

**THE KARNATAKA MUNICIPALITIES ACT, 1964**  
**ARRANGEMENT OF SECTIONS**

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SCHEDULE I

SCHEDULE II - Omitted

SCHEDULE III - Omitted

SCHEDULE IV - Omitted

SCHEDULE V - Omitted

SCHEDULE VI

SCHEDULE VII

SCHEDULE VIII

SCHEDULE IX

SCHEDULE X

SCHEDULE XI

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SCHEDULE XIII

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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 assessment, 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.

(Published in 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 Municipalities 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 hitherto 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 Municipalities 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.)

**XXVI**

**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)

**XXVII**

**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. DPAL 49, Shasana 2000)

**XXVIII**

**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.

[L A Bill No. 8 of 2003]

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

### XXIX

**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.

[L A Bill No.20 of 2002]

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

### XXX

**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]

### XXXI

**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, choultrys 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]

### XXXII

**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]

### XXXIII

**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)

**XXXIV**

**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.

**XXXV**

**Amending Act 1 of 2007.-** It is considered necessary and expedient in public interest to provide for regularisation 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.

### XXXVI

**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.]

### XXXVII

**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.

(L.A. 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.)

### XXXVIII

**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.]

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सत्यमेव जयते

**<sup>1</sup>[KARNATAKA ACT]<sup>1</sup> No. 22 OF 1964.**

(First published in the <sup>1</sup>[Karnataka Gazette]<sup>1</sup> on the Seventh day of May, 1964.)

**THE <sup>1</sup>[KARNATAKA]<sup>1</sup> 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 and 24 of 2011)

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

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 <sup>1</sup>[State of Karnataka]<sup>1</sup>:

BE it enacted by the <sup>1</sup>[Karnataka State]<sup>1</sup> 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 <sup>1</sup>[Karnataka]<sup>1</sup> 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 <sup>1</sup>[State of Karnataka]<sup>1</sup>.

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 <sup>1</sup>[date]<sup>1</sup> 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) <sup>1</sup>[xxx]<sup>1</sup>

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

<sup>1</sup>[(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;]<sup>1</sup>

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, whether of masonry, bricks, wood, mud, metal or any other material whatsoever; but does not include a portable shelter;

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

<sup>1</sup>[(5) "Commissioner" means the Regional Commissioner or other Officer appointed to perform the duties of the Commissioner under this Act.]<sup>1</sup>

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 <sup>1</sup>[or Town Panchayat]<sup>1</sup>;

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;

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

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

<sup>1</sup>[Civil Judge]<sup>1</sup> 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.

**<sup>1</sup>[Explanation.—xxx]<sup>1</sup>**

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 <sup>1</sup>[municipal area]<sup>1</sup> established under this Act;

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

<sup>1</sup>[(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;]<sup>1</sup>

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;

<sup>1</sup>[(19) x x x]<sup>1</sup>

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);

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

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 <sup>1</sup>[State of Karnataka]<sup>1</sup> 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.

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

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;

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

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;

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

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

<sup>1</sup>[(28B) "Vacant land" means land not built upon; <sup>2</sup>[but does not include appurtenant land to a building]<sup>2</sup>]<sup>1</sup>

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 <sup>1</sup>[MUNICIPAL AREAS]<sup>1</sup>

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

<sup>1</sup>[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:

<sup>1</sup>[xxx]<sup>1</sup>

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.

<sup>1</sup>[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.]<sup>1</sup>

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

<sup>1</sup>[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.]<sup>1</sup>

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

<sup>1</sup>[(3) xxx]<sup>1</sup>

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;]<sup>1</sup>

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 <sup>1</sup>[smaller urban area]<sup>1</sup> and the effect thereon.**—(1) The <sup>1</sup>[Governor]<sup>1</sup> may, after consulting the municipal council and subject to the provisions of section 9 <sup>2</sup>[and having regard to the provisions of clauses (a) to (f) of sub-section (1) of section 3]<sup>2</sup>, 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 <sup>1</sup>[smaller urban area]<sup>1</sup> any local area adjacent thereto;

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

(b) exclude from a <sup>1</sup>[smaller urban area]<sup>1</sup> 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 <sup>1</sup>[smaller urban area]<sup>1</sup>, 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 <sup>1</sup>[smaller urban area]<sup>1</sup> 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 <sup>1</sup>[smaller urban area]<sup>1</sup>,—

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 <sup>1</sup>[municipal area]<sup>1</sup> 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 <sup>2</sup>[Director of Municipal

Administration]<sup>2</sup> 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 <sup>1</sup>[municipal area]<sup>1</sup> 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

**<sup>1</sup>[6. x x x]<sup>1</sup>**

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

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

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

(2) When any local area <sup>1</sup>[ceases to be a smaller urban area]<sup>1</sup>, the municipal council constituted therefor shall cease to exist, and the property and rights vested in any such <sup>1</sup>[municipal council]<sup>1</sup> 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 <sup>1</sup>[municipal council]<sup>1</sup> had jurisdiction.

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

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

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

**9. Procedure for constitution, abolition, etc., of <sup>1</sup>[smaller urban areas]<sup>1</sup>.**—Not less than 2[thirty days]<sup>2</sup> before the publication of any notification declaring any local area to be a <sup>1</sup>[smaller urban area]<sup>1</sup>, or altering the limits of any such <sup>1</sup>[smaller urban area]<sup>1</sup> or declaring that any local area shall cease to be <sup>1</sup>[smaller urban area]<sup>1</sup>, the <sup>1</sup>[Governor]<sup>1</sup> 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 <sup>1</sup>[smaller urban area]<sup>1</sup>, or to alter the limits of the <sup>1</sup>[smaller urban area]<sup>1</sup> in a certain manner, or to declare that the local area shall cease to be a <sup>1</sup>[smaller urban area]<sup>1</sup>, 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 <sup>3</sup>[Director of Municipal Administration]<sup>3</sup> within <sup>2</sup>[thirty days]<sup>2</sup> from the date of the said proclamation, and whenever it is proposed to add to or exclude from a <sup>1</sup>[smaller urban area]<sup>1</sup> 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 <sup>1</sup>[Governor]<sup>1</sup>.

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 <sup>1</sup>[Governor]<sup>1</sup> unless the objections, if any, so submitted are in <sup>1</sup>[his]<sup>1</sup> 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]<sup>1</sup>, 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 <sup>2</sup>[through its Chief Officer or Municipal Commissioner]<sup>2</sup>.

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]<sup>1</sup> shall vest in the municipal council.

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

**<sup>1</sup>[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 <sup>1</sup>[x x x]<sup>1</sup>;

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.

<sup>1</sup>[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.]<sup>1</sup>

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.

<sup>1</sup>[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.

**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.]<sup>1</sup>

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

(4) Not less than one-third of the seats reserved 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.

(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.]<sup>2</sup>

<sup>1</sup>[12. x x x]<sup>1</sup>

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

**13. <sup>1</sup>[Wards]<sup>1</sup> for elections.**—<sup>2</sup>[(1)]<sup>2</sup> For the purposes of election of councillors to be elected to fill the seats under <sup>1</sup>[clause (a) of sub-section (1)]<sup>1</sup> of section 11, the Government shall, <sup>3</sup>[x x x]<sup>3</sup> 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 <sup>1</sup>[wards]<sup>1</sup> into which the <sup>1</sup>[municipal area]<sup>1</sup> shall be divided;

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

(b) the extent of each territorial <sup>1</sup>[ward]<sup>1</sup>;

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

(c) the number of seats allotted to each territorial <sup>1</sup>[ward]<sup>1</sup> which shall be <sup>2</sup>[one <sup>3</sup>[x x x]<sup>3</sup>]<sup>2</sup>; 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 <sup>1</sup>[Scheduled Castes, Schedule Tribes, Backward classes and for women]<sup>1</sup> in each territorial <sup>1</sup>[ward]<sup>1</sup>.

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

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

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.

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

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

<sup>1</sup>[(2) and (3) x x x]<sup>1</sup>

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

**14. List of voters.**—<sup>1</sup>[(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.]<sup>1</sup>

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

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

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 <sup>1</sup>[ward]<sup>1</sup> to which such list pertains.

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

(4) In every <sup>1</sup>[ward]<sup>1</sup>, a voter shall have as many votes as there are councillors to be elected from that <sup>1</sup>[ward]<sup>1</sup>, 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 <sup>1</sup>[wards]<sup>1</sup> of the <sup>1</sup>[municipal area]<sup>1</sup> 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 <sup>1</sup>[ward]<sup>1</sup> or any other <sup>1</sup>[ward]<sup>1</sup> of the <sup>1</sup>[municipal area]<sup>1</sup> and every person whose name is not in such list shall not be qualified to be elected, at the election for any <sup>1</sup>[ward]<sup>1</sup> of the <sup>1</sup>[municipal area]<sup>1</sup>:

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 <sup>1</sup>[or Scheduled Tribes]<sup>1</sup> 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.

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

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]<sup>1</sup>

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.]<sup>1</sup>

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.

<sup>1</sup>[(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.]<sup>1</sup>

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

<sup>1</sup>[(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;]<sup>1</sup>

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 <sup>1</sup>[Director of Municipal Administration]<sup>1</sup> if such person was a councillor of a town municipal council and the orders passed by the Government or the <sup>1</sup>[Director of Municipal Administration]<sup>1</sup> 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.

**<sup>1</sup>[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.<sup>1</sup>

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 <sup>1</sup>[before the expiry of the period for which]<sup>1</sup> an Administrator is appointed under section 315 or <sup>1</sup>[before the expiry of the period specified]<sup>1</sup> 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.**—<sup>1</sup>[(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 <sup>1</sup>[five years]<sup>1</sup>;

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

<sup>1</sup>[Proviso xxx]<sup>1</sup>

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

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

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

<sup>1</sup>[(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.]<sup>1</sup>

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

(2) The term of office of a councillor elected <sup>1</sup>[x x x]<sup>1</sup> <sup>2</sup>[x x x]<sup>2</sup> to fill a casual vacancy shall continue so long only as the councillor in whose place he is elected <sup>3</sup>[x x x]<sup>3</sup> 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.

<sup>1</sup>[(3) Notwithstanding 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.]<sup>1</sup>

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

**<sup>1</sup>[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.]<sup>1</sup>

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 <sup>1</sup>[x x x]<sup>1</sup> 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 <sup>1</sup>[six]<sup>1</sup> 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 <sup>1</sup>[x x x]<sup>1</sup>, 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 <sup>1</sup>[nominated under section 11]<sup>1</sup> 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 <sup>1</sup>[or voting machine]<sup>1</sup> from polling station to be an offence.**—(1) Any person who at any election fraudulently takes or attempts to take a ballot paper <sup>1</sup>[or voting machine]<sup>1</sup> 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 <sup>1</sup>[or voting machine]<sup>1</sup> 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 <sup>1</sup>[or voting machine] <sup>1</sup> or the official mark on any ballot paper <sup>1</sup>[or voting machine] <sup>1</sup>;

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 <sup>1</sup>[or voting machine] <sup>1</sup> from any person or is in possession of any ballot paper <sup>1</sup>[or voting machine] <sup>1</sup>; 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 <sup>1</sup>[or voting machine] <sup>1</sup> 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 <sup>1</sup>[or voting machine]<sup>1</sup> 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.—**<sup>2</sup>[(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.]<sup>2</sup>

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) <sup>1</sup>[Subject to sub-section (1)]<sup>1</sup>, 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 <sup>1</sup>[ward]<sup>1</sup>; 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 <sup>1</sup>[wards]<sup>1</sup>;

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 <sup>1</sup>[wards]<sup>1</sup> where any seat is reserved for the <sup>1</sup>[Scheduled Castes, Scheduled Tribes, Backward Classes and Women]<sup>1</sup>;

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 <sup>1</sup>[ward]<sup>1</sup>;

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;

- <sup>1</sup>[(via) the manner of giving and recording of votes by voting machines;]<sup>1</sup>

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

- (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 <sup>1</sup>[ward]<sup>1</sup>;

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.]<sup>1</sup>

**<sup>1</sup>[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.]<sup>1</sup>

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

**<sup>1</sup>[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.]<sup>1</sup>

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.

**<sup>1</sup>[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 <sup>2</sup>[Director of Municipal Administration]<sup>2</sup> 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.]<sup>1</sup>

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 <sup>1</sup>[x x x]<sup>1</sup> under this Act, <sup>2</sup>[x x x]<sup>2</sup> 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.

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

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.

<sup>1</sup>[(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.]<sup>1</sup>

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

<sup>1</sup>[(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;

<sup>1</sup>[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.]<sup>1</sup>

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

(c) not less than one-third of the total number of offices of the President and Vice-president 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.

**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;]<sup>1</sup>

(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 <sup>1</sup>[x x x]<sup>1</sup> 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.

<sup>1</sup>[(4) x x x]<sup>1</sup>

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 <sup>1</sup>[city municipal councils and in the case of town municipal

councils]<sup>1</sup> any officer nominated by him in this behalf not below the rank of an Assistant Commissioner in the case of <sup>1</sup>[municipal councils]<sup>1</sup> at district headquarters or the Tahsildar or the person performing the duties of the Tahsildar for the time being <sup>2</sup>[or any other person not disqualified for being a Councillor]<sup>2</sup> in the case of other <sup>1</sup>[municipal councils]<sup>1</sup> 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 <sup>1</sup>[municipal area]<sup>1</sup> 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 <sup>1</sup>[elected councillors]<sup>1</sup> within such period and in such manner as may be prescribed. <sup>2</sup>[x x x]<sup>2</sup> 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 <sup>1</sup>[elected councillor]<sup>1</sup> 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 <sup>1</sup>[x x x]<sup>1</sup> 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 <sup>1</sup>[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]<sup>1</sup> 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 <sup>1</sup>[total number of councillors having voting right]<sup>1</sup> 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, <sup>1</sup>[x x x]<sup>1</sup>, 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 <sup>2</sup>[dues he owes to the Municipal Council or has suffered an order for commitment to civil prison for non-payment of any decretal debt]<sup>2</sup>, 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.

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

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

<sup>1</sup>**[Explanation.—**x x x]<sup>1</sup>

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

<sup>1</sup>[(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.]<sup>1</sup>

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 <sup>1</sup>[by election]<sup>1</sup>, in accordance with the provisions of the foregoing sub-sections <sup>2</sup>[x x x]<sup>2</sup>.

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.

<sup>1</sup>[(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.]<sup>1</sup>

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 <sup>1</sup>[Director of Municipal Administration]<sup>1</sup> 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 <sup>1</sup>[Director of Municipal Administration]<sup>1</sup> or other officer calls for under section 304.

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

<sup>1</sup>[(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.]<sup>1</sup>

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

<sup>1</sup>[(3) The President shall have the following additional powers, namely:—

(a) to issue directions to the <sup>2</sup>[Municipal Commissioner]<sup>2</sup> 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 <sup>2</sup>[Municipal Commissioner]<sup>2</sup> or the Chief Officer shall, whenever they address communications to Government, simultaneously forward copies thereof to the President.]<sup>1</sup>

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 subsection (1) of section 43, and

(b) pending the succession, appointment or election of a president, or during the absence of a president <sup>1</sup>[for any period exceeding seven days]<sup>1</sup> <sup>2</sup>[x x x]<sup>2</sup>, 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.

<sup>1</sup>[(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.]<sup>1</sup>

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.

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

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. <sup>1</sup>[The President may also call for any record of the Municipal Council from the <sup>2</sup>[Director of Municipal Administration]<sup>2</sup>, the Chief Officer or any other officer, but any record so made available shall be returned within one month.]<sup>1</sup>

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, '[which shall be called an ordinary general meeting.]'<sup>1</sup>

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.

**'[47A. x x x]'**

1. Inserted by Act 33 of 1984 w.e.f. 26.6.1984 and Omitted 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 thereat, 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.

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

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.

<sup>1</sup>[(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.]<sup>1</sup>

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 <sup>1</sup>[ward]<sup>1</sup>), 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 '[Assistant Executive Engineer]' concerned informing him of the intention to transact such business thereat and of the motions or propositions to be brought forward concerning such business.

**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 <sup>1</sup>[or the Executive Engineer Karnataka Electricity Board or the Executive Engineer Public Health Engineering or the Deputy Assistant Director Town Planning]<sup>1</sup> 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.]<sup>1</sup>

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 <sup>1[x x x]</sup> 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.]<sup>1</sup>

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 <sup>1</sup>[seven]<sup>1</sup> 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 <sup>1</sup>[x x x]<sup>1</sup> 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 <sup>1</sup>[municipal area]<sup>1</sup> 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 <sup>1</sup>[toll]<sup>1</sup>.**—(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 <sup>1</sup>[Town Panchayat]<sup>1</sup>, cantonment authority, <sup>1</sup>[Taluk Panchayat or Grama Panchayats]<sup>1</sup> or with any combination of such <sup>1</sup>[municipal councils]<sup>1</sup> 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, <sup>1</sup>[Town Panchayat]<sup>1</sup>, cantonment authority, <sup>1</sup>[Taluk Panchayat or Grama Panchayats]<sup>1</sup> or committees or combinations as aforesaid <sup>2</sup>[that the levy of tolls]<sup>2</sup> 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 <sup>1</sup>[Deputy Commissioner]<sup>1</sup> 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.

<sup>1</sup>[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.]<sup>1</sup>

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 <sup>1</sup>[twenty-five thousand]<sup>1</sup> 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 <sup>1</sup>[five thousand rupees]<sup>1</sup> 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.

## 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 fixtures 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 [Deputy Commissioner] 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

<sup>1</sup>[Director of Municipal Administration]<sup>1</sup> 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 <sup>1</sup>[municipal area]<sup>1</sup>, or of providing the supply of electrical energy for the use of the inhabitants of the said <sup>1</sup>[municipal area]<sup>1</sup> 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 <sup>1</sup>[municipal area]<sup>1</sup>, or for any other purpose calculated to promote the health, safety or convenience of the inhabitants of the said <sup>1</sup>[municipal area]<sup>1</sup>; or

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

(b) make whether within or beyond the limits of the <sup>1</sup>[municipal area]<sup>1</sup> a contribution towards expenditure incurred by any other municipal council or a <sup>1</sup>[Taluk Panchayat or a Grama Panchayat or cantonment authority]<sup>1</sup> 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 <sup>1</sup>[municipal area]<sup>1</sup>.

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 <sup>1</sup>[municipal area]<sup>1</sup> 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 <sup>2</sup>[buildings or vacant lands]<sup>2</sup> in any place whether such place is or is not within the limits of the said <sup>1</sup>[municipal area]<sup>1</sup>, any quantity of water or electrical energy not required for the purpose of this Act within the said <sup>1</sup>[municipal area]<sup>1</sup>, 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 <sup>2</sup>[buildings or vacant lands]<sup>2</sup>, 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 <sup>1</sup>[(including separate and suitable place for vending vegetables)]<sup>1</sup>, 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 <sup>1</sup>[municipal area]<sup>1</sup> for the supply of animal lymph;
1. Substituted by Act 36 of 1994 w.e.f. 1-6-1994.
- <sup>1</sup>[(o) maintaining schools for pre-primary education;]<sup>1</sup>
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 <sup>1</sup>[municipal area]<sup>1</sup> 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, <sup>1</sup>[decomposed]<sup>1</sup> 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 <sup>1</sup>[municipal area]<sup>1</sup> as the Government, by general or special orders, requires the municipal council to submit; <sup>2</sup>[x x x]<sup>2</sup>

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.

<sup>1</sup>[(u1) vital statistics including registration of births and deaths;

(u2) regulation of taneries;]<sup>1</sup>

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

<sup>1</sup>[(v) maintenance of up-to-date record of all buildings and sites within the <sup>2</sup>[municipal area]<sup>2</sup>; and

(w) planting and maintaining of road-side trees.]<sup>1</sup>

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 <sup>1</sup>[municipal area]<sup>1</sup>.

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;

<sup>1</sup>[(c) providing shelter for destitute women;]<sup>1</sup>

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;

<sup>1</sup>[(f) x x x]<sup>1</sup>

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 <sup>1</sup>[municipal area]<sup>1</sup>;

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 <sup>2</sup>[Director of Municipal Administration]<sup>2</sup> in the case of a city municipal council organising any public reception, public ceremony, public entertainment or public exhibition within the <sup>1</sup>[municipal area]<sup>1</sup>:

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 <sup>1</sup>[municipal area]<sup>1</sup>;

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 <sup>1</sup>[municipal area]<sup>1</sup>;

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 <sup>1</sup>[municipal area]<sup>1</sup>;

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;

<sup>1</sup>[(gg1) slum improvements and up-gradation;

(gg2) urban forestry, protection of environment and promotion of ecological aspects;

(gg3) urban poverty alleviation;

(gg4) promotion of cultural, education and aesthetic aspects;]<sup>1</sup>

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) <sup>1</sup>[xxx]<sup>1</sup>

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

(b) <sup>1</sup>[xxx]<sup>1</sup> at rates not exceeding those <sup>1</sup>[specified in this Act]<sup>1</sup>.

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:—

<sup>1</sup>[(i) a tax on buildings or vacant lands or both situated within the municipal area (hereinafter referred to as property tax)]<sup>1</sup>

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

<sup>1</sup>[(ii) x x x]<sup>1</sup>

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

(iii) <sup>1</sup>[xxx]<sup>1</sup>

(iv) <sup>1</sup>[xxx]<sup>1</sup>

1. Omitted by Act 31 of 2003 w.e.f. 16-6-2003.

<sup>1</sup>[(v) to (vii) x x x]<sup>1</sup>

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

<sup>1</sup>[(viii) and (ix)]<sup>1</sup>

1. Omitted by Act 31 of 2003 w.e.f. 16-6-2003.

<sup>1</sup>[(x) x x x]<sup>1</sup>

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

<sup>1</sup>[(xi) x x x]<sup>1</sup>

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 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):

**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;

<sup>1</sup>[xxx]<sup>1</sup>

1. The provisos and Explanation (i) and (ii) omitted by Act 31 of 2003 w.e.f. 16-6-2003.

<sup>1</sup>[(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 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 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]<sup>1</sup>.

1. Inserted by Act 31 of 2003 w.e.f. 16-6-2003.

<sup>1</sup>[(2) Notwithstanding the exemptions granted under <sup>2</sup>[sub-section (1A)]<sup>2</sup> 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]<sup>1</sup>.

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.

<sup>1</sup>[94A [xxx]<sup>1</sup>

1. Sections 94A Omitted by Act 31 of 2003 w.e.f. 16-6-2003.

**<sup>1</sup>[95 and 96. xxx]<sup>1</sup>**

1. Sections 95 and 96 Omitted by Act 31 of 2003 w.e.f. 20-8-2003.

**<sup>1</sup>[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.]<sup>1</sup>

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.

<sup>1</sup>[(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.]<sup>1</sup>

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.—**<sup>1</sup>[(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]<sup>1</sup>.

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 <sup>1</sup>[Karnataka]<sup>1</sup> 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 <sup>2</sup>[municipal area]<sup>2</sup>;

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 <sup>1</sup>[or Town Panchayat]<sup>1</sup> 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 <sup>1</sup>[Karnataka]<sup>1</sup> 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.**

<sup>1</sup>[100. xxx]<sup>1</sup>

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

### **Assessment of and liability to tax on buildings and lands.**

<sup>1</sup>[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 <sup>2</sup>[or vacant land or both]<sup>2</sup> 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.

<sup>1</sup>[(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) and not more than <sup>1</sup>[two]<sup>1</sup> per cent of taxable capital value of the building.

1. Substituted by Act 5 of 2005 w.e.f. 1.4.2005.

<sup>1</sup>[Provided that the maximum limit of property tax levied in the case of a commercial building within a Municipal Council whose population does not exceed one lakh shall be 0.9 percent]<sup>1</sup>

1. Inserted by Act 5 of 2005 w.e.f. 1.4.2005.

(b) residential building and buildings other than commercial at such percentage not being less than 0.3 percent (rupees three per thousand) and not more than <sup>1</sup>[one per cent (rupees ten per thousand)]<sup>1</sup> of taxable capital value of the building.

1. Substituted by Act 5 of 2005 w.e.f. 1.4.2005.

<sup>1</sup>[Provided that the maximum limit of property tax levied in the case of a residential building within a Municipal Council whose population does not exceed one lakh shall be 0.6 percent]<sup>1</sup>

1. Inserted by Act 5 of 2005 w.e.f. 17.3.2005.

- (c) vacant land measuring not above one thousand square meters, at not less than 0.1 per cent (rupees one per thousand) and not more than 0.2 per cent (rupees two per thousand) of taxable capital value of land.
- (d) vacant land measuring above one thousand square meters but not above four thousand square meters, at not less than 0.025 per cent (rupees twenty five per lakh) and not more than 0.05 (rupees fifty per lakh) of taxable capital value of land.
- (e) vacant land measuring above four thousand square meters, at not less than 0.01 per cent (rupees ten per lakh) and not more than 0.02 per cent (rupees twenty per lakh) of taxable capital value of land.]<sup>1</sup>

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.

<sup>1</sup>[(2A) Notwithstanding anything contained in sub-section (2), no property tax shall be levied on a vacant land situated within the Municipal Council having a population of less than one lakh.]<sup>1</sup>

1. Inserted by Act 5 of 2005 w.e.f. 1.4.2005.

(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 <sup>1</sup>[vacant land or both]<sup>1</sup> having regard to the location, type of construction of the building, nature of use to which the <sup>1</sup>[vacant land]<sup>1</sup> or building is put, area of the

<sup>1</sup>[vacant land]<sup>1</sup>, 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.

<sup>1</sup>[Provided further that the land appurtenant to a building shall be exempted from levy of Property Tax.]<sup>1</sup>

1. Substituted by Act 5 of 2005 w.e.f. 1.4.2005.

<sup>1</sup>[Explanation.- xxx]<sup>1</sup>

1. Omitted by Act 31 of 2003 w.e.f. 16-6-2003.

**<sup>1</sup>[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.]<sup>1</sup>

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 <sup>1</sup>[together with the land occupied by it]<sup>1</sup>. The taxable capital value of such land shall be assessed having regard to the <sup>2</sup>[market value guidelines of properties published]<sup>2</sup> 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 <sup>3</sup>[equivalent of fifty percent of]<sup>3</sup> the market value guidelines 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]<sup>2</sup>

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.

(2) The taxable capital value of the vacant land shall be <sup>2</sup>[equivalent of fifty percent of]<sup>2</sup> the <sup>1</sup>[market value guidelines of properties published]<sup>1</sup> 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.

**<sup>1</sup>[102A. Enhancement of property tax.-** Notwithstanding anything contained in section 101 and 102 the property tax assessed and levied under either provision shall not be assessed each year thereafter but shall stand enhanced by 15 percent once in every three years commencing from the financial year 2005-2006:

Provided that the Municipal Council may enhance such property tax upto 30 percent once in three years and different rates of enhancement may be made to different areas and different classes of buildings and lands:

Provided further that the non assessment of property tax under this section during the block period of three years shall not be applicable to a building in respect of which there is any addition, alteration or variation to it.



Provided also that nothing contained in this section shall be deemed to affect the power of State Government to direct an earlier revision of property tax<sup>1</sup>.

1. Inserted by Act 5 of 2005 w.e.f. 1-4-2005.

**103. Rebate for self-occupied building.**- A rebate at the rate of fifty percent of the property tax shall be allowed in respect of <sup>1</sup>[any residential building or part of a residential building]<sup>1</sup> which is occupied by the owner of such building.

1. Substituted by Act 31 of 2003 w.e.f. 16.6.2003

**<sup>1</sup>[104.- xxx]<sup>1</sup>**

1. Omitted by Act 31 of 2003 w.e.f. 16-6-2003.

**<sup>1</sup>[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.

(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).

(4) If any owner or occupier fails to submit a return as required under sub-section (1) <sup>1</sup>[or fails to pay in advance full amount of property tax as required under sub-section (2)]<sup>1</sup> 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 <sup>2</sup>[vacant land and building]<sup>2</sup> 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,-

<sup>1</sup>[(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]<sup>1</sup>;

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.

<sup>1</sup>[(c) One hundred rupees in case of failure to submit return after payment of property tax in full]<sup>1</sup>

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, <sup>1</sup>[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]<sup>1</sup>

1. Inserted by Act 31 of 2003 w.e.f. 16.6.2003.

(9) In order to facilitate filing of return by an owner or occupier of any <sup>1</sup>[building or vacant land]<sup>1</sup> 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 <sup>1</sup>[buildings or vacant lands]<sup>1</sup> 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) xxx]'**

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.

**107. Levy of penalty on unlawful building.-** (1) Whoever unlawfully constructs or reconstructs any building or part of a building,-

(i) on his land without obtaining permission under this Act or in contravention of any condition attached to such permission; or

(ii) on a site belonging to him which is formed without approval under the relevant law relating town and country planning; or

(iii) on his land in breach of any provision of this Act or any rule or bye-law made thereunder or any direction or requisition lawfully given or made under this Act or such rules or bye-law;

shall be liable to pay every year a penalty, which shall be equal to twice the property tax leviable on such building so long as it remains as unlawful construction without prejudice to any proceedings which may be instituted against him in respect of such unlawful construction:

Provided that such levy and collection of penalty shall not be construed as regularisation of such unlawful construction or reconstruction.

(2) Penalty payable under sub-section (1) shall be determined and collected by such authority and in such manner as may be prescribed. The penalty so payable shall be deemed to be the tax due for the purpose of chapter VII.

(3) Any person aggrieved by the determination and collection of penalty under sub-section (2) may within thirty days from the date of receipt of the order appeal to the prescribed authority whose decision thereon shall be final.

(4) The prescribed authority may after giving a reasonable opportunity of being heard to the Appellant and Municipal Council pass such order as it deems fit.

**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 <sup>1</sup>[buildings or vacant land or both]<sup>1</sup> 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 <sup>1</sup>[buildings or vacant land or both]<sup>1</sup> 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 <sup>2</sup>[vacant land or building]<sup>2</sup> 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.]<sup>1</sup>

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 <sup>1</sup>[property tax]<sup>1</sup> a tax on <sup>2</sup>[buildings or vacant lands]<sup>2</sup> 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.

**<sup>1</sup>[109. xxx]<sup>1</sup>**

1. Omitted by Act 31 of 2003 w.e.f. 16.6.2003.

**110. Tax from whom primarily leviable.—**<sup>1</sup>[(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 <sup>2</sup>[the land occupied by such building]<sup>2</sup> and building erected thereon shall be primarily payable by the said tenant.<sup>1</sup>

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.

<sup>1</sup>[xxx]<sup>1</sup>

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.

<sup>1</sup>[110A. xxx]<sup>1</sup>

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 <sup>1</sup>[Municipal Commissioner or the Chief Officer]<sup>1</sup>.

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 <sup>1</sup>[Municipal Commissioner or the Chief Officer]<sup>1</sup> 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.

<sup>1</sup>[(2) xxx]<sup>1</sup>

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

**<sup>1</sup>[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.]<sup>1</sup>

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

**114. Liability for payment of <sup>1</sup>[property tax]<sup>1</sup> 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 <sup>1</sup>[property tax]<sup>1</sup> 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.

**<sup>1</sup>[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.]<sup>1</sup>

1. Substituted by Act 28 of 2001 w.e.f. 12-11-2001.

<sup>1</sup>[116 to 122 x x x]<sup>1</sup>

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

<sup>1</sup>[x x x]<sup>1</sup> Toll.

<sup>1</sup>[123 to 127 x x x]<sup>1</sup>

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

<sup>1</sup>[128 and 129 xxx]<sup>1</sup>

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

**<sup>1</sup>[130 and 131 x x x]<sup>1</sup>**

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

**<sup>1</sup>[132. xxx]<sup>1</sup>**

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 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 <sup>1</sup>[municipal area]<sup>1</sup> 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) The municipal council shall not grant such permission if,—

- (i) the advertisement contravenes any bye-laws made under this Act; or
- (ii) the tax, if any, due in respect of the advertisement has not been paid.

(3) Subject to the provisions of sub-section (2), in the case of an advertisement liable to the advertisement tax, the 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.