrary to any provision of this Act or of any bye-law in force thereunder, pay to such owner or occupier as may have sustained damage thereby, reasonable compensation, the amount of which shall, in case of dispute, be ascertained or determined in the manner provided in section 268.

254. Prohibition of making of vault or grave in place of worship.—(1) 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 Municipal Commissioner or Chief Officer 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, sanyasis or ministers of religion in such vault or grave, or in an existing vault or grave.

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

255. Closing places for disposal of the dead.—(1) If the municipal council is of opinion that any place used for the disposal of the dead is in such a condition as to be, or to be likely to become injurious to health it may submit its opinion with the reasons therefor to the Government, and the Government thereupon, after such further enquiry if any, as it shall deem fit to cause to be made, may, by notification, direct that such place shall cease to be so used from such date as may be specified in that behalf in the said notification.

(2) A copy of the notification together with a translation thereof in the language of the people of the neighbourhood shall be published in the official Gazette and shall be posted up at the municipal office and in one or more conspicuous spots in or near the place to which the same relates.

(3) Any person who buries or otherwise disposes of any corps in any such place, after the date specified in the said notification for closure of the same, shall be punishable with fine which may extend to one hundred rupees.

Nuisances from certain trades and occupations.

256. Premises not to be used for certain purposes without licence.— (1) No person shall use or permit to be used any premises for any of the following purposes without or otherwise than in conformity with the terms of a licence granted by the Municipal Commissioner or Chief Officer in this behalf, namely:—

(*a*) any of the purposes specified in Part I of Schedule XIII;

(*b*) any purpose which is, in the opinion of the Municipal Commissioner or Chief Officer dangerous to life, health or property or likely to cause a nuisance;

(*c*) keeping horses, cattle or other quadruped animals or birds for transportation, sale or hire or for sale of the produce thereof; or

(*d*) storing any of the articles specified in Part II of Schedule XIII except for domestic use of any of those articles:

Provided that the municipal council may declare that premises in which the aggregate quantity of articles stored for sale does not exceed such quantity as may be prescribed by bye-laws in respect of any such articles shall be exempted from the operation of clause (*d*).

[2][Provided further that, all Micro, small and Medium Enterprises registered under the Micro, Small and Medium Enterprises Development Act, 2006 (Central Act 27 of 2006) in concerned District Industries Centre and Large Industries who have filed Industrial Entrepreneurs Memorandum or Industrial License with the Secretariat of Industrial Assistance, Department of Industrial Policy and Promotion, Government of India are exempted from obtaining trade license.][2]

(2) The Government may by notification direct that no premises within a distance of two miles of the limits of a [1][municipal area][1] shall be used for any one or more of the purposes mentioned in Part I or II of Schedule XIII without a licence obtained from the Municipal Commissioner or Chief Officer of the [1][municipal area][1] concerned and except in accordance with the conditions specified in such licence and thereupon the provisions of this Act and the rules and bye-laws thereunder applicable to any premises within the [1][municipal area][1] referred to sub-section (1) shall be applicable to the premises outside the [1][municipal area][1]:

Provided that no such notification shall take effect until the expiry of thirty days from the date of its publication in the official Gazette.

(3) In prescribing the terms of a licence granted under this section for the use of premises as mills or iron yards or for similar purposes the Municipal Commissioner or Chief Officer may, when he thinks fit, require the licensee to provide a space or passage within the premises for vehicles for loading and unloading purposes.

(4) The municipal council shall fix a scale of fees to be paid in respect of premises licensed under sub-section (1) or sub-section (2):

Provided that no such fee shall exceed five hundred rupees per annum.

(5) Where a licence is granted under this section for the use of any place outside the limits of the [1][municipal area][1], the municipal council shall pay to the local authority within the limits of which such place is situated, such proportion of the fee received by the municipal council for the grant or renewal of such licence as the Government may, by general or special order, determine.

[4][(6) Whoever uses any premises in contravention of sub-section (1) or (2) or (3) or of any bye-law made under sub-clause (iv) of clause (*b*) of sub-section (1) of section 324 shall be [3][with penalty which may extend to two thousand rupees, and with further penalty which may be extended to four hundred rupees][3] for every day on which such contravention is continued after the date of first conviction.][4]

(7) Upon a conviction being obtained under this section in respect of any premises used for any purpose referred to in clause (*a*) or (*b*) of sub-section (1), the magistrate shall on the application of the municipal council, but not otherwise, order such premises to be closed, and thereupon appoint persons or take other steps to prevent such premises being used for any purpose referred to in cause (*a*) or (*b*) of sub-section (1).

1. Substituted by Act 36 of 1994 w.e.f. 1.6.1994.

2. Inserted by Act 42 of 2015 w.e.f.23.12.2015

3. Substituted by Act 61 of 2025 w.e.f. .....

4. Substituted by Act 64 of 2025 w.e.f. .....

257. Power of Municipal Commissioner or Chief Officer to prevent use of premises in particular areas for purposes referred to in section 256.—(1) The Municipal Commissioner or Chief Officer may give public notice of his intention to declare that in any area specified in the notice no person shall use any premises for any of the purposes referred to in sub-section (1) of section 256 which may be specified in such notice.

(2) No objections to any such declarations shall be received after a period of one month from the publication of the notice.

(3) The Municipal Commissioner or Chief Officer shall consider all objections received within the said period, giving any person affected by the notice an opportunity of being heard during such consideration and may thereupon make a declaration in accordance with the notice published under sub-section (1), with such modifications, if any, as he may think fit but not so as to extend its application.

(4) Every such declaration shall be published in such manner as may be prescribed and shall take effect from the date of its publication.

(5) No person shall, in any area specified in any declaration published under sub-section (4), use any premises for any of the purposes referred to in sub-section (1) of section 256 and specified in the declaration and the Municipal Commissioner or Chief Officer shall have the power to stop the use of any such premises by such means as he considers necessary.

(6) Whoever uses any premises for any of the purposes referred to in sub-section (1) of section 256 contrary to any declaration published under sub-section (4) shall be punished with fine which may extend to five hundred rupees.

258. Setting apart areas for use for industrial purposes.—(1) The municipal council may give public notice of its intention to declare that any area specified in the notice shall be used only for such industrial purposes as may be specified therein.

(2) No objections to any such declarations shall be received after a period of one month from the publication of the notice.

(3) The Municipal Commissioner or Chief Officer shall consider all objections received within the said period, giving any person affected by the notice an opportunity of being heard during such consideration and may thereupon make a declaration in accordance with the notice published under sub-section (1), with such modifications, if any, as he may think fit but not so as to extend its application.

(4) Every such declaration shall be published in such manner as may be prescribed and shall take effect from the date of its publication.

(5) No person shall in any area specified in any declaration published under sub-section (4), use any place for any purpose other than those specified in such declaration, and the Municipal Commissioner or Chief Officer shall have power to stop such use by such means as he considers necessary.

(6) Whoever uses any place in any such area contrary to any declaration published under sub-section (4) shall be punished with fine which may extend to five hundred rupees.

259. Factories in crowded localities.—(1) In any [1][municipal area][1], no person shall establish in any premises any factory, as defined in the Factories Act, 1948 (Central Act No. XIII of 1948), without the previous written permission of the municipal council.

1. Substituted by Act 36 of 1994 w.e.f. 1-6.1994.

(2) The municipal council may refuse to give such permission if it be of opinion that the establishment of such factory in the proposed position is objectionable by reason of the density of the population of the neighbourhood thereof, or will be a nuisance to the inhabitants of the neighbourhood or in any other manner contravenes the terms of any bye-law framed in this behalf.

(3) Whoever establishes in any premises any factory, as aforesaid without or after the refusal of such permission, or in contravention of the terms of any bye-law framed in this behalf shall be punished with fine which may extend to five hundred rupees and with further fine which may extend to fifty rupees for every day on which such establishment or contravention is continued after the date of first conviction.

260. Use of siren or whistle for summoning or dismissing workmen.— (1) In any [1][municipal area][1], no person shall use or employ in any factory, or any other place, any whistle or trumpet operated by steam, mechanical means or electricity, for the purpose of summoning or dismissing workmen or persons employed except under and in accordance with the conditions of a licence from the municipal council.

(2) The municipal council may grant such licence, subject to such conditions as it may deem fit.

(3) Whoever uses or employs any such whistle or trumpet as aforesaid without, or in contravention of any of the conditions of or after the withdrawal of such licence shall be punished with fine which may extend to [2][five hundred rupees][2].

General penalty, service of notices and miscellaneous provisions.

1.Substituted by Act 36 of 1994 w.e.f. 1-6.1994.

2. Substituted by Act 61 of 2025 w.e.f. ……

261. Police and municipal officers to aid fire-brigade.—(1) It shall be the duty of all police officers and of all municipal officers and servants to aid a fire-brigade in the execution of its duties. Such officers and servants may close any street in or near which a fire is burning and remove any persons who interfere by their presence with the operations of the fire-brigade.

(2) No person shall set a naked light on or near any building in any public street or other public place in such manner as to cause danger of fire:

Provided that nothing in this section shall be deemed to prohibit the use of lights for the purpose of illumination on the occasion of a festival or public or private entertainment.

262. Service of notices, etc.—(1) Every notice, bill, summons order, requisition or other document required or authorised by this Act or any rule or bye-law made thereunder to be served or issued by or on behalf of the municipal council or by the Municipal Commissioner or Chief Officer or any other municipal officer, on any person shall, save as otherwise provided in this Act or such rule or bye-law, be deemed to be duly served,—

(*a*) where the person to be served is a company, if the document is addressed to the Secretary at its registered office or at its principal office or place of business and is either,—

(i) sent by registered post; or

(ii) delivered at the registered office or at the principal office or place of business of the company;

(*b*) where the person to be served is a partnership, if the document is addressed to the partnership at its principal place of business, identifying it by the name or style under which its business is carried on, and is either,—

(i) sent by registered post; or

(ii) delivered at the said place of business;

(*c*) where the person to be served is a public body or a corporation, society or other body, if the document is addressed to the secretary, treasurer or other head officer of that body, corporation or society at its principal office and is either,—

(i) sent by registered post; or

(ii) delivered at that office;

(*d*) in any other case, if the document is addressed to the person to be served and,—

(i) is given or tendered to him; or

(ii) if such person cannot be found, is affixed on some conspicuous part of his last known place of residence or business, if within the [1][municipal area][1], or is given or tendered to some adult member of his family or is affixed on some conspicuous part of the [2][land or vacant building][2], if any, to which it relates; or

1. Substituted by Act 36 of 1994 w.e.f. 1-6.1994.
2. Substituted by Act 31 of 2003 w.e.f. 19.11.2001.

(iii) is sent by registered post to that person.

(2) Any document which is required or authorised to be served upon an owner or occupier of any [1][vacant land or building][1] may be addressed "the owner" or "the occupier" as the case may be, of that [1][vacant land or building][1] (naming that [1][vacant land or building)][1] without further name or description, and shall be deemed to be duly served,—

(*a*) if the document so addressed is sent or delivered in accordance with clause (*d*) of sub-section (1); or

(*b*) if the document so addressed or a copy thereof so addressed is delivered to some person on the [1][vacant land or building][1] or, where there is no person on the [1][vacant land or building for whom it can be delivered, is affixed to some conspicuous part of the [1][vacant land or building.][1]

1. Substituted by Act 31 of 2003 w.e.f. 19.11.2001.

(3) Where a document is served on a partnership in accordance with this section, the document shall be deemed to be served on each partner.

(4) Where the person on whom a document is to be served is a minor, the service upon his guardian or any adult member of his family shall be deemed to be service upon the minor.

(5) A servant is not a member of the family within the meaning of this section, and nothing in this section shall apply to any summons issued under this Act by a court.

(6) Every notice which this Act requires or empowers a municipal council to give or to serve either as a public notice, or generally, or by provisions which do not expressly require notice to be given to individuals therein specified, shall be deemed to have been sufficiently given or served if a copy thereof is put in such conspicuous part of the municipal office during such period, and in such other public buildings and places, or is published in such local newspaper or in such other manner, as the municipal council in bye-laws in this behalf prescribes.

(7) No notice or bill shall be invalid for defect of form.

(8) When any notice under this Chapter requires any act to be done for which no time is fixed by this Act, the notice shall fix a reasonable time for doing the same.

(9) In the event of non-compliance with the terms of the notice, it shall be lawful for the municipal council to take such action or such steps as may be necessary for the completion of the act thereby required to be done, and all the expenses therein incurred by the municipal council shall be paid by the person or persons upon whom the notice was served, and shall be recoverable in the manner provided in section 269.

[1][**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.][1]

1. Inserted by Act 34 of 1984 w.e.f. 26-6.1984.

263. General penalty.—Whoever, in any case in which a penalty is not expressly provided by this Act or any rule or bye-law thereunder, fails to comply with any notice, order or requisition issued under any provision thereof or of any rule or bye-law thereunder or otherwise contravenes any of the provisions of this Act, or rule or bye-law thereunder shall be punished with fine which may extend to one hundred rupees, and in the case of a continuing failure or contravention with an additional fine which may extend to ten rupees for every day after the first during which he has persisted in the failure or contravention.

264. Municipal council in default of owner or occupier may execute work and recover expense.—(1) Whenever, under the provisions of this Act, any work is required to be executed by the owner or occupier of any [1][building or vacant land][1], and default is made in the execution of such work, the municipal council, whether any penalty is or is not provided for such default, may cause such work to be executed; and the expenses thereby incurred shall, unless otherwise expressly provided in this Act, be paid to it by the person by whom such work ought to have been executed and shall be recoverable in the same manner as an amount claimed on account of any tax recoverable under Chapter VII either in one lumpsum or by instalments as the municipal council may deem fit:

1. Substituted by Act 31 of 2003 w.e.f. 19.11.2001.

Provided that—

(*a)* whenever any drainage scheme or water works scheme has been commenced by any municipal council, it shall be lawful for the municipal council, without prejudice to its powers under sub-section (1) of section 195 or any other provision of this Act, to make a special agreement with the owner of any [1][building or vacant land][1] as to the manner in which the drainage or water connection thereof shall be carried out and the pecuniary or other assistance, if any, which the municipal council shall render, and any payment agreed upon by the owner shall be recovered in accordance with the terms of such agreement, or in default, in the manner described in sub-sections (2) and (3):

1. Substituted by Act 31 of 2003 w.e.f. 19.11.2001.

(*b*) when an order has been passed under sub-section (1) of section 176, or under sections 193, 195, 199 or 200 or when permission has been given under section 196 or when an agreement has been made under proviso (*a*) of this sub-section, the municipal council may without prejudice to any other powers under this Act, if it thinks fit, declare any expenses incurred as aforesaid by the municipal council to be improvement expenses and

the improvement expenses shall be a charge upon the premises or land and shall be levied in such instalments as the municipal council decides, including interest at the rate of six per cent per annum, and shall be recoverable in the manner described in sub-sections (2) and (3).

(2) If the defaulter be the owner of the [1][building or vacant land][1], the municipal council may, by way of additional remedy, whether a suit or proceeding has been brought or taken against such owner or not, require, subject to the provisions of sub-section (3), the payment of all or any part of the expenses payable by the owner for the time being, from the person who then or at any time thereafter, occupies the [1][building or vacant land][1] under such owner: and in default of payment thereof by such occupier on demand, the same may be levied from such occupier, and every amount so leviable shall be recoverable in the same manner as an amount claimed on account of any tax recoverable under Chapter VII; every such occupier shall be entitled to deduct from the rent payable by him to his landlord so much as has been so paid by or recovered from such occupier in respect of any such expense.

1. Substituted by Act 31 of 2003 w.e.f. 19.11.2001.

(3) No occupier of any [1][building or vacant land][1] shall be liable to pay more money in respect of any expenses charged by this Act on the owner thereof than the amount of rent which is due from such occupier for the [1][building or vacant land][1] in respect of which such expenses are payable at the time of the demand made upon him, or which, at any time after such demand and notice not to pay the same to his landlord, has accrued and become payable by such occupier, unless he neglects or refuses upon application made to him for that purpose by the municipal council, truly to disclose the amount of his rent, and the name and the address of the person to whom such rent is payable; but the burden of proof that the sum demanded of any such occupier is greater than the rent which was due by him at the time of such demand or which has since accrued, shall be upon such occupier:

Provided that nothing herein contained shall be taken to affect any special contract made between any such occupier and the owner respecting the payment of the expense of any such works as aforesaid.

1. Substituted by Act 31 of 2003 w.e.f. 19.11.2001.

265. Occupier in default of owner, may execute work and deduct expenses from his rent.—Whenever default is made by the owner of any [1][building or vacant land][1] in the execution of any work required to be executed by him by the municipal council, the occupier of such [1][building or vacant land][1] may, with the approval of the municipal council, cause such work to be executed, and the expense thereof shall be paid to him by the owner, or the amount may be deducted out of the rent from time to time becoming due from him to such owner.

1. Substituted by Act 31 of 2003 w.e.f. 19.11.2001.

266. Proceedings if any occupier opposes the execution of the Act.— If the occupier of any [1][building or vacant land][1] prevents the owner thereof from carrying into effect, in respect of such [1][building or vacant land][1], any of the provisions of this Act, after notice of his intention so to carry them into effect has been given by the owner to such occupier, any magistrate upon proof thereof, and upon application of the owner, may make an order in writing requiring such occupier to permit the owner to execute all such works, with respect to such [1][building or vacant land][1], as may be necessary for carrying into effect the provisions of this Act, and may also, if he thinks fit, order the occupier to pay to the owner the costs relating to such application or order; and if, after the expiration of eight days from the date of the order, such occupier continues to refuse to permit such owner to execute such work, such occupier, shall for every day, during which he so continues to refuse be punished with

fine which may extend to [2][five hundred rupees][2]; and every such owner, during the continuance of such refusal, shall be discharged from any penalties to which he might otherwise have become liable by reason of his default in executing such works.

1. Substituted by Act 31 of 2003 w.e.f. 19.11.2001.
2. Substituted by Act 61 of 2025 w.e.f. ……

267. Entry for purposes of the Act.—It shall be lawful for the Municipal Commissioner, Chief Officer or any officer authorised by the municipal council for such purpose, to enter, for any purpose of this Act, between sunrise and sunset, with such assistance as he may deem necessary, into and upon any [1][building or vacant land][1]:

1. Substituted by Act 31 of 2003 w.e.f. 19.11.2001.

Provided that, except when herein otherwise provided, no [1][building or vacant land][1] which may be occupied at the time shall be entered unless with the consent of the occupier thereof, without twenty-four hours written notice thereof having been given to the said occupier:

Provided also that, in the case of buildings used as human dwellings, due regard shall be paid to the social and religious customs of the occupiers and no apartment in the actual occupancy of a woman shall be entered until she has been informed that she is at liberty to withdraw and every reasonable facility has been afforded to her for withdrawing.

268. Determination of compensation in certain cases.—(1) Save as provided in section 257, if an agreement is not arrived at with respect to the amount of any compensation or damages, which are by this Act directed to be paid, and, if necessary the apportionment of such amount, the amount payable or the apportionment of the same shall be ascertained and determined, in the case of [1][town municipal areas][1] by the Assistant Commissioner in charge of the taluk in which the [1][municipal area][1] is situated and in the absence of such an officer by the Deputy Commissioner and, in the case of [1][city municipal areas][1]; by the Deputy Commissioner:

1. Substituted by Act 36 of 1994 w.e.f. 1-6.1994.

Provided that nothing in this sub-section shall prevent the aggrieved party from seeking redress in a civil court of competent jurisdiction.

(2) In any case where the compensation is claimed in respect of any land or of building, the compensation payable shall be determined by the District Court and the procedure provided by the Land Acquisition Act, 1894, for proceedings in matters referred for the determination of the court shall, as far as may be, be followed:

Provided that,—

(*a*) no application to the Deputy Commissioner for a reference shall be necessary, and

(*b*) the Court shall have power to give and apportion the costs of all proceedings in any manner it thinks fit.

(3) In any case where compensation is claimed in respect of any [1][vacant land or building][1], the municipal council may, after the award has been made by the District Court take possession of the [1][vacant land or building][1] after paying the compensation determined by the District Court to the party to whom such compensation may be payable. If such party refuses to accept such compensation, or if there is any dispute as to the title to the compensation or as to the apportionment of it, the municipal council shall deposit the amount of the compensation in the District Court.

1. Substituted by Act 31 of 2003 w.e.f. 19.11.2001.

269. Costs or expenses how determined and recovered.—If a dispute arises with respect to any cost or expenses which are directed to be paid by any person under this Chapter, the amount, and if necessary the apportionment, of the same shall, save where it is

otherwise expressly provided in this Act, be ascertained and determined by the municipal council and shall be recoverable in the same manner as an amount claimed on account of any tax recoverable under Chapter VII.

270. Requisitioning of premises, vehicles, etc., for municipal elections.—(1) If on a request made by the Municipal Commissioner or Chief Officer of a municipal council in that behalf or on its or his own motion it appears to the Government or an officer authorised by the Government (hereinafter referred to as the requisitioning authority), that in connection with an election under this Act,—

(*a*) any premises are needed or are likely to be needed for the purpose of being used as a polling station or for the storage of ballot boxes after a poll has been taken, or

(*b*) any vehicle, vessel or animal is needed or is likely to be needed for the purpose of transport of ballot boxes to, or from, any polling station or transport of members of the police force for maintaining order during the conduct of such election, or transport of any officer or other person for the performance of any duties in connection with such election, the requisitioning authority may by order in writing requisition such premises or such vehicle, vessel or animal, as the case may be, and may make such further orders as may appear to it to be necessary or expedient in connection with the requisitioning:

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

(2) The requisition shall be effected by an order in writing addressed to the person deemed by the requisitioning authority to be the owner or person in possession of the property, and such order shall be served in the manner specified in section 262 on the person to whom it is addressed.

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

Explanation.—For the purpose of this section “premises” means any land, building or part of a building and includes a hut, shed or other structure or any part thereof.

271. Payment of compensation.—(1) Whenever in pursuance of section 270 the requisitioning authority requisitions any premises the municipal council shall pay to the person interested compensation the amount of which shall be determined by taking into consideration the following, namely:—

(i) the rent payable in respect of the premises or if no rent is payable, the rent payable for similar premises in the locality;

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

Provided that where any person interested being aggrieved by the amount of compensation so determined makes an application to the requisitioning authority within the time prescribed by rules made by the Government for referring the matter to an arbitrator, the amount of compensation to be paid shall be such as the arbitrator appointed in this behalf by the requisitioning authority may determine:

Provided further that where there is any dispute as to the title to receive the compensation or as to the apportionment of the amount of compensation, it shall be referred by the requisitioning authority to an arbitrator appointed in this behalf by the requisitioning authority for determination, and shall be determined in accordance with the decision of such arbitrator.

Explanation.—In this sub-section, the expression "person interested" means the person who was in actual possession of the premises requisitioned under section 270 immediately before the requisition, or where no person was in such actual possession, the owner of such premises.

(2) Whenever in pursuance of section 270 the requisitioning authority requisitions any vehicle, vessel or animal, the municipal council shall pay to the owner thereof compensation the amount of which shall be determined by the requisitioning authority on the basis of the fares or rates prevailing in the locality for the hire of such vehicle, vessel or animal:

Provided that where the owner of such vehicle, vessel or animal being aggrieved by the amount of compensation so determined makes an application to the requisitioning authority within the time prescribed by rules made by the Government for referring the matter to an arbitrator, the amount of compensation to be paid shall be such as the arbitrator appointed in this behalf by the requisitioning authority may determine:

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

272. Power to obtain information.—The requisitioning authority may with a view to requisitioning any property under section 270 or determining the compensation payable under section 271, by order, require any person to furnish to such authority as may be specified in the order such information in his possession relating to such property as may be specified.

273. Eviction from requisitioned premises.—(1) Any person remaining in possession of any requisitioned premises in contravention of any order made under section 270 may be summarily evicted from the premises by any officer empowered by the requisitioning authority in this behalf.

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

274. Release of premises from requisition.—(1) When any premises requisitioned under section 270 are to be released from requisition, the possession thereof shall be delivered to the person from whom possession was taken at the time when the premises were requisitioned or if there were no such person, to the person deemed by the requisitioning authority to be the owner of such premises and such delivery of possession shall be a full discharge of the requisitioning authority from all liabilities in respect of such delivery, but shall not prejudice any rights in respect of the premises which any other person may be entitled by due process of law to enforce against the person to whom possession of the premises is so delivered.

(2) Where the person to whom possession of any premises requisitioned under section 270 is to be given under sub-section (1) cannot be found or is not readily ascertainable or has no agent or any other person empowered to accept delivery on his behalf, the requisitioning authority shall cause a notice declaring that such premises are released from requisition to be affixed on some conspicuous part of such premises and publish the notice in the official Gazette.

(3) When a notice referred to in sub-section (2) is published in the official Gazette the premises specified in such notice shall cease to be subject to requisition on and from the

date of such publication and be deemed to have been delivered to the person entitled to possession thereof and the requisitioning authority or the municipal council shall not be liable for any compensation or other claim in respect of such premises for any period after the said date.

275. Penalty for contravention of any order regarding requisitioning.— If any person contravenes any order made under section 270 or section 272 he shall be punished with imprisonment for a term which may extend to one year or with fine or with both.

CHAPTER X

PROSECUTIONS, SUITS AND POWERS OF POLICE

276. Municipal Council may prosecute.—(1) The municipal council may direct any prosecution for any public nuisance whatever, and may order proceedings to be taken for the recovery of any penalties and for the punishment of any person offending against the provisions of this Act, or of any rule or bye-law made thereunder, and may order the expenses of such prosecutions or other proceedings to be paid out of the municipal fund:

Provided that no prosecution for an offence under this Act or rule or bye-law framed thereunder shall be instituted, except within six months next after the date of the commission of such offence, or the date on which the commission or existence of such offence was first brought to the notice of the Municipal Commissioner or Chief Officer.

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

(3) 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 or bye-law made thereunder, is not paid, the magistrate may order the offender to be imprisoned in default of payment subject to all the restrictions, limitations and conditions imposed in sections 64 to 70 (both inclusive) of the Indian Penal Code.

(4) Any fine, costs, tax or sum imposed, assessed or recoverable by a magistrate under this Act, or any rule or bye-law made thereunder shall be recoverable by such magistrate, as if it were a fine imposed under the Code of Criminal Procedure, 1898 (Central Act V of 1898), and the same shall on recovery be paid to the municipal council.

277. Power to compound offences.—(1) A municipal council may,—

(*a*) compromise with any person who, in the opinion of the municipal council, has committed an offence punishable under this Act or any rule or bye-law thereunder and on such compromise, no proceedings shall be taken against such person in respect of such offence;

(*b*) with the sanction of the Deputy Commissioner, withdraw from prosecutions instituted under this Act or under any rule or bye-law made thereunder;

(*c*) compound any offence against this Act or against any rule or bye-law made thereunder which may, by rules made by the Government, be declared compoundable:

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

Provided further that no offence shall be compoundable which is committed by failure to comply with a notice, order or requisition issued by or on behalf of the municipal council or of the Municipal Commissioner or Chief Officer unless and until the same has been complied with so far as the compliance is possible.

(2) Where an offence has been compounded, the offender shall be discharged and no further proceedings shall be taken against him in respect of the offence so compounded.

278. Limitation for distraint, etc.—No distraint shall be made and no prosecution shall be commenced in respect of any sum due to the municipal council under this Act after the expiration of a period of three years from the date on which such distraint might have been made or prosecution might first have been commenced, as the case may be, in respect of such sum.

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

280. Damage to municipal property how made good.—If through any act, neglect or default, on account whereof any person shall have incurred any penalty imposed by or under this Act, any damage to the property of the municipal council shall have been committed by such person, he shall be liable to make good such damage as well as to pay such penalty, and the amount of damage shall, in case of dispute, be determined by the magistrate by whom the person incurring such penalty is convicted, and on non-payment of such damage on demand, the same shall be levied by distress, and such magistrate shall issue the warrant accordingly.

281. Alternative procedure by suit.—In lieu of any process of recovery allowed by or under this Act or in case of failure to realise by such process the whole or any part of any amount recoverable under the provisions of Chapter VII, or of any compensation, expenses, charges or damages payable under this Act, it shall be lawful for a municipal council to sue in any court of competent jurisdiction the person liable to pay the same.

282. Power of compromise, etc.—(1) The municipal council may compound or compromise in respect of any suit instituted by or against it or in respect of any claim or demand arising out of any contract entered into by it under this Act, for such sum of money or other compensation as it shall deem sufficient:

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

(2) The municipal council may make compensation out of the municipal fund to any person sustaining any damage by reason of the exercise of any of the powers vested in it, its officers, and servants under this Act.

(3) The municipal fund shall be liable to pay the expenses of any civil proceedings prosecuted or defended on behalf of the municipal council.

283. Bar of suits against [1]**[municipal area]**[1]**, its officers, servants, etc., for acts done in good faith.**—No suit shall lie in respect of anything in good faith done or intended to be done under this Act against any municipal council or against any committee constituted under this Act or against any officer or servant of a municipal council or against any person

acting under and in accordance with the directions of any such municipal council, committee, officer or servant or of a magistrate.

1. Substituted by Act 36 of 1994 w.e.f. 1-6.1994.

284. Previous notice for suits, etc.—(1) No suit shall be instituted against any municipal council, officer, servant or any person acting under the order or direction of such municipal council, officer or servant in respect of any act done or purporting to have been done in pursuance of this Act or any rule or bye-law made thereunder until the expiration of sixty days next after notice in writing, stating the cause of action, the nature of the relief sought, the amount of compensation claimed, the name and place of residence of the intending plaintiff and the relief which he claims, has been in the case of a municipal council delivered or left at its office, and in the case of such officer, servant, or person, delivered to him or left at his office or place of residence and unless the plaint contains a statement that such notice has been so delivered or left.

(2) Nothing in this section shall be deemed to apply to a suit in which the only relief claimed is an injunction of which the object would be defeated by the giving of the notice or the postponement of the institution of the suit.

285. Power and duties of Police Officers.—(1) Any police officer may arrest any person who commits in his view any offence against any of the provisions of this Act, or of any rule or bye-law thereunder, if the name and address of such person be unknown to him, and if such 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.

(2) No person so arrested shall be detained in custody after his true name and address are ascertained or without the order of the nearest magistrate for a period longer than twenty-four hours from the time of his arrest exclusive of the time necessary for the journey from the place of arrest to the court of such magistrate.

(3) It shall be the duty of all police officers to give immediate information to the Municipal Commissioner or Chief Officer or any other appropriate municipal authority of the commission of, or the attempt to commit, any offence against the provisions of this Act, or of any rule or bye-law made thereunder, and to assist all municipal officers and servants in the exercise of their lawful authority.

CHAPTER XI

MUNICIPAL ACCOUNTS AND ADMINISTRATION REPORTS

286. Prohibition of expenditure not budgeted for.—Except as hereinafter provided, no payment of any sum shall be made out of the municipal fund unless the expenditure of the same is covered by a budget grant, provided that the following items shall be excepted from this prohibition, namely:—

(*a*) refunds of taxes and other moneys which the municipal council is authorised by this Act or the rules made thereunder to make;

(*b*) repayments of moneys belonging to the contractors or other persons held in deposit and of moneys collected or credited to the municipal fund by mistake;

(*c*) sums which the municipal council is required or empowered by this Act, to pay by way of compensation;

(*d*) every sum payable,—

(i) under sections 307 and 317 by order of the Deputy Commissioner or Government or [1][Director of Municipal Administration][1] and under sections 310, 366 and 367 by order of the Government,

1. Substituted by Act 31 of 2003 w.e.f. 20.8.2003.

(ii) under a decree or order of a civil court passed against the municipal council,

(iii) under a compromise of any suit or other legal proceeding or claim;

(*e*) expenses incurred in the exercise of powers conferred by clause (*a*) of section 88 and sections 248, 249 and 251;

(*f*) all contributions payable by the municipal council to the Government for the maintenance of water supply, dispensaries, schools and other institutions managed by the Government on behalf of the municipal council or on behalf of the municipal councils and any other local authority or authorities.

287. Presentation of accounts.—[1][(1) The Chief Officer or the Municipal Commissioner shall, on or before the fifteenth day of January each year, prepare and submit to the municipal council a budget containing a detailed estimate of income and expenditure of the municipal council for the ensuing year commencing on the first day of April next following together with a complete account of the actual and expected receipts and expenditure for the official year ending on the thirty-first day of March next following.][1]

1. Substituted by Act 34 of 1966 w.e.f. 16-1.1967.

(2) The municipal council shall thereupon decide upon the appropriations, and the ways and means contained in the budget of the year to commence on the first day of April next following. The budget as passed by the municipal council shall be sent to the Government and a copy thereof sent simultaneously to the [1][Director of Municipal Administration][1] and in the case of [2][town municipal areas][2] to the Deputy Commissioner of the district also for information.

1. Substituted by Act 31 of 2003 w.e.f. 20.8.2003.
2. Substituted by Act 36 of 1994 w.e.f. 1-6.1994.

(3) In such budget estimate, the municipal council shall among other things,—

(*a*) make adequate and suitable provisions for such service as may be required for the fulfilment of the several duties imposed on the municipal council by this Act or any other law;

(*b*) provide for the payment, as they fall due of all instalments of principals and interest for which the municipal council may be liable in respect of loans contracted by it;

(*c*) provide for the payment of all sums payable to the Government under sections 366 and 367 and of all contributions for the maintenance of water supply, dispensaries, schools and other institutions or services managed by the Government on behalf of the municipal council and any other local authority or authorities.

(*d*) allow for a balance at the end of the said year of not less than such sum as may be required to meet the establishment charges for a period of three months.

(4) If the budget as submitted, fails to make adequate provisions for the matters specified in sub-section (3), the Government may modify any part of the budget so as to ensure that such provision is made.

(5) The Government may also modify the budget or any part thereof so as to secure compliance with any of the provisions of this Act or of the rules made thereunder:

Provided that in the case of a city municipal council the standing committee or any other committee appointed under this Act may, within the budget sanctioned under this section, sanction reappropriations not exceeding five hundred rupees from one sub-head to another or from one minor head to another minor head under the same major head and controlled by the same committee. A statement of such reappropriation shall be submitted to the municipal council at every quarterly general meeting.

288. Revision of budget.—If, in the course of the official year, the municipal council finds it necessary to modify the figures shown in the budget with regard to its receipts or to the distribution of the amounts to be expended on the different services it undertakes, it may do so, provided that without the approval of the Government,—

(*a*) no reduction shall be made in the amounts allotted for the several items specified in clauses (*b*) and (*c*) of sub-section (3) of section 287; and

(*b*) the closing balance shall not be reduced below the sum fixed under clause (*d*) of sub-section (3) of section 287.

289. Maintenance of accounts and restrictions on expenditure.—(1) Accounts of the income and expenditure of the municipal fund shall be kept, and receipts accepted and payments from the municipal fund made in accordance with the rules prescribed in this behalf.

(2) Expenditure from the municipal fund shall, save as otherwise expressly provided in this Act, be incurred subject to the restrictions, conditions and limitations imposed in the rules prescribed in this behalf.

(3) The municipal council shall, at the general meeting in April or after audit of the past official year's accounts, if such audit has not before that general meeting taken place, pass the accounts of the past official year.

290. Audit of Accounts.—(1) The municipal accounts shall from time to time and once in every year at the least, be audited by an auditor appointed by the Government and also by such other agency, if any, as may be prescribed in the rules of the municipal council.

[1][Provided that subject to any other law for the time being in force, [2][audit of all city Municipal Councils, Town Municipal Councils and Town Panchayats][2] in a year shall be subjected to technical guidance and supervision by the Comptroller and Auditor General of India through complementary audit and submission of Annual Technical and Inspection Report.][1]

2. Inserted by Act 24 of 2011 w.e.f. 10.6.2011.

2. Substituted by Act 20 of 2012 w.e.f. 14.3.2012.

(2) The auditor or auditors shall, for the purposes of their office, have access to all the accounts and other records of the municipal council.

(3) The municipal council shall pay from the municipal fund such charges for the audit as may be agreed upon, and in the case of a Government auditor, such charges as may be prescribed by the Government.

291. Power of auditor to require production of documents and attendance of persons concerned, etc.—(1) The auditor appointed by Government under sub-section (1) of section 290 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 municipal council accountable for, or having the custody or control of such vouchers, statements, returns, correspondence, notes or other documents or of any property of the municipal council or any person having directly or indirectly by himself or his partner, any share or interest in any contract with or under the municipal council to appear in person before him at the municipal office and answer any question;

(*c*) in the event of an explanation being required from the president or other honorary officer, or member of a municipal council in writing invite such person to meet him at the municipal 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 sub-section (1), 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 municipal council 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-section, 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 on the authority of the [1][Director of Municipal Administration][1] without giving notice.

1. Substituted by Act 31 of 2003 w.e.f. 20.8.2003.

292. Penalty for disobeying requisition under section 291.—(1) Any person who wilfully neglects or refuses to comply with any requisition lawfully made upon him under clause (*a*), (*b*) or (*c*) of sub-section (1) of section 291, 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 [1][Director of Municipal Administration][1]:

Provided further that before giving such sanction the [1][Director of Municipal Administration][1] shall call upon the person against whom the proceedings are to be instituted to show cause why the sanction should not be given.

1. Substituted by Act 31 of 2003 w.e.f. 20.8.2003.

293. Audit report to be sent to certain officers and bodies as Government may direct.—As soon as practicable after the completion of the audit, but not later than three months thereafter, the Auditor shall prepare a report on the accounts audited and examined and shall send such report to the municipal council concerned and to the [1][Director of Municipal Administration][1] and the Controller, State Accounts Department.

1. Substituted by Act 31 of 2003 w.e.f. 20.8.2003.

294. Audit report what to contain.—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*).

295. Municipal council to remedy defects: Procedure to be followed after report of the Auditor under section 293.—(1) On receipt of a report under section 293, the Municipal Commissioner or Chief Officer shall remedy any defects or irregularities which may have been pointed out in the report, and shall, within two months of the receipt of the report, place the report, together with a statement of the action taken or proposed to be taken thereon and an explanation in regard thereto before a meeting of the municipal council. He shall also, within three months of the receipt of the report, send to the Controller, State Accounts Department, intimation of his having remedied the defects or irregularities, if any, pointed out in the report, or shall, within the said period, supply the Controller, State Accounts Department, any further explanation in regard to such defects or irregularities as the municipal council may wish to give.

(2) On receipt of such intimation or explanation the Controller, State Accounts Department may, in respect of all or any of the matters discussed in the report,-

(*a*) accept the intimation or explanation given by the Municipal Commissioner or Chief Officer and withdraw the objection, or

(*b*) direct that the matter be re-investigated at the next audit or at any earlier date, or

(*c*) hold that the defects or irregularities pointed out in the report or any of them have not been removed or remedied.

(3) The Controller, State Accounts Department, shall send a report of his decision to the [1][Director of Municipal Administration][1] within one month of the date of the receipt by him of the intimation or explanation of the Municipal Commissioner or Chief Officer referred to in sub-section (1) or in the event of the Municipal Commissioner or Chief Officer failing to give such intimation or explanation, on the expiry of the period of three months mentioned in the said sub-section, and shall forward a copy of such report to the Municipal Commissioner or Chief Officer. If the Controller, State Accounts Department, holds that any defects or irregularities have not been removed or remedied he shall state in the report whether, in his opinion, the defects or irregularities can be regularised and, if so, by what method: and if they do not admit of being regularised, whether they can be condoned, and, if so, by what authority. He shall also state whether the amounts to which the defects or irregularities relate should, in his opinion, be surcharged or charged.

1. Substituted by Act 31 of 2003 w.e.f. 20.8.2003.

(4) The municipal council concerned shall include in its next administration report, such portions of the report under section 293 as deal with defects and irregularities failing under clause (*c*) of sub-section (2), together with the explanation thereof, if any, given under sub-section (1) and the final report of the Controller, State Accounts Department thereon under sub-section (3). Such report of defects and irregularities and explanation shall be open to the inspection of the public at the office of the municipal council for a period of one month from the date of their receipt.

(5) Nothing in this section shall preclude the Controller, State Accounts Department, at any time from bringing to the notice of the [1][Director of Municipal Administration][1], for such action as the [1][Director of Municipal Administration][1] may consider necessary, any information which appears to him to support a presumption of criminal misappropriation or fraud or which in his opinion deserves special attention or immediate investigation.

1. Substituted by Act 31 of 2003 w.e.f. 20.8.2003.

[2][[1][(6) The Controller, State Accounts Department shall send consolidated Annual Audit Report pertaining to all City Municipal Councils, Town Municipal Councils and Town Panchayats to the State Government for being placed before both Houses of the State Legislature.

(7) The Comptroller and Auditor General of India shall send the Annual Technical Inspection Report under sub-section (1) of Section 290 to the State Government for being placed before both Houses of the State Legislature.][1]][2]

1. Inserted by Act 24 of 2011 w.e.f. 10.06.2011.
2. Substituted by Act 20 of 2012 w.e.f. 14.03.2012.

296. [1][Director of Municipal Administration][1] to surcharge or charge illegal payment or loss caused by gross negligence or misconduct.—(1) The [1][Director of Municipal Administration][1] may, after considering the recommendation of the Controller, State Accounts Department, and after taking the explanation of the person concerned, or making such further enquiry, as he may consider necessary, disallow any item which appears to him to be 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 therefor the amount of any deficiency or loss caused by the negligence or misconduct of that person, or any sum received 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.

1. Substituted by Act 31 of 2003 w.e.f. 20.8.2003.

(2) The [1][Director of Municipal Administration][1] shall state in writing the reasons for his decision in respect of every surcharge or charge and shall send by registered post a copy thereof to the person against whom it is made.

1. Substituted by Act 31 of 2003 w.e.f. 20.8.2003.

(3) If a person to whom a copy of the [1][Director of Municipal Administration][1] decision is sent under sub-section (2) refuses to take delivery thereof he shall be deemed to have duly received it on the day on which it was refused by him.

1. Substituted by Act 31 of 2003 w.e.f. 20.8.2003.

297. Recovery of surcharges and charges how made.—(1) Every sum certified by the [1][Director of Municipal Administration][1] to be due from any person under sub-section (1) of section 296 shall be paid by such person into the treasury or bank in which the funds of the municipal council concerned are lodged, within one month from the receipt by him of the decision of the [1][Director of Municipal Administration][1], unless within that time such person has applied to the court or to the Government as provided in section 298.

1. Substituted by Act 31 of 2003 w.e.f. 20.8.2003.

(2) The said sum, if not duly paid, or if an application has been made to the Court or to the Government against the decision of the [1][Director of Municipal Administration][1] as provided in sub-section (1) of section 298 such sum as the court or the Government shall declare to be due, shall be recoverable, on an application made by the Deputy Commissioner to the Court, in the same manner as an amount decreed by the court in favour of the Deputy Commissioner.

1. Substituted by Act 31 of 2003 w.e.f. 20.8.2003.

298. Application against order of surcharge or charge.—(1) Any person aggrieved by any order of surcharge or charge made by the [1][Director of Municipal Administration][1] under sub-section (1) of section 296 may, within one month from the receipt by him of the decision of the [1][Director of Municipal Administration][1] either,—

1. Substituted by Act 31 of 2003 w.e.f. 20.8.2003.

(*a*) apply to the District Court to set aside such order; and the court, after taking such evidence as it thinks necessary, may, confirm, modify or remit such surcharge or charge and make such orders as to costs as it thinks proper in the circumstances; or

(*b*) in lieu of such application apply to the Government which shall pass such orders thereon as it thinks fit.

(2) Pending disposal of the application all proceedings on the certificate shall be stayed if the person aggrieved makes out a *prima facie* case to the satisfaction of the District Court or the Government for the issue of a stay order.

299. Expenses in respect of requisition of auditors to be payable out of Municipal Fund.—All expenses incurred by a municipal council in complying with any requisition of an auditor under sub-section (1) of section 291 shall be payable out of the municipal fund.

300. Transmission of accounts to Government.—The municipal council shall, as soon as the annual accounts have been finally passed by it, transmit to the Government, or any officer duly authorised by it in this behalf, a copy thereof, or an account in the form prescribed in this behalf, and shall furnish such details and vouchers relating to the same, as the Government or such officer may, from time to time, direct.

301. Publication of accounts.—The quarterly and annual accounts of receipts and expenditure, and the budget estimates when sanctioned, shall be open to public inspection, and shall be published in such manner as may be prescribed in this behalf.

302. Annual administration report.—(1) As soon as may be after the first day of April in every year and not later than such date as may be fixed by the Government, a town municipal council shall submit to the Deputy [1][Director of Municipal Administration][1] and the [1][Director of Municipal Administration][1] and a city municipal council shall submit to the [1][Director of Municipal Administration][1] and to Government a report on the administration during the preceding official year in such form and with such details as the Government may direct.

1. Substituted by Act 31 of 2003 w.e.f. 20.8.2003.

(2) The Municipal Commissioner or Chief Officer shall prepare the report and place it before the municipal council for consideration, and forward it to the Deputy Commissioner, [1][Director of Municipal Administration][1] and Government as specified in sub-section (1) along with the resolution of the municipal council thereon.

1. Substituted by Act 31 of 2003 w.e.f. 20.8.2003.

(3) The report may be published in such manner as the municipal council may direct.

[1][**302A. Preparation of Development Plan.**—Every municipal council shall prepare every year a development plan and submit to the District Planning Committee constituted under section 310 of the Karnataka Panchayat Raj Act, 1993, or as the case may be, the Metropolitan Planning Committee constituted under section 503B of the Karnataka Municipal Corporations Act, 1976.

302B. Finance Commission.—(1) The Finance Commission constituted under section 267 of the Karnataka Panchayat Raj Act, 1993 shall also review the financial position of the municipal councils and Town Panchayats and make recommendations to the Governor as to,—

(*a*) the principle which should govern,—

(i) the distribution between the State and Municipal Council and Town Panchayats of the net proceeds of the taxes, duties, tolls and fees leviable by the Government which may be divided between them and allocation between the municipal councils and town panchayats their respective shares of such proceeds;

(ii) the determination of the taxes, duties, tolls, fees which may be assigned to or appropriated by the municipal councils and Town Panchayats;

(iii) the grant-in-aid to the municipal councils and town panchayats from the consolidated fund of the State;

(*b*) the measures needed to improve the financial position of the municipal councils and town panchayats;

(*c*) any other matter referred to the Finance Commission by the Governor in the interest of sound finance of the municipal councils and town panchayats.

(2) The Governor shall cause every recommendation made by the Commission under this section together with an explanatory memorandum as to the action taken thereon to be laid before both the Houses of the State Legislature.][1]

1. Sections 302A and 302B Inserted by Act 36 of 1994 w.e.f. 1-6.1994.

CHAPTER XII

CONTROL

303. Chief Controlling Authority.—The [1][Director of Municipal Administration][1] shall subject to the control and orders of the Government, be the chief controlling authority in respect of all matters relating to the administration of this Act and for that purpose may exercise all powers necessary in that behalf.

1. Substituted by Act 31 of 2003 w.e.f. 20.8.2003.

304. Power of inspection and supervision.— The [1][Director of Municipal Administration][1], Deputy Commissioner, or any officer of the Government authorised by the Government by a general or special order, shall have power,—

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

(*b*) to call for any extract from the proceedings of any municipal council or of any committee, or for any book or document in the possession of or under the control of a municipal council, and any return, statement, account, or report which he may think fit to require such municipal council to furnish;

(*c*) to require any information or explanation which an auditor can require under sub-section (1) of section 291;

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

305. Power to inspect the office of municipal council.—(1) The [1][Director of Municipal Administration][1], Deputy Commissioner or any officer authorised by the Government in this behalf shall have power to inspect the office of any municipal council and call for any information or records of any such municipal council.

1. Substituted by Act 31 of 2003 w.e.f. 20.8.2003.

(2) The officer authorised under sub-section (1) shall submit the records for the orders of Government, if he is satisfied that any order or proceeding of the municipal council or its executive is contrary to law or orders for the time being in force.

306. Deputy Commissioner's power of suspending execution of orders, etc. of municipal councils.—(1) If, in the opinion of the Deputy Commissioner, the execution of any order or resolution of a town municipal council, or the doing of anything which is about to be done or is being done by or on behalf of a town municipal council, is unlawful or is causing or is likely to cause injury or annoyance to the public, or to lead to a breach of the peace, he may, by order in writing under his signature, suspend the execution or prohibit the doing thereof.

(2) When a Deputy Commissioner makes any order under this section, he shall forthwith forward to Government and to the [1][Director of Municipal Administration][1] and to the municipal council affected thereby a copy of the order, with a statement of the reasons for making it; and it shall be in the discretion of the Government to rescind the order, or to direct that it shall continue in force with or without modification, permanently or for such period as it thinks fit:

Provided that no order of the Deputy Commissioner passed under this section shall be confirmed, revised or modified by the Government without giving the municipal council, a reasonable opportunity of showing cause against the said order.

1. Substituted by Act 31 of 2003 w.e.f. 20.8.2003.

307. Execution of work in certain cases.—(1) The Deputy Commissioner may provide for the execution of any work, or the doing of any act, which a town municipal council is empowered to execute or do, and the immediate execution or doing of which is, in his opinion necessary in the interests of the general public and may direct that the expenses of

executing the work or doing the act with a reasonable remuneration to the person appointed to execute or do it, shall be forthwith paid by the town municipal council.

(2) If the expense and remuneration are not so paid, the Deputy Commissioner may make an order directing any person, who, for the time being, has custody of any moneys on behalf of the municipal council, to pay such expense and remuneration from such moneys as he may have in his hands or may from time to time receive, and such person shall be bound to obey such order.

(3) The provisions of sub-section (2) of section 306 shall apply, so far as may be, to any order under this section.

308. Liability of councillors for loss, waste or misapplication.—(1) Every councillor of a town municipal council shall be personally liable for the loss, waste, or misapplication of any money or other property of the municipal council to which he has been a party, or which has been caused or facilitated by his misconduct or gross neglect of his duty as a councillor.

(2) If, after giving the councillor or councillors concerned sufficient opportunity for showing cause to the contrary the Deputy Commissioner is satisfied that the loss, waste or misapplication of any money or other property of the municipal council is a direct consequence of misconduct or gross neglect on his or their part, the Deputy Commissioner shall by order in writing direct such councillor or councillors to pay to the municipal council before a fixed date, the amount required to reimburse it for such loss, waste or misapplication.

(3) If the amount is not so paid, the Deputy Commissioner shall recover it as an arrear of land revenue and credit it to the Municipal Fund.

(4) An appeal shall lie from the decision of the Deputy Commissioner under sub-section (2) to the Government.

309. [1][Director of Municipal Administration][1] power in respect of city municipal councils.—In respect of city municipal councils the powers conferred by sections 306, 307 and 308 shall be exercisable by the [1][Director of Municipal Administration][1] and the provisions of the said sections shall *mutatis mutandis*, apply to such city municipal councils and their councillors.

1. Substituted by Act 31 of 2003 w.e.f. 20.8.2003.

310. Government inquiry into municipal matters.—(1) The Government may order an inquiry to be held by any officer appointed by it in this behalf into,—

(i) any matters concerning the municipal administration of any [1][municipal area][1], or

1. Substituted by Act 36 of 1994 w.e.f. 1-6.1994.

(ii) any act or conduct of any municipal authority, officer or servant, or

(iii) any matter with respect to which the sanction, approval or consent of the Government is required under this Act.

(2) The officer holding such inquiry shall, for the purpose thereof, have the powers which are vested in a court under the Code of Civil Procedure, 1908, in respect of the following matters:—

(*a*) discovery and inspection;

(*b*) enforcing the attendance of witnesses and requiring the deposit of their expenses;

(*c*) compelling the production of documents;

(*d*) examining witnesses on oath;

(*e*) granting adjournments;

(*f*) reception of evidence taken on affidavit; and

(*g*) issuing commissions for the examinations of witnesses;

and may summon and examine *suo motu* any person whose evidence appears to him to be material; and shall be deemed to be a civil court within the meaning of sections 480 and 482 of the Code of Criminal Procedure, 1898.

Explanation.—For the purpose of enforcing the attendance of witnesses, the local limits of such officer's jurisdiction shall be the limits of the [1][State of Karnataka][1].

1. Adapted by the Karnataka Adaptations of Laws Order, 1973 w.e.f. 01.11.1973.

(3) The reasonable expenses incurred by any person in attending to give evidence may be allowed by the officer holding the inquiry to such person and shall be deemed to be part of the costs.

(4) Costs shall be in the discretion of the Government and the Government shall have full power to determine by and to whom and to what extent such costs are to be paid, and to allow interest on costs at a rate not exceeding six per cent per annum; and such costs and interest shall be leviable as an arrear of land revenue.

(5) The Government after considering the report of the inquiry made by the officer appointed under sub-section (1), may give such directions or pass such orders as it considers necessary and where any such direction is given to the municipal council, the municipal council shall comply with such direction.

(6) It shall be lawful for the Government to give any direction or pass any order under sub-section (5), which any officer subordinate to it could pass under any provision of this Act.

311. Power of [1][Director of Municipal Administration][1] to prevent extravagance in the employment of establishment.—(1) If in the opinion of the [1][Director of Municipal Administration][1] the number of persons who are employed by a municipal council as officers or servants or whom a municipal council proposes to employ or the remuneration assigned by the municipal council to those persons, or to any particular person is excessive, the municipal council shall, on the requirement of the [1][Director of Municipal Administration][1], reduce the number of the said persons or the remuneration of the said person or persons:

Provided that the municipal council may appeal against any such requirement to the Government whose decision thereon shall be conclusive.

1. Substituted by Act 31 of 2003 w.e.f. 20.8.2003.

312. Government may require any municipal council to appoint a Health Officer.—(1) It shall be lawful for the Government,—

(i) to require, if in its opinion at any time such an appointment is necessary, the appointment of a Health Officer to be made by any municipal council;

(ii) to make in its discretion an order vetoing the appointment or continuance in any such office, of any person selected therefor or appointed thereto by any such municipal council, and the tenure of such office by any such person shall notwithstanding any contract or any other provision relating to his conditions of service, cease and determine on and from the date on which such order is communicated to the municipal council;

(iii) to require that any person appointed to be a Chief Officer or a Municipal Commissioner shall be invested by any such municipal council with all or any of the powers which can, under this Act or under any rules or bye-laws in force at the time, be lawfully delegated to him, in addition to such powers as are conferred on him by Chapter XIV.

(2) Any requisition issued to the municipal council under clauses (i) and (iii) of sub-section (1) shall be complied with within such time as the Government may in each case, specify in that behalf.

313. Power of Government to provide for performance of duties in default of municipal council.—(1) When the Government is informed, on complaint made or otherwise, that a municipal council has made default in performing any duty imposed on it by

or under this Act, or by or under any law for the time being in force, the Government, if satisfied after due inquiry that the municipal council has been guilty of the alleged default, may fix a period for the performance of that duty.

(2) If that duty is not performed within the period so fixed, the Government may appoint some person to perform it, and may direct that the expenses of performing it, with a reasonable remuneration to the person appointed to perform it, shall be forthwith paid by the municipal council.

(3) If the expense and remuneration are not so paid, the Government may make an order directing any person, who for the time being has custody of any moneys on behalf of the municipal council, to pay such expense and remuneration from such moneys as he may have in his hands or may from time to time receive, and such person shall be bound to obey such order.

314. Power of Government to direct person in custody of municipal fund to pay Government dues.—If a municipal council makes default in the payment of any amount due to the Government it may make an order directing the person having the custody of the municipal 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 municipal council admit be bound to comply with such order.

315. Power to appoint administrator in certain cases.—(1) Whenever,—

(*a*) any general election to a municipal council under this Act or any proceedings consequent thereon have been stayed by an order of a competent court or authority, or

(*b*) the election of all the councillors or more than two-thirds of the whole number of councillors of the municipal council has been declared by a competent court or authority to be void, or

[1][(*c*) x x x][1]

1. Omitted by Act 36 of 1994 w.e.f. 1-6.1994.

(*d*) all the councillors or more than two-thirds of the whole number of councillors of the municipal council have resigned, [1][so however, the total period of such appointment shall not exceed six months.][1]

1. Inserted by Act 36 of 1994 w.e.f. 1-6.1994.

the State Government shall by notification in the official Gazette, appoint an administrator for such period as may be specified in the notification and may, by like notification, curtail and extend [1][either prospectively or retrospectively][1] the period of such appointment.

1. Inserted by Act 34 of 1966 w.e.f. 1-4.1965.

(2) Notwithstanding anything contained in this Act, on the appointment of an administrator under sub-section (1), during the period of such appointment, the said municipal council and committees thereof and [1][the President and Vice-president][1] 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.

1. Substituted by Act 34 of 1966 w.e.f. 16-1.1967.

(3) The State Government may, if it thinks fit, appoint an advisory council to advise and assist the administrator appointed under sub-section (1) in the exercise of the powers and the performance and discharge of the duties and functions conferred or imposed on him

under this Act or any other law. The members of the advisory council shall hold office during the pleasure of the State Government.

316. Power of Government to [1][dissolve][1] a municipal council in certain circumstances.—(1) If, in the opinion of Government any municipal council is not competent to perform, or persistently makes default in the performance of the duties imposed on it or undertaken by it by or under this Act, or any other law, or exceeds or abuses its power or refuses to carry out the directions given to it under the provisions of this Act or any other law [2][or is functioning in a manner prejudicial to the [3][municipal council][3]][2], the Government may, by an order published, together with a statement of the reasons therefor, in the official Gazette, declare the municipal council to be incompetent or in default, or to have exceeded or abused its powers, as the case may be, and may [1][dissolve it][1]:

1. Substituted by Act 36 of 1994 w.e.f. 1.6.1994.
2. Inserted by Act 83 of 1976 w.e.f. 8-12.1976.
3. Substituted by Act 36 of 1994 w.e.f. 1-6.1994.

Provided that before making an order of [1][dissolution][1] as aforesaid reasonable opportunity shall be given to the municipal council to show cause why such order should not be made.

1. Substituted by Act 36 of 1994 w.e.f. 1-6.1994.

[1][Provisos x x x][1]

1. Inserted by Act 83 of 1976 and omitted by 36 of 1994 w.e.f. 1.6.1994.

(2) When the municipal council is [1][dissolved][1] by an order under sub-section (1) the following consequences shall ensue:—

1. Substituted by Act 36 of 1994 w.e.f. 1-6.1994.

(i) all the councillors of the municipal council shall, on such date as may be specified in the order vacate their office as such councillors without prejudice to their eligibility for election [1][under sub-section (3)][1];

1. Substituted by Act 36 of 1994 w.e.f. 1-6.1994.

(ii) during the period of [1][dissolution][1] of the municipal council, all powers and duties conferred and imposed on the municipal council by or under this Act or any other law shall be exercised and performed by such officer as the Government may from time to time appoint in that behalf;

1. Substituted by Act 36 of 1994 w.e.f. 1-6.1994.

(iii) all property vested in the municipal council shall, until it is reconstituted, vest in the Government.

[1][(3) when a municipal council is dissolved it shall be reconstituted in the manner provided under this Act, before the end of six months from the date of such dissolution:

Provided that where the remainder of the period for which the dissolved municipal council would have continued is less than six months, it shall not be necessary to hold any election under this section for constituting the municipal council for such period.

(4) A municipal council constituted upon the dissolution before expiration of its duration shall continue only for the remainder of the period for which the dissolved municipal council would have continued had it not been dissolved.][1]

1. Substituted by Act 36 of 1994 w.e.f. 1-6.1994.

(5) An order of [1][dissolution][1] of a municipal council under sub-section (1) [2][x x x][2] 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.

1. Substituted by Act 36 of 1994 w.e.f. 1-6.1994.
2. Omitted by Act 36 of 1994 w.e.f. 1-6.1994.

317. Disputes between municipal councils.—(1) If any dispute for the decision of which this Act does not otherwise provide exists between a municipal council and one or more other municipal bodies in regard to any matters arising under the provisions of this or any other Act and the dispute is not amicably settled—

(*a*) the Deputy Commissioner may take cognizance of the dispute and decide it himself if the dispute is between two or more town municipal councils in the same district or a town municipal council and a [1][a town panchayat][1] in the same district;

1. Substituted by Act 36 of 1994 w.e.f. 1-6.1994.

(*b*) the [1][Director of Municipal Administration][1] may take cognizance of the dispute and decide it, in all other cases, in the same Revenue Division except when the Municipal Corporation of any City is a party to the dispute;

1. Substituted by Act 31 of 2003 w.e.f. 20.8.2003

(*c*) the Government may decide the dispute, if a Municipal Corporation of a City is a party to the dispute or if the dispute is between municipal bodies in two or more Revenue Divisions.

(2) An appeal shall lie to the [1][Director of Municipal Administration][1] from an order of the Deputy Commissioner under clause (*a*) of sub-section (1) and to the Government from an order of the [1][Director of Municipal Administration][1] under clause (*b*) of sub-section (1).

1. Substituted by Act 31 of 2003 w.e.f. 20.8.2003

(3) No suit shall be entertained by a civil court in respect of any dispute referred to in sub-section (1).

318. Power of officers acting for, or in default of municipal council and liability of municipal fund.—When the [1][Director of Municipal Administration][1] or any officer of the Government or any person appointed by him or the Government lawfully takes action on behalf of or in default of the municipal council under this Act, he shall have power to make such contracts as are necessary for the purpose, and shall be entitled to the same protection under this Act as the municipal authority whose powers he is exercising and compensation shall be recoverable from the municipal fund by any person suffering damage from the exercise of such powers to the same extent as if the action had been taken by such municipal authority.

1. Substituted by Act 31 of 2003 w.e.f. 20.8.2003

319. Power of Government to cancel or modify bye-laws of municipal councils.—(1) The Government may, at any time by notification repeal wholly or in part or modify any bye-law made by any municipal council:

Provided that, before taking any action under this sub-section, the Government shall publish a draft of the proposed notification and communicate the same to the municipal council, fix a reasonable period for the municipal council and the members of the public to show cause against the proposal and consider the explanation and objections, if any, of the municipal council and the members of the public.

(2) The repeal or modification of any bye-law shall take effect from the date of publication of the notification in the official Gazette, if no date is therein specified, and shall not affect anything done, omitted or suffered before such date.

320. Powers to transfer officers.—(1) Notwithstanding anything contained in this Act, the Government shall have power to transfer any officer or servant of a municipal council to the service of any other municipal council or of any other local authority or of any Government Department.

(2) The Government shall have power to issue such general or special directions as it thinks necessary for the purpose of giving due effect to transfers made under sub-section (1) and such directions shall be complied with by the municipal council and any municipal authority concerned.

321. Delegation of powers by Government.—(1) The Government may by notification delegate to the [1][Director of muncipal Administration, Deputy commissioner, Assistant Commissioner or Thasildar][1] such of its powers under this Act [2][x x x][2] except the power to make rules.

1. Substituted by Act 31 of 2003 w.e.f. 20-8.2003.
2. Omitted by Act 33 of 1986 w.e.f. 6-6.1986.

(2) The Government may by notification delegate to the Deputy Commissioner any of the powers conferred under this Act on the [1][Director of Muncipal Administration][1]

1. Substituted by Act 31 of 2003 w.e.f. 20-8.2003.

[1][(2A) The Government may by notification, delegate to any other officer such of its powers or power conferred on any officer under this Act except the power to make rules.][1]

1. Inserted by Act 31 of 2003 w.e.f. 20-8.2003.

(3) Every delegation under [1][sub-section (1), (2) or (2A)][1] may be subject to such restrictions and conditions as may be specified in the notification.

1. Substituted by Act 31 of 2003 w.e.f. 20-8.2003.

322. Revision.—(1) [1][The [2][Director of Municipal Administration][2] may call][1] for and examine the record of any proceedings [3][including orders of assessment and revision of assessment][3] under this Act of any subordinate officer, and after such enquiry as is deemed fit, [1][if he][1], is satisfied that the order of the subordinate officer is contrary to law and has resulted in a miscarriage of justice, pass such orders thereon [1][as he][1] deems just.

1. Substituted by Act 33 of 1986 w.e.f. 6.6.1986.
2. Substituted by Act 31 of 2003 w.e.f. 20-8.2003.
3. Inserted by Act 83 of 1976 w.e.f. 8.12.1976.

[3][(2) Notwithstanding anything in sub-section (1), [2][the [3][Director of Municipal Administration][3]][2] may call for and examine the records of any proceedings of the municipal council including proceedings as appellate authority and if satisfied that any order in such proceedings is contrary to law or is prejudicial to the interests of the [3][Municipal area][3], pass such orders [2][as he deems][2] just.][1]

1. Sub-section (2) Inserted by Act 83 of 1976 w.e.f. 8.12.1976.
2. Substituted by Act 33 of 1986 w.e.f. 6.6.1986.
3. Substituted by Act 31 of 2003 w.e.f. 20.8.2003.

[1][(3)][1] No order under [2][sub-sections (1) and (2)][2] shall be made to the prejudice of any party unless he has had an opportunity of being heard.

1. Renumbered by Act 83 of 1976 w.e.f. 8.12.1976.
2. Substituted by Act 83 of 1976 w.e.f. 8.12.1976.

CHAPTER XIII

RULES AND BYE-LAWS

323. Government to make rules.—(1) The Government may by notification [1][and after previous publication][1] make rules for carrying out all or any of the purposes of this Act and prescribe by such rules, forms for any proceeding for which it considers that a form should be prescribed.

1. Omitted by Act 12 of 1983 w.e.f. 24.2.1983 and inserted by Act 12 of 1983 w.e.f. 1.3.1983..

(2) In particular and without prejudice to the generality of the foregoing power, rules may be made,—

(*a*) for regulating the conduct of business and delegation of any of the powers or duties and the appointment and constitution of the committees of a municipal council;

(*b*) (i) for determining the executive functions to be performed by the president, vice-president, the chairman of any committee, or the Municipal Commissioner and the Chief Officer and the delegation of any of the powers or duties of a municipal council to such persons;

(ii) for determining the staff of officers and servants to be employed by municipal council, their respective designations, and duties, and the powers and duties to be delegated to them under section 70;

(*c*) for the guidance of the officers and servants of a municipal council in all matters relating to its administration;

(*d*) as to the amount and nature of the security to be furnished by any officer or servant from whom it may be deemed expedient to require security;

(*e*) prescribing the assessment, levy and collections of taxes in the [1][municipal area][1], the circumstances in which exemption will be allowed, the conditions on which and extent to which remissions will be granted and the system on which refunds will be allowed and paid, in respect of such taxes; the limits of the charges or payments to be fixed in lieu of any tax under section 139, the fees for notices demanding payments due on account of any tax and for the issue and execution of warrants of distress and the rates to be charged for maintaining any live-stock distrained and the time at which and the mode in which such taxes, charges, payments, fees or rates shall be levied or recovered or be payable and the persons authorised to receive payment of the same and the manner in which auctions of movable and immoveable property under section 144 shall be held;

1. Substituted by Act 36 of 1994 w.e.f. 1.6.1994.

(*f*) prescribing the conditions subject to which sums due on account of any tax or of costs in recovering any tax or on any other account may be written off as irrecoverable, and the conditions subject to which the whole or any part of any fee chargeable for distress may be remitted;

(*g*) for regulating the recruitment and conditions of service of officers and servants, and determining the conditions under which such officers and servants, or any of them, shall receive pensions, gratuities, or compassionate allowances on retirement, or on their becoming disabled through the execution of their duty, and the amount of such pensions, gratuities, or compassionate allowances; and for prescribing the conditions under which any gratuities, or compassionate allowance may be paid to the surviving relations on the death of any such officers or servants;

(*h*) as to the conditions under which rate-payers may appear before the Government auditor, inspect books and vouchers and take exception to items entered in the account or omitted therefrom;

(*i*) the powers and duties of the auditors and the procedure to be followed by them for conducting an audit and the times at which such audit may be conducted;

(*j*) as to preparation of plans and estimates for works which are to be partly or wholly constructed out of the municipal fund and the authority by whom, and the conditions subject to which, such plans and estimates for works may be sanctioned;

(*k*) as to the transfer to municipal councils of the management of any institution not otherwise provided for by this Act;

(*l*) as to the intermediate offices, if any, through which correspondence between municipal council and the Government or Government officers shall pass;

(*m*) in regard to the incurring of expenditure from the municipal fund and the mode of payments from the municipal fund;

(*n*) for the levy of interest on arrears of municipal taxes;

(*o*) for submission of returns, statements, and reports and the preparation, submission and sanction of the annual estimates of receipts and expenditure and the administration reports;

(*p*) for the regulation of all matters connected with the grant of licences and permissions under this Act;

(*q*) any other matters for which there is no provision or insufficient provision in this Act (including prescribing appellate authorities, periods within which appeals or revision petitions have to be filed, fees or charges payable in respect of any matter) and for which provision is, in the opinion of the Government, necessary for giving effect to the purposes of this Act.

(3) In making a rule under this section the Government may provide that a person guilty of contravention thereof shall be punished with fine which may extend to five hundred rupees and where the contravention is a continuing one with further fine which may extend to twenty-five rupees for every day after the first on which the contravention continues.

(4) A rule may be general for all [1][municipal areas][1], or for all [1][municipal areas][1] not expressly exempted from its operation, or may be special for the whole or any part of any one or more [1][municipal areas][1], as the Government may direct.

1. Substituted by Act 36 of 1994 w.e.f. 1.6.1994.

(5) A rule under this Act may be made with retrospective effect and when such a rule is made the reasons for making the rule shall be specified in a statement laid before both Houses of the State Legislature. Subject to any modification made under sub-section (6), every rule made under this Act shall have effect as if enacted in this Act.

(6) Every rule made under this Act shall be laid as soon as may be after it is made before each House of the State Legislature while it is in session for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if before the expiry of the session in which it is so laid or the sessions immediately following, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect as the case may be; so however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

324. Power to make bye-laws.—(1) Subject to the provisions of this Act and the rules made thereunder, every municipal council may from time to time make, alter or rescind bye-laws,—

(*a*) for the regulation and inspection of markets, all public places used for the sale of articles, and slaughter houses and all places used by or for animals which are for sale or hire or the produce of which is sold, and for the proper and clean conduct of business therein, for regulating the sale of fruits, flowers and vegetables, or meat, fish, eggs and animals in the municipal markets or other specified places, and for fixing the rents and other charges to be levied for the use of any of them which belong to the municipal council;

(*b*) prescribing the conditions on or subject to which, and the circumstances in which, and the areas or localities in respect of which, licences may be granted, refused, suspended or withdrawn for the use of any place not belonging to the municipal council,—

(i) as a slaughter house;

(ii) for the manufacture, preparation, storing, sale or supply for the purpose of trade of any article or thing intended for human food or drink, whether such food or drink is to be consumed in such place or not;

(iii) as a market or shop for the sale of animals and birds intended for human food, or of meat, fish or eggs or as a market for the sale of fruits or vegetables;

(iv) for any of the purposes mentioned in section 256;

(v) as a dairy, boarding house, or lodging house, or like purpose (other than a students' hostel under public or recognised control);

(vi) for any other purpose for which the taking out of a licence is or may be prescribed;

and providing for the inspection and regulation of the conduct of business in any place used as aforesaid, so as to secure cleanliness therein or to minimise any injurious, offensive, or dangerous effect arising or likely to arise therefrom;

(*c*) prescribing the conditions on or subject to which, and the circumstances in which, and the areas or localities in respect of which, licences may be granted, refused, suspended or withdrawn for the use of whistles and trumpets operated by steam or mechanical means or electricity in factories or other places for the purpose of summoning or dismissing workmen or persons employed;

(*d*) prohibiting the stalling or herding of horses, camels, cattle, donkeys, pigs, sheep or goats, otherwise than in accordance with such terms prescribed in such bye-laws in regard to the number thereof and the places to be used for the purpose, as may be necessary to prevent danger to the public health;

(*e*) prescribing the conditions subject to which sweetmeat, milk, butter or other milk product may be sold and subject to which licences may be granted, refused, suspended or withdrawn for carrying on the trade or business of a dealer in, or importer or seller of, sweetmeat, milk, butter or other milk product or for the use of for the purposes of trade, of any place for stabling milch-cattle, for storing or selling milk or for manufacturing, storing or selling butter or other milk products;

(*f*) (i) for the inspection of milch-cattle; and prescribing and regulating the construction, dimensions, ventilation, lighting, cleansing, drainage and water supply of dairies and cattle-sheds in the occupation of persons following trade of dairymen or milk-sellers;

(ii) for securing the cleanliness of milk stores, milk shops and vessels used by milk-sellers or buttermen for milk or butter;

(*g*) for the registration of births and deaths and the taking of statistics within the [1][municipal area][1] and for enforcing the supply of such information as may be necessary to make such registration or statistics effective;

1. Substituted by Act 36 of 1994 w.e.f. 1.6.1994.

(*h*) regulating the disposal of the dead the maintenance of all places for the disposal of the dead in good order and in a safe sanitary condition, due regard being had to the religious usages of the community or section of the community entitled to the use of such places for the disposal of the dead;

(*i*) for enforcing the supply of information as to any cases of dangerous disease, and carrying out the provisions of sections 248, 249 and 251;

(*j*) for enforcing the supply of such information by inhabitants of the [1][municipal area][1] as may be necessary to ascertain their respective liabilities to any tax imposed therein;

1. Substituted by Act 36 of 1994 w.e.f. 1.6.1994.

[1][(*k*) x x x][1]

1. Omitted by Act 36 of 1994 w.e.f. 1.6.1994.

(*l*) for the regulation of advertisements and their display;

[1][(*m*) x x x][1]

1. Omitted by Act 21 of 1979 w.e.f. 13.3.1979.

(*n*) for conserving and preventing injury to sources and means of water supply and appliances for the distribution of water whether within or without the limits of the [1][municipal area][1]; and regulating all matters and things connected with the supply and use of water and the turning on or turning off and preventing the waste of water, and the construction, maintenance and control of municipal water works and of pipes and fittings in connection therewith, whether the property of the municipal council or not;

1. Substituted by Act 36 of 1994 w.e.f. 1.6.1994.

Explanation.—For purposes of this clause, "sources and means of water supply" shall include private wells which are used by the public.

(*o*) for securing an adequate supply of pure water to persons occupying residential premises;

(*p*) regulating the use of public bathing and washing places within municipal limits;

(*q*) regulating sanitation and conservancy;

(*r*) regulating the conditions for the construction, use and disposal of houses intended for the poor under clause (*d*) of section 91;

(*s*) regulating the disposal of carcasses of dead animals;

(*t*) regulating the conditions on which permission may be given for the temporary occupation of, or the erection of, temporary structures on public streets or for projections over public streets, and regulating the structure and dimensions of plinths, walls, foundations, floors, roofs, and chimneys of new buildings, for the purpose of securing stability and the prevention of fires, and for purposes of health;

(*u*) regulating the erection or use of buildings for grain shops or grain stores and regulating the use of sites for erection of buildings and regulating in localities intended for residential purposes the erection or use of buildings for shops, market places, manufactories, places of public resort or for any like purpose;

(*v*) for preventing the erection of the buildings without adequate provision being made for the laying out and location of streets;

(*w*) for ensuring the adequate ventilation of buildings by the provision and maintenance of sufficient open space either internal or external and of doors and windows and other means for securing a free circulation of air;

(*x*) for requiring an owner of a building divided into two or more separate tenements to provide adequate means of lighting at night time a staircase, passage or private court of or in any such building or the spaces near or leading to latrines or urinals or washing places therein and of extinguishing such lights;

(*y*) regulating, in any other particular not specifically provided for in this Act, the construction, maintenance and control of drains, sewers, ventilation shafts, receptacles for dung and manure, cesspools, water closets, privies, latrines, urinals, and drainage or sewerage works of every description, whether the property of the municipal council or not;

(*z*) determining the information and plans to be required by the municipal council under sections 170 and 187;

(*aa*) subject to the provisions of the [1][Karnataka][1] Traffic Control Act, 1960, prohibiting vehicular traffic in any particular street, so as to prevent danger, obstruction or inconvenience to the public, by fixing up posts at both ends of such street or portion of such street; prohibiting the transit of any vehicles of such form, construction, weight or size, or

laden with such machinery or other unwieldy objects as may be deemed likely to cause injury to the roadway or to any construction thereon except under such conditions as to time, mode of traction or locomotion, use of appliances for protection of the roadway, number of lights and assistants and other general precautions as may be prescribed, either generally in such bye-laws, or in special licences to be granted in each case upon such terms as to time, of application and payment of fees therefor as may be prescribed in such bye-laws:

1. Adapted by the Karnataka Adaptations of Laws Order, 1973 w.e.f. 01.11.1973.

Provided that no such bye-law relating only to any particular street or portion of a street shall be deemed to be in force, unless and until notices of such prohibition shall have been posted up by the municipal council in conspicuous places at or near both ends of such street or portion of street;

(*bb*) securing the protection of public parks, gardens, and open spaces, vested in or under the control of the municipal council, from injury or misuse, regulating their management and the manner in which they may be used by the public, and providing for the proper behaviour of persons in them;

(*cc*) prescribing the qualifications of surveyors or persons by whom plans required under section 187 are to be prepared or of plumbers; for licensing persons to be surveyors or plumbers or water supply contractors and fixing the fees chargeable for such licences and for modifying the provisions of or revoking such licences and prohibiting any alterations or repairs or fittings to water or drainage pipes or house connections being carried out or made, except by licensed plumbers or water supply contractors; providing for the exercise of adequate control on all licensed plumbers or licensed water-supply contractors, the inspection of all works carried out by them, and 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 or licensed water-supply contractor;

(*dd*) prescribing the conditions on or subject to which and the circumstances in and the areas or localities in respect of which licences may be granted, refused, suspended, or withdrawn for establishment in any premises, or any factory, as defined in the Factories Act, 1948;

(*ee*) prescribing the conditions on or subject to which licences may be granted, refused, suspended or withdrawn, for the use of hand-carts and hand barrows other than those plying for hire in respect of which licenses have been granted under the [1][Karnataka][1] Public Conveyances Act, 1961, and providing for the seizure and detention of any hand-cart or hand-borrow which has not been duly licensed in pursuance of the bye-laws made under this section;

1. Adapted by the Karnataka Adaptations of Laws Order, 1973 w.e.f. 01.11.1973.

(*ff*) prescribing the conditions on or subject to which permission may be granted, renewed, refused, suspended or withdrawn for erecting, exhibiting, fixing or retaining any advertisement liable to tax under this Act, over any land, building or structure or upon or in any vehicle or for displaying in any other manner;

(*gg*) the fees to be charged for licences or permissions granted by the municipal council or for the inspection of records or grant of copies of documents or duplicate licences or permits;

(*hh*) generally for the regulation of all matters relating to municipal administration.

(2) In making any bye-laws under sub-section (1), the municipal council may provide that a contravention thereof shall be punishable,—

(*a*) with fine which may extend to five hundred rupees;

(*b*) with fine which may extend to five hundred rupees, and in case of continuing contravention, with an additional fine which may extend to fifteen rupees for every day during which such contravention continues after conviction for the first such contravention; or

(*c*) with fine which may extend to ten rupees for every day during which the contravention continues, after receipt of a notice from the municipal council or a municipal officer duly authorised in this behalf, by the person contravening the bye-law requiring such person to discontinue such contravention.

(3) Any such bye-law may also provide that a person contravening the same shall be required to remedy so far as lies in his power, the mischief, if any, caused by such contravention.

(4) Every municipal council shall, before making any bye-law under this section, publish in such manner as may be prescribed for the information of the persons likely to be affected thereby, a draft of the proposed bye-law, together with a notice specifying a date on or after which the draft will be taken into consideration, such date not being earlier than thirty days from the date of publication of the draft of the proposed bye-law and shall, before making the bye-law, receive and consider any objection or suggestion with respect to the draft which may be made in writing by any person before the date so specified.

(5) Every bye-law made by a municipal council under this section shall not have effect until it has been approved by the Government; and every such bye-law shall be submitted to the Government along with a copy of the notice published under sub-section (4) and of every objection or suggestion received with respect to the draft bye-law.

(6) The Government while approving a bye-law may make any change therein which appears to it to be necessary.

(7) Every bye-law as approved by the Government shall be published in the prescribed manner and shall come into force from such date as may be specified by the municipal council and where no date is specified on the date of such publication.

325. Power of Government to make model bye-laws and adoption of such bye-laws by municipal councils.—(1) In respect of any of the matters specified in section 324 the Government may, after previous publication of the draft for not less than one month, make model bye-laws, and such bye-laws may be different for different classes of [1][municipal areas][1].

1. Substituted by Act 36 of 1994 w.e.f. 1.6.1994.

(2) A municipal council may by resolution adopt the model bye-laws in respect of any matter, and such bye-laws shall come into force in such [1][municipal area][1] from such date as the municipal council may specify in a notice published in the prescribed manner.

1. Substituted by Act 36 of 1994 w.e.f. 1.6.1994.

(3) If a municipal council proposes to adopt the model bye-laws in respect of any matter subject to any modifications, the procedure specified in sub-sections (4), (5) and (6) of section 324 shall be followed as if the modifications were bye-laws proposed to be made by the municipal council. The modifications as approved by the Government shall be published in the prescribed manner and the model bye-laws shall subject to such modifications come into force from such date as may be specified by the municipal council and where no date is specified on the date of such publication.

(4) (*a*) The Government may by order direct any municipal council to adopt the model bye-laws in respect of any matter, within such period not being less than three months from the date of receipt of the direction by the municipal council.

(*b*) If the municipal council fails to take any action for adopting the model bye-laws with or without modifications, the Government may by notification declare that the said model bye-

laws shall come into force in the said [1][municipal area][1] from such date as may be specified in such notification, and such bye-laws shall come into force accordingly.

1. Substituted by Act 36 of 1994 w.e.f. 1.6.1994.

(5) The provisions of this section shall have effect notwithstanding anything contained in section 324.

326. Rules and bye-laws to be printed and sold.—(1) A copy of rules and bye-laws for the time being in force shall be kept at the municipal office and shall during office hours be open free of charge to inspection by any inhabitation of the [1][municipal area][1].

1. Substituted by Act 36 of 1994 w.e.f. 1.6.1994.

(2) Copies of all such rules and bye-laws shall be kept at the municipal office and shall be sold to the public at cost price either singly or in collection at the option of the purchaser.

CHAPTER XIV

APPOINTMENT AND POWERS OF MUNICIPAL COMMISSIONER OR CHIEF OFFICER AND OTHER MUNICIPAL OFFICERS

327. Appointment of Chief Officer.—(1) Every municipal council shall have a Chief Officer who shall be appointed by the [1][Director of Municipal Administration][1] from among the persons in the cadre of Chief Officers of the [2][Karnataka Municipal Administrative Service][2].

1. Substituted by Act 31 of 2003 w.e.f. 20.8.2003.

2. Adapted by the Karnataka Adaptations of Laws Order, 1973 w.e.f. 01.11.1973.

(2) A Chief Officer of a [1][municipal area][1] shall be transferable from that office by a resolution of the municipal council at a general meeting, passed by a majority of not less than three-fourths of the total number of councillors.

1. Substituted by Act 36 of 1994 w.e.f. 1.6.1994.

(3) The municipal council may recommend disciplinary action being taken against a Chief Officer for abuse of powers, misconduct or neglect of duty.

(4) When a Chief Officer shall have been appointed, all other officers and servants employed by the municipal council shall, save such as are excepted by order of the Government from time to time, be subordinate to him.

328. Appointment of Health Officer.—(1) A municipal council may, and when required by Government by an order in this behalf shall, within such time as may be fixed therein, appoint one or more Health Officers whether temporarily or permanently, the officers being officers of the Department of Public Health.

(2) No such officer shall, save with the previous sanction of the Government, be transferable from office unless by the votes of not less than two-thirds of the total number of councillors.

(3) The municipal council may recommend disciplinary action being taken against a Health Officer for abuse of powers, misconduct or neglect of duty.

329. Duties of Chief Officer.—The Chief Officer shall,—

(*a*) [1][subject to the control of the municipal council, perform all the duties][1] and exercise all the powers specifically imposed or conferred upon him by or delegated to him under this Act;

1. Substituted by Act 34 of 1966 w.e.f. 16.1.1967.

(*b*) subject to the orders of the municipal council, or of the standing committee of the municipal council, as the case may be, take prompt steps to remove any irregularity pointed out by the auditor;

(*c*) report to the president, the standing committee and the municipal council all cases of fraud, embezzlement, theft or loss of municipal money or property;

(*d*) supply any return, statement, estimate, statistics, account, or report or a copy of any document in his charge called for by the municipal council or the standing committee and shall comply with any orders passed by the municipal council or the standing committee thereon; and

(*e*) subject to rules prescribed in this behalf exercise supervision and control over the acts and proceedings of all officers and servants of the municipal council in matters of executive administration and in matters concerning the accounts and records of the municipal council and to dispose of all questions relating to the officers and servants subordinate to the Chief Officer and their pay, privileges and allowances.

330. Powers of Chief Officers.—[1][Subject to the control of the municipal council, the Chief Officer shall exercise the powers][1] hereinafter specified, and such other powers as may be delegated to him by the municipal council under the provisions of this Act,—

1. Substituted by Act 34 of 1966 w.e.f. 16.1.1967.

(*a*) he shall have power, subject to the provisions of this Act and of the rules and bye-laws for the time being in force thereunder, to grant, give or issue under his signature all licences and permissions which may be granted, or given or issued by a municipal council under this Act;

(*b*) he may, subject to the provisions aforesaid, suspend, withhold or withdraw any licence in any case in which he is empowered as aforesaid to grant or give a licence, and in which the municipal council may under the provisions aforesaid suspend, withhold or withdraw such licence;

(*c*) he shall receive and recover and credit to the municipal fund all fees payable for licences and permissions granted or given by him under the powers aforesaid;

(*d*) he may, subject to the control of the municipal council and to the provisions of section 72,—

(i) enter on behalf of the municipal council into contracts which do not involve an expenditure of over five hundred rupees; and

(ii) invite on behalf of the municipal council and by public notice, tenders for the execution of any approved work or for the supply of any materials or goods required by the municipal council:

Provided that every contract made by the Chief Officer involving expenditure exceeding one hundred rupees shall be reported by him, within fifteen days after the same is made, to the municipal council;

(*e*) he may make such requisitions, by written notice give such written consent or permission, issue such orders and prohibitions, and exercise all such powers as may be made, given, issued or exercised by a municipal council under any provisions contained in,—

[1][Section 111 and 112][1]	Section 212,

1. Substituted by Act 34 of 1966 w.e.f. 16.1.1967.

[1][x x x][1]	Section 213,

1. Omitted by Act 21 of 1979 w.e.f. 31.3.1979.

Section 128,	Section 214,
[1][x x x][1]	Section 215,

1. Omitted by Act 21 of 1979 w.e.f. 31.3.1979.

Section 132, proviso to sub-section (2),	Section 216,
Section 133,	Section 217,
Section 138 sub-sections (1), (2) and (3),	Section 218,

Section 142,	Section 219,
Section 143,	Section 221,
Section 144,	Section 222,
Section 148,	Section 224,
Section 150, sub-section (3),	Section 225,
Section 178,	Section 227,
Section 184,	Section 228, sub-section (1),
Section 186,	Section 230,
Section 187,	Section 234,
Section 191,	Section 235,
Section 193,	Section 236,
Section 196,	Section 238,
Section 203, sub-section (1),	Section 243, sub-section (3),
Section 204,	Section 247,
Section 209,	Section 248, sub-sections (1) and (2),
Section 210,	Section 251,
Section 211, sub-section (3),	Section 262. and
	Section 276:

Provided that the power conferred by section 276 to direct a prosecution or to order proceedings to be taken for the punishment of any person offending against the provisions of the following sections shall not be exercised by the Chief Officer except with previous approval of the Deputy Commissioner:—

section 78 and section 241.

331. Appointment of Municipal Commissioner.—(1) Notwithstanding anything contained in section 327, the Government may appoint a Municipal Commissioner for any [1][city municipal area][1].

1. Substituted by Act 36 of 1994 w.e.f. 1.6.1994.

(2) On the appointment of a Municipal Commissioner, the appointment of Chief Officer, if any, shall forthwith terminate.

(3) The Government may, at the time, discontinue the appointment of a Municipal Commissioner for any [1][municipal area][1] for which such appointment has been made.

1. Substituted by Act 36 of 1994 w.e.f. 1.6.1994.

332. Removal from Office.—(1) A Municipal Commissioner may be removed from office at any time by the Government if it shall appear to the Government that he is incapable of performing the duties of his office or has been guilty of any misconduct or neglect which renders his removal expedient.

(2) The Municipal Commissioner of a [1][municipal area][1] shall be transferable from that office by the Government if at a special general meeting of the municipal council called for the purpose, not less than three-fourths of the total number of councillors vote for such transfer.

1. Substituted by Act 36 of 1994 w.e.f. 1.6.1994.

333. Salary of Municipal Commissioner.—A municipal Commissioner shall receive such monthly salary payable wholly by the municipal council or partly by the municipal council and partly by the Government, as the Government may from time to time, determine with due regard to the resources of the [1][municipal area][1].

1. Substituted by Act 36 of 1994 w.e.f. 1.6.1994.

334. Prohibition of engagement in other business.—A Municipal Commissioner shall devote his whole time and attention to the duties of his office as prescribed in this Act or in any other enactment for the time being in force, and shall not engage in any other profession, trade or business whatever:

Provided that the government may assign to him any other work of local importance or interest, if in its opinion, he can perform such additional work without prejudice to his duties as Municipal Commissioner.

335. Leave of absence.—(1) The Government may from time to time, in consultation with the Municipal Council, grant leave of absence for such period as it thinks fit to a Municipal Commissioner.

(2) The allowance to be paid to a Municipal Commissioner while absent on leave, shall be regulated by the rules for the time being in force relating to the leave allowances of salaried servants of the Government of his class.

(3) During any absence on leave, or other temporary vacancy in the office of the Municipal Commissioner, the Government may appoint a suitable person to act as Municipal Commissioner. Every person so appointed shall exercise the powers and perform the duties conferred and imposed by or under this Act or by any other enactment for the time being in force on the Municipal Commissioner, and shall be subject to the same liabilities, restrictions and conditions to which the said officer is liable.

336. Contribution from municipal council towards pension and leave allowances of Municipal Commissioner.—When Government appoints a Municipal Commissioner, the municipal council shall, unless specially exempted wholly or in part from the liability by the Government, contribute to his pension and leave allowances to the extent required by the prescribed rules.

337. Power of Municipal Council to require returns, reports, or production of documents.—(1) The municipal council may require the Municipal Commissioner to furnish it with,—

(*a*) any return, statement, estimate, statistics, or other information regarding any matter appertaining to the administration of this Act or to the municipal government of the [1][municipal area][1];

1. Substituted by Act 36 of 1994 w.e.f. 1.6.1994.

(*b*) a report on any such matter; and

(*c*) a copy of any document in his charge:

Provided that in emergent cases which do not admit a delay till a meeting of the municipal council is called, the president may call for the information, return, statistics, estimate, or other information, referred to above.

(2) The Municipal Commissioner shall comply with every such requisition without unreasonable delay.

338. Powers of Municipal Commissioners and limitations thereon.—A Municipal Commissioner shall exercise the powers specifically conferred on him by the provisions of this Act and the powers hereinafter specified and such other executive powers as may be delegated to him by the municipal council under the provisions of this Act,—

(1) he shall, subject to the provisions of this Act and save where it is otherwise expressly provided in this Act, perform and exercise the duties and powers of the president under clauses (*b*), (*d*) and (*e*) of sub-section (1) [1][or sub-section (2)][1] of section 43;

1. Inserted by Act 34 of 1966 w.e.f. 16.1.1967.

(2) he shall exercise all the powers specifically conferred on the Chief Officer by the provisions of this Act;

(3) he may make such requisition by written notice, give such written consent or permission, issue such orders and prohibitions, exercise all such powers and perform all such duties as may be made, given, issued, exercised and performed by a municipal council under any of the provisions contained in the following sections or sub-sections, namely:—

Provided as follows:—

(*a*) the powers conferred on the municipal council by or under the provisions contained in section 139, section 182, sub-section (1) of section 203, section 208, sub-section (1) of section 216, and in the case of a well, section 236, shall not be exercised by the Municipal Commissioner except subject to the general or special orders of the municipal council or, in the absence of such orders, with the previous approval of the municipal council;

(*b*) the powers conferred on the municipal council by or under any of the provisions of this Act (i) to make bye-laws; and (ii) to authorise the president or the vice-president, or a committee or a councillor to do anything, shall not be exercised by the Municipal Commissioner;

(*c*) property, whether movable or immovable, vested in or belonging to or otherwise held by the municipal council, shall not be deemed to vest in or belong to or otherwise to be held by the Municipal Commissioner.

339. Municipal Commissioner or Chief Officer deemed to be authorised to exercise powers of other officers.—Whenever any officer is authorised by the municipal council to exercise any power or perform any function under this Act or any rule or bye-law made thereunder or under any other law, the Municipal Commissioner or the Chief Officer shall also be deemed to have been authorised to exercise such power or perform such function.

340. Right of Municipal Commissioner and Chief Officer to attend meetings of municipal council etc.—The Municipal Commissioner and the Chief Officer shall have the right to attend the meetings of the municipal council and of any committee of the council and to take part in the discussion but shall not have the right to move any resolution or to vote.

341. Punishment for person disobeying lawful direction given by Municipal Commissioner or Chief Officer.—Whoever disobeys or fails to comply with a lawful direction given by the Municipal Commissioner or Chief Officer in any matter shall be punishable in the same manner as a person who disobeys or fails to comply with a lawful direction given by the municipal council in the same matter.

342. Powers of Municipal Commissioner or Chief Officer to appoint, grant leave, punish and dismiss.—(1) A Municipal Commissioner or Chief Officer shall have, independently of such powers as may be delegated to him by the municipal council in this behalf, power without the sanction of the municipal council,—

(*a*) to appoint, subject to the rules for the time being in force, a competent person to any post under the municipal council, the monthly salary of which does not exceed [1][such amount as may be prescribed][1];

1. Substituted by Act 28 of 1982 w.e.f. 10.8.1982.

(*b*) to grant, subject to the rules for the time being in force, leave, of absence to the holder of any post to which the Municipal Commissioner or Chief Officer has power to appoint, and to appoint a competent person to act for such holder during such absence;

(*c*) to fine, reduce, suspend or dismiss, or to impose any other punishment on the holder of any post to which the Municipal Commissioner or Chief Officer has power to appoint.

(2) When a Municipal Commissioner has been appointed under the provisions of this Act, all other officers and servants employed by the municipal council shall be subordinate to him.

343. Orders [1][subject to appeal][1].—[2][(1)][2] No appeal shall lie to the municipal council in respect of any order passed or anything done by a Municipal Commissioner [3][x x x][3] in the exercise of the powers conferred upon him by or under the provisions of this Act except in the case of an order passed or anything done by him under any of the following provisions, namely:—

1. Substituted by Act 34 of 1966 w.e.f. 16.1.1967.
2. Renumbered by Act 34 of 1966 w.e.f. 16.1.1967.
3. Omitted by Act 34 of 1966 w.e.f. 16.1.1967.

(i) sub-sections (1) and (2) of section 181, (ii) clause (*c*) of sub-section (9) of section 187, (iii) sub-section (1) of section 194, (iv) sub-section (2) of section 197, (v) sub-section (2) of section 228, (vi) section 230, (vii) section 256, (viii) section 259, (ix) clause (*b*) of sub-section (1) of section 264, (x) section 269, (xi) clause (*c*) of sub-section (1) of section 342, in respect of an order of dismissal.

[1][(2) In respect of any order passed or anything done by the Municipal commissioner which is not appealable to the municipal council under sub-section (1), an appeal shall lie to such officer as the State Government may by rules prescribe in this behalf.][1]

1. Inserted by Act 34 of 1966 w.e.f. 16.1.1967.

344. Delegation of powers of Municipal Commissioner.—(1) With the sanction of the municipal council, the Municipal Commissioner may by general or special order in writing delegate to any municipal officer or servant, any of the Municipal Commissioner's powers, duties or functions under this Act or under any rule or bye-law made thereunder except such as are conferred or imposed upon vested in him under the following sections, namely, 256, 276 and 342.

(2) The exercise or discharge by any municipal officer or servant of any powers, duties or functions delegated to him under sub-section (1) shall be subject to such conditions and limitations, if any, as may be specified in the said order and also to the control of and revision by the Municipal Commissioner.

345. Power to execute contracts on behalf of municipal council.—In any [1][municipal area][1] for which a Municipal Commissioner has been appointed, notwithstanding anything contained in section 72, the following provisions, with respect to the making of contracts under or for any purposes of this Act shall have effect, namely:—

1. Substituted by Act 36 of 1994 w.e.f. 1.6.1994.

(*a*) every such contract shall be made on behalf of the municipal council by the Municipal Commissioner;

(*b*) no such contract for any purpose which the Municipal Commissioner is not empowered by this Act to carry out without the approval or sanction of some other municipal authority, shall be made by him until or unless such approval or sanction has first of all been duly given;

(*c*) no contract for the purchase, sale, lease, mortgage or other transfer of immovable property, shall be entered into by the Municipal Commissioner except with the approval or sanction of the municipal council;

(*d*) no contract which will involve an expenditure exceeding two thousand rupees shall be made by the Municipal Commissioner except with the approval or sanction of the municipal council;

(*e*) every contract made by the Municipal Commissioner involving an expenditure exceeding two hundred and fifty rupees shall be reported by him, within fifteen days after the same has been made, to the municipal council;

(*f*) the foregoing provisions of this section shall apply to every variation or discharge of a contract as to an original contract.

346. Mode of executing contracts.—Notwithstanding anything contained in sub-sections (7) and (8) of section 72, every contract entered into by a Municipal Commissioner or Chief Officer on behalf of a municipal council shall be entered into in such manner and form as would bind such Municipal Commissioner or Chief Officer if such contract were on his own behalf and may in like manner and form be varied or discharged;

Provided that,—

(*a*) where any such contract, if entered into by a municipal council, would require to be under seal, the same shall be sealed with the common seal of the municipal council;

(*b*) every contract for the execution of any work or the supply of any materials or goods which will involve an expenditure exceeding five hundred rupees shall be in writing and shall be sealed with the common seal of the municipal council and shall specify the work to be done or the materials or goods to be supplied, as the case may be , the price to be paid for such work, materials or goods and, in the case of a contract for work, the time or times within which the same or specified portions thereof shall be completed.

(2) The common seal of the municipal council shall not be affixed to any contract or other instrument, except in the presence of two members of the standing committee, who shall affix their signatures to the contract or instrument in token that the same was sealed in their presence. The signature of the said members shall be distinct from the signature of any witnesses to the execution of any such contract or instrument.

(3) No contract not executed in the manner provided in this section shall be binding on the municipal council.

347. Tenders to be invited for contracts involving expenditure exceeding five hundred rupees.—(1) Except as is otherwise provided in sub-section (3), a Municipal Commissioner shall at least seven days before entering into any contract for the execution of any work or the supply of any materials or goods which will involve an expenditure exceeding five hundred rupees, give notice by advertising in the local newspapers, inviting tenders for such contract.

(2) A Municipal Commissioner shall not be bound to accept any tender which may be made in pursuance of such notice, but may accept, subject to the provisions of clause (*d*) of section 345, any of the tenders so made which appears to him, upon a consideration of all the circumstances, to be the most advantageous or may reject all the tenders submitted to him.

(3) The municipal council may, subject to the provisions of section 72, authorise the Municipal Commissioner, for reasons which shall be recorded in its proceedings, to enter into a contract without inviting tenders as herein provided or without accepting any tender which he may receive after having invited them.

348. Security when to be taken for performance of contract.—A Municipal Commissioner shall require security for the due performance of every contract into which he enters under section 345, and may, in his discretion, require security for the due performance of any other contract into which he enters under this Act.

[1][CHAPTER XV

1. Substituted by Act 36 of 1994 w.e.f. 1.6.1994.

349. Specifying transitional area.—(1) the Governor may, having regard to the factors mentioned in clauses (*a*), (*b*), (*c*), (*d*), (*e*) and (*f*) of sub-section (1) of section 3, and subject to the provisions of section 9 specify, by notification, any area to be a transitional area:

Provided that no such area shall be so specified as a transitional area unless,—

(*a*) such area contains a population of not less than ten thousand but less than twenty thousand;

(*b*) the density of population in such area is not less than four hundred inhabitants to one square kilometer of area;

(*c*) the percentage of employment in non-agricultural activities is not less than fifty percent of the total employment:

Provided further that if a Taluka Head quarters is situated in such area, the Governor may, specify such area to be a transitional area even though it contains population of less than ten thousand.

350. Municipal Area.—Where any area is specified to be a transitional area under section 349, such area shall be deemed to be a municipal area.

351. Constitution of Town Panchayat for a transitional area.—(1) There shall be constituted for such transitional area which is deemed to be a municipal area under section 350 a town panchayat.

(2) Every town panchayat shall be a body corporate by the name of "the Town Panchayat of" and shall have perpetual succession and a common seal with power to acquire, hold and dispose of property and to contract and may by the said name sue and be sued.

352. Election to Town Panchayat.—[1][(1) A Town Panchayat shall consist of,-

(a) not less than eleven and not more than twenty Councillors as may be determined by the Government, by notification.

(b) not more than three persons nominated by the Government from amongst the residents of the transitional area and who are,-

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

(ii) social workers

(c) the members of House of the people and the members of the State Legislative Assembly, representing a part or whole of the transitional area whose constituencies lie within the transitional area; and

(d) the members of the Council of States and the members of the State Legislative Council registered as electors within the transitional area:

Provided that the persons referred to in clause (b) shall not have the right to vote in the meetings of the Town Panchayat.][1].

1. Substituted by Act 23 of 2003 w.e.f. 10.11.2003.

(2) For the purpose of elections, the Government shall, by notification, divide a transitional area into such number of territorial constituencies, to be known as wards, as there are councillors determined under sub-section (1) and each ward shall constitute a constituency.

(3) Each ward shall elect one councillor.

(4) Seats shall be reserved in a Town Panchayat,—

(*a*) for the Scheduled Castes; and

(*b*) for the Scheduled Tribes;

and the number of seats reserved shall bear, as nearly as may be, the same proportion to the total number of seats to be filled by direct election in the Town Panchayat as the

population of the Scheduled Castes in the transitional area or of the Scheduled Tribes in the transitional area bears to the total population of the transitional area.

[1][Provided that atleast one seat each shall be reserved in a Town Panchayat for the persons belonging to the Scheduled Castes and the Scheduled Tribes:

Provided further that, if no person belonging to the Scheduled Castes is available the seat reserved for that category shall also be filled by the persons belonging to the Scheduled Tribes and vice versa][1].

1. Inserted by Act 23 of 2003 w.e.f. 10.11.2003.

(5) Such number of seats which shall as nearly as may be one third of the total number of seats to be filled by direct election in a Town Panchayat shall be reserved for persons belonging to the Backward Classes;

[1][Provided that out of the seats reserved undeer this sub-section eighty per cent of the total number of such seats shall be reserved for the persons falling under category "A" and the remaining twenty per cent of the seats shall be reserved for the persons falling under category "B":

Provided further that if no person falling under category "A" is available, the seats reserved for that category shall also be filled by th persons falling under category "B" and *vice versa*.][1]

[2][Provided also that the number of seats reserved for the backward classes under this sub-section shall be so determined, that the total number of seats reserved for the scheduled casts and the scheduled tribes under sub-section (4) and the backward classes under this sub-section shall not exceed fifty per cent of the total number of seats in the Town Panchayat.][2]

1. Inserted by Act 24 of 1995 w.e.f. 26.9.1995.
2. Inserted by Act 32 of 2012 w.e.f. 30.8.2012.

(6) [1][Not more than fifty percent of the seats reserved][1] for each category of persons belonging to the Scheduled Castes, Scheduled Tribes and Backward Classes and those of the non-reserved seats to be filled by direct election in a Town Panchayat shall be reserved for women:

Provided that the seats reserved in sub-sections (4), (5) and (6) shall be allotted by rotation to different wards in a transitional area.

1. Substituted by Act 32 of 2012 w.e.f. 30.8.2012.

(7) The councillors shall be elected in the manner provided in this Act.

(8) Nothing contained in sub-sections (4), (5) and (6) shall be deemed to prevent the members of the Scheduled Castes, Scheduled Tribes, Backward Classes or Women from standing for election to the non-reserved seats.

(9) Notwithstanding anything contained in this section where two-third of the total number of councillors of any Town Panchayat have been elected, the Town Panchayat shall be deemed to be have been duly constituted under this Act.

353. Power to extend provisions of this Act to a transitional area.—The Government may, by notification, apply to a transitional area subject to such restriction or modifications as the Government may consider necessary for giving effect to the provisions of this Chapter,—

(*a*) any provisions of any section of this Act or part of any section which applies to the area within the limits of a municipal council.

(*b*) any rule or bye-law in force in such area within the limits of a municipal council.

354. Consequence of the applications of the Act to a transitional area.—(1) When any provision of this Act or any rule or bye-law is applied with or without modification to a transitional area, such provisions of the Act or the rules or bye-law made thereunder shall, unless a different intention appears, operate as if the transitional area were a municipal area within the jurisdiction of a municipal council and the powers and duties of the municipal council were vested in the Town Panchayat.

(2) When any tax is imposed by a Town Panchayat in a transitional area under any of the provisions of this Act as applied under section 353, the proceeds of such tax shall be expended in the same manner in which and for the purposes for which the municipal fund may be expended by a municipal council.

355. Effect of absorption of Panchayat area into transitional area.—Any local area consisting of one or more revenue villages in respect of which a Grama Panchayat has been constituted under the Karnataka Panchayat Raj Act, 1993 may be included in a transitional area by a notification issued in accordance with the provisions of section 4 and notwithstanding anything contained in this Act or in the Karnataka Panchayat Raj Act, 1993 but subject to the provisions of section 4 of this Act, with effect from the date on which such area is included in a transitional area, the following consequences shall ensue, namely:—

(*a*) the Grama Panchayat shall cease to exist and the Zilla Panchayat or Taluk Panchayat within the jurisdiction of which such area is situated shall cease to have jurisdiction over such area;

(*b*) the un-expended balance of the Grama Panchayat fund and the property (including arrears of rates, taxes and fees) belonging to the Grama Panchayat; and all rights and powers which, prior to such notification vested in the Grama Panchayat shall subject to all charges and liabilities affecting the same, vest in the Town Panchayat of the transitional area;

(*c*) any appointment, notification, notice, tax, order, scheme, license, permission, rule, bye-law or form made, issued, imposed or granted under the Karnataka Panchayat Raj Act, 1993 immediately before the said date in respect of the said local area shall continue in force and be deemed to have been made, issued, imposed or granted under this Act until it is superseded or modified by any appointment, notification, notice, tax, order, scheme, license, permission, rule, bye-law, or form made, issued, imposed or granted under this Act;

(*d*) all budget estimates, assessments, assessment lists, valuation or measurements, made or authenticated under the Karnataka Panchayat Raj Act, 1993, immediately before the said date in respect of the said local area shall be deemed to have been made or authenticated under this Act;

(*e*) all debts and obligations incurred and all contracts made by or on behalf of the Grama Panchayat immediately before the said date and subsisting on the said date shall be deemed to have been incurred and made by the Town Panchayat in exercise of the powers conferred on it by this Act;

(*f*) all officers and servants in the employment of the Grama Panchayat immediately before the said date shall become officers and servants of the Town Panchayat 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 Town Panchayat 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 Town Panchayat, 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 Grama Panchayat in the employment of which he was, had not ceased to exist;

(*g*) all proceedings pending on the said date before the Grama Panchayat shall be deemed to be transferred to and shall be continued before the Town Panchayat;

(*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 transitional area when they were filed;

(i) all prosecutions instituted by or on behalf of the Grama Panchayat and all suits or other legal proceedings instituted by or against the Grama Panchayat or any officer of the Grama Panchayat pending on the said date shall be continued by or against the Town Panchayat as if the said local area had been included in the transitional area when such prosecutions, suits or proceedings were instituted;

(*j*) all arrears of rates, taxes and fees vesting in the Town Panchayat 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 Town Panchayat in accordance with the provisions of this Act, notwithstanding anything to the contrary contained in this Act, such number [1][of persons][1] ordinarily resident in the local area included in the transitional area who are nominated by the Government shall be additional councillors of the Town Panchayat.

1. Substituted by Act 22 of 2000 w.e.f. 29.11.2000.

355A. Effect of absorption of part of the Panchayat area into a transitional area.—Any part of a local area within the limits of a Panchayat area may be included in a transitional area and when it is so included then notwithstanding anything contained in this Act or in the Karnataka Panchayat Raj Act, 1993 but subject to the provisions of section 4 of this Act, with effect from the date on which such area is included in the transitional area the following consequences shall ensue, namely:—

(*a*) so much of the Grama Panchayat Fund and other property vesting in the Grama Panchayat shall be transferred to the Town Panchayat Fund as the Government may, by order in writing, direct;

(*b*) the rights and liabilities of the Grama 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 transitional area shall vest in the Town Panchayat and such rights and liabilities may be enforced by or against the Town Panchayat under this Act or the rules, bye-laws and orders made thereunder;

(*c*) such officers and servants of the Grama Panchayat shall be transferred to the Town Panchayat as the Government may, by order, direct.

355B. Effect of conversion of Panchayat area into a transitional area.—(1) Subject to the provisions of section 349 the Governor may declare, by notification that any Panchayat area constituted under the Karnataka Panchayat Raj Act, 1993 (Karnataka Act 14 of 1993) shall with effect from the date to be specified in such notification be transitional area constituted under section 349 of this Act.

(2) The provisions of the Karnataka Panchayat Raj Act, 1993 applicable to such Panchayat area shall not apply to any local area declared as a transitional area 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 Panchayat area 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 transitional area under sub-section (1) the following consequences shall, ensue, namely:—

(*a*) the body functioning as a Grama Panchayat under Karnataka Panchayat Raj Act, 1993, 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 Town Panchayat in respect of the said area until Town Panchayat is duly constituted for the area within the jurisdiction of such body under the provisions of this Act;

(*b*) the members of the Grama Panchayat holding office as such immediately before the said date shall become councillors of the Town Panchayat;

(*c*) the Adhyaksha of the said Grama Panchayat shall become the president of the Town Panchayat and discharge duties and perform functions of the President under this Act and Upadhyaksha of the said Grama Panchayat shall become the Vice-President of the said Town Panchayat under this Act;

(*d*) where, under the provisions of section 8 or section 268 of the Karnataka Panchayat Raj Act, 1993 either an administrator or an officer has been appointed, to exercise the powers and perform the duties of the Grama Panchayat then, such administrator or officer shall be deemed to be an administrator appointed under section 315;

(*e*) the unexpended balance of the Grama Panchayat fund and property (including arrears of rates, taxes and fees) belonging to the said Grama Panchayat and all rights and powers which prior to the said declaration vested in the Grama Panchayat shall, subject to all charges and liabilities affecting the same, vest in the Town Panchayat;

(*f*) any appointment, notification, notice, tax, order, scheme, licence, permission, rule, bye-law or form, made or issued or imposed under any other law in respect of such Grama Panchayat 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;

(*g*) all budget estimates, assessment lists, valuation or measurements made or authenticated under the Karnataka Panchayat Raj Act, 1993 immediately before the said date shall be deemed to have been made or authenticated under this Act;

(*h*) all debts and obligations incurred and all contracts made by or on behalf of the Grama Panchayat immediately before the said date and subsisting on the said date shall be deemed to have been incurred and made by the Town Panchayat in exercise of the powers conferred on it by or under the Act;

(*i*) all proceedings pending prior to the said declaration before the Grama Panchayat shall be continued by the Town Panchayat;

(*j*) 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 Town Panchayat when they were filed;

(*k*) all prosecutions instituted by or on behalf of the Grama Panchayat and all suits or other legal proceedings instituted by or against Grama Panchayat or any officer of the Grama Panchayat pending on the said date shall be continued by or against the Town

Panchayat as if such area had been included in the transitional area of the Town Panchayat when such prosecutions, suits or proceedings were instituted.

(*l*) all officers and servants in the employment of the Grama Panchayat immediately before the said date shall become officers and servants of the Town Panchayat 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 Town Panchayat 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 Town Panchayat 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 services as if the Town Panchayat in the employment of which he was, had not ceased to exist.

(4) A Town Panchayat shall be duly constituted for the transitional area under this Act, within a period of six months from the date of declaration referred to in sub-section (1) and from the date of first meeting of the Town Panchayat as so constituted the body exercising the powers and performing the duties of the Town Panchayat shall stand dissolved.

(5) The properties, rights and liabilities of the Grama Panchayat of a Panchayat area declared as a transitional area under sub-section (1) shall vest in the Town Panchayat of the said transitional area with effect from the date specified in the notification.

355C. Effect of absorption of part of a transitional area into a smaller urban area.—Any part of a local area comprised in a transitional area may be included in a smaller urban area and when it is so included with effect from the date on which such area is included in the smaller urban area, the following consequences shall ensue, namely:—

(*a*) so much of the funds and other property vesting the Town Panchayat shall be transferred to the Municipal funds as the Government may, by order, in writing, direct;

(*b*) the rights and liabilities of the Town Panchayat 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 smaller urban area shall vest in the Municipal Council and such rights and liabilities may be enforced by or against the Municipal Council under this Act or the rules, bye-laws and orders made thereunder;

(*c*) such officers and servants of the Town Panchayat as the Government may, by order, direct shall be transferred to the Municipal Council 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.

355D. Effect of absorption of a transitional area into smaller urban area.—Any local area, comprised in a transitional area may be included in a smaller urban area by virtue of sub-section (1) of section 4 and when it is so included notwithstanding anything contained in this Act 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 smaller urban area, the following consequences shall ensue, namely:—

(*a*) the Town Panchayat of such local area shall cease to exist;

(*b*) the unexpended balance of the fund of the Town Panchayat (including arrears of rates, taxes and fees) belonging to the Town Panchayat and all rights and powers which, prior to such notification vested in the Town Panchayat shall, subject to all charges, and

liabilities affecting the same, vest in the Municipal Council of such smaller urban area (hereinafter referred to as the municipal council);

(*c*) any appointment, notification, notice, tax, order, scheme, licence, permission, rule, bye-law or form made, issued, imposed or granted under any law immediately before the said date in respect of the said Town Panchayat shall continue in force and be deemed to have been made, issued, imposed or granted under this Act until it is superseded or modified by any appointment, notification, notice, tax, order, scheme, licence, permission, rule, bye-law or form made, issued, imposed or granted under this Act;

(*d*) all budget estimates, assessment lists, valuations or measurements, made or authenticated under any law or rule immediately before the said date in respect of the said Town Panchayat 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 Town Panchayat immediately before the said date and subsisting on the said date shall be deemed to have been incurred and made by the Municipal Council in exercise of the powers conferred on it by this Act.

(*f*) all officers and servants in the employment of the Town Panchayat immediately before the said date shall become officers and servants of the municipal council 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 Municipal Council 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 requirement of the service under the municipal council 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 Town Panchayat in the employment of which he was, had not ceased to exist;

(*g*) all proceedings pending on the said date before the Town Panchayat shall be deemed to be transferred to and shall be continued before the Municipal Council;

(*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 smaller urban area when they were filed;

(*i*) all prosecutions instituted by or on behalf of the Town Panchayat and all suits or other legal proceedings instituted by or against the Town Panchayat or any officer of the Town panchayat pending on the said date shall be continued by or against the Municipal Council as if the area of the said Town Panchayat had been included in the smaller urban area when such prosecution, suits or proceedings were instituted;

(*j*) all arrears of rates, taxes and fees vesting in the Municipal Council 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 Municipal Council 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 of the said Town Panchayat included in the smaller urban area, who shall be nominated by the Government shall be additional councillors of the Municipal Council.

355E. Effect of conversion of transitional area into a smaller urban area.—(1) Subject to the provisions of section 3, the Governor may declare, by notification that any

transitional area shall with effect from the date to be specified in such notification be a smaller urban area constituted under section 3 of this Act.

(2) The provisions of this Act applicable to such transitional area shall not apply to any local area declared as smaller urban area in 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 this Act in respect of such Town Panchayat 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, in respect of a Municipal Council 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 smaller urban area, under sub-section (1), the following consequences shall ensue, namely:—

(*a*) the body functioning as a Town Panchayat under this Act, 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 this Act on a Municipal Council in respect of the said area until a Municipal Council is duly constituted for the area within the jurisdiction of such body under the provisions of this Act;

(*b*) the Councillors of the Town Panchayat holding office as such immediately before the said date shall become Councillors of the Municipal Council;

(*c*) the President of the said Town Panchayat shall become the President of the Municipal Council and discharge duties and perform functions of the President under this Act and the Vice-President of the said Town Panchayat shall become the Vice-President of the said Municipal Council under this Act;

(*d*) where, under the provisions of section 315 or section 316 either an administrator or an officer has been appointed, in respect of such Town Panchayat to exercise the powers and perform the duties of the Town Panchayat, then, such administrator or officer shall be deemed to be an Administrator appointed in respect of the Municipal Council;

(*e*) the unexpended balance of the Town Panchayat fund and the property (including arrears of rates, taxes and fees) belonging to the said Town Panchayat and all rights and powers which prior to the said declaration vested in the Town Panchayat shall, subject to all charges and liabilities affecting the same, vest in the Municipal Council as the municipal fund;

(*f*) any appointment, notification, notice, tax, order, scheme, licence, permission, rule, bye-law or form, made or issued or imposed under this Act in respect of such Town Panchayat shall continue in force and be deemed to have been made, issued or imposed under the provisions of this Act, in respect of a Municipal Council, 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;

(*g*) all budget estimates, assessment lists, valuation or measurements made or authenticated under this Act in respect of the Town Panchayat immediately before the said date shall be deemed to have been made or authenticated under this Act in respect of the said Municipal Council;

(*h*) all debts and obligations incurred and all contracts made by or on behalf of the Town Panchayat immediately before the said date and subsisting on the said date shall be deemed to have been incurred and made by the Municipal Council in exercise of the powers conferred on it by or under this Act;

(*i*) all proceedings pending prior to the said declaration before the Town Panchayat shall be continued by the Municipal Council;

(*j*) all appeals pending before any authority shall so far as may be practicable, be disposed of as if the said area has been included in the smaller urban area when they were filed;

(*k*) all prosecutions instituted by or on behalf of the Town Panchayat and all suits or other legal proceedings instituted by or against the Town Panchayat or any Officer of the Town Panchayat pending on the said date shall be continued by or against the Municipal Council as if such area had been included in the Municipal Council when such prosecutions, suits or proceedings were instituted;

(*l*) all officers and servants in the employment of the Town Panchayat immediately before the said date shall become officers and servants of the Municipal Council 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 Municipal Council 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 Municipal Council, 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 Town Panchayat, in the employment of which he was, had not ceased to exist.

(4) A Municipal Council shall be duly constituted for the smaller urban area under this Act within a period of six months from the date of declaration referred to in sub-section (1) and from the date of the first meeting of the Municipal Council as so constituted the body exercising the powers and performing the duties of the Municipal Council shall stand dissolved.

(5) the properties, rights and liabilities of the Town Panchayat or a transitional area declared as a smaller urban area under sub-section (1) shall vest in the Municipal Council of the said smaller urban area with effect from the date specified in the notification.][1]

CHAPTER XVI

PROVISIONS FOR CONVERSION OF [1][PANCHAYAT AREA INTO A SMALLER URBAN AREA][1] AND FOR AMALGAMATION AND DIVISION OF [1][SMALLER URBAN AREAS][1], ETC

1. Substituted by Act 36 of 1994 w.e.f. 1.6.1994.

356. Interpretation.—For the purposes of this Chapter, unless the context otherwise requires, the expression —

(*a*) "municipal council" includes an administrator or officer appointed to exercise the powers and to perform the functions of a municipal council under section 315 or 316;

[1][(*b*) Grama Panchayat includes a person or persons appointed to exercise the powers and to perform the functions of a Grama Panchayat in sections 8, 117, 118 and 268 of the Karnataka Panchayat Raj Act, 1993.][1]

1. Substituted by Act 36 of 1994 w.e.f. 1.6.1994.

357. Effect of conversion of [1][Panchayat area into smaller urban area][1].—When any local area ceases to be [1][a Panchayat area by virtue of a notification under section 4 of the Karnataka Panchayat Raj Act, 1993][1], and is declared to be [1][smaller urban area][1] under

section 3 of this Act (hereinafter in this section referred to as the [1][smaller urban area][1]) with effect from the day on which such local area is declared to be a [1][smaller urban area][1] (hereinafter in this section referred to as the said date), the following consequences shall ensue, namely:—

1. Substituted by Act 36 of 1994 w.e.f. 1.6.1994.

(*a*) [2][the [1][Grama Panchayat][1] of such local area][2] (herein referred to as the panchayat) shall cease to exist or to function;

1. Substituted by Act 36 of 1994 w.e.f. 1.6.1994.
2. Substituted by Act 33 of 1986 w.e.f. 7.10.1986.

(*b*) there shall be constituted for the [1][smaller urban area][1] an interim municipal council consisting of persons vacating office as members of the [1][Grama Panchayat and the Adhyaksha and Upadhyaksha of the Grama Panchayat][1] shall, respectively, be deemed to be the president and vice-president of the interim municipal council;

1. Substituted by Act 36 of 1994 w.e.f. 1.6.1994.

(*c*) the unexpended balance of the [1][Grama Panchayat Fund][1] 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 [1][or in the Government during dissolution of the Grama Panchayat under section 268 of the Karnataka Panchayat Raj Act, 1993][1], as the case may be, shall, subject to all charges and liabilities affecting the same, vest in the interium municipal council as the municipal fund until the new municipal council is constituted in pursuance of the provisions of section 11;

1. Substituted by Act 36 of 1994 w.e.f. 1.6.1994.

(*d*) any appointment, notification, notice, tax, order, scheme, licence, permission, rule, bye-law or form made, issued, imposed or granted under the [1][Karnataka Panchayat Raj Act, 1993][1], immediately before the said date in respect of such local area shall continue in force and be deemed to have been made, issued, imposed or granted in respect of the [1][smaller urban area][1] 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 by Act 36 of 1994 w.e.f. 1.6.1994.

(*e*) all budget estimates, assessments, assessment lists, valuations or measurements made or authenticated under the [1][Karnataka Panchayat Raj Act, 1993][1], immediately before the said date in respect of such local area shall be deemed to have been made or authenticated under this Act;

1. Substituted by Act 36 of 1994 w.e.f. 1.6.1994.

(*f*) 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 or made by the municipal council in exercise of the powers conferred on it by this Act;

(*g*) all officers and servants in the employ of the panchayat immediately before the said date shall be officers and servants of the municipal council 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 or subject on such date:

Provided that it shall be competent to the municipal council, subject to the previous sanction of the [1][Director of Municipal Administration][1], to discontinue the services of any officer or servant who, in its opinion, is not necessary or suitable to the requirements of the municipal service, 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 discontinued, shall be entitled to such leave, pension, provident fund and gratuity as he would have been entitled to take or receive on being invalided out of service as if the panchayat, in the employ of which he was, had not ceased to exist;

1. Substituted by Act 31 of 2003 w.e.f. 20.8.2003.

(*h*) all proceedings pending at the said date before the panchayat shall be deemed to be transferred to and continued by the municipal council;

(*i*) all appeals pending before any authority shall, so far as may be practicable, be disposed of as if such local area had been included in the [1][smaller urban area][1] when they were filed;

1. Substituted by Act 36 of 1994 w.e.f. 1.6.1994.

(*j*) 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 at the said date shall be continued by or against the municipal council as if such local area had been included in the [1][smaller urban area][1] when such prosecutions, suits or proceedings were instituted.

1. Substituted by Act 36 of 1994 w.e.f. 1.6.1994.

358. Term of office of members of interim municipal council and their powers.—(1) The Government shall, within a period not exceeding [1][six months][1] from the date on which the interim municipal council has been constituted, take steps in accordance with section 11 for the purpose of determining the number of councillors of, and for holding elections for, a new municipal council.

1. Substituted by Act 36 of 1994 w.e.f. 1.6.1994.

(2) The councillors of the interim municipal council shall hold office until the date immediately preceding the date of the first meeting of the new municipal council.

(3) Any vacancy in the office of the interim municipal council shall be filled as soon as conveniently may be, by appointment by the Government.

(4) All arrears of rates, taxes and fees, vesting in the interim municipal council shall, notwithstanding that such rates and fees cannot be levied under this Act, be recoverable in the same manner as a tax recoverable under chapter VII.

(5) In other respects the provisions of this Act shall *mutatis mutandis* apply to the interim municipal council and its councillors.

359. Effect of absorption of [1][Panchayat area into smaller urban area][1].—(1)—Notwithstanding anything contained in this Act, if any local area ceases to be a [1][panchayat area by virtue of a notification under section 4 of the Karnataka Panchayat Raj Act, 1993][1] (hereinafter in this section referred to as the said local area), and is absorbed in a [1][smaller urban area][1] the following consequences shall ensue, namely:—

1. Substituted by Act 36 of 1994 w.e.f. 1.6.1994.

(*a*) the unexpended balance of the [1][Grama Panchayat Fund][1] and the property (including arrears of rates, taxes and fees) [2][belonging to the [1][Grama Panchayat][1]][2] of the said local area (hereinafter referred to as 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 municipal council of such [1][smaller urban area][1] (herein referred to as the municipal council) as the municipal fund;

1. Substituted by Act 36 of 1994 w.e.f. 1.6.1994.

2. Substituted by Act 33 of 1986 w.e.f. 7.10.1986.

(*b*) any appointment, notification, notice, tax, order, scheme, licence, permission, rule, bye-law or form, made, issued, imposed or granted under the [1][Karnataka Panchayat Raj Act, 1993][1], 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 in respect of such [1][smaller urban area][1] 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 by Act 36 of 1994 w.e.f. 1.6.1994.

(*c*) all budget estimates, assessments, assessment lists, valuations or measurements, made or authenticated under the [1][Karnataka Panchayat Raj Act, 1993][1], immediately before the said date in respect of the said local area shall be deemed to have been made or authenticated under this Act;

1. Substituted by Act 36 of 1994 w.e.f. 1.6.1994.

(*d*) all debts and obligations incurred and all contracts made by or on behalf of the panchayat immediately before the said date and subsisting and on the said date shall be deemed to have been incurred and made by the municipal council in exercise of the powers conferred on it by this Act;

(*e*) all officers and servants in the employ of the panchayat immediately before the said date shall be officers and servants of the municipal council 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 or subject on such date:

Provided that it shall be competent to the municipal council, 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 to the requirements of the municipal service 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 disposed with shall be entitled to such leave, pension, provident fund and gratuity as he would have been entitled to take or receive on being invalided out of service as if the panchayat, in the employ of which he was, had not ceased to exist;

(*f*) all proceedings pending at the said date before the panchayat shall be deemed to be transferred to and continued by the municipal council;

(*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 [1][smaller urban area][1] when they were filed;

1. Substituted by Act 36 of 1994 w.e.f. 1.6.1994.

(*h*) 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 at the said date shall be continued by or against the municipal council as if the said local area had been included in the [1][smaller urban area][1] when such prosecutions, suits or proceedings were instituted;

1. Substituted by Act 36 of 1994 w.e.f. 1.6.1994.

(*i*) all arrears of rates, taxes and fees, vesting in the municipal council shall, notwithstanding that such rates, taxes, and fees cannot be levied under this Act, be recoverable in the same manner as a tax recoverable under Chapter VII;

(*j*) until the reconstitution of the municipal council in accordance with the provisions of this Act, notwithstanding anything to the contrary contained in this Act, one person ordinarily

resident in the local area absorbed in the [1][smaller urban area][1] who is nominated by the Government shall be an additional councillor of the municipal council.

1. Substituted by Act 36 of 1994 w.e.f. 1.6.1994.

360. Effect of absorption of a part of a [1][panchayat area into a smaller urban area][1].—If any part of an area within the limits of a [1][Grama Panchayat is included in a smaller urban area][1], then, notwithstanding anything contained in this Act or in the [1][Karnataka Panchayat Raj Act, 1993][1], but subject to the provisions of sub-section (3) of Section 4 of this Act, the following consequences shall ensue, namely:—

1. Substituted by Act 36 of 1994 w.e.f. 1.6.1994.

(*a*) so much of the [1][Grama Panchayat Fund and other property vesting in the Grama Panchayat][1] shall be transferred to the Municipal Fund as the Deputy Commissioner may, by order in writing, direct;

1. Substituted by Act 36 of 1994 w.e.f. 1.6.1994.

(*b*) the rights and liabilities of the [1][Grama Panchayat][1] 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 any part of the area included in the [1][smaller urban area][1] shall vest in the municipal council; and such rights and liabilities may be enforced by or against the municipal council under this Act or the rules, bye-laws and orders made thereunder;

1. Substituted by Act 36 of 1994 w.e.f. 1.6.1994.

(*c*) such officers and servants of the [1][Grama Panchayat][1] shall be transferred to the municipal council as the Government, by order, direct;

1. Substituted by Act 36 of 1994 w.e.f. 1.6.1994.

(*d*) if the area included is an area in which not less than one thousand persons reside, until the reconstitution of the municipal council in accordance with the provisions of this Act, one person ordinarily resident in such area who is nominated by the Government shall be an additional councillor of the municipal council.

361. Conversion of [1][town municipal areas into city municipal areas][1].—(1) Subject to the provisions of sub-section (1) of section 3, the [1][Governor][1] may at any time after consulting the municipal council concerned and considering objections, if any, declare by notification that any town [1][municipal area][1] [2][x x x][2] shall, with effect from a date to be specified in the notification, be a city [1][municipal area][1] constituted under this Act.

1. Substituted by Act 36 of 1994 w.e.f. 1.6.1994.

2. Omitted by Act 34 of 1966 w.e.f. 16.1.1967.

(2) The provisions of this Act relating to town [1][municipal areas][1] shall not apply to the [1][municipal area][1] declared as a city [1][municipal area][1] under sub-section (1) with effect from the date specified in the declaration.

1. Substituted by Act 36 of 1994 w.e.f. 1.6.1994.

(3) Any appointment, notification, notice, tax, order, scheme, licence, permission, rule, bye-law or form, made, issued or imposed in respect of a [1][municipal area][1] declared as a city [1][municipal area][1] and any appointment, notification, order, scheme, rule, bye-law or form, made or issued under any other law in respect of such [1][municipal area][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.

1. Substituted by Act 36 of 1994 w.e.f. 1.6.1994.

(4) Before any town [1][municipal area][1] is constituted into a city [1][municipal area][1], the procedure prescribed in section 9 shall, as far as may be, be followed.

1. Substituted by Act 36 of 1994 w.e.f. 1.6.1994.

(5) The property, rights and liabilities of the municipal council of a [1][municipal area][1] declared as a city [1][municipal area][1] under sub-section (1) shall vest in the municipal council of the said [1][municipal area][1] with effect from the date specified in the notification.

1. Substituted by Act 36 of 1994 w.e.f. 1.6.1994.

362. Conversion of [1][city municipal areas into town municipal areas][1].—(1) The [1][Governor][1] may, at any time after consulting the municipal council concerned and considering objections, if any, declare by notification that a city [1][municipal area][1] shall, with effect from a date to be specified in the notification, be a town [1][municipal area][1] constituted under this Act.

1. Substituted by Act 36 of 1994 w.e.f. 1.6.1994.

(2) The provisions of this Act relating to city [1][municipal areas][1] shall not apply to the [1][municipal area][1] declared as a town [1][municipal area][1] under sub-section (1) with effect from the date specified in the declaration.

1. Substituted by Act 36 of 1994 w.e.f. 1.6.1994.

(3) Any appointment, notification, notice, tax, order, scheme, licence, permission, rule, bye-law or form, made, issued or imposed in respect of a [1][municipal area][1] declared as a town [1][municipal area][1], and any appointment, notification, order, scheme, rule, bye-law or form, made or issued under any law in respect of such [1][municipal area][1] shall continue in force and be deemed to have been made, issued or imposed under the provisions of this Act in respect of the town [1][municipal area][1] constituted by such declaration unless and until it is superseded by any appointment, notification, notice, tax, order, scheme, licence, permission, bye-law or form, made, issued or imposed under this Act.

1. Substituted by Act 36 of 1994 w.e.f. 1.6.1994.

(4) Before any city [1][municipal area][1] is constituted into a town [1][municipal area][1], the procedure prescribed in section 9 shall, as far as may be, be followed.

1. Substituted by Act 36 of 1994 w.e.f. 1.6.1994.

(5) The property, rights and liabilities of the municipal council of a [1][municipal area][1] declared as a town [1][municipal area][1] under sub-section (1) shall vest in the municipal council of the said [1][municipal area][1] with effect from the date specified in the notification.

1. Substituted by Act 36 of 1994 w.e.f. 1.6.1994.

363. Amalgamation of [1][two contiguous smaller urban areas][1].—(1) The Government may, at any time after consulting the municipal councils concerned and considering objections, if any, declare by notification that [1][two contiguous smaller urban areas][1] shall, with effect from the date and with the name, to be specified in the notification, be amalgamated and be deemed to be a single [1][smaller urban area][1] constituted under this Act.

1. Substituted by Act 36 of 1994 w.e.f. 1.6.1994.

(2) Any appointment, notification, notice, tax, order, scheme, licence, permission, rule, bye-law or form, made, issued or imposed in respect of the [1][smaller urban areas amalgamated][1] shall continue in force and be deemed to have been made, issued or imposed in respect of the [1][municipal area][1] constituted by the declaration under sub-section (1):

1. Substituted by Act 36 of 1994 w.e.f. 1.6.1994.

Provided that the [1][Governor][1] may, by notification, direct that from the date specified in the declaration under sub-section (1), only such appointments, notifications, notices, taxes, orders, schemes, rules, bye-laws and forms aforesaid shall be applicable to the [1][municipal area][1] constituted by such declaration and only the said appointments, notifications, notices, taxes, orders, schemes, rules, bye-laws and forms aforesaid shall be applicable to the [1][municipal area][1] constituted by such declaration and only the said appointments, notifications, notices, taxes, orders, schemes, rules, bye-laws, and forms shall thereupon continue in force.

1. Substituted by Act 36 of 1994 w.e.f. 1.6.1994.

(3) The property, rights and liabilities of the municipal councils of the [1][smaller urban areas amalgamated][1] and declared to be a single town [1][smaller urban area][1] under sub-section (1) shall vest, in the municipal council of the said single [1][smaller urban area][1] with effect from the date specified in the notification.

1. Substituted by Act 36 of 1994 w.e.f. 1.6.1994.

(4) Notwithstanding anything to the contrary contained in this Act,—

(*a*) until the reconstitution of the municipal council in accordance with the provisions of this Act,—

(i) the amalgamated municipal council shall consist of the councillors of the two municipal councils, holding office immediately before the date of amalgamation,

(ii) the two persons nominated by the Government from among the persons holding the offices of president and vice-president of the two municipal councils immediately before the date of amalgamation, to be the president and vice-president, respectively, shall be the president and vice president of the amalgamated municipal council, until the election under sub-clause (i) of clause (*b*), and shall have all the powers and be subject to all the duties and liabilities of a municipal council, president, vice-president or councillors, as the case may be, under this Act;

(*b*) the municipal council as constituted under clause (*a*) shall, at its first meeting after the date of amalgamation,—

(i) elect one of its members to be the president and one of its members other than the president to be the vice-president, and

(ii) elect members of the committees under section 63;

(*c*) the term of office of the president, vice-president and councillors referred to in clauses (*a*) and (*b*) shall, subject to the provisions of sections 16, 40, 41 and 42 expire on such dates as the Government may, by notification, specify;

(*d*) the Government may, by notification, make such provisions as appear to it be necessary or expedient,—

(i) for making omissions from, additions to, adaptations and modifications of the rules, bye-laws, notifications and orders referred to in sub-section (2) in their application to the amalgamated [1][municipal area][1];

1. Substituted by Act 36 of 1994 w.e.f. 1.6.1994.

(ii) for removing difficulties arising in connection with the working of the amalgamated municipal council until its reconstitution in accordance with the provisions of this Act.

[1][**363A.** x x x][1]

1. Inserted by Act 83 of 1976 and omitted by Act 33 of 1986 w.e.f. 7.10.1986.

364. Removal of difficulties.—If any difficulty arises in giving effect to the provisions of the preceding sections of this Chapter, 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.

[1][CHAPTER XVI-A

1. Inserted by Act 24 of 2003 w.e.f. 21.8.2003.

364(A). Specification of Industrial Township.- The Governor may, having regard to one or more of the following:-

(a) the size of the area and the municipal services deemed to be provided or proposed to be provided by the industrial establishment in any area;

(b) the public infrastructure facility established by the Government or any other agency of the Government under the Karnataka Industrial Area Development Act, 1966 or any other law for the time being in force;

(c) the industrial and residential buildings or other buildings providing public infrastructure facility in the area;

(a) the income generated in the area from tax and non tax sources for local administration and for providing municipal services,

specify by notification such area to be an Industrial Township:

(2) Every notification issued in sub-section (1) shall define the limits of the area to which it relates:

Provided that no such notification shall be issued unless,

(i) the local authority, if any, concerned is consulted; and

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

364(B). Constitution of Industrial Township Authority.- (1) For every Industrial Township there shall be an Industrial Township Authority. Each such Authority shall be a body corporate by the name "..... Industrial Township Authority" and shall have perpetual succession and a common seal and with power to acquire, hold and dispose of property and to enter into contracts and may by that name sue and be sued.

(2) The Industrial Township Authority shall consist of the following members, namely:-

(a) a Chair person elected in the prescribed manner from amongst the members referred to in clause (b);

(b) five members elected from amongst the owners of Industrial establishments, in case the Industrial Township consists of more than one establishment and three members in case the Industrial Township consists of a single Industrial establishment:

Provided that the members of the first Industrial Township Authority under this clause shall be nominated by the Government.

(c) one representative of the Commerce and Industries Department nominated by the Government;

(d) one representative of the Urban Development Department nominated by the Government;

(e) an officer of the Town Planning Department not below the rank of an Assistant Director nominated by the Government;

(f) one person nominated by the Government from among the residents of the Industrial Township having special knowledge and experience in municipal administration Urban management or town planning.

(g) One representative of the local authorities from the areas of which the area of Industrial township is carved out, nominated by the Government.

(3) The members referred to in clause (c), (d) and (e) shall have no voting right in the election of the Chair person.

364(C). Term of Office of Chair person and Members.- (1) Save as otherwise provided the term of office of the Chairperson and the elected members shall be three years.

(2) Save as otherwise provided the term of office of nominated members shall, subject to the pleasure of the Government, be three years.

364(D). Transaction of Business by the Industrial Township Authority.- (1) The Industrial Township Authority shall ordinarily hold atleast one meeting in a month for the transaction of its business.

(2) Quorum for the meeting of the Authority shall be five.

(3) Decisions regarding any business transacted at such meeting shall be taken by a simple majority.

(4) No act or proceeding of the Authority shall be questioned or shall be invalid on the ground merely of the existence of any vacancy in, or any defect in the Constitution of the Authority or any defect in the nomination of any member or any irregularity in the procedure of the Authority not affecting the merits of the matter.

364(E). Authentication of documents.- All documents of the Industrial Township Authority shall be authenticated by signature of the Chief Executive Officer of the Authority or any other officer authorised by the Authority in this behalf.

364(F). Functions and duties of Industrial Township Authority.- It shall be incumbent on the Authority to make adequate provision by any means or resources which it may lawfully use or take for each of the following matters within the Industrial Township, namely:-

(1) Regulation and construction of buildings;

(2) Planning for economic and social development;

(3) Roads and bridges;

(4) Water supply for domestic, industrial and commercial purposes;

(5) Public, health, sanitation, conservancy and solid waste management and fire services;

(6) Urban forestry, protection of environment and promotion of ecological aspects;

(7) Safeguarding the interests of weaker sections of society, including handicapped and mentally retarded and improvement of slums;

(8) Provision for urban amenities and facilities such as parks, garden and playgrounds;

(9) Burial grounds and crematoriums;

(10) Public amenities including street lighting, parking lots, bus stops and public conveniences;

(11) Regulation of slaughter houses and tanneries;

(12) Any other matter as may be prescribed.

364(G). Powers of Industrial Township Authority.- (1) The Industrial Township Authority for the purpose of carrying out its functions under section 364 (F) shall exercise all such powers vested in the Municipal Council under sections 175 to 275 both inclusive.

(2) The Industrial Township Authority may by order delegate such of its powers except the powers unders section 364(P) as it may deem fit to the Chief Executive Officer of the Authority.

364 (H). Powers to extend provisions of this Act to the Industrial Township Authority.-(1) The Government may by notification apply to an Industrial Township subject to such restrictions or modifications as the Government may consider necessary for giving effect to the provision of this Chapter,-

(a) any provision of this Act or part of any section which applies to the area within the limits of the municipal council,

(b) any rule or bye-law in force in any area within the limits of the municipal council.

(2) When any provision of this Act or any rule or bye-law is applied with or without modification to any Industrial Township such provisions of the Act or rules or bye-laws thereunder shall unless a different intention appears operate as if the Industrial Township were a municipal area within the jurisdiction of a Municipal Council and the powers and duties of the Municipal Council were vested in the Industrial Township Authority.

364(I). Funds, Budget and Accounts of the Industrial Township Authority.- (1) The Authority shall have and maintain its own funds and to which be credited,-

(a) all moneys received by the Authority from the Government by way of grants, loans, advances or otherwise and also the money borrowed from other sources;

(b) all taxes, levies, tolls, fees, rent, profits, costs and charges received by the Authority under this Act or under the provisions of any law made applicable to the Industrial Township;

(c) all moneys received by the Authority from the disposal of land, buildings and movable properties and from other transactions.

(2) The fund shall be applied for meeting the expenses of the Authority in connection with the exercise of powers and performance of duties imposed on the Authority by or under this Act or any other law for the time being in force.

(3) The Authority shall, before thirty first day of January each year prepare a Budget containing detailed estimate of income and expenditure of the Authority for the ensuing financial year and submit the same to the Government for approval.

(4) The Authority shall maintain proper accounts and other relevant records and prepare an annual statement of accounts in such form as may be prescribed.

(5) The accounts of the Authority shall be audited annually by the state Accounts Department or by an agency appointed by the Government under section 290. The provisions of section 291 shall mutatis-mutandis apply to the Industrial Township Authority.

364(J). Levy and collection of Property Tax.- (1) Subject to such exemptions as may be prescribed, the Industrial Township Authority shall levy Property Tax on all buildings and lands situated within the Industrial Townships. The provisions of sections 94 to 115 shall mutatis-mutandis apply to the Industrial Township Authority for the levy and collection of Property Tax on the buildings and lands.

(2) Thirty percent of the property tax collected by the Industrial Township Authority shall be remitted to the local authority from which the area of Industrial Township is carved out.

364(K). Power of appointment, conditions of service of officers and staff.- (1) The Industrial Township Authority may appoint any person possessing such qualification as may be notified from time to time by the Government as the Chief Executive Officer of the Industrial Township Authority.

(2) The terms and conditions of service of the Chief Executive Officer including remuneration payable to him shall be determined by the Authority from time to time.

(3) The Industrial Township Authority may, with the approval of the Government appoint such number of officers and employees, as may be necessary for the performance of its

functions and may determine the method of recruitment and conditions of service by regulations. The officers and other employees of the Authority shall receive their salaries and allowances from the fund of the Authority.

364(L). Returns.- (1) The Industrial Township Authority shall furnish to the Government such reports, returns and other information as may be prescribed. The Government or any officer authorised by the Government in this behalf may, call for reports, returns and other information from the Authority as may be considered necessary.

364(M). Power to issue directions to the Authority.- The Government may issue such directions to the Authority as in its opinion are necessary or expedient for carrying out the purposes of this Act and it shall be the duty of the Authority to comply with such directions.

364(N). Power to appoint Administrator.- (1) If, in the opinion of the Government, the Industrial Township Authority is unable or has failed, to perform its duties or to carry out its functions properly or satisfactorily, the Government may, after giving the Authority a reasonable opportunity of being heard, by an order in writing published in the official Gazette, appoint a Government Officer as an Administrator of the Industrial Township Authority for a period not exceeding six months as may be specified in the order.

(2) On the appointment of an Administrator under sub-section (1) the person if any, chosen or nominated as Chairperson or member of the Industrial Township Authority before such appointment shall cease to be a Chairperson or member of the Industrial Township Authority and all powers and duties of the Industrial Township Authority shall be exercised and performed by the Administrator.

(3) Notwithstanding anything contained in this Act the Administrator shall be deemed to be a duly constituted Industrial Township Authority for the purpose of this Act.

(4) When the Administrator is appointed to an Industrial Township Authority it shall be reconstituted in the manner provided by this Act before the expiry of the term of office of the Administrator.

364(O). Effect of conversion of part of panchayat area or transitional area or smaller urban area or larger urban area into an Industrial Township.- If any part of a local area comprised in a panchayat area constituted under the Karnataka Panchayat Raj Act, 1993 or in a smaller urban area or transitional area constituted under the Karnataka Municipalities Act, 1964 or in a larger urban area constituted under the Karnataka Municipal Corporation Act, 1976 is included in an Industrial Township, the following consequences shall ensue, namely:-

(a) the Grama Panchayat or the Municipal Council or Town Panchayat or the Corporation (hereinafter referred to as the local authority) within the jurisdiction of which such area is situated shall cease to have jurisdiction over such area;

(b) the members of the Grama Panchayat or the councilors of the municipal council or the Town Panchayat or the Corporation elected from such area holding office immediately before the date of constitution of Industrial Township Authority shall cease to be members or as the case may be, Councillor and they may be nominated by the Government to the Industrial Township Authority as additional members for the remaining period of the term of their offices as Councilors of the Urban Local Body or members of the Grama Panchayat wich existed before the declaration of Industrial Township Authority;

(c) the immovable property vesting in the local authority shall be transferred to the Industrial Township Authority as the Government may, by order in writing, direct;

(d) the rights and liabilities of the local authority in respect of civil or criminal proceedings, contracts and other matters (including arrears of tax, fees and

cess) arising in or relating to such area included in the Industrial Township shall vest in the Industrial Township Authority and such rights and liabilities may be enforced by or against the Industrial Township Authority under this Act or rules, bye-laws and orders made thereunder.

364(P). Regulations.- (1) The Industrial Township Authority may, with the previous sanction of the Government make regulations not inconsistent with the provisions of this Act or the rules made thereunder for the administration of the affairs of the Authority.

(2) In particular and without prejudice to the generality of the foregoing power, such regulations may provide for all or any of the following matters, namely:-

(a) the summoning and holding a meeting of the Authority, the time and place where such meetings are to be held and the conduct of business at such meetings;

(b) the powers and duties of the Chief Executive Officer;

(c) the form of registers to be maintained by the Authority;

(d) the management of properties of the Authority;

(e) fees to be levied in the discharge of its functions;

(f) method of recruitment and conditions of service of the officers and employees of the Authority; and

(g) such other matters which may be or are required to be provided by regulations.

364(Q). Removal of difficulties.- If any difficulty arises in giving effect to the provisions of this Chapter the Government may, by order, make such provisions not inconsistent with the provisions of this Act, as appear to them to be necessary or expedient for removing the difficulty.][1]

CHAPTER XVII

MISCELLANEOUS

365. [1][Karnataka Municipal Administrative Service][1].—(1) Notwith-standing anything contained in this Act or in any other law for the time being in force, such posts under every local authority as may be specified by Government shall be filled by appointment of officers belonging to the [1][Karnataka Municipal Administrative Service][1].

1. Adapted by the Karnataka Adaptations of Laws Order, 1973 w.e.f. 01.11.1973.

(2) (*a*) With effect from such date as the Government may appoint, officers of local authorities holding the posts specified under sub-section (1) shall become officers of the Government and shall hold their office by the same tenure, at the same remuneration and upon the same terms and conditions of service and with the same rights and privileges as to pension, gratuity, provident fund and such other matters as they would have held the same under the local authority concerned and shall continue to do so until their remuneration, terms and conditions of service including the privileges as to pension, provident fund and gratuity are altered by rules or other provisions made [1][under the Karnataka State Civil Services Act, 1978][1], and any such alteration shall have effect, notwithstanding anything contained in any contract or law for the time being in force.

1. Substituted by Act 14 of 1990 w.e.f. 2.4.1998..

(*b*) Notwithstanding anything contained in the Industrial Disputes Act, 1947 (Central Act XIV of 1947), or in any other law for the time being in force the transfer of the services of any officer of a local authority by virtue of clause (*a*) shall not entitle any such officer to any compensation under that Act or other law and no such claim shall be entertained by any court, tribunal or other authority.

(3) A municipal council may, if it deems necessary, by a resolution passed by two-thirds of the total number of members of the municipal council recommend to the Government the

taking of such disciplinary action as may be necessary against any officer belonging to the said service in respect of any misconduct by him.

Explanation.—For purposes of this section and section 367, "local authority" means a municipal corporation, municipal council, notified area committee, Sanitary Board, City Improvement Board, Town Improvement Board or Planning Authority constituted under any law for the time being in force.

366. Agency for execution of public works.—(1) The Government, after consulting the municipal council, may direct that such public works as in the opinion of the Government require a degree of professional skill which may not be at the disposal of the municipal council shall be carried out by the Government or by such agency as the Government may specify.

(2) All other works of the municipal council shall be executed by such agency and subject to such supervision as the municipal council thinks fit, subject to the rules prescribed in this behalf.

(3) When any work is executed for a municipal council by the Government or by any other agency under the orders of the Government, the expense incurred on the work together with the charges for supervision and for tools and plant at such rates as may be fixed by the Government, from time to time, shall unless waived by the Government, be payable by the municipal council to the Government.

(4) When the Government undertakes the work of maintenance of the water supply installations such as public reservoirs, tanks, cisterns, fountains, wells, pumps, pipes, taps, conduits, aqueducts and other works, in respect of any [1][municipal area][1], the expense incurred by the Government in this behalf shall be payable by the municipal council to the Government, and the Government may require the municipal council to make a deposit in advance of such portion of the estimated expenditure for any year at such time as the Government may determine.

1. Substituted by Act 36 of 1994 w.e.f. 1.6.1994.

(5) If the amount payable to the Government under sub-section (3) or sub-section (4) is not paid within a reasonable time, the Government may make an order directing the person having the custody of the municipal 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 municipal council admit, be bound to comply with such order.

[1][**367. Recovery towards the Karnataka Municipal Administrative Service.**—(1) Notwithstanding anything contained in this Act or any other law for the time being in force every local authority shall contribute in advance one-fourth percentage of its revenue to the Consolidated Fund of the State in such manner and at such times as the Government may, by order, determine to meet the expenditure in respect of salaries, allowances, pensions, provident fund, gratuities and other necessary expenses payable to the officers of the Karnataka Municipal Administrative Service:

Provided that pending such contribution, the expenditure in respect of the Municipal Administrative Service shall be met from out of the consolidated fund of the State.

(2) If the local authority fails to pay the amount required to be paid under sub-section (1), the Deputy Commissioner may direct the officer in custody of the funds of the local authority concerned to pay such amount or so much thereof as is possible from the balance of such funds.][1]

1. Substituted by Act 83 of 1976 w.e.f. 8.12.1976.

368. Penalty for acting as councillor, president or vice-president of a municipal council when disqualified.—(1) Whoever acts as a councillor of a municipal council

knowing that, under this Act or the rules made thereunder he is not entitled or has ceased to be entitled to hold office as such, shall, be punished with fine of fifty rupees for every day on which he sits and votes as a member.

(2) Whoever acts as the president or vice-president of a municipal council or exercises any of his functions knowing that under this Act or the rules made thereunder he is not entitled or has ceased to be entitled to hold office as such, or to exercise such functions shall, be punished with fine of two hundred rupees for every day on which he acts or functions as such.

(3) Any person who having been the president or vice-president of a municipal council fails to hand over any documents of, or any moneys or other properties vested in or belonging to the municipal council which are in or have come into his possession or control, to his successor in office or other prescribed authority,—

(*a*) in every case as soon as his term of office as such president or vice-president expires; and

(*b*) in the case of a person who was the vice-president also on demand by the president, as the case may be,

shall, be punished with fine which may extend to one thousand rupees.

369. Penalty for interested member voting.—Whoever votes at any meeting of a municipal council or any committee thereof in contravention of the provisions of sub-section (1) of section 55, shall, be punished with fine which may extend to five hundred rupees.

370. Penalty for acquisition by an officer or servant of interest in contract.—Without prejudice to any action under section 77, if any officer or servant of a municipal council knowingly acquires, directly or indirectly by himself or by a partner, employer or servant, any personal share or interest in any contract or employment with, by or on behalf of the municipal council he shall be deemed to have committed an offence under section 168 of the Indian Penal Code:

Provided that no person shall by reason of being a share-holder in or member of, any company, be held to be interested in any contract entered into between such company and the municipal council unless he is a director of such company.

371. Bidding prohibited.—(1) No employee of a municipal council, or any officer having any duty to perform in connection with the sale of movable or immovable property 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.

372. Offences by companies.—(1) Where any offence under this Act has been committed by a company, every person who, at the time the offence was committed, was in charge of, and was responsible to, the company for the conduct of the business of the company, as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this sub-section shall render any such person liable to any punishment provided in this Act if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1) where an offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of or is attributable to any neglect on the part of any director, manager, secretary or other officer of the company, such director, manager, secretary or

other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

***Explanation.*—**For the purpose of this section,—

(*a*) "company" means a body corporate, and includes a firm,

(*b*) "director" in relation to a firm means a partner in the firm.

[1][**372A. Official Display of Flag.**—(1) No person shall fly any flag other than the National Flag or a flag approved by the Government on the offices of City Municipal Councils, Town Municipal Councils, Sanitary Boards or Notified Area Committees.

(2) Whoever contravenes sub-section (1) shall be punished with imprisonment for a term which may extend to three months or with fine which may extend to rupees five thousand or with both and in the case of continuing contravention with a further fine which may extend to rupees five hundred for each day during which the contravention continues.][1]

1. Inserted by Act 22 of 1991 w.e.f. 29.4.1991.

373. Signature on notices, etc., may be stamped.—Every licence, written permission, notice, bill, summons or other document which is required by this Act or any rule or bye-law made thereunder to bear the signature of the Municipal Commissioner or the Chief Officer or of any municipal officer, shall be deemed to be properly signed if it bears a facsimile of the signature of such [1][Director of Municipal Administration][1] or Chief Officer, as the case may be, stamped thereupon:

Provided that nothing in this section shall be deemed to apply to a cheque drawn upon the municipal fund or any contract executed on behalf of the municipal council.

1. Substituted by Act 36 of 1994 w.e.f. 1.6.1994.

374. Provisions in respect of licences, etc.—(1) Whenever it is provided in this Act or any rule or bye-law made thereunder that a licence or a written permission may be granted for any purpose such licence or written permission shall be signed by the Municipal Commissioner or the Chief Officer or by the officer empowered to grant the same under this Act or the rules or bye-laws made thereunder or by any municipal officer authorised by the Municipal Commissioner or the Chief Officer or such officer in this behalf and shall specify in addition to any other matter required to be specified under any other provision of this Act or any provision of any rule or bye-law made thereunder,—

(*a*) the date of the grant thereof;

(*b*) the purpose and the period (if any) for which it is granted;

(c) restrictions or conditions, if any, subject to which it is granted;

(*d*) the name and address of the person to whom it is granted; and

(*e*) the fee, if any, paid for the licence or written permission.

(2) Save as otherwise provided in this Act or any rule or bye-law made thereunder any licence or written permission granted under this Act or any rule or bye-law made thereunder may at any time be suspended or revoked by the Municipal Commissioner or the Chief Officer or the officer by whom it was granted, if he is satisfied that it has been secured by the grantee through misrepresentation or fraud or if any of its restrictions or conditions has been infringed or evaded by the grantee, or if the grantee is convicted for the contravention of any of the provisions of this Act or any rule or bye-law made thereunder relating to any matter for which the licence or permission has been granted:

Provided that,-

(*a*) before making any order of suspension or revocation reasonable opportunity shall be afforded to the grantee of the licence or the written permission to show cause why it should not be suspended or revoked;

(*b*) every such order shall contain a brief statement of the reasons for the suspension or revocation of the licence or the written permission.

(3) When any such licence or written permission is suspended or revoked, or when the period for which the same was granted has expired, the grantee shall, for all purposes of this Act or any rule or bye-law made thereunder, be deemed to be without a licence or written permission until such time as the order suspending or revoking the licence or written permission is rescinded or until the licence or written permission is renewed.

(4) Every grantee of any licence or written permission granted under this Act or any rule or bye-law thereunder shall at all reasonable times, while such licence or written permission remains in force, if so required by the Municipal Commissioner or the Chief Officer, or by the officer by whom it was granted, produce such licence or written permission.

375. Conditions of service of sweepers and certain other class of persons employed in municipal service.—(1) No person being a sweeper employed by the municipal council shall, in the absence of a contract authorising him so to do and without reasonable cause resign his employment or absent himself from his duty without having given one month's notice to the Municipal Commissioner or Chief Officer or shall neglect or without reasonable cause refuse to perform his duties.

(2) The municipal council may with the previous sanction of the Government, direct that on or from such date as may be specified in the resolution, the provisions of this section shall apply in the case of any specified class of persons employed by the municipal council whose functions are intimately connected with public health or safety.

376. Admissibility of document or entry as evidence.—(1) A copy of any receipt, application, plan, notice, order or other document or of any entry in a register in the possession of the municipal council shall, if duly certified by the Municipal Commissioner or the Chief Officer, be admissible in evidence of the existence of the document or entry, and shall be admitted as evidence of the matter and transactions, therein recorded in every case where and to the same extent to which the original document or entry would, if produced, have been admissible to prove such matters and transactions.

(2) No municipal officer or other employee shall, in any legal proceedings to which the municipal council is not a party, be required to produce any register or document the contents of which can be proved under sub-section (1) be a certified copy, or to appear as a witness to prove any matter or transaction recorded therein save by order of the court made for special cause.

377. Licensing and other provisions not applicable to Government.—(1) Nothing in this Act or in any rule or bye-law made thereunder shall be construed as requiring the taking out of any licence or the obtaining of any permission under this Act or any such rule or bye-law in respect of any place in the occupation or under the control of the Central or the State Government or in respect of any property of the Central or the State Government.

(2) Save in so far as they 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.

378. Licensing provisions not applicable to bus-stops, passenger-shelters, etc.—Notwithstanding anything contained in this Act,—

(1) no licence or permission shall be necessary for the [1][Karnataka State Road Transport Corporation][1] 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 municipal council:

1. Adapted by the Karnataka Adaptations of Laws Order, 1973 w.e.f. 01.11.1973.

Provided that no passenger-shelter, ticket booths or bus stand shall be erected or constructed under this section except with the previous sanction of the Government;

(2) in respect of passenger-shelters, ticket booths and bus stands erected or constructed under this section, the [1][Karnataka State Road Transport Corporation][1] shall be liable to pay to the municipal council such annual ground rent as may be agreed upon between them, and where there is no such agreement, as may be determined by the Government.

1. Adapted by the Karnataka Adaptations of Laws Order, 1973 w.e.f. 01.11.1973.

[1][**379. The provisions of the Karnataka Agricultural Produce Marketing (Regulation) Act, 1966, not affected.**—Provisions of sections 243, 244, 256 and 324 in so far as they relate to markets and other premises, shall not be applicable to any market declared under the Karnataka Agricultural Produce Marketing (Regulation) Act, 1966 and the provisions of this Act in respect of any other market shall be in addition to and not in derogation of the Karnataka Agricultural Produce Marketing (Regulation) Act, 1966.][1]

1. Substituted by Act 33 of 1986 w.e.f. 7.10.1986.

380. Provisions of Improvement Acts not affected.—The provisions of Chapter VIII of this Act shall not be applicable to the area to which the City of Mysore Improvement Act, 1903 (Mysore Act 3 of 1903) for the time being in force, extends, and any other municipal area for which an Improvement Board is constituted under any other similar law.

381. Transitional Provisions.—(1) Notwithstanding anything in this Act or in any other law, such of the municipal bodies by whatever name constituted under any of the enactments repealed by section 382 and functioning immediately before the commencement of this Act, as the Government may, by notification, direct to be panchayats, town municipal councils, or city municipal councils, shall, as from the date of commencement of this Act, become bodies competent to exercise the powers and perform the duties conferred by the [1][Karnataka][1] Village Panchayats and Local Boards Act, 1959, on village panchayats or by this Act on town municipal council or city municipal council, as the case may be until panchayats or town municipal councils or city municipal councils are duly constituted under the provisions of the [1][Karnataka][1] Village Panchayats and Local Boards Act, 1959, or under the provisions of this Act, as the case may be:

1. Adapted by the Karnataka Adaptations of Laws Order, 1973 w.e.f. 01.11.1973.

Provided that no municipal body shall be directed to be,-

(i) a panchayat unless the population of the area within the jurisdiction of such municipal body is less than ten thousand as determined at the last preceding census;

(ii) a town municipal council unless the population of the area within the jurisdiction of such municipal body is less than fifty thousand, as determined at the last preceding census;

(iii) a city municipal council unless the population of the area within the jurisdiction of such municipal body is more than fifty thousand as determined at the last preceding census.

Explanation.—In this section, 'Municipal body' includes a notified area committee, a Town Board, a Sanitary Board, or other similar body constituted under and law.

(2) Subject to the provisions of section 382 and any order made under section 383,-

(*a*) the provisions of the [1][Karnataka][1] Village Panchayats and Local Boards Act, 1959, relating to the conversion of a municipal council to a panchayat shall be applicable as if the municipal body directed to be a panchayat under sub-section (1) had been converted to a panchayat under the said provisions; and

1. Adapted by the Karnataka Adaptations of Laws Order, 1973 w.e.f. 01.11.1973.

(*b*) the provisions of section 362 or section 361 of this Act, shall be applicable as if the municipal body directed to be a town municipal council or city municipal council, as the case

may be, had been converted to a town municipal council or city municipal council, as the case may be, under the said section.

(3) Subject to any notification issued under sub-section (1), every municipal body referred to in the said sub-section which is,-

(i) a city municipal council, a borough [2][municipal area][2] or a town committee, shall, as from the date of commencement of this Act, exercise the powers and perform the duties conferred by the provisions of this Act on a city municipal council, until a city municipal council is duly constituted for the area within the jurisdiction of such body under the provisions of this Act;

1. Substituted by Act 36 of 1994 w.e.f. 1.6.1994.

(ii) a body other than a body referred to in clause (i) shall, as from the date of commencement of this Act, exercise the powers and perform the duties conferred by the provisions of this Act on a town municipal council, until a town municipal council is duly constituted for the area within the jurisdiction of such body under the provisions of this Act.

(4) A panchayat, a town municipal council or a city municipal council shall be duly constituted under the provisions of the [1][Karnataka][1] Village Panchayats and Local Boards Act, 1959, or the provisions of this Act, as the case may be, before the expiry of such period from the date of commencement of this Act, as the State Government may by notification, specify in respect of each panchayat, town municipal council or city municipal council, and from the date of the first meeting of the said panchayat or municipal council, as the case may be, every body exercising the powers and performing the functions of a panchayat and every municipal body exercising the powers and performing the functions of a town municipal council or city municipal council as the case may be, under sub-sections (1) and (3), shall stand dissolved:

1. Adapted by the Karnataka Adaptations of Laws Order, 1973 w.e.f. 01.11.1973.

Provided that the period specified in respect of any panchayat, town municipal council or city municipal council under this sub-section shall not be less than the term for which the said body would be continued in accordance with the provisions of the enactment under which the said body was constituted or re-constituted:

Provided further that if in respect of any panchayat or town municipal council or city municipal council no period is specified, the term for which the said body would have continued in accordance with the provisions of the enactment under which the said body was constituted or reconstituted shall be deemed to be the period specified under this sub-section:

Provided also that the period specified or deemed to be specified under this sub-section shall not be deemed to affect the exercise by,—

(i) the State Government or other competent authority of the powers under section 315 or 316 or any other provision of this Act in respect of any such town municipal council or city municipal council; or

(ii) the [1][Director of Municipal Administration][1] or other competent authority of the powers under section 203 or any other provisions of the [2][Karnataka][2] Village Panchayats and Local Boards Act, 1959, in respect of any such Panchayat.

1. Substituted by Act 31 of 2003 w.e.f. 20.8.2003.

2. Adapted by the Karnataka Adaptations of Laws Order, 1973 w.e.f. 01.11.1973.

(5) Subject to any order made under section 383 casual vacancies in the seats of members or councillors of every body exercising the powers and performing the functions of a panchayat or a town municipal council or city municipal council, as the case may be under sub-sections (1) and (3) shall be filled and all matters in connection with the filling of such

vacancies shall be regulated in accordance with the provisions governing the filling of such vacancies and regulating such matters as were in force immediately before the date of commencement of this Act.

382. Repeal and savings.—(1) The Mysore City Municipalities Act, 1933 (Mysore Act VII of 1933); the Mysore Town Municipalities Act, 1951 (Mysore Act XXII of 1951); the Bombay district Municipal Act, 1901 (Bombay Act III of 1901); the Bombay Municipal Boroughs Act, 1925 (Bombay Act XVIII of 1925); the Bombay Municipal Servants Act, 1890 (Bombay Act V of 1890); the Hyderabad District Municipalities Act, 1956 (Hyderabad Act XVIII of 1956); the Madras District Municipalities Act, 1920 (Madras Act V of 1920); the Coorg Municipal Regulation, 1907 (Regulation II of 1907); the Madras Town Nuisances Act, 1899 (Madras Act III of 1899); [1][Chapter II of the Madras Public Health Act, 1939 (Madras Act III of 1939)][1] Chapter XI of the [2][Karnataka][2] Village Panchayats and Local Boards Act, 1959 ([2][Karnataka][2] Act 10 of 1959) are hereby repealed:

1. Inserted by Act 83 of 1976 w.e.f. 8.12.1976.
2. Adapted by the Karnataka Adaptations of Laws Order, 1973 w.e.f. 01.11.1973.

Provided that such repeal shall not affect,—

(*a*) the previous operation of the said laws or anything duly done or suffered thereunder; or

(*b*) any right, privilege, obligation or liability acquired, accrued or incurred under the said laws; or

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

[1][Provided further that notwithstanding anything contained in the preceding proviso where any tax, duty, fee or cess other than a duty on transfers of immovable properties has been imposed under the said laws 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.][1]

1. Inserted by Act 34 of 1966 w.e.f. 1.4.1965.

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

(2) Notwithstanding anything contained in sub-section (1), any tax, fee or cess imposed under the said laws may, notwithstanding that such tax, 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 laws and the rules, bye-laws, orders and notifications made or issued thereunder relating to such levy and recovery had not been repealed.

383. Orders for bringing this Act into force.—Notwithstanding anything contained in this Act or in any other law, the Government may, by order published in the official Gazette, make such provision 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, notifications and orders referred to in the second proviso to sub-section (1) of section 381 in their application to any panchayat referred to in section 381 or any municipal council or [1][municipal area][1];

1. Substituted by Act 36 of 1994 w.e.f. 1.6.1994.

(*c*) for removing difficulties arising in connection with the transition to the provisions of this Act;

(*d*) for authorising the continued carrying on for the time being on behalf of municipal councils of services and activities previously carried on by municipal councils or other municipal bodies; and

(*e*) so far as it appears necessary or expedient in connection with any of the matters aforesaid for varying the powers or jurisdiction of any court or authority and empowering new courts or other authorities to exercise such jurisdiction as may be specified in such order.

(2) Any order under sub-section (1) may be either prospective or restrospective 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 modifications as the State Legislature may make during the session in which they are so laid, have effect as if enacted in this Act.

[1]**[384 to 386** x x x **]**[1]

1. Omitted by Act 22 of 2000 w.e.f. 29.11.2000.

[3][[1]**[387.XXX]**[3]

388. Directorate of Municipal Administration.—[2][(1)][2] The State Government shall, with effect from such date as it may specify, establish a Directorate of Municipal Administration. The composition, the functions, the powers and duties of the Directorate shall be such as may be prescribed.][1]

1. Sections 387 and 388 inserted by Act 83 of 1976 w.e.f. 8.12.1976.
2. Renumbered by Act 33 of 1986 w.e.f. 6.6.1986.
3. Omitted by Act 33 of 2022 w.e.f. 12.08.2021.

[1][(1A) the State Government may, by notification, appoint a Director of Municipal Administration to perform the functions entrusted under this Act.][1]

1. Inserted by Act 31 of 2003 w.e.f. 20.8.2003.

[1][(2) Notwithstanding anything contained in this Act, the Government may by notification, delegate such of its powers under this Act except the power to make rules to the Director of Municipal Administration (hereinafter in this section referred to as 'Director'). [2][xxx][2]

1. Inserted by Act 33 of 1986 w.e.f. 6.6.1986.
2. Omitted by Act 31 of 2003 w.e.f. 20.8.2003.

(3) The Government may, by notification, delegate to the Director all or any of the powers exercisable under this Act by [1][xxx][1] the Deputy Commissioner. On the issue of such notification, [1][xxx][1] the Deputy Commissioner shall cease to exercise the powers delegated to the Director.

1. Omitted by Act 31 of 2003 w.e.f. 20.8.2003.

[1][(3A) The Government may, by notification, delegate to the Deputy Commissioner any of the powers exercisable by the Director.][1]

1. Inserted by Act 31 of 2003 w.e.f. 20.8.2003.

(4) There shall also be a legal cell in the Directorate consisting of such number of officers and possessing such qualifications as may be prescribed.][1]

[1][**388A. Direction and control.-** (1) without prejudice to any of the provisions of this Act and notwithstanding anything contained in any other law for the time being in force, the State Government or as the case may be the Director of Municipal Administration shall require,-

(a) all City Municipal Councils, Town Municipal Councils and Town Panchayats and all its officers;

(b) all Municipal Corporations other than Bruhat Bangalore Mahanagara Palike established under the Karnataka Municipal Corporations Act, 1976 and all its officers,-

(i) to produce any record, correspondence or other documents;

(ii) to furnish any return, plan, estimate, accounts or statistics; and

(iii) to furnish or obtain any report;

and thereupon such City Municipal Council, town Municipal Council, town Panchayat or as the case may be Municipal Corporation shall comply with such requirement.

(2) The Director of Municipal Administration or as the case may be the State Government may depute any of its officers to inspect or examine any department, office, service, work or property of the City Municipal Council, Town Municipal Council, Town Panchayat or as the case may be the Municipal Corporation and to report thereon and such officer may, for the purpose of such inspection or examination, exercise all the powers of the State Government or the Director of Municipal Administration.][1]

1. Inserted by Act 24 of 2011 w.e.f. 10.06.2011.

[1][**389.- Removal of difficulties.-** If any difficulty arises in giving effect to the provisions of this Act, the Government may, by order published in the Official Gazette as the occasion may require do anything which appears to it to be necessary to remove the difficulty][1].

1. Inserted by Act 5 of 2005 w.e.f. 7.3.2005.

[1][SCHEDULE I. x x x][1]

1. Omitted by Act 28 of 2001 w.e.f. 19.11.2001.

[1][SCHEDULE II. x x x][1]

1. Omitted by Act 21 of 1979 w.e.f. 31.3.1979.

[1][SCHEDULE III. x x x

SCHEDULE IV. x x x][1]

1. Omitted by Act 36 of 1994 w.e.f. 1.6.1994.

[1][SCHEDULE V. x x x][1]

1. Omitted by Act 83 of 1976 w.e.f. 8.12.1976.

SCHEDULE VI.

(Section 94)

MAXIMUM RATES OF TAX ON SHOPS AND OTHER PLACES OF BUSINESS OR PROFESSION.

Items	Class					
	1st	2nd	3rd	4th	5th	6th
	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.
1. Shops,—						
For each shop per year:						
[1][City Municipal areas][1]	100	80	60	40	20	10
[1][Town Municipal areas][1]	50	40	30	20	10	5
2. Other places where business or profession is carried on for purposes of profit,—						
For each place per year:						
[1][City Municipal areas][1]	50	40	30	20	10	5
[1][Town Municipal areas][1]	30	25	20	10	4	2

1. Substituted by Act 36 of 1994 w.e.f. 1.6.1994.

Explanation:—For the purposes of this Schedule the class of the shop shall be determined in accordance with the resolution made under section 95.

SCHEDULE VII.

(Section 94)

TAX ON ADVERTISEMENTS.

Sl. No.	*Particulars*	*Maximum amount of tax per annum*
		Rs.
1.	Non-illuminated advertisements on land, building, wall, hoardings, frame, post, structures, etc.—	
	(*a*) For a space up to 1 sq. m.	10
	(*b*) For a space over 1 sq. m. and up to 2.5 sq. m.	16
	(*c*) For every additional 2.5 sq. m. or less	16
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 up to 5 sq. m.	75
	(b) For every additional 1 sq. m. or less	15
4.	Non-illuminated advertisement boards, carried by sandwich boardmen,—	
	(*a*) For each board not exceeding 1 sq. m.	15

Sl. No.	*Particulars*	*Maximum amount of tax per annum*
	(*b*) For each board exceeding 1 sq. m. and up to 2.5 sq. m.	30
	(*c*) For each additional 1 sq. m. in area or less	15
5.	Illuminated advertisement boards carried by sandwich boardmen,—	
	(*a*) For each board not exceeding 1 sq. m.	30
	(*b*) For each board exceeding 1 sq. m. and up to 2.5 sq. m.	50
	(c) For each additional 1 sq. m. in area or less	30
6.	Illuminated advertisements on land, building, wall or hoardings, frame, post, structures, etc,—	
	(*a*) For a space up to .2 sq. m.	15
	(*b*) For a space over .2 sq. m. and up to .5 sq. m.	30
	(*c*) For a space over .5 sq. m. and up to 2.5 sq. m.	35
	(*d*) For every additional 2.5 sq. m. or less	35
7.	Advertisements exhibited on screens in cinema houses and other public places by means of lantern slides or similar devices,—	
	(*a*) For a space up to .5 sq. m.	50
	(*b*) For a space over .5 sq. m. and up to 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 up to 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 space which will be chargeable according to the scale to be determined by the Municipal Commissioner or Chief Officer.	
9.	Non-illuminated advertisement hoardings standing blank but bearing the name of the advertiser or with the announcement “To be let” displayed thereon,—	

Sl. No.	*Particulars*	*Maximum amount of tax per annum*
	(*a*) For a space up to 1 sq. m.	5
	(*b*) For a space over 1 sq. m. and up to 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 Municipal lamp post.	100 (including the rent for exhibiting the board on a Municipal

lamp post).

SCHEDULE VIII.

(*Section* 112)

FORM OF NOTICE OF TRANSFER TO BE GIVEN WHEN THE TRANSFER HAS BEEN EFFECTED BY INSTRUMENT.

To the Municipal Commissioner/Chief Officer of the . . . . . Municipal Council, I, A. B. hereby give notice, as required by section 111 of the [1][Karnataka][1] Municipalities Act, 1964, of the following transfer of property:—

1. Adapted by the Karnataka Adaptations of Laws Order, 1973 w.e.f. 01.11.1973.

Date of Notice	Date of instrument	Name of vendor of assignet	Name of purchaser or assignee	Description of property							Remarks
				Amount of consideration	of what it consists	Situation	Number in assessment list	Dimension of land	Boundaries	if instrument has been registered the date of registration	

SCHEDULE IX.

(*Section* 112)

FORM OF NOTICE OF TRANSFER TO BE GIVEN WHEN THE TRANSFER OR DEVOLUTION, HAS TAKEN PLACE OTHERWISE THAN BY INSTRUMENT.

To the Municipal Commissioner/Chief Officer of the . . . . . Municipal Council, ...I, A. B. hereby give notice, as required by section 111 of the [1][Karnataka][1] Municipalities Act, 1964, of the following transfer or devolution of property:—

1. Adapted by the Karnataka Adaptations of Laws Order, 1973 w.e.f. 01.11.1973.

Date of notice	in whose name the property is at present entered in the municipal registers	To whose name it is to be transferred.	Of what it consists	Description of property				Remarks
				Situation	Number in assessment list	Dimension of land	Boundaries	

Sd. A. B.

[1][**SCHEDULE X**- XXX][1]

SCHEDULE XI.

(Section 143)

FORM OF WARRANT.

To

(here insert the name of the officer charged with the execution of the warrant).

Whereas A. B., of . . . . . has not paid, and has not shown satisfactory cause for the non-payment, of the sum of . . . . . due on account of . . . . . (here describe the liability) . . . . . for the period of . . . . . commencing on the day of 19 . . . . and ending with the . . . . . day of . . . . . 19. . . . which sum is leviable under rule No . . . . . .

And whereas thirty days have elapsed since the service on him of notice of demand for the same;

This is to direct you to distrain the movable property

attach immovable property (described below)

of the said A. B. of value approximately equal to the said sum of Rs. . . . . subject to the provisions of the [1][Karnataka][1] Municipalities act, 1964, and the rules and bye-laws made thereunder and forthwith to certify to me together, with this

warrant, all particulars of the property seized by you thereunder.

1. Adapted by the Karnataka Adaptations of Laws Order, 1973 w.e.f. 01.11.1973.

attached

Dated this. . . . . day of . . . . . 19 . . . .

Signed. . . . . .

Description of immovable property.

SCHEDULE XII.

(Sections 129 and 143)

FORM OF INVENTORY AND NOTICE.

To

Shri/Shrimati residing at. . . . . .

Please take notice that I have this day distrained the property specified in the inventory annexed hereto for the value of . . . . . ., (here describe the liability) . . . . . mentioned in the margin for the period commencing with the day of . . . . . .19 . . . ., and ending with the day of . . . . . .19 . . ., together with Rs . . . . . due as for service of notice of demand, and Rs . . . . . due as for issue for warrant, and that unless within ten days from the date of service of this notice you pay into the municipal office at . . . . . the said amount together with the costs of recovery, the said property will be sold.

Dated . . . . . day of . . . . . .19 . . . .

Signature of Officer,
Executing the warrant
[1][x x x][1]

1. Omitted by Act 21 of 1979 w.e.f. 31.3.1979

collecting toll.

INVENTORY.

(here state particulars of property distrained).

SCHEDULE XIII.

(Section 256).

PART I.

PURPOSES FOR WHICH PREMISES MAY NOT BE USED WITHOUT A LICENCE.

Carrying out any of the following trades or operations connected with trades:—

1. Baking.
2. Cinematograph films. Shooting of ____ .
3. Cinematograph films by any process whatsoever. Treating of ____ .
4. Chillies or masala or corn or seeds. Grinding of by mechanical means____.
5. Cloth, yarn or leather in indigo or in other colours. Dyeing or printing of ____ .
6. Cloth or yarn. Bleaching ____ .
7. Eating house or a catering establishment. Keeping of an ____ .
8. Grain. Parching ____ .
9. Ground-nut seeds, tamarind seeds or any other seeds. Parching ____ .
10. Hair-dressing saloon or a barber’s shop. Keeping of a ____ .
11. Hides or skins. whether raw or dried. Tanning, pressing or packing ____ .
12. Laundry shop. Keeping a ____ .
13. Leather goods. Manufacturing of by mechanical means ____ .
14. Litho press. Keeping a ____ .
15. Lodging house. Keeping of a ____ .

16. Metal. Casting ____ .
17. Precious metals. Refining of ____ or recovering of them from embroideries.
18. Printing press. Keeping a ____ .
19. Silk Reeling of ____ from cocoons.
20. Sweetmeat shop except in premises already licensed as an eating house. Keeping ____ .
21. Carrying on the trade or business of or any operation connected with the trade of ____ .
    (i) Autocar or autocycle servicing or repairing.
    (ii) Blacksmithy.
    (iii) Coppersmithy.
    (iv) Electro-plating.
    (v) Glass bevelling.
    (vi) Glass cutting.
    (vii) Glass polishing.
    (viii) Goldsmithy.
    (ix) Marble cutting, grinding, dressing or polishing.
    (x) Metal (ferrous or non-ferrous or antimony but excluding precious metal) cutting or treating metal by hammering, drilling, pressing, filing, polishing, heating or by any other process whatever or assembling parts of metal.
    (xi) Photography-studio.
    (xii) Radio (wireless receiving set) selling, repairing, servicing or manufacturing.
    (xiii) Silversmithy.
    (xiv) Spinning or weaving cotton, silk, art silk, or jute or wool with the aid of power.
    (xv) Stone grinding, cutting, dressing or polishing.
    (xvi) Timber or wood sawing or cutting by mechanical or electric power.
    (xvii) Tinsmithy.
    (xviii) Washerman's trade.
    (xix) Welding of metal by electric, gas or any process whatsoever.
22. Manufacturing, parching, packing, pressing, cleaning, cleansing, boiling, melting, grinding or preparing by any process whatever any of the following articles:—
    (i) Aerated waters.
    (ii) Bakelite goods.
    (iii) Bidis (indigenous cigarettes), snuff, cigars or cigarettes.
    (iv) Bitumen.
    (v) Blasting powder.
    (vi) Bones.
    (vii) Bricks or tiles by hand power.
    (viii) Bricks or tiles by mechanical power.
    (ix) Brushes.
    (x) Candles.
    (xi) Catgut.
    (xii) Celluloid or celluloid goods.
    (xiii) Cement concrete designs or models.

(xiv) Charcoal.

(xv) Chemicals.

(xvi) Cinematograph films stripping in connection with any trade.

(xvii) Cosmetics or toilet goods.

(xviii) Cotton, cotton refuse, cotton waste, cotton yarn, silk, silk yarn, silk inclusive of waste yarn, art silk, art silk waste, art silk yarn, wool or wollen refuse or waste.

(xix) Cotton seeds.

(xx) Dammar.

(xxi) Dynamite.

(xxii) Fat.

(xxiii) Fireworks.

(xxiv) Flax.

(xxv) Ink for printing, writing, stamping, etc.

(xxvi) Gas.

(xxvii) Ghee.

(xxviii) Glass or glass articles

(xxix) Gun powder.

(xxx) Hemp.

(xxxi) Ice (including dry ice).

(xxxii) Insecticide or disinfectants.

(xxxiii) Leather cloth or rexina cloth or water-proof cloth.

(xxxiv) Lime.

(xxxv) Linseed oil.

(xxxvi) Matches for lighting (including Bengal matches).

(xxxvii) Mattresses and pillows.

(xxxviii) Offal.

(xxxix) Oil-cloth.

(xl) Oil other than petroleum (either by mechanical power or by hand power or ghani driven by bullock or any other animal).

(xli) Pharmaceutical or medical products.

(xlii) Paints.

(xliii) Paper or cardboard.

(xliv) Pickers from hides.

(xlv) Pitch.

(xlvi) Plastic goods.

(xlvii) Pottery by hand power.

(xlviii) Pottery by mechanical or any power other than hand power.

(xlix) Rubber or rubber goods.

(l) Sanitary ware of china-ware.

(li) Soap.

(lii) Sugar.

(liii) Sweetmeat and confectionery goods.

(liv) Tallow.

(lv) Tar.

(lvi) Varnishes.

(lvii) Wooden furniture, boxes, barrels, khokas, or other articles of wood or of plywood or of sandalwood.

PART II.

ARTICLES WHICH MAY NOT BE STORED IN ANY PREMISES WITHOUT A LICENCE.

1. Asafoetida.
2. Ashes.
3. Bamboos.
4. Bidi leaves.
5. Blasting powder.
6. Blood.
7. Bones, bone meal or bone powder.
8. Camphor.
9. Carbide of calcium.
10. Cardboard.
11. Celluloid or celluloid goods.
12. Charcoal.
13. Chemicals, liquid.
14. Chemicals, non-liquid.
15. Chillies.
16. Chlorate mixture
17. Cinematograph films—non-inflammable or acetate or safety base.
18. Cloth in pressed bales or boras.
19. Cloth or clothes of cotton, wool, silk, art silk, etc.
20. Coal.
21. Coconut fibre.
22. Coke.
23. Compound gas, such as oxygen gas, hydrogen gas, nitrogen gas, carbondioxide gas, sulphur-dioxide gas, chlorine gas, acetylene gas, etc.
24. Copra.
25. Cotton including Kahok, surgical cotton and silky cotton.
26. Cotton refuse or waste or cotton yarn refuse or waste.
27. Cotton seed.
28. Detonators.
29. Dry leaves.
30. Dynamite.
31. Explosive paint such as nitro-cellulose paint, lacquer paint, enamel paint, etc.
32. Fat.
33. Felt.
34. Fins.
35. Firewood.

36. Fireworks.
37. Fish (dried).
38. Flax.
39. Fulminate.
40. Fulminate of mercury.
41. Fulminate of silver.
42. Gelatine.
43. Gelignite.
44. Grass.
45. Gun-cotton.
46. Gun powder.
47. Gunny bags.
48. Hair.
49. Hay or fodder.
50. Hemp.
51. Hessian cloth (gunny-bag cloth).
52. Hides (dried).
53. Hides (raw).
54. Hoofs.
55. Horns.
56. Incense or esas.
57. Jute.
58. Khokas, boxes, barrels, furniture or any other article of wood.
59. Lacquer.
60. Leather.
61. Matches for lighting (including Bengal matches).
62. Methylated spirit, denatured spirit or French polish.
63. Nitro-cellulose.
64. Nitro-compound.
65. Nitro-glycerine.
66. Nitro-mixture.
67. Offal.
68. Oil, other than petroleum.
69. Oilseeds including almonds, but excluding cotton seeds.
70. Old paper or waste paper including old newspaper, periodicals, magazines, etc.
71. Packing stuff (paper cuttings, husk, saw dust, etc.).
72. Paints.
73. Paper other than old paper in pressed bales or loose or in reams.
74. Petroleum other than dangerous petroleum, as defined in the Petroleum Act, 1934.
75. Phosphorus.
76. Plastic or plastic goods.

77. Plywood.
78. Rags, including small pieces or cuttings of cloth, hessian cloth, gunny-bag cloth, silk, art silk or woollen cloth.
79. Resin or dammer Battar otherwise known as Ral.
80. Safety fuses, fog signals, cartridges, etc.
81. Saltpetre.
82. Sandalwood.
83. Silk waste, or silk yarn waste, art silk waste, or art silk yarn waste.
84. Sisal fibre.
85. Skins (raw or dried).
86. Straw.
87. Sulphur.
88. Tallor.
89. Tar, pitch, dammer or bitumen.
90. Tarpaulin.
91. Thinner.
92. Timber.
93. Turpentine.
94. Varnish.
95. Wool (raw).
96. Yarn other than waste yarn.

*** * * ***

NOTIFICATIONS

I

[No. PLM 1 MLR 64 (1).]

S. O. 2147.—In exercise of the powers conferred by sub-section (3) of Section 1 of the Mysore Municipalities Act, 1964 (Mysore Act 22 of 1964), the Government of Mysore hereby appoints 1st April 1965 as the date on which the provisions of the said Act (except Section 1, 2, 323, 365, 381, 383, 384 and 385 which have already come into force) shall come into force.

By Order and in the name of the Governor of Mysore,

(L. A. DHAMANIGI)

Deputy Secretary.

(Published in Karnataka Gazette (Extraordinary), PART IV—2C(ii), dated 29th March 1965, p. 72.)

II

[No. LMA 2 MNM 67.]

S. O. 124.—In exercise of the powers conferred under sub-section (2) of Section 1 of the Mysore Municipalities (Amendment) Act, 1966 (Mysore Act No. 34 of 1966), the Government of Mysore hereby appoints 16th January 1967 as the date on which the provisions of the said Act shall come into force.

By Order and in the name of the Governor of Mysore,

(N. S. RAMACHANDRA)

Secretary to Government, Labour and Municipal Administration Department.

(Published in the Karnataka Gazette, PART IV—2-C(ii), dated 12-1-1967 at p. 300.)

III

Bangalore, dated 4th March, 1992. [No. DPAR 3 SDE 92]

S. O. 463.—In exercise of the powers conferred by sub-section (2) of Section 1 of the Karnataka State Civil Services Act, 1978 (Karnataka Act No. 14 of 1990), the Government of Karnataka hereby appoint the Second day of April 1992 as the date on which the provisions of the Karnataka Civil Services Act, 1978 shall come into force.

By Order and in the name of the Governor of Karnataka,
(MOTIRAMPAWAR)
Under Secretary to Government,
Department of Personnel and Administrative Reforms 2,
(Service Rules).

(Published in the Karnataka Gazette PART IV—2C(ii), dated 26.3.1992, p. 376.)

IV

Bangalore, dated 2nd July, 1997. [No. UDD 10 TCT 96]

S. O. 834.—In exercise of the powers conferred by sub-section (2) of Section (1) of the Karnataka Municipalities (Amendment) Act 1994 (Karnataka Act No. 36 of 1994), the Government of Karnataka hereby appoint the First day of January 1996 as the date on which section 24, 26, 27 and 28 of the said Act shall be deemed to have come into force, and the [1][first day of August 1997][1] as the date on which section 35 of the said Act shall be deemed to have come into force.

1. Substituted by notification No. Udd 10 TCP 96, dated: 1.8.97

By Order and in the name of the Governor of Karnataka,
(D. B. GANACHARI)
Under Secretary to Government, Urban Development Department.

(Published in the Karnataka Gazette (Extraordinary) Part IV-2C (ii) dated 5.7.1997, as No. 745)

V

Bangalore dated 1st August 1997 [No. UDD 10 TCT 96]

The words " the first day of April 1997" appearing in sixth line of Notification No. UDD 10 TCT 96, dated 2.7.1997 shall be read as " the first day of August 1997".

By Order and in the name of the Governor of Karnataka,
(D.B. GANACHARI),
Under Secretary to Government,
Urban Development Department.

VI

Notification

No. UDD 26 TCT 2000 (P-II), Bangalore, Dated 12th November, 2001

In exercise of the powers conferred by sub-section (2) of Section (1) of the Karnataka Municipalities (Amendment) Act, 2000 (Karnataka Act No. 28 of 2001), the Government of Karnataka hereby appoints the 19th day of November 2001, as the date on which the said Act shall come into force.

By order and in the name of the Governor of Karnataka,
V. Sreedharamurthy
Under Secretary to Government,
Urban Development Department.

VII

Notification

No. UDD 89 AHD 2000 (Pt-I), Bangalore, Dated 12th November, 2001

In exercise of the powers conferred by sub-section (2) of Section 1 of the Karnataka Municipalities (Amendment) Act, 2000 (Karnataka Act No. 31 of 2001), the Government of Karnataka hereby appoints the 19th day of November, 2001 as the date on which the said Act shall come into force.

By order and in the name of the Governor of Karnataka,
R. Ramachandra
Under Secretary to Government (I/C),
Urban Development Department.

Published in the Karnataka Gazette Part IV-A, Extraordinary No. 1936 dated: 13-11-2001

VIII

NOTIFICATION

No. UDD 35 MLR 2003, Bangalore,
dated 10th November, 2003 Karnataka Gazette,
Extraordinary No. 1403, dated 14-11-2003

In exercise of the powers conferred by sub-section (2) of section 1 of the Karnataka Municipalities (Amendment) Act, 2002 (Karnataka Act, 23 of 2003), the Government of Karnataka hereby appoints the 10th day of November, 2003 as the date on which the said Act shall come into force.

IX

NOTIFICATION

No. UDD 35 MLR 2003, Bangalore,
dated 21st August, 2003

In exercise of the powers conferred by sub-section (2) of section 1 of the Karnataka Municipalities (Third Amendment) Act, 2002 (Karnataka Act 24 of 2003), the Government of Karnataka hereby appoint the 21st day of August, 2003 as the date on which the said Act shall come into force.

By Order and in the name of the Governor of Karnataka,
Jagadish Jois
Under Secretary to Government,
Urban Development Department.

Published in the Karnataka Gazette Part IV-A Extra Ordinary No. 980 dated 21-8-2003.

X

NOTIFICATION

No. UDD 35 MLR 2003, Bangalore,
dated 10th November, 2003 Karnataka Gazette,
Extraordinary No. 1402, dated 14-11-2003

In exercise of the powers conferred by sub-section (2) of section 1 of the Karnataka Municipalities (Second Amendment) Act, 2002 (Karnataka Act No. 40 of 2003), the Government of

Karnataka hereby appoint the 10th day of November, 2003 as the date on which the said Act shall come into force.

XI

NOTIFICATION
No. UDD 68 BemRuPra 2007, Bangalore,
dated 7th September, 2007

In exercise of powers conferred by Sub Section-2 of Section 1 of the Karnataka Town & Country Planning and Certain Other Laws (Amendment) Act, 2004 (Karnataka Act 1 of 2007), the Government of Karnataka hereby appoints the 15th September 2007 to be the date on which all the provisions of this Act shall come into force.

By Order and in the name of the Governor of Karnataka,

(C.T.NARAYANASWAMY)
Under Secretary to Government,
Urban Development Department.

XII

URBAN DEVELOPMENT SECRETARIAT
NOTIFICATION
No: UDD 209 GEL 2011, Bangalore, Dated: 10.06.2011.

In exercise of the powers conferred by sub-section (2) of Section (1) of the Karnataka Municipal Corporations and Certain Other Law (Amendment) Act, 2011 (Karnataka Act 24 of 2011), the Government of Karnataka, hereby appoints the 10th day of June, 2011 as the date on which all the provisions of the said Act shall come into force.

By order and in the name of
Governor of Karnataka,

[C.R. RAVINDRA]
Under Secretary to Government
Urban Development Department

KARNATAKA ACT NO. 31 OF 2012

(First published in the Karnataka Gazette Extra-ordinary on the Thirtieth day of August, 2012)

THE KARNATAKA MUNICIPAL CORPORATIONS AND CERTAIN OTHER LAW (SECOND AMENDMENT) ACT, 2012

(Received the assent of the Governor on the Twenty Seventh day of August, 2012)

An Act further to amend the Karnataka Municipal Corporations Act, 1976 and the Karnataka Municipalities Act, 1964.

Whereas it is expedient further to amend the Karnataka Municipal Corporations Act, 1976 (Karnataka Act 14 of 1977) and the Karnataka Municipalities Act, 1964 (Karnataka Act 22 of 1964) for the purposes hereinafter appearing;

Be it enacted by the Karnataka State Legislature in the sixty third 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 Law (Second Amendment) Act, 2012.

(2) It shall come into force from such date as the State Government may, by notification, appoint and different dates may be appointed for different provisions of this Act.

Section 94AA is Incorporated in the Principal Act,

XIII

NOTIFICATION

No: UDD 99 PRJ 2013, Bangalore, Dated: 07.10.2013

In exercise of the powers conferred by sub-section (2) of Section (1) of the Karnataka Municipal Corporations and Certain Other Law (Second Amendment) Act, 2012 (Karnataka Act 31 of 2012), the Government of Karnataka, hereby appoints the 7th day of October, 2013 as the date on which all the provisions of the said Act shall come into force.

By order and in the name of
Governor of Karnataka,

(K.S.BHAGYAMMA)
Under Secretary to Government
Urban Development Department (PMC)

KARNATAKA ACT NO. 57 OF 2013

(First published in the Karnataka Gazette Extra-ordinary on the Twenty seventh day of August, 2013)

THE KARNATAKA TOWN AND COUNTRY PLANNING AND CERTAIN OTHER LAWS (AMENDMENT) ACT, 2009

(Received the assent of the Governor on the second day of August, 2013)

An Act further to amend the Karnataka Town and Country Planning Act, 1961, the Karnataka Municipal Corporations Act, 1976 and the Karnataka Municipalities Act, 1964.

Whereas it is expedient further to amend the Karnataka Town and Country Planning Act, 1961, (Karnataka Act 11 of 1963), the Karnataka Municipal Corporations Act, 1976 (Karnataka Act 14 of 1977) and the Karnataka Municipalities Act, 1964 (Karnataka Act 22 of 1964) for the purposes hereinafter appearing;

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

1. **Short title and commencement.-** (1) This Act may be called the Karnataka Town and Country Planning and Certain Other Laws (Amendment) Act, 2009.

(2) It shall come into force at once.

(Section 187A is incorporated in the Principal Act)

KARNATAKA ACT NO.67 OF 2013

(First Published in the Karnataka Gazette Extra-ordinary on the Thirty first day of December, 2013)

THE KARNATAKA TOWN AND COUNTRY PLANNING AND CERTAIN OTHER LAWS (AMENDMENT) ACT, 2013

(Received the assent of the Governor on the Twenty eighth day of December, 2013)

An Act further to amend the Karnataka Town and Country Planning Act, 1961, the Karnataka Municipal Corporations Act, 1976 and the Karnataka Municipalities Act, 1964.

Whereas it is expedient further to amend the Karnataka Town and Country Planning Act, 1961, (Karnataka Act 11 of 1963) the Karnataka Municipal Corporations Act, 1976(Karnataka Act 14 of 1977) and the Karnataka Municipalities Act, 1964 (Karnataka Act 22 of 1964) for the purposes hereinafter appearing;

Be it enacted by the Karnataka State Legislature in the Sixty Fourth year of the Republic of India as follows:-

1. Short title and commencement.- (1) This Act may be called the Karnataka Town and Country Planning and certain other Laws (Amendment) Act, 2013.

(2) It shall be deemed to have come into force with effect from the 19th day of October, 2013.

Section 187A is incorporated in the Principal Act,

Repeal and savings.- (1) The Karnataka Town and Country Planning and certain other Laws (Amendment) Ordinance, 2013 (Karnataka Ordinance No.2 of 2013) 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. 06 OF 2015

(First Published in the Karnataka Gazette Extra-ordinary on the Ninth day of January, 2015)

THE KARNATAKA MUNICIPALITIES AND CERTAIN OTHER LAW (AMENDMENT) ACT, 2014

(Received the assent of the Governor on the Seventh day of January, 2015)

An Act further to amend the Karnataka Municipalities Act, 1964 and the Karnataka Municipal Corporations Act, 1976.

Whereas it is expedient further to amend the Karnataka Municipalities Act, 1964 (Karnataka Act 22 of 1964), and the Karnataka Municipal Corporations Act, 1976 (Karnataka Act 14 of 1977) for the purposes hereinafter appearing;

Be it enacted by the Karnataka State Legislature in the Sixty fifth year of the Republic of India as follows:-

1. Short title and commencement.- (1) This Act may be called the Karnataka Municipalities and Certain Other Law (Amendment) Act, 2014.

(2) It shall come into force at once.

Section 2 is incorporated in the Principal Act,

KARNATAKA ACT NO.42 OF 2015

(First published in the Karnataka Gazette Extra-ordinary on the Twenty third day of December 2015)

THE KARNATAKA MUNICIPAL CORPORATIONS AND CERTAIN OTHER LAW (AMENDMENT) ACT, 2015

(Received the assent of the Governor on the Twenty first day of December 2015)

An Act further to amend the Karnataka Municipal Corporations Act, 1976 and the Karnataka Municipalities Act, 1964.

Whereas it is expedient further to amend the Karnataka Municipal Corporations Act, 1976 (Karnataka Act 14 of 1977) and the Karnataka Municipalities Act, 1964 (Karnataka Act 22 of 1964) for the purposes hereinafter appearing;

Be it enacted by the Karnataka State Legislature in the Sixty sixth 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 Law (Amendment) Act, 2015.

(2) It shall come into force at once.

Section 256 (1) is incorporated in the Principal Act.

KARNATAKA ACT NO 10 OF 2020

(First Published in the Karnataka Gazette Extra-ordinary on the 27thday of April, 2020)

THE KARNATAKA MUNICIPALITIES AND CERTAIN OTHER LAW (AMENDMENT) ACT, 2020

(Received the assent of the Governor on the 24thday of April, 2020)

An Act further to amend the Karnataka Municipalities Act, 1964 and the Karnataka Municipal Corporations Act, 1976.

Whereas it is expedient further to amend the Karnataka Municipalities Act, 1964 (Karnataka Act 22 of 1964), and the Karnataka Municipal CorporationsAct, 1976 (Karnataka Act 14 of 1977) for the purposes hereinafter appearing;

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

1. Short title and commencement.-(1) This Act may be called the Karnataka Municipalities and Certain Other Law (Amendment) Act, 2020.

(2) It shall come into force at once.

Section 38 is incorporated in the Principal Act,

KARNATAKA ACT NO 39 OF 2020

(First published in the Karnataka Gazette Extra-ordinary on the 19th day of October, 2020)

THE KARNATAKA MUNICIPALITIES (AMENDMENT) ACT, 2020

(Received the assent of the Governor on the 19th day of October, 2020)

An Act further to amend the Karnataka Municipalities Act, 1964.

Whereas it is expedient further to amend the Karnataka Municipalities Act, 1964 (Karnataka Act 22 of 1964) for the purposes hereinafter appearing;

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

1. Short title and commencement.- (1) This Act may be called the Karnataka Municipalities (Amendment) Act, 2020.

(2) It shall come into force on such date as the State Government, may, by notification, appoint.

Section 80A, 80B, 80C, 80D, 80E, 80F, 80G, 80H, 80I, 80J, 80K, 80L, 80M, 80N, 80O,80P and 80Q are incorporated in the Principal Act,

XIV

ಅಧಿಸೂಚನೆ

ಸಂಖ್ಯೆ: ನಅಇ 416 ಜಿಇಎಲ್ 2015 (ಭಾಗ-1) ಬೆಂಗಳೂರು, ದಿನಾಂಕ 10.12.2020

The Karnataka Municipalities (Amendment) Act, 2020 (Karnataka Act 39 of 2020)ರ 1ನೇ ಪ್ರಕರಣದ(2)ನೇ ಉಪ-ಪ್ರಕರಣದಡಿ ಪ್ರದತ್ತವಾದ ಅಧಿಕಾರವನ್ನು ಚಲಾಯಿಸಿ, ಕರ್ನಾಟಕ ಸರ್ಕಾರವು ಈ ಮೂಲಕ ಸದರಿ ಅಧಿನಿಯಮದ ಎಲ್ಲಾ ಉಪಬಂಧಗಳು ದಿನಾಂಕ: 01.12.2020ರಿಂದ ಜಾರಿಗೆ ಬರತಕ್ಕದ್ದೆಂದು ಗೊತ್ತುಪಡಿಸುತ್ತದೆ.

ಕರ್ನಾಟಕ ರಾಜ್ಯ ಪಾಲರ ಆದೇಶಾನುಸಾರ
ಮತ್ತು ಅವರ ಹೆಸರಿನಲ್ಲಿ

(ಎಸ್. ವೀಣಾ)
ಸರ್ಕಾರದ ಅಧೀನ ಕಾರ್ಯದರ್ಶಿ(ಪ್ರ),
ನಗರಾಭಿವೃದ್ಧಿ ಇಲಾಖೆ,
(ಪೌರಾಡಳಿತ-2 ಮತ್ತು ಮಂಡಳಿ)

Published in the Karnataka Gazette Part 3 No. 6864 dated 10.12.2020

KARNATAKA ACT NO 03 OF 2021

(First published in the Karnataka Gazette Extra-ordinary on the 18th day of February, 2021)

THE KARNATAKA MUNICIPALITIES (SECOND AMENDMENT) ACT, 2021

(Received the assent of the Governor on the 17th day of February, 2021)

An Act further to amend the Karnataka Municipalities Act, 1964.

Whereas it is expedient further to amend the Karnataka Municipalities Act, 1964 (Karnataka Act 22 of 1964) for the purposes hereinafter appearing;

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

1. Short title and commencement.– (1) This Act may be called the Karnataka Municipalities (Second Amendment) Act, 2021.

(2) It shall be deemed to have come into force with effect from the 19th day of January, 2021.

2. Amendment of section 101.- In the Karnataka Municipalities Act, 1964 (Karnataka Act 22 of 1964) (hereinafter referred to as the principal Act), in section 101,-

(i) in sub-section (2),-

(a) in clause (b), for the figures, words and brackets “0.3 percent (rupees three per thousand)” and “one percent (rupees ten per thousand)”, the figures, words and brackets “0.2 percent (rupees two per thousand)” and “1.5 percent (rupees fifteen per thousand)” shall respectively be substituted.

(b) in clause (c),-

(i) the words “measuring not above one thousand square meters” shall be omitted ; and

(ii) for the figures, words and brackets “0.1 percent (rupees one per thousand)” the figures, words and brackets “0.2 percent (rupees two per thousand)” shall be substituted.

(c) clause (d) and (e) shall be omitted.

(ii) in sub-section (3), for the second proviso, the following shall be substituted, namely:-

“Provided further that, the vacant land appurtenant to the building, up to one thousand square feet shall be exempted and more than one thousand square feet shall be levied with property tax on vacant land in accordance with clause (c) of sub-section (2).”

3. Amendment of section 102.- In section 102 of the principal Act,

(i) in sub-section (1),-

(a) after the words “having regard to the”, the word “prevailing” shall be inserted; and

(b) for the words “fifty percent of the market value guidelines”, the words “twenty five percent of the prevailing market value guidelines” shall be substituted.

(ii) in sub-section (2), for the words “fifty percent of the market value guidelines”, the words “twenty five percent of the prevailing market value guidelines” shall be substituted.

4. Substitution of section 102A.- For section 102A of the principal Act, the following shall be substituted, namely:-

“**102A. Enhancement of property tax.-** (1) Notwithstanding anything contained in section 101 and 102 the property tax assessed and levied under either provision shall be assessed in year of revision of guidance value of property under section 45B of the Karnataka Stamps Act, 1957.

(2) The property tax shall stand enhanced by three percent for every financial year in which no revision of guidance value is made:

Provided that, the Municipal Council may enhance such property tax up to five percent for every financial year and different rate of enhancement may be made to different areas and different classes of buildings and lands.

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

Explanation: "Financial year" shall mean the year commencing on the first day of April."

5. Repeal and savings.- (1) The Karnataka Municipalities (Amendment) Ordinance, 2021 (Karnataka Ordinance 02 of 2021) is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the principal Act, as amended by the said Ordinance, shall be deemed to have been done or taken under principal Act, as amended by this Act.

By Order and in the name of
the Governor of Karnataka,

(K. DWARAKANATH BABU)
Secretary to Government
Department of Parliamentary Affairs
and Legislation

KARNATAKA ACT NO 7 OF 2021

(First published in the Karnataka Gazette Extra-ordinary on the 19th day of February, 2021)

THE KARNATAKA MUNICIPALITIES AND CERTAIN OTHER LAW (AMENDMENT) ACT, 2021

(Received the assent of the Governor on the 17th day of February, 2021)

An Act further to amend the Karnataka Municipalities Act, 1964 and the Karnataka Municipal Corporations Act, 1976.

Whereas it is expedient further to amend the Karnataka Municipalities Act, 1964 (Karnataka Act 22 of 1964) and the Karnataka Municipal Corporations Act, 1976 (Karnataka Act 14 of 1977) for the purposes hereinafter appearing;

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

1. Short title and commencement.- (1) This Act may be called the Karnataka Municipalities and Certain Other Law (Amendment) Act, 2021.

(2) It shall come into force at once.

2. Amendment of Karnataka Act 22 of 1964.- In the Karnataka Municipalities Act, 1964 (Karnataka Act 22 of 1964), in section 105,-

(i) in sub-section (1), after the proviso, the following shall be inserted, namely:-

"Provided further that, for the financial year 2020-2021 if the owner or occupier who is liable to pay tax files his returns and also pay tax which is due within one month from the date of commencement of the Karnataka Municipalities and Certain Other Law (Amendment) Act, 2021 he shall also be allowed a rebate of five percent on the tax payable by him.

Provided also that, in case property tax is paid in full in the financial year 2020-21 before the commencement of the Karnataka Municipalities and Certain Other Law (Amendment) Act, 2021, the rebate so allowed shall be adjusted in payment of tax for the future years."

(ii) after sub-section (8), the following proviso shall be inserted, namely:-

"Provided that, for the financial year 2020-2021, the property tax shall be paid by the person primarily liable, within one month after the commencement of the Karnataka Municipalities and Certain Other Law (Amendment) Act, 2021."

3. Amendment of Karnataka Act 14 of 1977.- In the Karnataka Municipal Corporations Act, 1976 (Karnataka Act 14 of 1977),-

(i) in section 112, after sub-section (3), the following shall be inserted, namely:-

"Provided that, for the financial year 2020-2021, the property tax shall be paid by the person primarily liable, within one month from the date of commencement of the Karnataka Municipalities and Certain Other Law (Amendment) Act, 2021."

(ii) in section 112A, in sub-section (1), after the proviso, following shall be inserted, namely:-

"Provided further that, for the financial year 2020-2021 if the owner or occupier who is liable to pay tax files return and also pays tax which is due or within one month from the date of commencement of the Karnataka Municipalities and Certain Other Law (Amendment) Act, 2021, he shall be allowed a rebate of five percent on the tax payable by him.

Provided also that, in case property tax is paid in full in the financial year 2020-21 before the commencement of the Karnataka Municipalities and Certain Other Law (Amendment) Act, 2021, the rebate so allowed shall be adjusted in payment of tax for the future years."

By Order and in the name of
the Governor of Karnataka,

(K. DWARAKANATH BABU)
Secretary to Government
Department of Parliamentary Affairs
and Legislation

KARNATAKA ACT NO. 16 OF 2021

(First published in the Karnataka Gazette Extra-ordinary on the 31st day of March, 2021)

THE KARNATAKA MUNICIPALITIES (AMENDMENT) ACT, 2021

(Received the assent of the Governor on the 29th day of March, 2021)

An Act further to amend the Karnataka Municipalities Act, 1964.

Whereas it is expedient further to amend the Karnataka Municipalities Act, 1964 (Karnataka Act 22 of 1964) for the purposes hereinafter appearing;

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

1. Short title and commencement.- (1) This Act may be called the Karnataka Municipalities (Amendment) Act, 2021.

(2) It shall come into force at once.

2. Substitution of section 245.- In the Karnataka Municipalities Act, 1964 (Karnataka Act 22 of 1964), for section 245, the following shall be substituted, namely:-

"245. Power to expel disturbers etc., from markets.- The person in charge of a market shall prevent the entry therein of and shall expel there from, any person suffering from any dangerous or contagious disease, who sells or exposes for sale therein any article or who, not having purchased the same handles any article exposed for sale therein; and he may expel there from any person who is creating a disturbance therein."

By order and in the name of the
Governor of Karnataka,

(K. DWARAKANATH BABU)
Secretary to Government
Department of Parliamentary Affairs and
Legislation

KARNATAKA ACT NO. 30 OF 2021

(First published in the Karnataka Gazette Extra-ordinary on the 7th day of October, 2021)

THE KARNATAKA MUNICIPALITIES AND CERTAIN OTHER LAW (SECOND AMENDMENT) ACT, 2021

(Received the assent of the Governor on the 5th day of October, 2021)

An Act to further amend the Karnataka Municipalities Act, 1964 and the Karnataka Municipal Corporations Act, 1976.

Whereas it is expedient further to amend the Karnataka Municipalities Act, 1964 (Karnataka Act 22 of 1964) and the Karnataka Municipal Corporations Act, 1976 (Karnataka Act 14 of 1977) for the purposes hereinafter appearing;

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

1. Short title and commencement.- (1) This Act may be called the Karnataka Municipalities and certain other Law (Second Amendment) Act, 2021.

(2) It shall come into force at once.

2. Amendment of the Karnataka Act 22 of 1964.- In the Karnataka Municipalities Act, 1964 (Karnataka Act 22 of 1964),-

(1) in section 94, in sub section (1), in clause (b),-

(i) after the words “following taxes” the words “or fee” shall be inserted; and

(ii) in sub-clause (xiii) after the word “tax” the words “or fee” shall be inserted.

(2) in section 133, in sub-section (1) and (2) after the word “tax” the words “or fee” shall be inserted.

3. Amendment of the Karnataka Act 14 of 1977.- In the Karnataka Municipal Corporations Act, 1976 (Karnataka Act 14 of 1977),-

(1) in section 103, in clause (b),-

(i) after the words “following taxes” the words “or fee” shall be inserted; and

(ii) in sub-clause (vi), after the word “tax” the words “or fee” shall be inserted.

(2) in section 134,-

(i) in the heading after the word “Tax” the word “or Fee” shall be inserted; and

(ii) in section after the word “tax” wherever it occurs, the words “or fee” shall be inserted.

(3) in section 135, in sub-section (1) and (2) after the word “tax” the words “or fee” shall be inserted; and

(4) in section 139, in the heading and in section after the word “tax” the words “or fee” shall be inserted.

By Order and in the name of
the Governor of Karnataka,

G. SRIDHAR
Secretary to Government
Department of Parliamentary Affairs
and Legislation

KARNATAKA ACT NO 02 OF 2022

(First published in the Karnataka Gazette Extra-ordinary on the 13th day of January, 2022)

THE KARNATAKA MUNICIPAL CORPORATIONS AND CERTAIN OTHER LAW (SECOND AMENDMENT) ACT, 2021

(Received the assent of the Governor on the 11th day of January, 2022)

An Act further to amend the Karnataka Municipal Corporations Act, 1976andthe Karnataka Municipalities Act, 1964.

Whereas it is expedient further to amend the Karnataka Municipal Corporations Act, 1976 (Karnataka Act 14 of 1977) and the Karnataka Municipalities Act, 1964 (Karnataka Act 22 of 1964) for the purposes hereinafter appearing;

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

1. Short title and commencement.- (1) This Act may be called the Karnataka Municipal Corporations and Certain other Law (Second Amendment) Act, 2021.

(2) It shall come into force at once.

2. Amendment of the Karnataka Act 14 of 1977.- In the Karnataka Municipal Corporations Act, 1976 (Karnataka Act 14 of 1977),-

(i) in section 108,in sub-section (2),after clause (c), the following shall be inserted, namely:-

"(d) industrial building at such percentage not being less than seventy percent of rate levied in case of commercial building in accordance with clause (a):

Provided that, the percentage so fixed shall not be less than the rate levied in case of residential buildings and buildings other than commercial in accordance with clause (b)."

(ii) in section 110, in sub-section (1),-

(a)in clause (j), after the word "commercial" the words "or industrial" shall be inserted.

(b) in the second proviso, after the word "commercial" the words "or industrial" shall be inserted.

3. Amendment of the Karnataka Act 22 of 1964.- In the Karnataka Municipalities Act, 1964 (Karnataka Act 22 of 1964),-

(i) in section 94, in sub-section (1-A),-

(a) in clause (j), after the word "commercial" the words "or industrial" shall be inserted; and

(b) in the second proviso, after the word "commercial" the words "or industrial" shall be inserted.

(ii) in section 101, in sub-section (2), after clause (c), the following shall be inserted, namely:-

"(d) industrial building at such percentage not being less than seventy percent of rate levied in case of commercial building in accordance with clause (a) of sub-section (2) of taxable capital value of the building:

Provided that, the percentage so fixed shall not be less than the rate levied in case of residential buildings and buildings other than commercial in accordance with clause (b)."

By Order and in the name of
the Governor of Karnataka,

G. Sridhar
Secretary to Government
Department of Parliamentary Affairs
and Legislation

KARNATAKA ACT NO 33 OF 2022

(First published in the Karnataka Gazette Extra-ordinary on the 13th day of October, 2022)

THE KARNATAKA MUNICIPALITIES (AMENDMENT) ACT, 2022

(Received the assent of the Governor on the 12th day of October, 2022)

An Act further to amend the Karnataka Municipalities Act, 1964 (Karnataka Act 22 of 1964).

Whereas it is expedient further to amend the Karnataka Municipalities Act, 1964 (Karnataka Act 22 of 1964), for the purposes herein after appearing;

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

1. Short title and commencement.- (1) This Act may be called the Karnataka Municipalities (Amendment) Act, 2022.

(2) It shall be deemed to have come into force with effect from the 12th day of August, 2021.

2. Amendment of section 387.- In the Karnataka Municipalities Act, 1964 (Karnataka Act 22 of 1964), section 387 shall be omitted.

3. Repeal and savings.-(1) The Karnataka Municipalities (Amendment) Ordinance, 2022 (Karnataka Ordinance 03 of 2022) is hereby repealed.

(3) Notwithstanding such repeal, anything done or any action taken under the Principal Act, as amended by the said Ordinance, shall be deemed to have been done or taken under the Principal Act, as amended by this Act.

By Order and in the name of
the Governor of Karnataka,

G. Sridhar
Secretary to Government

Department of Parliamentary Affairs
and Legislation

KARNATAKA ACT NO. 43 OF 2024

(First published in the Karnataka Gazette Extra-ordinary on the 10th day of **September**, 2024)

THE KARNATAKA MUNICIPALITIES AND CERTAIN OTHER LAW (AMENDMENT) ACT, 2024

(Received the assent of the Governor on the 5th day of September, 2024)

An Act further to amend the Karnataka Municipalities Act, 1964 and the Karnataka Municipal Corporations Act, 1976.

Whereas it is expedient further to amend the Karnataka Municipalities Act, 1964 (Karnataka Act 22 of 1964) and the Karnataka Municipal Corporations Act, 1976 (Karnataka Act 14 of 1977) for the purposes hereinafter appearing;

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

1. Short title and commencement.- (1) This Act may be called the Karnataka Municipalities and Certain other Law (Amendment) Act, 2024.

(2) It shall come into force at once.

2. Amendment of the Karnataka Act 22 of 1964.- In the Karnataka Municipalities Act, 1964 (Karnataka Act 22 of 1964),-

(i) In section 105, in sub-section (3), the following shall be inserted at the end, namely:-

"Notwithstanding anything contained in this sub-section the assessment made under this sub-section for any return submitted under sub-section (1) for the last six financial years, commencing from the financial year 2023-24, shall be concluded within one year".

(ii) In section 106,-

(a) in sub-section (1), for the words "vacant lands" the words "vacant building sites" shall be substituted.

(b) after sub-section (1), the following shall be inserted, namely:-

"(1A) (i) Notwithstanding anything contained in this Act, prior approval for the layout plan by the jurisdictional planning authority shall be obtained by the Commissioner or Chief Officer of the Municipality or any officer authorized by the Commissioner or Chief Officer to issue new PID or khata for the building sites meant for the purposes of construction of building.

(ii) In case, the municipal areas falling under the jurisdiction of the local planning area notified under the Karnataka Town and Country Planning Act, 1961 (Karnataka Act 11 of 1963), the sanctioned layout plan shall be obtained from the jurisdictional planning authority under section 17 of the Karnataka Town and Country Planning Act, 1961 (Karnataka Act 11 of 1963) and no new PID or khata shall be issued without complying with the provisions of section 17 and sub-section (2-E) of the section 17 of the Karnataka Town and Country Planning Act, 1961(Karnataka Act 11 of 1963).

(iii) In case the municipal area is not covered under the jurisdiction of the local planning area or the planning authority constituted under the Karnataka Town and Country Planning Act, 1961 (Karnataka Act 11 of 1963), the sanctioned layout plan shall be obtained from the Director of Town and Country Planning or officer authorized by him under sub-section (2) of section 4-K of the Karnataka Town and Country Planning Act, 1961 (Karnataka Act 11 of 1963), and no new PID or khata shall be issued by the officer concerned without complying with the provisions of the Karnataka Town and Country Planning Act, 1961 (Karnataka Act 11 of 1963):

Provided that, if any officer of the Municipality fails to comply with the said provisions of the Karnataka Town and Country Planning Act, 1961 (Karnataka Act 11 of 1963) and issues new PID or khata to an unlawfully formed plot, the concerned officer shall be liable for such penalty and punishment as may be prescribed.

(1B) (i) The Municipality may levy and collect the property tax from every building, vacant land or both, including a building constructed in violation of the provisions of building bye-laws or in an unauthorized layout or in a revenue land or from a building occupied without issuance of Occupancy or Completion certificate, only for the property created prior to the date of inception of this provision, except for the building constructed illegally in the Government land, land belonging to any local body, any statutory body or an organization owned or controlled by the Government. The property tax levied for such building or vacant site shall be double the tax payable for the first year and only the property tax shall be levied for the subsequent years, which shall be maintained in a separate register. No new property shall be entered in the register after the date of commencement of the Karnataka Municipalities and Certain other Law (Amendment) Act, 2024:

Provided that, levy and collection of property tax under this sub-section from such building or vacant land does not confer any right to regularize violation made, or title, ownership or legal status to such building or vacant land. The persons holding such building or vacant land shall always be liable for legal action for violation of law, in accordance with the provisions of this Act or any other law for the time being in force.

(iii) The Municipal Commissioner or the Chief Officer shall maintain a record as specified in clause (i), which shall contain the details of the

lawful buildings or vacant lands and unlawful buildings or vacant lands, which have been taxed under this section."

(iv) Section 107 and the entries relating thereto shall be omitted.

(v) In section 143, in sub-section (1), after the word "defaulter" the words "within two months from the date of issuance of warrant" shall be inserted.

(vi) In section 154,-

(a) in sub-section (1), after the word "rent", the words "or property tax" shall be inserted.

(b) after sub-section (2), the following shall be inserted, namely:-

"(3) Any officer or employee of the municipality who fails to collect property tax dues under assessment of property tax or any financial causes to the municipality, shall be fined upto rupees fifty thousand in each case and may also be punished with simple imprisonment for fifteen days".

3. Amendment of the Karnataka Act 14 of 1977.- In the Karnataka Municipal Corporation Act, 1976 (Karnataka Act 14 of 1977),-

(i) In section 112A, in sub-section (3), the following shall be inserted at the end, namely:-

"Notwithstanding anything contained in this sub-section the assessment made under this sub-section for any return submitted under sub-section (1) for the last six financial years, starting from the financial year 2023-24, shall be concluded within one year".

(ii) In section 112B,-

(a) in sub-section (1), for the words "vacant lands" the words "vacant buildings sites" shall be substituted; and

(b) after sub-section (1), the following shall be inserted, namely,-

"(1A) (i) Notwithstanding anything contained in the Act, prior approval for the layout plan by the jurisdictional planning authority under section 17 of the Karnataka Town and Country Planning Act, 1961 (Karnataka Act 11 of 1963) shall be obtained by the Commissioner or any officer authorized by the Commissioner to issue new PID or khata for the building sites meant for the purposes of construction of building.

(ii) No new PID or khata shall be issued by the Commissioner or any officer authorized by the Commissioner of Corporation, without complying with the provisions under section 17 and sub-section (2-E) of section 17 of the Karnataka Town and Country Planning Act, 1961(Karnataka Act 11 of 1963):

Provided that, if the Commissioner or any officer authorized by the Commissioner of the Corporation fails to comply with the said provisions of the Karnataka Town and Country Planning Act, 1961 (Karnataka Act 11 of 1963) and section 505 of this Act, and issues new PID or khata to an unlawfully formed plot, the concerned officer shall be liable for such penalty and punishment as may be prescribed.

(1B) (i) The Corporation may levy and collect the property tax from every building, vacant land or both, including a building constructed in violation of the provisions of building bye-laws or in an unauthorized layout or in a revenue land or from a building occupied without issuance of Occupancy or Completion certificate, only for the property created prior to the date of inception of this provision, except for the building constructed illegally in the Government land, land belonging to any local body, any statutory body or an organization, owned or controlled by the Government. The property tax levied for such building or vacant site shall be double the tax payable for the first year and only the property tax shall be levied for the subsequent years, which shall be maintained in a separate register. No new property shall be entered in the register after the date of commencement of the Karnataka Municipalities and Certain other Law (Amendment) Act, 2024:

Provided that, levy and collection of property tax under this sub-section from such building or vacant land does not confer any right to regularize violation made, or title, ownership or legal status to such building or vacant land. The persons holding such building or vacant land shall always be liable for legal action for violation of law, in accordance with the provisions of this Act or any other law for the time being in force.

(ii) The Commissioner shall maintain a record as specified in this section, which shall contain the details of the lawful buildings or vacant lands and unlawful buildings or vacant lands, which have been taxed under this section."

(iii) Section 112C and the entries relating thereto shall be omitted.

4. Power to remove difficulties.- (1) If any difficulty arises in giving effect to the provisions of this Act the Government may by order, published in the official Gazette, as the occasion may require, do anything which appears to it to be necessary to remove the difficulty.

(2) Every order made under this section shall, as soon as may be after it is so made, be laid before the House of State Legislature.

By Order and in the name of
the Governor of Karnataka,

G. SRIDHAR
Secretary to Government
Department of Parliamentary Affairs
and Legislation

KARNATAKA ACT NO. 61 OF 2025

(First published in the Karnataka Gazette Extra-ordinary on the 12th day of September, 2025)

THE KARNATAKA DECRIMINALISATION (AMENDMENT OF PROVISIONS) ACT, 2025

(Received the assent of the Governor on the 11th day of September, 2025)

An Act to amend certain enactments for decriminalising and rationalising offences and to further enhance trust-based governance for ease of living and doing business.

Whereas it is to amend certain enactments for decriminalising and rationalising offences and to further enhance trust-based governance for ease of living and doing business and for matters connected therewith for the purposes hereinafter appearing;

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

1. Short title, commencement and application.- (1) This Act may be called the Karnataka Decriminalisation (Amendment of Provisions) Act, 2025.

(2) It shall come into force on such date as the Government of Karnataka may, by notification in the Official Gazette, appoint and different dates may be appointed for amendments relating to different enactments.

(3) The amendment of any enactment by this Act shall not affect any other enactment in which the amended enactment has been applied, incorporated or referred to.

(4) This Act shall not affect the validity, invalidity, effect or consequences of anything already done or suffered, or any right, title, obligation or liability already acquired, accrued or incurred or any remedy or proceeding in respect thereof, or any release or discharge of, or from any debt, penalty, obligation, liability, claim or demand or any indemnity already granted, or the proof of any past act or thing;

(5) This Act shall not affect any principle or rule of law, or established jurisdiction, form or course of pleading, practice or procedure, or existing usage, custom, privilege, restriction, exemption, office or appointment, notwithstanding that the same respectively may have been in any manner affirmed, or recognised or derived by, in or from any enactment hereby amended.

(6) The amendment of any enactment by this Act shall not revive restore any jurisdiction, office, custom, liability, right, title, privilege, restriction, exemption, usage, practice, procedure or other matter or thing not now existing or in force.

2. Amendment of Karnataka Act 22 of 1964.- In the Karnataka Municipalities Act, 1964 (Karnataka Act 22 of 1964),-

(1) in section 170, in sub-section (9), for the words “with fine which may extend to one thousand rupees” the words “with penalty which may extend to ten thousand rupees” shall be substituted.

(2) in section 184, in sub-section (3) for the words, “fine which may extend to twenty five rupees, and with a further fine which may extend to

ten rupees" the words "penalty which may extend to two hundred and fifty rupees, and with a further penalty which may extend to one hundred rupees" shall be substituted.

(3) in section 203, in sub-section (1) for the words, "with fine which may extend to twenty five rupees" the words "with penalty which may extend to two hundred and fifty rupees" shall be substituted.

(4) in section 208, in sub-section (2), for the words, "fine which may extend to twenty-five rupees, and if any such owner or occupier fails to remove any such projection as aforesaid in respect of which he has been convicted under this section, he shall be punished with further fine which may extend to five rupees" the words "penalty which may extend to two hundred and fifty rupees, and if any such owner or occupier fails to remove any such projection as aforesaid in respect of which he has been convicted under this section, he shall be imposed with further penalty which may extend to one hundred rupees" shall be substituted.

(5) in section 211, in sub section (3), for the words, "with fine which may extend to twenty rupees", the words "with penalty which may extend to two hundred rupees", shall be substituted.

(6) in section 215,-

(a) in sub-section (1) for the words, "with fine which may extend to one hundred rupees", the words "with penalty which may extend to one thousand rupees", shall be substituted;

(b) in sub-section (2) for the words, "with fine which may extend to fifty rupees", the words "with penalty which may extend to five hundred rupees", shall be substituted.

(7) in section 217, in sub-section (2), for the words, "with fine which may extend to fifty rupees, and with further fine which may extend to ten rupees" the words "with penalty which may extend to five hundred rupees, and with further penalty which may be extended to one hundred rupees", shall be substituted.

(8) in section 219, in sub-section (2), for the words, "With fine which may extend to twenty-five rupees, and with further fine which may extend to ten rupees", the words, "With penalty which may extend to two hundred and fifty rupees, and with further penalty which may be extended to one hundred rupees", shall be substituted.

(9) in section 225, for the words, "with fine which may extend to twenty-five rupees" the words "with penalty which may be extended to two hundred and fifty rupees" shall be substituted.

(10) in section 226, for the words, "with fine which may extend to twenty-five rupees and with further fine which may extend to five rupees" the words "with penalty which may extend to two hundred and fifty rupees and with further penalty which may be extended to one hundred rupees" shall be substituted.

(11) in section 228, in sub-section (1), for the words, "with fine which may extend to twenty-five rupees, and with further fine which may extend to five rupees" the words "with penalty which may be extended to two hundred

and fifty rupees, and with further penalty which may be extended to one hundred rupees" shall be substituted.

(12) in section 241, in sub-section (2), for the words, "with fine which may extend to fifty rupees and upon any subsequent conviction with fine which may extend to five hundred rupees" the words "with penalty which may extend to five hundred rupees and upon any subsequent conviction with penalty which may be extended to five thousand rupees" shall be substituted.

(13) in section 243,-

(a) in sub-section (2) for the words, "with fine which may extend to twenty-five rupees." the words "with penalty which may be extended to two hundred and fifty rupees." shall be substituted; and

(b) in sub-section (3) for the words, "with fine which may extend to five rupees" the words "with penalty which may be extended to five hundred rupees" shall be substituted.

(14) in section 256, in sub-section (6), for the words, "with fine which may extend to two hundred rupees, and with further fine which may extend to forty rupees" the words "with penalty which may extend to two thousand rupees, and with further penalty which may be extended to four hundred rupees" shall be substituted.

(15) in section 260, in sub-section (3), for the words**,** "fifty rupees" the words "five hundred rupees" shall be substituted.

(16) in section 266, for the words, "fifty rupees" the words "five hundred rupees" shall be substituted.

The above translation of ಕರ್ನಾಟಕ ನಿರಪರಾಧೀಕರಣ (ಉಪಬಂಧಗಳ ತಿದ್ದುಪಡಿ) ಅಧಿನಿಯಮ, 2025 (2025ರ ಕರ್ನಾಟಕ ಅಧಿನಿಯಮ ಸಂಖ್ಯೆ: 61) be published in the official Gazette under Article 348 of the Constitution of India.

THAAWARCHAND GEHLOT
GOVERNOR OF KARNATAKA

By Order and in the name of
the Governor of Karnataka,

G. SRIDHAR
Secretary to Government
Department of Parliamentary
Affairs and Legislation