

377. Suspension or refusal of licence in default.- (1) If any person, after notice given to him in that behalf by the Commissioner, fails within the period and in the manner laid down in the said notice to carry out any of the works specified in section 376 the Commissioner may, with the sanction of the standing committee, suspend the licence of the said person or may refuse to grant him a licence until such works have been completed. (2) It shall not be lawful for any person to open or keep open any such market after such suspension or refusal.

378. Power of Commissioner to make regulations for markets, bazaars, slaughter houses and places set apart for sacrifice of animals,- The Commissioner may, with the approval of the standing committee, make regulations not inconsistent with any provision of this Act, or of any bye-law made under section 423,-

(a) for preventing nuisance or obstruction in any market-building, market-place, bazaar or slaughter-house, or in the approaches thereto, or in any of the roads, paths or ways in any market or bazaar;

(b) fixing the days and the hours on and during which any market, bazaar or slaughter house may be held or kept open for use;

(c) for keeping every market-building, market-place, bazaar, slaughter-house and place specified under section 371 in a clean and proper state, and for removing filth and rubbish therefrom;

(d) requiring that any market-building, market-place, bazaar, slaughter-house or place specified as aforesaid be properly ventilated and be provided with a sufficient supply of water;

(e) requiring that in market-buildings, market-places and bazaars, passages be provided between the stalls of sufficient width for the convenient use of the public; and

(f) requiring that in market-building, market-places and bazaars separate areas be set apart for different classes of articles.

379. Duty of expelling lepers, etc., from markets and private markets.- The person incharge of a market shall prevent the entry therein of, and shall expel therefrom, any person suffering from leprosy in whom the process of ulceration has commenced or from any infectious or contagious disease who sells or exposes for sale therein any article or who, not having purchased the same, handles any articles exposed for sale therein; and he may expel therefrom any person who is creating a disturbance therein.

380. Acquisition of rights of private persons to hold power to expel disturbers.- (1) The corporation may acquire the rights of any person to hold a private market in any place and to levy fees therein. The acquisition shall be made under the

Land Acquisition Act, 1894, and such rights shall be deemed to be land for the purposes of that Act.

(2) On payment by the corporation of the compensation awarded under the said Act in respect of such property and any other charges incurred in acquiring it, the rights of such person to hold such market and to levy fees therein shall vest in the corporation.

381. Butcher's, fishmonger's and poulterer's licence.- (1) No person shall, without or otherwise than in conformity with a licence from the Commissioner, carry on the trade of a butcher, fishmonger or poulterer or use any place for the sale of fresh fish or poultry intended for human food,-

(a) in any place within the limits of the city;

(b) in any place within five kilometers of such limits and not included in any municipality constituted under the Karnataka Municipalities Act, 1964 (Karnataka Act 22 of 1964):

Provided that no licence shall be required for a place used for the selling or storing for sale of presented flesh of fish contained in air-tight and hermetically sealed receptacles.

(2) The Commissioner may by order and subject to such restrictions as to supervision and inspection as he thinks fit grant or refuse to grant such licence.

(3) Every such licence shall expire at the 1[^{end of the period of five years}]1 for which it is granted or at such earlier date as the Commissioner may, for special reasons, specify in the licence.

1. Substituted by Act 32 of 2003 w.e.f. 16.6.2003.

382. Power to prohibit or regulate sale of animals, birds or articles in public streets.- The Commissioner may, with the sanction of the standing committee, prohibit by public notice or licence or regulate the sale or exposure for sale of any animal, bird or article in or on any public street or part thereof.

383. Decision of disputes as to whether places are markets.- If any question arises whether any place where persons assemble for the sale or purchase of articles of food or clothing, or live-stock or poultry, or cotton, groundnut or other industrial crops or of any other raw or manufactured products, is a market or not, the Commissioner shall make a reference to the Government and the decision of the Government on the question shall be final.

384. Duty of Commissioner to inspect.- It shall be the duty of the Commissioner to make provision for the constant and vigilant inspection of animals, carcasses, meat, poultry, game, fresh fish, vegetables, corn, bread, flour, milk, ghee, butter, oil and any other articles exposed or hawked about for sale or deposited in or brought to any place for the purpose of sale or of preparation for sale.

385. Power of Commissioner for purposes of inspection.- (1) The Commissioner or any person authorised by him in writing for the purpose may without notice enter any slaughter house or any place where animals, poultry or fish intended for food are exposed for sale or where articles of food are being manufactured or exposed for sale at any time by day or night, when the slaughter, exposure for sale or manufacture is being carried on and inspect the same and any utensil or vessel used for manufacturing, preparing or containing any such article.

(2) If the Commissioner or any person so authorised by him has reason to believe that in any place any animal intended for human food is being slaughtered or any carcass is being skinned or cut up or that any food is being manufactured, stored, prepared, packed, cleansed, kept or exposed for sale or sold without, or otherwise than in conformity with a licence, he may enter any such place without notice, at any time by day or night for the purpose of satisfying himself whether any provision of this Act, bye-laws, or regulations or any condition of a licence is being contravened.

(3) No claim shall lie against the Commissioner or any person acting under his authority or the corporation for any damage or inconvenience caused by the exercise of powers under this section or by the use of any force necessary for effecting entry into any place under this section.

(4) In any legal proceedings in respect of powers exercised under this section in which it is alleged that any animals, poultry, fish or articles of food were not kept, exposed, hawked about, manufactured, prepared, stored, packed or cleansed for sale, or were not intended for human food, the burden of proof shall lie on the party so alleging.

386. Preventing inspection by Commissioner.- No person shall in any manner whatsoever obstruct the Commissioner or person duly authorised by him in the exercise of his powers under the preceding section.

387. Power of Commissioner to seize diseased animal, noxious food, etc.- If it appears to the Commissioner or a person duly authorised by him,-

- (a) that any animal, poultry or fish intended for food is diseased; or
- (b) that any article of food is noxious; or
- (c) that any utensil or vessel used in manufacturing, preparing or containing any article of food is of such kind or in such state as to render the articles noxious,

he may seize or carry away or secure such animals, poultry, fish, article, utensil or vessel in order that the same may be dealt with as hereinafter provided.

Explanation.- For purposes of this section meat subjected to the process of blowing shall be deemed to be noxious.

388. Removing or interfering with articles seized.- No person shall remove or in any way interfere with any-thing secured under the preceding section.

389. Power to destroy articles seized.- (1) When any animal, poultry, fish or other article of food (or any utensil or vessel) is seized under section 387, it may, with the consent of the owner or person in whose possession it was found, be forthwith destroyed, and if the article is perishable, without such consent.

(2) Any expenses incurred in destroying anything under sub-section(1), shall be paid by the owner or person in whose possession such thing was at the time of the seizure.

390. Production of articles, etc., seized before magistrate and powers of magistrate to deal with them.- (1) Articles of food, animals, poultry, fish, utensils or vessels seized under section 387 and not destroyed under section 389 shall as soon as possible, be produced before a magistrate.

(2) Whether or not complaint is laid before the magistrate for any offence under the Indian Penal Code (Central Act 45 of 1860) or under this Act, if it appears to the magistrate on taking such evidence as he thinks necessary that any such animal, poultry, or fish is diseased, or any such article is noxious or any such utensil or vessel is of such kind or in such state as is described in section 387, he may order the same,-

(a) to be forfeited to the corporation; and

(b) to be destroyed at the charge of the owner or person in whose possession it was at the time of seizure, in such manner as to prevent the same being again exposed or hawked about for sale, or used for human food or for the manufacture or preparation of, or for containing any such articles as aforesaid.

391. Registration or closing or ownerless places for disposal of dead.- If it appears to the Commissioner that there is no owner or person having the control of any place used for burying, burning or otherwise disposing of the dead, he shall assume such control and register such place or may, with the sanction of the corporation, close it.

392. Licensing of places for disposal of dead.- (1) No new place for the disposal of the dead whether public or private shall be opened, formed, constructed or used unless a licence has been obtained from the Commissioner on application.

(2) Such application for a licence shall be accompanied by a plan of the place to be registered showing the locality, boundaries and extent thereof, the name of the owner or person or community interested therein, the system of management and such further particulars as the Commissioner may require.

(3) The Commissioner may, with the sanction of the corporation,-

(a) grant or refuse a licence; or

(b) postpone the grant of a licence until his objections to the site have been removed or the particulars called for by him have been furnished.

393. Provision of places by the corporation for burial and burning grounds and crematoria.- (1) The corporation may, and shall if no sufficient provision exists, provide places to be used as burial or burning grounds or crematoria, either within, or with the sanction of the Government outside the limits of the city; and may charge and levy rents and fees for the use thereof:

Provided that the corporation shall itself undertake the cremation of unclaimed dead bodies free of charge.

(2) If the corporation provides any such place without the limits of the corporation all the provisions of this Act and all bye-laws framed under this Act for the management of such places within the corporation shall apply to such place and all offences against such provisions or bye-laws shall be cognizable by a magistrate as if such places were within the corporation limits.

394. Register of registered, licensed and provided places and prohibition of use of other places.- (1) A book shall be kept at the corporation office in which the places registered, licensed or provided under section 391, section 392 or section 393 and all such places registered, licensed or provided before the commencement of this Act, shall be recorded and the plans of such places shall be filed in such office.

(2) Notice that the such place has been registered, licensed or provided as aforesaid shall be affixed in English and in Kannada to some conspicuous place at or near the entrance to the burial or burning ground or other places aforesaid.

(3) The Commissioner shall annually publish a list of all places registered, licensed or provided as aforesaid or provided by the Government.

(4) No person shall bury, burn or otherwise dispose of any corpse except in a place which has been registered, licensed or provided as aforesaid.

(5) Where a magistrate on a complaint preferred by the Commissioner or otherwise is satisfied that a corpse has been buried in a place which has not been registered, licensed or provided as aforesaid, he may direct the exhumation of the corpse and its burial in an authorised place.

395. Report of burial and burnings.- The person having control of a place for disposing of the dead shall give information of every burial, burning or other disposal of a corpse at such place to the officer, if any, appointed by Commissioner in that behalf.

396. Prohibition against making of vault or grave in any place of public worship.- No person shall make a vault or grave, or cause any corpse to be buried within the walls or underneath any place of public worship:

Provided that the Commissioner may, subject to the general or special orders of the Government, authorise the making of a vault or grave within the precincts of or underneath any place of public worship and the burial of priests or religious ministers in such vault or grave, or in an existing vault or grave.

397. Prohibition against use of burial and burning grounds dangerous to health or overcrowded with graves.- (1) If the Commissioner is of opinion,-

- (a) that any registered or licensed place for the disposal of the dead or any place provided for such disposal by the Corporation or by the Government is in such a state or situation as to or to be likely to become dangerous to health of persons living in the neighbourhood thereof; or
- (b) that any burial ground is overcrowded with graves, and if in the case of a public or burning ground or other place as aforesaid another convenient place duly authorised for the disposal of the dead exists or has been provided for the persons who would ordinarily make use of such place,

he may with the consent of the corporation and the previous sanction of the Government, give notice that it shall not be lawful after a period to be named in such notice, to bury, burn or otherwise dispose of any corpse at such place.

(2) Every notice given under sub-section (1) shall be affixed to some part of such place.

(3) After the expiry of the period named in such notice it shall not be lawful to bury, burn or otherwise dispose of a corpse at such place except with the permission of the Commissioner.

398. Prohibition in respect of corpse.- No person shall,-

(a) bury or cause to be buried any corpse or part thereof in a grave whether dug or constructed of masonry or otherwise in such manner that the surface of the coffin or the surface of the body where no coffin is used, is at a less depth than eight meters from the surface of the ground; or

(b) build or dig or cause to be built or dug any grave in any burial ground at a less distance than four meters from the margin of any other existing grave; or

(c) without the sanction in writing, of the Commissioner, or an order in writing of a magistrate reopen a grave already occupied; or

(d) convey or cause to be conveyed a corpse or part thereof to any burial or burning ground and not cause the burial or burning of the same to commence within six hours after its arrival at such place; or

(e) when burning or causing to be burnt a corpse or part thereof, permit the same or any part thereof or its clothing to remain without being completely reduced to ashes; or

(f) carry through any street a corpse or part thereof not decently covered; or

(g) while carrying a corpse or part thereof within the city leave the same in or near any street for any purpose whatever; or

(h) remove, otherwise than in a closed receptacle, any corpse or part thereof, kept or used for the purpose of dissection.

399. Fencing, etc., of private burial ground.- The owner of, or other person having control over, any private burial ground shall fence and maintain the same properly to the satisfaction of the Commissioner.

400. Grave digger's licence.- No person shall discharge the office of a grave digger or other attendant at a public place for the disposal of the dead (other than a place provided by the Government) unless he has been licensed in that behalf by the Commissioner.

CHAPTER XVIII PREVENTION OF DISEASES DANGEROUS DISEASES

401. Power to notify dangerous diseases.- The Government may, by notification, declare any epidemic, endemic or infectious disease other than a disease specified in clause (8) of section 2 to be a "dangerous disease", for the purpose of this Act.

402. Obligation of medical practitioner to report dangerous disease.- (1) If any medical practitioner becomes cognizant of the existence of any dangerous disease in any private or public dwelling in the city, he shall inform the Commissioner, the health officer or the sanitary inspector of the division, with the least practicable delay.

(2) The information shall be communicated in such form and with such details as the Commissioner may require.

(3) The Commissioner may direct the compulsory notification by the owner or occupier of every house within the corporation limits, during such period and to such officer as the Commissioner may specify, of all deaths from or occurrences of dangerous disease in his house.

Explanation.- For purposes of sub-sections (1) and (2) a hakim or a vaidya shall be deemed to be a medical practitioner.

403. Power of entry into suspected places.- The Commissioner or health officer may, at any time by day or by night without notice, or after giving such notice as may appear to him reasonable, inspect any place in which any dangerous disease is reported or suspected to exist and except in cases where he is satisfied that adequate

arrangements have been made or exist for the proper care and treatment of the person who is suffering or is suspected to be suffering from any dangerous disease, remove or cause to be removed such person to any Government or corporation medical institution intended for the treatment of patients suffering from such disease, and take such other measures as he may think fit to prevent the spread of such disease.

404. Provision of conveyance for carriage of patients.- The Commissioner may provide and maintain suitable conveyance for the carriage of persons suffering from any dangerous disease.

405. Powers to order removal of patients to hospitals.- (1) If, in the case of any person in a hospital, it appears to the officer in charge of it that such person is suffering from a dangerous disease or if, in the case of any other person it appears to the health officer or assistant health officer that such person is suffering from a dangerous disease,-

(a) is without proper lodging or accommodation; or

(b) is lodged in a place occupied by more than one family; or

(c) is without medical supervision directed to prevent the spread of the disease,

and if such officer in-charge, health-officer or assistant health-officer, as the case may be, considers that such person should be, removed to a hospital or other place at which patients suffering from such disease are received for medical treatment, he may remove such person or cause him to be removed to the said hospital or place:

Provided that, if any such person is a female she shall not be removed to any such hospital or place unless the same has accommodation of a suitable kind set apart from the portions assigned to males.

(2) Whoever obstructs the removal of a person under this section shall be deemed to have committed an offence punishable under section 269, of the Indian Penal Code, 1860.

406. Disinfection of buildings and articles.- (1) If the Commissioner or health officer is of opinion that the cleansing or disinfecting of a building or of any part thereof, or of any article therein, which is likely to retain infection, will tend to prevent or check the spread of any dangerous disease, he may by notice, require the owner or occupier to cleanse or disinfect the same, in the manner and within the time specified in such notice.

(2) The owner or occupier shall, within the time specified as aforesaid, comply with the terms of the notice.

(3) If the Commissioner or health officer considers that immediate action is necessary, or that the owner or occupier is, by reason of poverty or otherwise, unable

effectually to comply with his requisition, the Commissioner or health officer may himself without notice cause such buildings, or article to be cleansed or disinfected, and for this purpose may cause such article to be removed from the building or premises; and the expenses incurred by the Commissioner or health officer shall be recoverable from the said owner or occupier.

407. Destruction of huts and sheds when necessary.- (1) If the Commissioner is of opinion that the destruction of any hut or shed is necessary to prevent the spread of any dangerous disease, he may, after giving to the owner or occupier of such hut or shed such previous notice of his intention as may in the circumstances of the case appear to him reasonable, take measures for having such hut or shed and all the materials thereof destroyed.

(2) Compensation shall be paid by the Commissioner to any person who sustains substantial loss by the destruction of any such hut or shed; but except as so allowed by the Commissioner, no claim for compensation shall lie for any loss or damage caused by any exercise of the power conferred by this section.

408. Provision of places for disinfection and power to destroy infected articles.- (1) The Commissioner may,-

(a) provide proper places with all necessary attendants and apparatus for the disinfection of conveyances, clothing, bedding or other articles, which have been exposed to infection from any dangerous disease; and

(b) cause conveyances, clothing, bedding or other articles brought for disinfection to be disinfected free of charge, or subject to such charges, as may be approved by the standing committee.

(2) The Commissioner shall notify places at which conveyance, clothing, bedding or other articles which have been exposed to infection from any dangerous disease shall be washed and disinfected and no person shall wash or disinfect any such article at any place not so notified.

(3) The Commissioner may direct any clothing, bedding or other article likely to retain infection from any dangerous disease to be disinfected or destroyed.

409. Prohibition against transfer of infected articles.- No person shall, without previously disinfecting it, give, lend, let, hire, sell, transmit or otherwise dispose of, any article which he knows or has reason to know has been exposed to infection from any dangerous disease:

Provided that nothing in this section shall apply to a person who transmits with proper precautions any article for the purpose of having it disinfected.

410. Prohibition against infected person carrying on occupation.- If any person knows or has been certified by the health officer or a registered medical practitioner in the service of the Government or the corporation that he is suffering

from a dangerous disease he shall not engage in any occupation or carry on trade or business unless he can do so without risk of spreading the disease.

411. Prohibition against diseased person entering public conveyance.- (1) No person who is suffering from any dangerous disease shall enter a public conveyance without previously notifying to the owner or driver or person in charge of such conveyance that he is so suffering.

(2) No owner or driver or person in charge of a public conveyance shall be bound to convey any person suffering as aforesaid, unless and until the said person pays or tenders a sum sufficient to cover any loss and costs that may be incurred in disinfecting such conveyance.

(3) A court convicting any person of contravening sub-section (1) may levy, in addition to the penalty for the offence provided in this Act, such amount as the court deems sufficient to cover the loss and costs which the owner or driver must incur for the purpose of disinfecting the conveyance. The amount so imposed shall be awarded by the court to the owner or driver of the conveyance:

Provided that in a case which is subject to appeal, such amount shall not be paid to the owner or driver before the period allowed for presenting the appeal has elapsed or if an appeal is presented, before the decision of the appeal.

(4) At the time of awarding compensation in any subsequent civil suit relating to the same matter, the court shall take into account any sum which the plaintiff shall have received under this section.

412. Disinfection of public conveyance after carriage of patients.- (1) The owner, driver or person in charge of any public conveyance in which any person suffering from a dangerous disease has been carried, shall forthwith disinfect the conveyance or cause it to be disinfected.

(2) No such conveyance shall be used until the health officer or some person authorised by him in this behalf has granted a certificate stating that it may be used without causing risk of infection.

413. Letting of infected building.- (1) No person shall let or sub-let or for that purpose allow any person to enter a building or any part of a building in which he knows or has reason to know that a person has been suffering from a dangerous disease until the health officer has granted a certificate that such building may be re-occupied.

(2) For the purpose of sub-section (1), the keeper of a hotel or lodging house shall be deemed to let the same or part of the same to any person accommodated therein.

414. Power to order closure of places of public entertainment.- In the event of prevalence of any dangerous disease within the city, the Commissioner may, with the sanction of the standing committee, by notice require the owner or occupier of any

building, booth or tent used for purposes of public entertainment to close the same for such period as may be fixed by the standing committee.

415. Minor suffering from dangerous disease not to attend school.- No person being the parent or having the care of charge of a minor who is or has been suffering from a dangerous disease or has been exposed to infection there from shall, after a notice from the health officer that the minor is not to be sent to school or college, permit such minor to attend school or college without having procured from the health officer a certificate (which shall be granted free of charge on application) that in his opinion such minor may attend without undue risk of communicating such disease to others.

416. Provision as to library books.- (1) No person who is suffering from an infectious disease shall take any book or use or cause any book to be taken for his use from or in any public or circulating library.

(2) A person shall not permit any book which has been taken from a public or circulating library, and is under his control, to be used by any person whom he knows to be suffering from an infectious disease.

(3) A person shall not return to any public or circulating library any book which he knows to have been exposed to infection from any infectious disease, or permit any such book which is under his control to be so returned, but shall give notice to the Commissioner that the book has been so exposed to infection and the Commissioner shall cause the book to be disinfected and returned to the library, or to be destroyed.

(4) The Commissioner shall pay to the proprietor of the concerned library the value of any book destroyed.

Explanation.- For the purposes of this section the Commissioner shall from time to time notify what diseases are to be deemed infectious.

417. Power to prohibit use of water likely to spread infection.- If the health officer certifies that the water in any well, tank or other place within the limits of the city is likely, if used for drinking, to endanger or cause the spread of any dangerous disease, the Commissioner may, by public notice, prohibit the removal or use of such water for drinking and domestic purposes during a specified period.

418. Compulsory vaccination.- The corporation shall enforce vaccination throughout the city in such manner as may be prescribed and it may enforce vaccination throughout the city or in any part thereof, in respect of such person, to such extent and in such manner as may be prescribed.

419. Obligation to give information of small pox.- Where an inmate of any dwelling place within the city is suffering from small-pox, the head of the family to which the inmate belongs and, on his default, the occupier or person in charge of such place, shall inform the Commissioner, the health officer or the sanitary inspector of the

division with the least practicable delay.

420. Prohibition of inoculation for small-pox.- Inoculation for small-pox is prohibited.

(2) No person who has undergone the operation of inoculation shall enter the city before the lapse of forty days from the date of inoculation without a certificate from a medical practitioner of such class as the Commissioner may authorise stating that such person is no longer likely to produce small-pox by contact or near approach.

CHAPTER XIX

RULES, REGULATIONS AND BYE-LAWS

RULES

421. Power of Government to make rules.- (1) The Government may, ¹[after previous publication]¹ by notification make rules to carry out the purposes of this Act:

²[Provided that no previous publication shall be necessary for any rule made for the first time after the commencement of this Act.]²

1. Omitted by Act 13 of 1983 w.e.f. 24.2.1983 and inserted by the same Act w.e.f. 1.3.1983
2. Inserted by Act 40 of 1981 w.e.f. 1.6.1977.

(2) In particular and without prejudice to the generality of the foregoing power such rules may,-

(a) provide for all matters expressly required or allowed by this Act to be prescribed;

(b) regulate or prohibit the moving of any resolution or the making or any motions on or the discussion of any matter unconnected with the municipal administration;

(c) prescribe the accounts to be kept by the corporation, the manner in which such accounts shall be audited and published and the conditions under which the rate-payers may appear before auditors, inspect books and vouchers and take exception to items entered therein or omitted therefrom;

(d) prescribe the forms of all registers, reports and returns, the manner in which such registers shall be maintained, the dates on which the reports and returns shall be made and the officers to whom they shall be sent, as also of warrants and notices of sale;

(e) regulate sharing between local authorities of the proceeds of the tax ¹[x x x]¹ or income levied or obtained under this or any other Act;

1. Omitted by Act 35 of 1994 w.e.f. 1.6.1994.

(f) prescribe the powers of auditors, inspecting and superintending officers authorised to hold inquiries to summon and examine witnesses and to compel the production of documents and all other matters connected with audit, inspection and superintendence.

(3) The Government may, by notification, and after previous publication make rules altering, adding to or cancelling any of Schedules to this Act except Schedules XI and XII.

(4) All reference made in this Act to any of the aforesaid Schedules shall be construed as referring to such Schedules as for the time being amended in exercise of the powers conferred by sub-section (3).

¹[(4A) A rule under this Act may be made with retrospective effect, and when such a rule is made, the reasons for making the rule shall be specified in a statement laid before both Houses of the State Legislature, and subject to any modification made under sub-section (6), every rule made under this Act, shall have effect as if enacted in this Act.]¹

1. Inserted by Act 8 of 1982 w.e.f. 9.11.1981.

(5) In making any rule, the Government may provide that a breach thereof shall be punishable with fine which may extend to one hundred rupees.

(6) Every rule made under this section or any other provisions of this Act shall be laid as soon as may be after it is made before each House of the State Legislature while it is in session for a total period of thirty days which may be comprised in one session or in two or more successive sessions and if before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall from the date on which the modification or annulment is notified by the Government in the Official Gazette have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

422. Power to make regulations.- The Corporation may with the previous approval of the Government by notification make regulations not inconsistent with the provisions of this Act and the rules made thereunder in respect of matters which are required to be provided for by regulations by this Act.

423. Power to make bye-laws.- Subject to the provisions of this Act, the rules and regulations, the corporation may make bye-laws,-

(1) for all matters expressly required or allowed by this Act to be provided for by bye-laws;

(2) for the due performance by all corporation officers and servants of the duties assigned to them;

(3) for the regulation of the time and mode of collecting the taxes and duties under this Act;

(4) for determining the conditions under which lands shall be deemed to appurtenant to building;

(5) (a) for the use of public tanks, wells, conduits and other places or works for water supply;

(b) for the regulation of public bathing, washing and the like;

(6) for the cleansing of privies, earth-closets, ashpits and cess-pools, and the keeping of privies supplied with sufficient water for flushing;

(7) (a) for the laying out of streets, for determining the information and plans to be submitted with applications for permission to layout street; and for regulating the level and width of public streets and the height of buildings abutting thereon;

(b) for the regulation of the use of public streets, and the closing thereof or part thereof;

(c) for the protection of avenues, trees, grass and other appurtenances of public streets and other places;

(8) for the regulation of the use of parks, gardens and other public or corporation places;

(9) (a) for the regulation of building;

(b) for determining the information and plans to be submitted with applications to build;

(c) for the licensing of plumbers, surveyors, architects, engineers and structural designers and for the compulsory employment of licensed architects, plumbers and surveyors;

(10) for the regulation and licensing of hotels, lodging houses, boarding houses, choultries, rest houses, restaurants, eating houses, cafes, refreshment rooms, coffee houses and any premises to which the public are admitted for repose or for consumption of any food or drink or any place where any food or drink is exposed for sale;

(11) for regulating the mode of constructing stables, cattlesheds and cow-houses and connecting them with corporation drains;

(12) for the control and supervision of public and private cart-stands, for the regulation of their use and for the levy of fees therein;

(13) for the sanitary control and supervision of factories and places used for any of the purposes specified in Schedule X and of any trade or manufacture carried on therein;

(14) (a) for the control and supervision of slaughter houses and of places used for skinning and cutting up of carcasses;

(b) for the control and supervision of the methods of slaughtering;

(c) for the control and supervision of butchers carrying on business in the city or at any slaughter-house outside the city provided or licensed by the corporation;

(15) for the inspection of milch-cattle and the regulation of the ventilation, lighting, cleaning drainage and water-supply of dairies and cattle-sheds in the occupation of persons following the trade of dairyman or milk-seller;

(16) for enforcing the cleanliness of milk-stores and milk-shops and vessels and utensils used by the keepers thereof or by hawkers for containing or measuring milk or preparing any milk product and for enforcing the cleanliness of persons employed in the milk trade;

(17) for requiring notice to be given whenever any milch-animal is affected with any contagious disease and prescribing the precautions to be taken in order to protect milch-cattle and milk, against infection and contamination;

(18) (a) for the inspection of public and private markets and shops and other places therein;

(b) for the regulation of their use and the control of their sanitary condition; and

(c) for licensing and controlling brokers, commission agents and weighmen and measurers practising their calling in markets;

(19) for the prevention of the sale or exposure for the sale of unwholesome meat, fish or provision and securing the efficient inspection and sanitary regulation of shops in which articles intended for human food are kept or sold;

(20) (a) for the regulation of burial and burning and other places for the disposal of corpses;

(b) for the levy of fees for the use of such burial and burning grounds and crematoria as are maintained by the Corporation;

(c) for the verification of deaths and the cause of death;

(d) for the period for which corpses must be kept for the inspection;

(e) for the period within which corpses must be conveyed to a burial or burning ground, and the mode of conveyance of corpses through public places;

(21) for the prevention of dangerous diseases of men or animals;

- (22) for the enforcement of compulsory vaccination;
- (23) for the prevention of out-breaks of fire;
- (24) for the prohibition and regulation of advertisements;
- (25) for the maintenance and protection of lighting system;
- ¹[(26) and (27) x x x]¹

1. Omitted by Act 21 of 1979 w.e.f. 31.3.1979.

(28) for stopping, abating or controlling any excessive noise whether within or outside a building which may amount to a nuisance;

(29) in general, for securing cleanliness, safety and order and the good governance and well being of the city and for carrying out all the purposes of this Act.

424. Power to give retrospective effect to certain bye-laws and penalties for breaches of bye-laws.- (1) Bye-laws with regard to the drainage of, and supply of water to, buildings and water-closets, earth closets, privies, ash-pits and cess-pools in connection with buildings and the keeping of water-closets supplied with sufficient water for flushing may be made so as to affect buildings erected before the making of bye-laws under this Act.

(2) In making any bye-law under sections 423 and this section the corporation may provide that a breach thereof shall be punishable.-

(a) with fine which may extend to fifty rupees, and in case of a continuing breach, with fine which may extend to fifteen rupees for every day during which the breach continues after conviction for the first breach, or

(b) with fine which may extend to ten rupees for every day during which the breach continues after receipt of notice from the Commissioner to discontinue such breach.

425. Sanction of bye-laws by Government.- No bye-law made by the corporation under this Act shall have any validity unless and until it is sanctioned by the Government:

Provided that if the sanction is not accorded within three months the bye-laws shall be deemed to have been sanctioned.

426. Conditions precedent to making of bye-laws.- The power to make bye-laws under this Act is subject to the conditions,-

(a) that a draft of the proposed bye-law is published in the Official Gazette and in the local newspapers;

(b) that the draft shall not be further proceeded with until after the expiration of a period of thirty days from the publication thereof in the Official Gazette or of such longer period as the corporation may appoint;

(c) that for at least thirty days, during such period a printed copy of the draft shall be kept at the corporation office for public inspection and all persons permitted to peruse the same at any reasonable time free of charge; and

(d) that printed copies of the draft shall be sold to any person requiring them on payment of such price, as the Commissioner may fix.

427. Power of Government to make rules in lieu of bye-laws.- (1) If, in respect of any of the matters specified in section 423, the corporation has failed to make any bye-laws or if the bye-laws made by it are not, in its opinion adequate, the Government may make rules providing for such matters to such extent as it may think fit.

(2) Rules made under this section, may add to, alter, or cancel any bye-law made by the corporation.

(3) If any provision of a bye-law made by the corporation is repugnant to any provision of a rule made under this section, the rule shall prevail and the bye-law shall, to the extent of the repugnancy, be void.

(4) The provisions of sections 424, 426, of the second sentence of sub-section (1) of section 428 and of section 430 shall apply to the rules made under this section as they apply to the bye-laws made under section 423.

(5) Before making any rule under this section the Government shall give the corporation an opportunity of showing cause against the making thereof.

428. Publication of rules and bye-laws.- (1) When any rule or bye-law has been made under this Act, such rule or bye-law shall be published in the Official Gazette in English and in Kannada. A bye-law shall come into operation three months after it has been published as aforesaid.

(2) The Commissioner shall cause all rules and bye-laws in force to be printed in the said languages, and shall cause printed copies thereof to be sold to any applicant on payment of a fixed price.

(3) The Commissioner shall publish lists of officers and fines under this Act and the rules and bye-laws made under it, and shall cause printed copies thereof to be sold to any applicant on payment of fixed price.

(4) The Commissioner shall advertise in the local newspapers that copies of rules and bye-laws are for sale and specify the place where and the person from whom and the price at which, they are obtainable.

429. Publication of regulations.- Regulations made under this Act shall be published in such manner as the corporation may determine.

430. Exhibition of rules, bye-laws and regulations.- (1) Printed copies of bye-laws under sub-clauses (a), (b) and (c) of clause (7) and clause (8) of section 423 shall be affixed at the entrances to or elsewhere in the streets park, or other place affected

thereby in such conspicuous manner, as the Commissioner may deem best, calculated to give information to the person using such place.

(2) Printed copies of other bye-laws and of the rules and regulations shall be hung up in some conspicuous part of the corporation office. The Commissioner shall also keep affixed in a like manner in places of public resort, markets, slaughter-houses and other places affected, thereby copies of such portions of the rules, bye-laws and regulations as may relate to these places.

(3) No corporation officer or servant shall prevent any person from inspecting at any reasonable time copies so exhibited.

(4) No person shall, without lawful authority, destroy, pull-down, injure or deface any copies exhibited as above or any board to which the copies have been affixed.

CHAPTER XX PENALTIES

431. General provision regarding penalties specified in the schedules.- (1)

Whoever,-

- (a) contravenes any provisions of any of the sections of this Act or rules made under it, specified in the first column of Schedule XI;
- (b) contravenes any rule or order made under any of the said sections or rules; or
- (c) fails to comply with any direction lawfully given to him or any requisition lawfully made upon him under or in pursuance of the provisions of any of the said sections or rules,

shall, on conviction, be punished with fine which may extend to the amount mentioned in that behalf in the third column of the said schedule.

(2) Whoever after having been convicted of,-

- (a) contravening any provision of any of the sections or rules of this Act specified in the first column of Schedule XII' or
- (b) contravening any rule or order made under any of the sections or rules; or
- (c) failing to comply with any direction lawfully given to him or any requisition lawfully made upon him under or in pursuance of any of the said sections or rules, continues to contravene the said provision or to neglect to comply with the said direction or requisition, as the case may be, shall, on conviction, be punished for each day after the previous date of conviction during which he continues so to offend, with fine which may extend to the amount mentioned in that behalf in the third column of the said Schedule.

Explanation.- The entries in the second column of Schedule XII headed "subject" are not intended as definitions of the offences described in the sections, sub-sections,

clauses or rules mentioned in the first column or as abstracts of those sections, sub-sections, clauses or rules, but are inserted merely as reference to the subject of the sections, sub-sections, clauses or rules, as the case may be.

432. Penalties for voting as councillor, acting as Mayor, Deputy Mayor when not entitled and for failure to hand over documents.- (1) If a councillor votes in contravention of section 80 or if any person acts as a councillor knowing that under this Act or the rules made thereunder he is not entitled or has ceased to be entitled to hold such office, he shall, on conviction, be punished with fine not exceeding two hundred rupees for every such offence.

(2) If any person acts as or exercise the functions of the Mayor or deputy Mayor knowing that under this Act or the rules made thereunder he is not entitled or has ceased to be entitled to hold such office or to exercise such functions he shall, on conviction be punished with fine not exceeding one thousand rupees for every such offence.

(3) If the Mayor or Deputy Mayor fails to hand over any documents of, or any money or other properties vested in or belonging to the corporation, which are in or have come into, his possession or control, to his successor in office or other prescribed authority, in every case as soon as his term of office as Mayor or Deputy Mayor expires and in the case of the Deputy Mayor also on demand by the Mayor, such Mayor or Deputy Mayor shall, on conviction, be punished with fine not exceeding one thousand rupees for every such offence.

433. Penalty for acquisition by any councillor, the Commissioner or any corporation officer of interest in contract or work.- If any councillor, the Commissioner or any corporation officer or servant knowingly acquires, directly or indirectly, by himself or in the name of any member of his family or by a partner or employer or servant any personal share or interest in any contract or employment with, by or on behalf of the corporation, he shall be deemed to have committed the offence punishable under section 168 of the Indian Penal Code, 1860.

Provided that no person shall, by reason of being a shareholder in or member of a company be held to be interested in any contract between such company and the corporation unless he is a director of such company.

¹[434. x x x]¹

1. Omitted by Act 35 of 1994 w.e.f. 1.6.1994.

435. Penalty for willfully preventing distraint.- Any person who willfully prevents distraint or sufficient distraint of property subject to distraint for any tax due from him, shall, on conviction by a magistrate be liable to a fine not exceeding twice the amount of the tax found to be due.

436. Penalty for unlawful building.- (a) If the construction or reconstruction of any building or well,-

(i) is commenced without the permission of the Commissioner, or

(ii) is carried on or completed otherwise than in accordance with the particulars on which such permission was based, or

(iii) is carried on or completed in contravention of any lawful order or breach of any provision of this Act or any rule or bye-law made under it, or of any direction or requisition lawfully given or made, or

(b) if any alterations or additions required by any notice issued under section 308 or section 320 are not duly made, or

(c) if any person to whom a direction is given by the Commissioner to alter or demolish a building or well under section 321 fails to obey such direction, the owner of the building or well or the said person, as the case may be, shall be liable on conviction to a fine which may extend in the case of a well or hut to fifty rupees and in the case of any other building to five hundred rupees, and to a further fine which may extend in the case of a well or hut to ten rupees and in the case of any other building to one hundred rupees for each day during which the offence is proved to have continued after the first day.

¹[436A. Prohibition of unauthorised occupation of land.- (1) Any person who unauthorisedly enters upon and uses or occupies any land belonging to the Corporation to the use or occupation of which he is not entitled or has ceased to be entitled, shall, on conviction, be punished with imprisonment for a term which may extend to three years and with fine which may extend to five thousand rupees.

(2) Any person who, having unauthorisedly occupied whether before or after the commencement of the Karnataka Municipal Corporations and certain other Laws (Amendment) Act, 1984, any land belonging to a Corporation to the use or occupation of which he is not entitled or has ceased to be entitled, fails to vacate such land in pursuance of an order under sub-section (1) of section 5 of the Karnataka Public Premises (Eviction of Unauthorised Occupants) Act, 1974 (Karnataka Act 32 of 1974), shall, on conviction, be punished with imprisonment for a term which may extend to three years and with fine which may extend to five thousand rupees and with further five which may extend to fifty rupees per acre of land or part thereof for every day on which the occupation continues after the date of the first conviction for such offence.

(3) Whoever intentionally aids or abets the commission by any other person of an offence punishable under sub-section (1) or sub-section (2) shall, on conviction, be punishable with the same punishment provided for such offence under the said sub-sections.]¹

1. Inserted by Act 34 of 1984 w.e.f. 26.6.1984.

437. Notice to certain class of officers and servants of the corporation before discharge.- (1) In the absence of a written contract to the contrary, every officer or servant of the corporation whose functions concern the public health and safety shall be entitled to one month's notice before discharge or to one month's wages in lieu thereof, unless he is discharged for misconduct or was engaged for a specified term and discharged at the end of it.

(2) Should any such officer or servant employed by the corporation in the absence of a written contract authorising him so to do, and without reasonable cause, resigns his employment or absents himself from his duties without giving one month's notice to the corporation or neglects or refuses to perform his duties or any of them, he shall be liable, on conviction, to a fine not exceeding fifty rupees or to imprisonment of either description which may extend to two months.

438. Wrongful restraint of Commissioner and his delegates.- Every person who prevents the Commissioner or any person to whom the Commissioner has lawfully delegated his power from exercising his power of entering on any land or into any building shall be deemed to have committed an offence under section 341 of the Indian Penal Code.

439. Penalty for not giving information or giving false information.- If any person who is required by the provisions of this Act or by any notice or other proceedings issued under this Act to furnish any information,-

(a) omits to furnish it, or

(b) knowingly or negligently furnishes false information, such person shall, on conviction, be punished with fine not exceeding one hundred rupees.

440. Penalty for disobeying requisition under section 150 and Schedule IX.- Any person who willfully neglects or refuses to comply with any requisition lawfully made upon him under section 150 and Schedule IX shall be punished with fine which may extend to one hundred rupees:

Provided that no proceedings under this section shall be instituted except with the written sanction of the Commissioner:

Provided further that before giving such sanction the Commissioner shall call upon the person against whom the proceedings are to be instituted to show cause why the sanction should not be given.

441. Penalty for unauthorised use of corporation property.- Whoever dishonestly misappropriates or converts to his own use any corporation property or puts into improper or unauthorised use such property shall, on conviction, be punished with imprisonment which may extend to three months or with fine which may extend to five hundred rupees or with both.

442. Penalty for leaving vehicle or animal in dangerous position in public street.- (1) No person in charge of a vehicle or animal shall cause or allow the vehicle or animal to remain at rest on any public street or public place in such a position or in such a condition or in such circumstances as to cause or is likely to cause danger, obstruction or undue in-convenience or nuisance to other users of the public street and no person in charge of a vehicle or animal shall allow any vehicle or animal to stand in a public street or public place unless it is under adequate control.

(2) Whoever contravenes sub-section (1) shall on conviction be punished with fine which may extend to one hundred rupees.

CHAPTER XXI

PROCEDURE AND MISCELLANEOUS

443. General Provisions regarding licences, registrations and permissions.-

(1) Every licence or permission granted under this Act or any rule or bye law made under it shall specify the period, if any, for which and the restrictions, limitations and conditions subject to which the same is granted and shall be signed by the Commissioner.

(2) (a) Save as otherwise expressly provided in or may be prescribed under this Act for every such licence or permission fees shall be paid in advance on such units and at such rates as may be fixed by the corporation:

Provided that not more than one fee shall be levied in respect of any purpose specified in more heads than one of Schedule X if such heads form part of a continuous process of manufacture and the fee so charged shall not exceed the highest fee chargeable in respect of any one of the said purposes.

¹[Provided further that notwithstanding anything contained in this Act, fee may be paid in advance in a lump sum for a period of five years by the applicant for grant of license, registration or permission or at his choice for each year from the commencement of first year of such period.]¹

1. Inserted by Act 32 of 2003 w.e.f. 16.6.2003.

(b) The corporation may compound for any period not exceeding ¹[five years]¹ at a time with the owner of any mill or factory for a certain sum, to be paid in lieu of the fees payable in respect of such mill or factory.

1. Inserted by Act 32 of 2003 w.e.f. 16.6.2003.

(c) Every order of the Commissioner or other municipal authority granting or refusing a licence or permission shall be published on the notice board of the corporation.

(3) Every order of the Commissioner or other municipal authority refusing,

suspending, cancelling or modifying a licence or permission shall be in writing and shall state the grounds on which it proceeds.

(4) ¹[Notwithstanding anything contained in this Act]¹, any licence or permission granted under this Act or any rule or bye-law made under it, may at any time be suspended or revoked by the Commissioner, if any of its restrictions or conditions is evaded or infringed by the grantee or if the grantee is convicted of a breach of any of the provisions of this Act or of any rule, bye-law or regulation made under it, in any matter to which such licence or permission relates, or if the grantee has obtained the same by misrepresentation or fraud.

1. Substituted by Act 32 of 1986 w.e.f. 17.6.1986.

(5) It shall be the duty of the Commissioner to inspect places in respect of which a licence or permission is required by or under this Act, and he may enter any such place between sunrise and sunset, and also between sunset and sunrise if it is open to the public or any industry is being carried on at the time, and if he has reason to believe that anything is being done in any place without a licence or permission, where the same is required by or under this Act, or otherwise than in conformity with the same, he may at any time by day or night without notice enter such place for the purpose of satisfying himself whether any provision of law, rules, bye-laws, regulations, any condition of a licence or permission or any lawful direction or prohibition is being contravened and no claim shall lie against any person for any damage or inconvenience necessarily caused by the exercise of powers under this sub-section by the Commissioner or any person to whom he has lawfully delegated his powers or by the use of any force necessary for effecting an entrance under this sub-section.

(6) When any licence or permission is suspended or revoked or when the period for which it was granted or within which application for renewal should be made has expired, the grantee shall for all purposes of this Act, or any rule or bye-law made under it be deemed to be without licence or permission made until the order suspending or revoking the licence or permission is cancelled or subject to sub-section (10) until the licence or permission is renewed, as the case may be.

(7) Every grantee of any licence or permission, shall at all reasonable times while such licence or permission remains in force, produce the same at the request of the Commissioner.

(8) Whenever any person is convicted of an offence in respect of the failure to obtain a licence or permission or to make registration required by the provisions of this Act, or by any rule or bye-law made under this Act, the magistrate shall, in addition to any fine which may be imposed, recover summarily and pay over to the corporation the amount of the fee chargeable for the licence or permission or for registration and may in his discretion also recover summarily and pay over to the corporation such amount, if any, as he may fix as the costs of the prosecution.

(9) Such recovery of the fee under sub-section (8) shall not by itself entitle the person convicted to a licence or permission or to registration as aforesaid.

(10) The acceptance by the corporation of the pre-payment of the fee for a licence or permission or for registration shall not entitle the person making such pre-payment to the licence or permission or to registration, as the case may be, but only to refund of the fee in case of refusal of the licence or permission or of registration, but an applicant for the removal of a licence or permission, or registration, shall until communication of orders on his application, be entitled to act as if the licence or permission or registration had been renewed; and save as otherwise specially provided in this Act, if orders on an application for licence or permission or for registration are not communicated to the applicant within forty five days after the receipt of the application by the Commissioner, the application shall be deemed to have been allowed for the year or for such less period as is mentioned in the application and subject to the provisions of this Act, the rules, bye-laws, regulations and all conditions ordinarily imposed.

¹[443-A. Appeal to Karnataka Appellate Tribunal or District Court.- (1) Any person aggrieved by any notice issued, action taken or proposed to be taken by the Commissioner under sections 308, 309, 321 (3) may appeal,-

- (i) to the Karnataka Appellate Tribunal in case of the 2[Bruhat Bangalore Mahanagara Palike;]²
- (ii) to the District Court having jurisdiction in case of other corporations.

(2) The decision of the Karnataka Appellate Tribunal or as the case may be the District Court shall be final.

(3) All appeals made against any notice issued or other action taken or proposed to be taken by the Commissioner under sections 308, 309 and 321 (3) and pending before the standing committee on the date of commencement of this section shall stand transferred to the Karnataka Appellate Tribunal, or as the case may be, District Court and such appeals shall be disposed off by them as if they were filed before them.]¹

1. Inserted by Act 32 of 2003 w.e.f. 20.8.2003.

2. Deemed to have been substituted by Act 22 of 2009 w.e.f.04.06.2009.

444. Appeal from Commissioner to standing committee.- (1) An appeal shall lie to the Standing Committee from,-

(a) any notice issued or other action taken or proposed to be taken by the Commissioner,-

(i) under sections 138, 247, 248, 249, 252, ¹[xxx]¹ 322(1), 323(1), 328(1), 329, 330, 337, 345, 347, 354, 355 and 358;

1. Omitted by Act 32 of 2003 w.e.f. 20.8.2003.

(ii) under any bye-law concerning house drainage or the connection of house drains with corporation drains; or house connection with corporation water supply or lighting mains.

(b) any refusal by the Commissioner to grant permission to construct or reconstruct a building under section 301 or 315;

(c) any refusal by the Commissioner to grant a permission under section 135, 234, 326 or 354;

(d) any refusal by the Commissioner to grant a licence under section 346, 353, 365 or sub-section (2) of section 372; or

(e) any order of the Commissioner made under sub-section (4) of section 443 suspending or revoking a licence;

(f) any other order of the Commissioner that may be made appealable by the rules made under section 421;

(2) If, on any such appeal, the standing committee reverses or substantially modifies any action taken or proposed to be taken by the Commissioner or any order passed by him, he may, within sixty days of the date of such decision, refer the matter to the corporation, and pending the decision of the corporation on such reference, the Commissioner shall not be bound to give effect to the decision of the standing committee.

(3) The decision of the standing committee or where the matter has been referred to the corporation as aforesaid, the decision of the corporation shall be final.

445. Period of limitation for appeals.- In any case in which no time is laid down in the foregoing provisions of this Act for the presentation of an appeal allowed thereunder such appeal shall be presented,-

(a) where the appeal is against an order granting a licence or permission, within 1[sixty days]1 after the date of the publication of the order on the notice board of the corporation; and

(b) in other cases within 1[sixty days]1 after the date of receipt of the order or proceeding against which the appeal is made.

1. Substituted by Act 32 of 1986 w.e.f. 17.6.1986.

446. Power of person conducting election and other inquiries.- All persons authorised by rule to conduct enquiries relating to elections and all inspecting or superintending officers holding any inquiry into matters falling within the scope of their duties, shall have for the purposes of such enquiries the same powers in regard to the issue of summonses for the attendance of witnesses and the production of documents as are conferred upon revenue officers by the Karnataka Land Revenue Act, 1964 and

the provisions of that Act shall apply to summonses issued and to persons summoned by virtue of the powers conferred by this section; and all persons to whom summonses are issued by virtue of the said powers shall be bound to obey such summonses.

447. Summons to attend and give evidence or produce documents.- The Commissioner may summon any person to attend before him, and to give evidence or produce documents, as the case may be, in respect of any question relating to taxation, or inspection, or registration or to the grant of any licence or permission under the provisions of this Act.

448. Form of notices and permissions.- All notices and permissions given, issued or granted, as the case may be, under the provisions of this Act shall be in writing.

449. Proof of consent of municipal authorities or corporation officers.- Whenever under this Act or any rule, bye-law or regulation made under it, the doing of or omitting to do anything or the validity of anything depends upon the approval, sanction, consent, concurrence, declaration, opinion or satisfaction of,-

- (a) the corporation, a standing committee or the Commissioner; or
- (b) any corporation officer,

a written document signed in the case of (a), by the Commissioner and in the case of (b) by the said corporation officer, purporting to convey or set forth such approval, sanction, consent, concurrence, declaration, opinion or satisfaction, shall be sufficient evidence thereof.

450. Signature on documents.- (1) Every licence, permission, notice, bill, schedule, summons, warrant or other document which is required by this Act or by any rule, bye-law or regulation made under it to bear the signature of the Commissioner or of any corporation officer shall be deemed to be properly signed if it bears the facsimile of the signature of the Commissioner or of such corporation officer, as the case may be, stamped thereupon.

(2) Noting in sub-section (1) shall be deemed to apply to a cheque drawn upon the corporation fund or to any deed of contract.

451. Publication of notification.- Save as otherwise provided, every notification under this Act shall be published in the official Gazette, in English and in Kannada.

452. Publication of order, notice or other documents.- Every order, notice or other documents, directed to be published under this Act or any rule, bye-law or regulation made under it shall unless a different method is prescribed by this Act or by the corporation or the standing committee, as the case may be, be translated into Kannada and deposited in the office of the corporation and copies thereof in English and in Kannada shall be pasted in a conspicuous position at such office and at such other places as the corporation or standing committee, as the case may be, may

direct; and a public proclamation shall be made by beat of drum in the locality affected or by advertisement in the local newspapers that such copies have been so pasted and that the originals are open to inspection at the office of the corporation.

453. Publication in newspapers.- Whenever it is provided by this Act or by any rule, bye-law or regulation made under it that notice shall be given by advertisement in the local newspapers or that a notification or any information shall be published in the same, such notice, notification or information shall be inserted in at least one English and one Kannada newspaper published in the city.

454. Notice of prohibition or setting apart of places.- Whenever the corporation, a standing committee or the Commissioner shall have set apart any place for any purpose authorised by this Act or shall have prohibited the doing of anything in any place, the Commissioner shall forthwith cause to be put up a notice in English and in Kannada at or near such place. Such notice shall specify the purpose for which such place has been set apart or the act prohibited in such place.

455. Method of serving documents.- (1) When any notice or other document is required by this Act or by any rule, bye-law, regulation or order made under it to be served on or sent to any person, the service or sending thereof may be effected,-

(a) by giving or tendering the said document to such person; or

(b) if such person is not found, by leaving such document at his last known place of abode or business or by giving or tendering the same to his agent, clerk or servant or some adult member of his family; or (c) if such person does not reside in the city and his address elsewhere is known to the Commissioner, by sending the same to him by registered post; or

(d) if none of the means aforesaid be available, by affixing the same in some conspicuous part of such place of abode or business.

(2) When the person is an owner or occupier of any building or land it shall not be necessary to name the owner or occupier in the document, and in the case of joint owners and occupiers it shall be sufficient to serve it on, or send it to, one of such owners or occupiers.

(3) Whenever in any bill, notice, form or other document served or sent under this Act, a period is fixed within which any tax or other sum is to be paid or any work executed or anything provided, such period shall, in the absence of an express provision to the contrary in this Act, be calculated from the date of such service or sending by registered post.

456. Recovery by occupier of sum leviable from owners.- If the occupier of any building or land makes on behalf of the owner thereof any payment for which under this Act, the owner, but not the occupier is liable, such occupier shall be entitled to

recover the same from the owner and may deduct it from the rent then or thereafter due by him to the owner.

457. Obstruction of owner by occupier.- (1) If the occupier of any building or land prevents the owner from carrying into effect in respect thereof any of the provisions of this Act the Commissioner may by an order require the said occupier to permit the owner, within eight days from the date of service of such order, to execute all such works as may be necessary.

(2) Such owner shall, for a period during which he is prevented as aforesaid, be exempt from any fine or penalty to which he might otherwise have become liable by reason of default, in executing such works.

458. Execution of work by occupier in default of owner.- If the owner of any building or land fails to execute any work which he is required to execute under the provisions of this Act or of any rule, bye-law, regulation or order made under it, the occupier of such building or land may, with the approval of the Commissioner, execute the said work, and shall be entitled to recover from the owner the reasonable expenses incurred in the execution thereof and may deduct the amount thereof from the rent then or thereafter due by him to the owner.

459. Commissioner's power of entry to inspect, survey or execute the work.- The Commissioner or any person authorised by him in this behalf may enter into or on any building or land with or without assistants or workmen in order to make any inquiry, inspection, test, examination, survey, measurement or valuation or for the purpose of lawfully placing or removing meters, instruments, pipes or apparatus, or to execute any other work which he is authorised by the provisions of this Act or of any rule, bye-law, regulation or order made under it, or which it is necessary for any of the purposes of this Act or in pursuance of any of the said provisions to make or execute:

Provided that,-

(a) except when it is in this Act otherwise expressly provided, no such entry shall be made between sunset and sunrise;

(b) except when it is in this Act otherwise expressly provided no dwelling house, and no part of a public building or hut, which is used as a dwelling place, shall be so entered without the consent of the occupier thereof, unless the said occupier has received at least twenty four hours previous notice of the intention to make such entry;

(c) sufficient notice shall be in every case given, even when any premises may otherwise be entered without notice, to enable the inmates of any apartment appropriated to females to withdraw to some part of the premises where their privacy may be preserved;

(d) due regard shall be paid, so far as may be compatible with the exigencies of the

purpose of the entry, to the social and religious usages of the occupants of the premises.

460. Power to enter on lands adjacent to works.- (1) The Commissioner or any person, authorised by him in this behalf may with or without assistants or workmen enter on any land adjoining or within forty five meters of any work authorised by this Act or by any rule, bye-law, regulation or order made under it, for the purpose of depositing on such land any soil, gravel, stone or other materials, or of obtaining access to such work, or for any other purpose connected with the carrying on thereof.

(2) The Commissioner or such authorised person shall, before entering on any land under sub-section (1), give the owner and occupier three days' previous notice of the intention to make such entry, and state the purpose thereof, and shall if so required by the owner or occupier, fence off so much of the land as may be required for such purpose.

(3) The Commissioner or such authorised person shall not be bound to make any payment, tender or deposit before entering on any land under sub-section (1), but shall do as little damage as may be. The Commissioner shall pay compensation to the owner or occupier of the land for such entry and for any temporary or permanent damage that may result therefrom.

(4) If such owner or occupier is dissatisfied with the amount of compensation paid to him by the Commissioner, he may appeal to the standing committee, whose decision shall be final.

461. Consequences of failure to obtain licences, etc., or breach of the same.- (1) If, under this Act, or any rule, bye-law or regulation made under it the licence or permission of the Corporation, the standing committee or Commissioner or registration in the office of the Corporation is necessary for the doing of any act, and if such act is done without such licence or permission or registration then,-

(a) the Commissioner may, by notice, require the person so doing such act to alter, remove, or as far as practicable restore to its original state the whole or any part of any property, movable or immovable, public or private, affected thereby within a time to be specified in the notice.

(b) the Commissioner or any officer duly authorised by him may also enter into or on any building or land where such act is done and take all such steps as may be necessary to prevent the continuance of such act; and

(c) if no penalty has been specially provided in this Act for so doing such act, the person so doing it shall be liable on conviction by a magistrate to a fine not exceeding fifty rupees for every such offence.

(2) No claim shall lie against the Commissioner or any other person for any damage or inconvenience caused by the exercise of the power given under this

section or by the use of the force necessary for the purpose of carrying out the provisions of this section.

462. Time for complying with order and power to enforce in default.- (1) Whenever by any notice, requisition or order made under this Act or under any rule, bye-law or regulation made under it, any person is required to execute any work, or to take any measures or do anything, a reasonable time shall be named in such notice, requisition or order within which the work shall be executed, the measures taken, or the thing done.

(2) If such notice, requisition or order is not complied with within the time so named, then whether or not a fine is provided for such default and whether or not the person in default, is liable to punishment or has been prosecuted or sentenced to any punishment for such default, the Commissioner may cause such work to be executed, or may take any measure or do anything which may, in his opinion, be necessary for giving due effect to the notice. requisition or order as aforesaid.

(3) If no penalty has been specially provided in this Act for failure to comply with such notice, the said person shall, on conviction, be punished with fine not exceeding fifty rupees for such offence.

463. Recovery of expenses from persons liable and limitation or liability of occupier.- (1) The Commissioner may recover any reasonable expenses incurred under section 462 from the person or any one of the persons to whom the notice, requisition or order was addressed in the same manner as the tax on buildings or lands and may in executing work or taking measures under section 462 utilise any materials found on the property concerned or may sell them and apply the sale proceeds in or towards the payment of the expenses incurred.

(2) If the person to whom notice is given is the owner of the property in respect of which it is given, the Commissioner may (whether any action or other proceeding has been brought or taken against such owner or not) require the person if any, who occupies such property, or any part thereof, under the owner to pay to the corporation instead to the owner the rent payable by him in respect of such property, as it falls due, upto the amount recoverable from the owner under sub-section (1) or to such smaller amount as the Commissioner may think proper, and any amount so paid shall be deducted from the amount payable by the owner.

(3) For the purpose of deciding whether action should be taken under sub-section (2) the Commissioner may require any occupier of property to furnish information as to the sum payable by him as rent on account of such property and as to the name and address of the person to whom it is payable; and such occupier shall be bound to furnish such information.

(4) The provision of this section shall not affect any contract made between any

owner and occupier respecting the payment of expenses of any such work as aforesaid.

464. Recovery of surcharges and charges how made.- (1) Every sum certified by the auditor to be due from any person under rule 16 of Schedule IX shall be paid by such person into the treasury or bank in which the funds of the corporation are lodged, within one month from the receipt by him of the decision of the Commissioner, unless within that time such person has applied to the court or to the Government as provided in rule 15 of Schedule IX.

(2) The said sum, if not paid, or if an application has been made to the court or to the Government against the decision of the auditor as provided in rule 15 or 16 of Schedule IX such sum as the court or the Government shall declare to be due, shall be recoverable, on an application made by the Commissioner to the court, in the same manner as an amount decreed by the court in favour of the Commissioner.

465. Power of Commissioner to agree to receive payment of expenses in instalments.- Instead of recovering any such expenses as aforesaid in the manner provided under section 470, the Commissioner may, if he thinks fit and with the approval of the standing committee take an agreement from the person liable for the payment thereof, to pay the same in instalments of such amounts and at such intervals as will secure the payment of the whole amount due, with interest thereon at the rate of nine per cent per annum, within a period of not more than five years.

466. Power to declare expenses on certain works as improvement expenses.- If the expenses to be recovered have been incurred or are to be incurred in respect of any work mentioned,-

- (a) in section 189, section 225, section 227, clause (b) of sub-section (1) of section 272, section 283, sub-sections (1) and (2) of section 328, section 332 section 337, section 376 or section 462; or
- (b) in any rule made under this Act in which this section is made applicable to such expenses,

the Commissioner may, if he thinks fit and with the approval of the standing committee, declare such expenses to be improvement expenses.

467. Improvement expenses by whom payable.- (1) Improvement expenses shall be a charge on the premises, in respect of which or for the benefit of which the same shall have been incurred and shall be recoverable in instalments of such amounts, and at such intervals, as will suffice to discharge such expenses together with interest thereon within such period not exceeding twenty years as the Commissioner may in each case determine.

(2) The said instalments shall be payable by the owner or occupier of the premises on which the expenses are charged:

Provided that when the occupier pays any such instalment he shall be entitled to deduct the amount thereof from the rent payable by him to the owner or to recover the same from the owner.

468. Redemption of charge for improvement expenses.- At any time before the expiration of the period for the payment of any improvement expenses, the owner or occupier of the premises on which the expenses are charged may redeem such charge by paying to Commissioner such part of the said expenses as are still payable.

¹468A. Requisitioning of premises, vehicle, etc., for election purpose.- (1) If it appears to an officer authorised by the State Election Commission for the conduct of elections to the Corporation under this Act (hereinafter referred to as "the requisitioning authority") that in connection with an election under this Act,-

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

the requisitioning authority may by order in writing requisition such premises, or as the case may be, such vehicle, vessel or animal and may make such further orders as may appear to it to be necessary or expedient in connection with the requisitioning:

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

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

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

(4) In this section,-

(a) "premises" means any land, building or part of a building and includes a hut, shed or other structure or any part thereof;

(b) "vehicle" means any vehicle used or capable of being used for the purpose of road transport whether propelled by mechanical power or otherwise.

468B. Payment of compensation.- (1) Whenever in pursuance of section 268A, the requisitioning authority requisitions any premises, the Corporation concerned shall pay to the persons interested compensation, the amount of which shall be determined by the requisitioning authority by taking into consideration the following factors that is to say:-

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

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

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

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

(2) Whenever in pursuance of section 468A, the requisitioning authority requisitions any vehicle, vessel or animal the Corporation shall pay to the owner thereof compensation, the amount of which shall be determined by the requisitioning authority on the basis of fares or rates prevailing in the locality for the hire of such vehicle, vessel or animal:

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

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

468C. Power to obtaining information.- The requisitioning authority may with a view to requisitioning any property under section 468A or determining the compensation payable under section 468B by order require any person to furnish to such authority as may be specified in the order such information in his possession relating to such property as may be specified.

468D. Power of Entry into and inspection of premises, etc.- (1) Any person authorised in this behalf by the requisitioning authority may enter into any premises and inspect such premises and any vehicle, vessel or animal therein for the purpose of determining whether, and if so in what manner an order under section 468C should be made in relation to such premises, vehicle, vessel or animal or with a view to securing compliance with any order made under that section.

(2) In this section the expression "premises" and "vehicle" have the same meaning as in section 468A.

468E. Eviction from requisitioned premises.- (1) Any person remaining in possession of any requisitioned premises in contravention of any order made under section 468A may be summarily evicted from the premises by any officer empowered by the requisitioning authority in this behalf.

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

468F. Release of premises from requisitioning.- (1) When any premises requisitioned under section 468A are to be released from requisitioning the possession thereof shall be delivered to the person from whom possession was taken at the time of the requisition or if there was no such person to the person deemed by the requisitioning authority to be the owner of such premises and such delivery of possession shall be a full discharge of the requisitioning authority from all liabilities in respect of such delivery but shall not prejudice any rights in respect of the premises which any other person may be entitled by due process of law to enforce against the person to whom possession of the premises is so delivered.

(2) Where the person to whom possession of any premises requisitioned under section 468A is to be given under sub-section (1) cannot be found or is not readily ascertainable or has no agent or any other person empowered to accept delivery on his behalf, requisitioning authority shall cause a notice declaring that such premises are released from the requisitioning to be affixed on some conspicuous part of such premises and on the notice board of the office of the Corporation.

(3) When a notice is affixed on the notice board as provided in sub-section (2), the premises specified in such notice shall cease to be subject to requisitioning on and

from the date of such affixing of the notice and be deemed to have been delivered to the person entitled to possession thereof and the requisitioning authority or Corporation shall not be liable for any compensation or other claim in respect of such premises for any period after the said date.

468G. Penalty for contravention of any order regarding requisition.- If any person contravenes any order made under section 468A or section 468C he shall on conviction be punished with imprisonment for a term which may extend to one year or with fine or with both.]¹

1. Sections 468A to 468G inserted by Act 25 of 1995 w.e.f. 26.9.1995.

469. Relief to agents and trustees.- (1) Where an agent, trustee, guardian, manager or receiver would be bound to discharge any obligation imposed by this Act, or any rule, bye-law, regulation or order made under it for the discharge of which money is required, he shall not be bound to discharge the obligation unless he has or but for his own improper act or default might have had, in his hands funds belonging to the principal or beneficial owner sufficient for the purposes.

(2) The burden of proving the facts entitling any person to relief under this section shall lie on him.

(3) When any person has claimed and established his right to relief under this section, the Commissioner may give him notice to apply to the discharge of such obligation as aforesaid the first moneys which shall come to his hands on behalf of or for the use of the principal or beneficial owner, as the case may be; and should he fail to comply with such notice he shall be deemed to be personally liable to discharge such obligation.

470. Recovery of sums due as taxes.- All costs, damages, penalties, compensation, charges, fees, rents, expenses, contributions and other sums which under this Act or any rule, bye-law or regulation made thereunder or any other law or under any contract including a contract in respect of water-supply or drainage made in accordance with this Act, and the rules, bye-laws and regulations are due by any person to the corporation shall, if there is no special provision in this Act for their recovery be demanded by bill, containing particulars of the demand and notice of the liability incurred in default of payment and may be recovered in the manner provided in Chapter X unless within fifteen days from the date of service of the bill such person shall have applied to the District Court having jurisdiction, under section 471.

471. Determination by District Court of sums payable.- Where in any case not provided for in section 480 any municipal authority or any person is required by or under this Act or any rule, bye-law, regulation or contract made under it to pay any costs, damages, penalties, compensation, charges, fees, rents, expenses contributions, or other sums referred to in section 470, the amount or apportionment of

the same, shall, in case of dispute, be ascertained and determined except as is otherwise provided in section 207, 407 or 460 or in the Land Acquisition Act, 1894, by the District Court having jurisdiction on application made to it for this purpose at any time within six months from the date when such costs, damages, penalties, compensation, charges, fees, rents, expenses, contributions or other sums first became payable.

472. Proceedings before District Court.- (1) On an application made under section 471, the District Court shall summon the other party to appear before it.

(2) On the appearance of the parties or, in the absence of any of them, on proof of due service of the summons, the District Court may hear and determine the case.

(3) In every such case the District Court shall determine the amount of the costs and shall direct by which of the parties the same shall be paid.

473. Recovery of sums payable by distress.- If the sum due on account of costs, damages, penalties, compensation, charges, fees, rents, expenses, contribution or other sums ascertained in the manner described in section 471, is not paid by the party liable within fifteen days after demand such sum may be recovered under a warrant of the District Court, by distress and sale of the movable property of such party.

474. Limitation for recovery of dues.- No distraint shall be made, no suit shall be instituted and no prosecution shall be commenced in respect of any sum due to the corporation under this Act after the expiration of a period of six years from the date on which distraint might first have been made, a suit might first have been instituted or prosecution might first have been commenced, as the case may be, in respect of such sum.

475. Procedure in dealing with surplus sale proceeds.- If any property, movable or immovable is sold, under the provisions of this Act, and if there is a surplus after the sum due to the corporation and the costs have been deducted from the sale proceeds, such surplus shall, if the owner of the property sold claims it within three years from the date of the service or sending of the notice regarding such surplus be paid to him by the Commissioner, but if no such claim is preferred within such time, the said surplus shall be credited to the corporation fund and no suit lie for the recovery of any sum so credited.

476. Power of Government to direct person in custody of corporation fund to pay Government and other dues.- If the corporation makes default in the payment of any amount due to the Government, the Karnataka State Electricity Board, the Bangalore Water Supply and Sewerage Board or any other statutory authority, Government may make an order directing the person having the custody of the corporation fund to pay it in priority to any other charge against such fund, and such

person shall, so far as the funds to the credit of the corporation admit, comply with such order.

477. Period of limitation for making complaints.- No person shall be liable to be tried for any offence against any of the provisions of this Act, or of any rule, bye-law, regulation or order made under it, unless complaint is made within six months from the commission of the offence, by the police or the commissioner or by a person authorised in this behalf by the corporation or the standing committee or the Commissioner:

Provided that failure to take out a licence, obtain permission or secure registration under this Act shall, for the purposes of this section, be deemed a continuing offence until the expiration of the period, if any, for which the licence, permission or registration is required, and if no period is specified complaint may be made at any time within twelve months from the commission of the offence.

478. Cognizance of offences.- All offences against this Act, or against any rule, bye-law, regulation or order made under it, whether committed within or outside the city, shall be cognizable by a first class magistrate having jurisdiction in the city; and such first class magistrate shall not be deemed to be incapable of taking cognizance of any such offence or of any offence against any enactment hereby repealed, by reason only of his being liable to pay any corporation rate or other tax or of his being benefited by the corporation fund to the credit of which any fine imposed by him will be payable.

479. Imprisonment in default of payment and application of fines.- (a) In case any fine, costs, tax or other sum of money imposed, assessed or recoverable by a magistrate under this Act or under any rule, bye-law, or regulation made under it, shall not be paid, the magistrate may order the offender to be imprisoned in default of payment subject to all the restrictions, limitations and condition imposed in sections 64 to 70 (both inclusive) of the Indian Penal Code.

(b) Any fine, costs, tax or other sum imposed, assessed or recoverable by a magistrate under this Act or any rule, bye-law or regulation made thereunder shall be recoverable by such magistrate, as if it were a fine imposed under the Code of Criminal Procedure, 1973 (Central Act 2 of 1974) and the same shall on recovery be credited to the corporation fund.

480. Payment of compensation for damage to corporation property.- If, on account of any act or omission, any person has been convicted of an offence against the provisions of this Act or against any rule, bye-law or regulation made under it and by reason of such act or omission damage has been caused to any property of the corporation the said person shall pay compensation for such damage, notwithstanding any punishment to which he may have been sentenced for the said offence. In the event of dispute, the amount of compensation payable by the said person shall be determined by the magistrate before whom he was convicted of the

said offence on application made to him for the purpose by the Commissioner not later than three months from the date of conviction, and in default of payment of the amount of compensation so determined, it shall be recovered under a warrant from the said magistrate as if it were a fine inflicted by him on the person liable therefor.

481. Recovery of tax, etc., by suit.- Nothing herein contained shall preclude the corporation from suing in a civil court for the recovery of any duty, fee, rate, charges or other amount due under this Act.

482. Institution of suits against municipal authority, officers and agents.- (1) No suit ¹[x x x]¹ shall be instituted against the corporation or any municipal authority, corporation officer or servant, or any person acting under the direction of the same, in respect of any act done in pursuance or in execution, or intended execution of this Act or any rule, bye-law, regulation or order made under it or in respect of any alleged neglect or default in the execution of this Act or any rule, bye-law, regulation or order made under it until the expiration of ²[sixty days]² after a notice has been delivered or left at the corporation office or at the place of abode of such officer, servant or person, stating the cause of action, the relief sought, and the name and place of abode of the intending plaintiff, and the plaint shall contain a statement that such notice has been so delivered or left.

³[(1A) A suit to obtain an urgent or immediate relief against the corporation or any municipal authority, corporation officer or servant in respect of any act done or purporting to be done by such officer or servant in his official capacity, may be instituted with the leave of the court, without serving any notice as required by sub-section (1), but the court shall not grant relief in the suit, whether interim or otherwise except after giving to the corporation officer or servant, as the case may be, a reasonable opportunity of showing cause in respect of the relief prayed for in the suit:

Provided that the court shall, if it is satisfied after hearing the parties that no urgent or immediate relief need be granted in the suit, return the plaint, for presentation to it after complying with the requirements of sub-section (1).]³

1. Omitted by Act 32 of 1986 w.e.f. 17.6.1986.

2. Substituted by Act 32 of 1986 w.e.f. 17.6.1986.

3. Inserted by Act 32 of 1986 w.e.f. 17.6.1986.

(2) Every such suit shall be commenced, within six months after the date on which the cause of action arose or in case of a continuing injury or damage during such continuance or within six months after the ceasing thereof.

¹[(3) x x x]¹

1. Omitted by Act 32 of 1986 w.e.f. 17.6.1986.

(4) If any person to whom any notice is given under sub-section (1) tenders the amount to the plaintiff before the suit is instituted, and if the plaintiff, does not recover in

any such action more than the amount so tendered he shall not recover any costs incurred after such tender and the defendant shall be entitled to costs as from the date of tender.

(5) Where the defendant in any suit is the Commissioner, a corporation officer or servant, payment of the sum or any part of any sum payable by him in or in consequence of the suit, whether in respect of costs, charges, expenses, compensation for damages or otherwise may be made, with the sanction of the standing committee, from the corporation fund.

483. Provisions respecting institution, etc., of civil and criminal actions and obtaining legal advice.- The Commissioner may,-

- (a) take, or withdraw from, proceedings against any person who is charged with,-
 - (i) any offence against this Act, the rules, bye-laws or regulations;
 - (ii) any offence which affects or is likely to affect any property or interest of the corporation or the due administration of this Act;
 - (iii) committing any nuisance whatsoever;
 - (b) compound any offence against this Act, the rules, bye-laws or regulations which may by rules made by the Government be declared compoundable;
 - (c) defend himself if sued or joined as a party in assessment or tax;
 - (d) defend, or compromise any appeal against any proceeding in respect of the conduct of elections;
 - (e) take, with-draw from or compromise proceedings under sections 471 and 480 for the recovery of expenses or compensation claimed to be due to the corporation;
 - (f) withdraw or compromise any claim for a sum not exceeding five hundred rupees against any person in respect of a penalty payable under a contract entered into with such person by the Commissioner, or with the approval of the standing committee, any such claim for any sum exceeding five hundred rupees;
 - (g) ¹[x x x]¹ defend any suit or other legal proceeding brought against the corporation or against any municipal authority, officer or servant in respect of anything done, or omitted to be done by them, respectively, in their official capacity;
- ²[Provided that he shall, within fifteen days from the date of taking action under this clause report to the corporation with regard to such action.]²
- 1. Omitted by Act 32 of 1986 w.e.f. 17.6.1986.
 - 2. Inserted by Act 32 of 1986 w.e.f. 17.6.1986.
- (h) with the approval of the standing committee, compromise any claim, suit or other legal proceedings brought against the corporation or against any municipal authority, officer or servant, in respect of anything done or omitted to be done as aforesaid;

(i) with the approval of the standing committee institute and prosecute any suit or withdraw from or compromise any suit or claim, other than a claim of the description specified in clause (f), which has been instituted or made in the name of the corporation or the Commissioner;

(j) obtain such legal advice and assistance as he may think it necessary or expedient to obtain, or as he may be desired by the corporation or the standing committee to obtain, for any of the purposes mentioned in the foregoing clause of this section or for securing the lawful exercise or discharge of any power or duty vesting in or imposed upon any municipal authority, officer or servant.

484. Legal cell.- (1) There shall be a legal cell in the corporation consisting of such number of officers possessing such qualifications as are prescribed.

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

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

485. Indemnity to Government, municipal authorities, officers and servants.- No suit, prosecution or other legal proceedings shall lie against the Government or any municipal authority, officer, or servant or any person acting under the direction of the Government or any municipal authority, officer or servant, in respect of anything in good faith done or intended to be done under this Act, or any rule, bye-law, regulation or order made under it.

486. Liability of Commissioner and councillor for loss, waste or misapplication of fund, etc.- (1) The Commissioner and every councillor shall be liable for the loss, waste or misapplication of any money or other property owned by or vested in the corporation, if such loss, waste, or misapplication is a direct consequence of his wilful neglect or misconduct and a suit for compensation may be instituted against him by the corporation with the previous sanction of the Government.

(2) Every such suit shall be commenced within three years after the date on which the cause of action arose.

487. Sanction for prosecution of Mayor, Deputy Mayor, etc.- When the Mayor or Deputy Mayor, or any councillor or the Commissioner or any officer of Government working in the corporation on deputation is accused of any offence alleged to have been committed by him while acting or purporting to act in the discharging of his official duty, no magistrate shall take cognizance of such offence except with the previous sanction of the Government.

488. Assessment, etc., not to be impeached.- (1) No assessment or demand made and no charge imposed under the authority of this Act shall be impeached or affected by reason of any clerical error or by reason of any mistake,-

(a) in respect of the name, residence, place of business or occupation of any person, or

(b) in the description of any property or thing, or

(c) in respect of the amount assessed, demanded or charged:

Provided that the provisions of this Act have in substance and effect been complied with and no proceedings under this Act shall, merely for defect in form, be quashed or set aside by any court.

(2) No suit shall be brought in any court to recover any sum of money collected under the authority of this Act or to recover damages on account of any assessment, or collection of money made under the said authority:

Provided that the provisions of this Act have in substance and effect, been complied with.

(3) No distraint or sale under this Act shall be deemed unlawful, nor shall any person making the same be deemed a trespasser, on account of any error, defect or want of form in the bill, notice, schedule, form, summons, notice of demand, warrant of distraint, inventory or, other proceeding relating thereto, if the provisions of this Act, the rules and the bye-laws have, in substance and effect been complied with:

Provided that every person aggrieved by any irregularity may recover satisfaction for any special damage sustained by him.

489. Duties of police officers.- It shall be the duty of every police officer,-

(a) to communicate without delay to the appropriate corporation officer any information which he receives of the design to commit or of the commission of any offence under this Act or any rule, bye-law or regulations made under it;

(b) to assist the Commissioner or any corporation officer or servant or any person to whom the Commissioner has lawfully delegated powers reasonably demanding his aid for the lawful exercise of any power vesting in the Commissioner or in such corporation officer or servant or person under this Act or any such rule, bye-law or regulation, and for all such purposes he shall have the same powers which he has in the exercise of his ordinary police duties.

490. Power of police officer to arrest persons.- (1) If any police officer sees any person committing an offence against any of the provisions of this Act or of any rule, bye-law or regulation made under it, he shall, if the name and address of such person are unknown to him and if the said person on demand declines to give his name and

address or gives a name and address which such officer has reason to believe to be false, arrest such person.

(2) No person arrested under sub-section (1) shall be detained in custody,-

(a) after his true name and address are ascertained, or

(b) without the order of a magistrate for any longer time, not exceeding twenty four hours from the hour of arrest than is necessary for bringing him before a magistrate.

491. Exercise of powers of police officer by corporation servants.-

Government may empower any corporation officer or servant or any class of corporation officers or servants to exercise the powers of a police officer for the purposes of this Act.

492. Corporation security force.- (1) There shall be constituted and maintained a force to be called the corporation security force,-

(i) for the better protection and security of the property owned by the corporation;

(ii) for aiding the officers of the corporation in the detection and investigation of any matter relating to leakage of revenue or any tax payable to the corporation;

(iii) for effective communication and obtaining of any information regarding any design to commit or the commission of any offence by any person under this Act, any rule, bye-law or regulation or order made under it.

(2) The corporation security force shall consist of such number of supervisory officers and members as may be determined by the corporation and shall be appointed by the Commissioner in accordance with such rules as may be prescribed.

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

493. Application of term "public servant", to corporation officers, agents and sub-agents.- Every councillor, officer or servant, every contractor or agent for the collection of any corporation tax, fee or other sum due to the corporation and every person, employed by any such contractor or agent for the collection of such tax, fee, or sum shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code.

494. Prohibition against obstruction of proceedings of corporation, standing committee, Mayor, etc.- No person shall obstruct any proceedings of the corporation or any standing committee, the Mayor or Deputy Mayor, and Councillor, the Commissioner or any person employed by the corporation or any person with

whom the Commissioner has entered into a contract on behalf of the corporation in the performance of their duty or of anything which they are empowered or required to do by virtue of or in consequence of this Act or of any rule, bye-law, regulation or order made under it.

495. Prohibition against removal of mark.- No person shall remove any mark set up for the purpose of indicating any level or direction incidental to the execution of any work authorised by this Act or any rule, bye-law, regulation or order made under it.

496. Prohibition against removal or obliteration of notice.- No person shall, without authority in that behalf remove, destroy, deface or otherwise obliterate any notice exhibited by or under the orders of the corporation, a standing committee or the Commissioner.

497. Prohibition against unauthorised dealings with public place or materials.- No person shall, without authority in that behalf, remove earth, sand or other material or deposit any matter or make any encroachment, from, in, or on any land vested in the corporation or water-courses (not being private property), or in any way obstruct the same.

498. Bidding prohibited.- (1) No employee or officer of the corporation having any duty to perform in connection with the sale of movable or immovable property by or on behalf of the corporation under this Act shall directly or indirectly bid for or acquire interest in any property sold at such sale.

(2) Any person who contravenes the provisions of sub-section (1) shall be punished with fine which may extend to five hundred rupees and shall also be liable to dismissal from service.

499. Offences by companies.- (1) Where any offence under this Act has been committed by a company, every person who, at the time the offence was committed, was in charge of, and was responsible to, the company for the conduct of the business of the company, as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this sub-section shall render any such person liable to any punishment provided in this Act if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1) where an offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of or is attributable to any neglect on the part of any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation.- For the purpose of this section,-

(a) "company" means a body corporate, and includes a firm;

(b) "director" in relation to a firm means a partner in the firm.

[499A. Official display of flag.- (1) No person shall fly any flag other than the National Flag or a flag approved by the Government on the office of the Corporation.

(2) Whoever contravenes sub-section (1) shall be punished with imprisonment for a term which may extend to three months or with fine which may extend to rupees five thousand or with both and in the case of continuing contravention with a further fine which may extend to rupees five hundred for each day during which the contravention continues.]¹

1. Inserted by Act 22 of 1991 w.e.f. 29.4.1991.

500. Effect of absorption of [Panchayat area]¹ into a [larger urban area]¹.- If any local area consisting of one or more revenue villages in respect of which a [Panchayat area]¹ has been constituted under the [Karnataka Panchayat Raj Act, 1993]¹ is included in a [larger urban area]¹ by virtue of a notification under sub-section (1) of section 4 then, notwithstanding anything contained in this Act or in the [Karnataka Panchayat Raj Act, 1993]¹, but subject to the provisions of section 4 of this Act, with effect from the date on which such area is included in a [larger urban area]¹, the following consequences shall ensue, namely:-

(a) the [Grama Panchayat of such local area]¹ (here-inafter referred to as the panchayat) shall cease to exist and the [Taluk Panchayat and Zilla Panchayat within the jurisdiction of which such area is situated]¹ shall cease to have jurisdiction over such area;

1. Substituted by Act 35 of 1994 w.e.f. 1.6.1994.

(b) the unexpended balance of the [Grama Panchayat Fund]¹ and the property (including arrears of rates, taxes and fees) belonging to the panchayat and all rights and powers which, prior to such notification, vested in the panchayat shall, subject to all charges and liabilities affecting the same, vest in the corporation of the [larger urban area]¹ (hereinafter referred to as the corporation);

1. Substituted by Act 35 of 1994 w.e.f. 1.6.1994.

(c) any appointment, notification, notice, tax, order, scheme, licence, permission, rule, bye-law or form, made, issued, imposed or granted under [the Karnataka Panchayat Raj Act, 1993]¹, immediately before the said date in respect of the said local area shall continue in force and be deemed to have been made, issued, imposed or granted under this Act until it is superseded or modified by any appointment, notification, notice, tax, order, scheme, licence, permission, rule, bye-law or form, made, issued, imposed or granted under this Act;

1. Substituted by Act 35 of 1994 w.e.f. 1.6.1994.

(d) all budget estimates, assessments, assessment lists, valuations or measurements, made or authenticated under ¹[the Karnataka Panchayat Raj Act, 1993]¹, immediately before the said date in respect of the said local area shall be deemed to have been made or authenticated under this Act.

1. Substituted by Act 35 of 1994 w.e.f. 1.6.1994.

(e) all debts and obligations incurred and all contracts made by or on behalf of the panchayat immediately before the said date and subsisting on the said date shall be deemed to have been incurred and made by the corporation in exercise of the power conferred on it by this Act.

(f) all officers and servants in the employ of the panchayat immediately before the said date shall become officers and servants of the corporation under this Act and shall, until other provision is made in accordance with the provision of this Act receive salaries and allowances and be subject to the conditions of service to which they were entitled or subject immediately before such date:

Provided that it shall be competent to the corporation, subject to the previous sanction of the Government to discontinue the services of any officer or servant, who, in its opinion, is not necessary or suitable for the requirements of the service under the corporation after giving such officer or servant such notice as is required to be given by the terms of his employment and every officer or servant whose services are dispensed with shall be entitled to such leave, pension, provident fund and gratuity as he would have been entitled to take or receive on being invalidated out of service, as if the panchayat in the employ of which he was, had not ceased to exist;

(g) all proceedings pending on the said date before the panchayat shall be deemed to be transferred to and shall be continued before the corporation;

(h) all appeals pending before any authority shall, so far as may be practicable, be disposed of as if the said local area had been included in the ¹[larger urban area]¹ when they were filed;

1. Substituted by Act 35 of 1994 w.e.f. 1.6.1994.

(i) all prosecutions instituted by or on behalf of the panchayat and all suits or other legal proceedings instituted by or against the panchayat or any officer of the panchayat pending on the said date shall be continued by or against the corporation as if the said local area had been included in the ¹[larger urban area]¹ when such prosecutions, suits or proceedings were instituted;

1. Substituted by Act 35 of 1994 w.e.f. 1.6.1994.

(j) all arrears of rates, taxes and fees vesting in the corporation shall, notwithstanding that such rates and fees cannot be levied under this Act, be recoverable in the same manner as a tax recoverable under this Act;

(k) until the reconstitution of the corporation in accordance with the provisions of this Act, notwithstanding anything to the contrary contained in this Act, such number of persons ordinarily resident in the local area included in the ¹[larger urban area]¹ who are nominated by the Government shall be additional councillors of the corporation.

1. Substituted by Act 35 of 1994 w.e.f. 1.6.1994.

501. Effect of absorption of a part of a ¹[panchayat area]¹ into a ¹[larger urban area]¹.- If any part of an area within the limits of a ¹[panchayat area]¹ is included in a ¹[larger urban area]¹, then notwithstanding anything contained in this Act or in the ¹[Karnataka Panchayat Raj Act, 1993]¹ but subject to the provisions of section 4 of this Act, with effect from the date on which such area is included in the ¹[larger urban area]¹, the following consequences shall ensue namely:-

(a) so much of the ¹[Grama Panchayat Fund]¹ and other property vesting in the ¹[Grama Panchayat]¹ shall be transferred to the corporation fund as the Government may, by order in writing, direct;

1. Substituted by Act 35 of 1994 w.e.f. 1.6.1994.

(b) the rights and liabilities of the ¹[Gramal Panchayat]¹ in respect of civil and criminal proceedings, contracts, and other matters or things (including arrears of taxes, fees and cess) arising in or relating to the part of the area included in the ¹[larger urban area]¹ shall vest in the corporation; and such rights and liabilities may be enforced by or against the corporation under this Act or the rules, bye-laws and orders made thereunder;

1. Substituted by Act 35 of 1994 w.e.f. 1.6.1994.

(c) such officers and servants of the ¹[Grama Panchayat]¹ shall be transferred to the corporation as the Government may, by order, direct.

1. Substituted by Act 35 of 1994 w.e.f. 1.6.1994.

¹[501A. Effect of absorption of ¹[a smaller urban area or transitional area into a larger urban area]¹.- If any local area comprised in a ¹[smaller urban area or a transitional area]¹ constituted or continued under the Karnataka Municipalities Act, 1964 (Karnataka Act 22 of 1964) or any other law is included in a ¹[larger urban area]¹ by virtue of a notification under sub-section (1) of section 4, then, notwithstanding anything contained in this Act or the Karnataka Municipalities Act, 1964 or any other law, but subject to the provisions of section 4, with effect from the date on which such area is included in the ¹[larger urban area]¹, the following consequences shall ensue, namely:-

(a) the municipal council or the ¹[town panchayat of such local area]¹ (hereinafter referred to as the local authority) shall cease to exist;

1. Substituted by Act 35 of 1994 w.e.f. 1.6.1994.

(b) the unexpended balance of the fund of the local authority (including arrears of rates, taxes and fees) belonging to the local authority and all rights and powers which, prior to such notification, vested in the local authority shall, subject to all charges and liabilities affecting the same, vest in the corporation of the '[larger urban area]'¹ (hereinafter referred to as the corporation);

1. Substituted by Act 35 of 1994 w.e.f. 1.6.1994.

(c) any appointment, notification, notice, tax, order, scheme, licence, permission, rule, bye-law or form made, issued, imposed or granted under any law or rule immediately before the said date in respect of the said local authority shall continue in force and be deemed to have been made, issued, imposed or granted under this Act until it is superseded or modified by any appointment, notification, notice, tax, order, scheme, licence, permission, rule, bye-law, or form made, issued, imposed or granted under this Act;

(d) all budget estimates, assessment lists, valuations or measurements, made or authenticated under any law or rule immediately before the said date in respect of the said local authority shall be deemed to have been made or authenticated under this Act;

(e) all debts and obligations incurred and all contracts made by or on behalf of the local authority immediately before the said date and subsisting on the said date shall be deemed to have been incurred and made by the Corporation in exercise of the powers conferred on it by this Act;

(f) all officers and servants in the employ of the local authority immediately before the said date shall become officers and servants of the corporation under this Act and shall, until other provision is made in accordance with the provisions of this Act, receive salaries and allowances and be subject to the conditions of service to which they were entitled immediately before such date:

Provided that it shall be competent to the corporation, subject to the previous sanction of the Government, to discontinue the services of any officer or servant who, in its opinion, is not necessary or suitable for the requirements of the service under the corporation after giving such officer or servant such notice as is required to be given by the terms of his employment and every officer or servant whose services are dispensed with shall be entitled to such leave, pension, provident fund and gratuity as he would have been entitled to take or receive on being invalidated out of service, as if the local authority in the employ of which he was, had not ceased to exist;

(g) all proceedings pending on the said date before the local authority shall be deemed to be transferred to and shall be continued before the corporation;

(h) all appeals pending before any authority shall, so far as may be practicable, be

disposed of as if the said local area had been included in the ¹[larger urban area]¹ when they were filed;

1. Substituted by Act 35 of 1994 w.e.f. 1.6.1994.

(i) all prosecutions instituted by or on behalf of the local authority and all suits or other legal proceedings instituted by or against the local authority or any officer of the local authority pending on the said date shall be continued by or against the corporation as if the area of the said local authority had been included in the ¹[larger urban area]¹ when such prosecutions, suits or proceedings were instituted;

1. Substituted by Act 35 of 1994 w.e.f. 1.6.1994.

(j) all arrears of rates, taxes, and fees vesting in the corporation shall, notwithstanding that such rates and fees cannot be levied under this Act, be recoverable in the same manner as a tax recoverable under this Act;

(k) until the reconstitution of the corporation in accordance with the provisions of this Act, notwithstanding anything to the contrary contained in this Act, such number of persons as may be prescribed ordinarily resident in the area of the said local authority included in the ¹[larger urban area]¹, who shall be nominated by the Government shall be additional councillors of the corporation.

1. Substituted by Act 35 of 1994 w.e.f. 1.6.1994.

501B. Effect of absorbtion of a part of ¹[a smaller urban area or transitional area into a larger urban area]¹.- If any part of a local area comprised in ¹[smaller urban area or a transitional area]¹ constituted under the Karnataka Municipalities Act, 1964, (Karnataka Act No. 22 of 1964), or any other law is included in a ¹[larger urban area]¹ then, with effect from the date on which such area is included in the ¹[larger urban area]¹, the following consequences shall ensue, namely:-

(a) so much of the funds and other property vesting in the municipal council, ¹[or a town panchayat]¹ (hereinafter referred to as the local authority) shall be transferred to the corporation fund as the Government may, by order, in writing, direct;

1. Substituted by Act 35 of 1994 w.e.f. 1.6.1994.

(b) the rights and liabilities of the local authority in respect of civil and criminal proceedings, contracts and other matters or things (including arrears of tax, fees and cess) arising in or relating to the part of the area included in the ¹[larger urban area]¹ shall vest in the corporation and such rights and liabilities may be enforced by or against the corporation under this Act or the rules, bye-laws and orders made thereunder;

1. Substituted by Act 35 of 1994 w.e.f. 1.6.1994.

(c) such officers and servants of the local authority, as the Government may, by order, direct shall be transferred to the corporation and the officers and servants so

transferred shall, until other provision is made in accordance with the provisions of this Act, receive salaries and allowances and be subject to the conditions of service to which they were entitled or subject immediately before such transfer.

501C. Effect of declaration of ¹[a city municipal area and some other areas as a larger urban area]¹ under this Act.- ²[(1)]² If any local area having a ¹[larger urban area]¹ municipal council and one or or more other local authorities is declared to be a ¹[larger urban area]¹ under section 3, then, notwithstanding anything contained in this Act or in the Karnataka Municipalities Act, 1964 or in the law applicable to such other local authorities, with effect from the date of such declaration, such ¹[larger urban area]¹ municipal council and local authorities shall cease to exist and the members thereof shall vacate their offices and the following consequences shall ensue, namely:-

(a) the provisions of the Karnataka Municipalities Act, 1964 and the law applicable to the other local authorities shall not apply to the local area declared to be a ¹[larger urban area]¹:

1. Substituted by Act 35 of 1994 w.e.f. 1.6.1994.
2. Renumbered by Act 35 of 1994 w.e.f. 1.6.1994.

Provided that any appointment, notification, notice, tax, order, scheme, licence, permission, rule, bye-law or form made or issued or imposed under the said laws in respect of such ¹[larger urban area]¹ municipality and other local authorities which were in force as applicable immediately before the date of such declaration shall continue in force and be deemed to have been made, issued or imposed under the provisions of this Act unless and until it is superseded by any appointment, notification, notice, tax, order, scheme, licence, permission, rule, bye-law or form, made or issued or imposed under this Act;

(b) the unexpended balance of the funds of the said ¹[larger urban area]¹ municipal council and the local authorities (including arrears of rates, taxes and fees) belonging to the said municipal council and the local authorities and all properties, rights, liabilities and powers which, prior to such declaration, vested in the ¹[larger urban area]¹ municipal council and other local authorities shall, subject to all charges and liabilities affecting the same, vest in the corporation of the ¹[larger urban area]¹ (hereinafter referred to as the corporation);

1. Substituted by Act 35 of 1994 w.e.f. 1.6.1994.

(c) all budget estimates, assessment lists, valuations or measurements, made or authenticated under any law or rule immediately before the said date of declaration in respect of the said ¹[larger urban area]¹ municipal council and the local authorities shall be deemed to have been made or authenticated under this Act;

1. Substituted by Act 35 of 1994 w.e.f. 1.6.1994.

(d) all debts and obligations incurred and all contracts made by or on behalf of the ¹[larger urban area]¹ municipal council and the local authorities immediately before the said date of declaration and subsisting on the said date shall be deemed to have been incurred and made by the corporation in exercise of the powers conferred on it by this Act;

1. Substituted by Act 35 of 1994 w.e.f. 1.6.1994.

(e) all officers and servants in the employ of the ¹[larger urban area]¹ municipal council and the local authorities immediately before the said date of declarations shall become officers and servants of the corporation under this Act and shall, until other provision is made in accordance with the provisions of this Act, receive salaries and allowances and be subject to the conditions of service to which they were entitled immediately before such date:

1. Substituted by Act 35 of 1994 w.e.f. 1.6.1994.

Provided that it shall be competent to the corporation, subject to the previous sanction of the Government, to discontinue the services of any officer or servant who, in its opinion, is not necessary or suitable for the requirements of the service under the corporation after giving such officer or servant such notice as is required to be given by the terms of his employment and every officer or servant whose services are dispensed with shall be entitled to such leave, pension, provident fund and gratuity as he would have been entitled to take or receive on being invalidated out of service, as if the city municipality or the local authority in the employ of which he was, had not ceased to exist;

(f) all proceedings pending on the said date before the ¹[larger urban area]¹ municipal council or the local authorities shall be deemed to be transferred to and shall be continued before the Corporation;

1. Substituted by Act 35 of 1994 w.e.f. 1.6.1994.

(g) all appeals pending before any authority shall; so far as may be practicable, be disposed of as if the said local area had been included in the ¹[larger urban area]¹ when they were filed;

1. Substituted by Act 35 of 1994 w.e.f. 1.6.1994.

(h) all prosecutions instituted by or on behalf of the ¹[larger urban area]¹ municipal council and the local authorities, all suits or other legal proceedings instituted by or against the ¹[larger urban area]¹ municipal council and the local authorities or any officer thereof pending on the said date shall be continued by or against the corporation as if the area of the ¹[larger urban area]¹ municipal council and the local authorities had been included in the ¹[larger urban area]¹ when such prosecutions had been, suits or proceedings were instituted;

1. Substituted by Act 35 of 1994 w.e.f. 1.6.1994.

(i) all arrears of rates, taxes and fees vesting in the corporation shall, notwithstanding that such rates, fees cannot be levied under this Act, be recoverable in the same manner as a tax recoverable under this Act;

(j) until the reconstitution of the corporation in accordance with the provisions of this Act, notwithstanding anything to the contrary contained in this Act the councillors of the corporation of the ¹[larger urban area]¹ shall consist of the councillors of the ¹[larger urban area]¹ municipal council and such manner of other persons as maybe nominated by the Government and such nominated persons shall, as far as may be practicable, be persons who are the members of the other local authorities which have ceased to exist;

1. Substituted by Act 35 of 1994 w.e.f. 1.6.1994.

(k) the President and the Vice-President of the ¹[larger urban area]¹ municipal council shall be the Mayor and the Deputy Mayor of the corporation;

1. Substituted by Act 35 of 1994 w.e.f. 1.6.1994.

(l) where, under and the provisions of section 315 or section 316 of the Karnataka Municipalities Act, 1964, either an administrator or an officer has been appointed to exercise the powers and perform the duties of the said ¹[larger urban area]¹ municipal council, then, such administrator or officer shall be deemed to be an administrator appointed in respect of the corporation under section 99 of this Act ²[x x x]². ²[x x x]² The advisory council, if any, appointed to advise and assist the administrator appointed under section 315 of the Karnataka Municipalities Act, 1964 shall be deemed to be an advisory committee appointed under sub-section (6) of section 99.

1. Substituted by Act 35 of 1994 w.e.f. 1.6.1994.

2. Omitted by Act 35 of 1994 w.e.f. 1.6.1994.

¹[(2) A corporation shall be duly constituted for the larger urban area under this Act within a period of six months from the date of declaration referred to in sub-section (1) and from the date of the first meeting of the corporation as so constituted the body exercising the power and performing the duties of the Corporation shall stand dissolved.]¹

1. Inserted by Act 35 of 1994 w.e.f. 1.6.1994.

501D. Removal of difficulties.- If any difficulty arises in giving effect to the provisions of section 501A or section 501B, or section 501C the Government may by order, published in the official Gazette, as the occasion may require, do anything which appears to it to be necessary to remove the difficulty.]²

1. Sections 501A to 501D Inserted by Act 28 of 1980 w.e.f. 10.9.1980.

¹[502. x x x]¹

1. Omitted by Act 35 of 1994 w.e.f. 1.6.1994.

503. Declaration of '[city municipal area as a larger urban area]' under this Act.- ¹(1) Subject to the provisions of section 3, the Governor may declare by notification that any municipal area for which a City Municipal Council is constituted under the Karnataka Municipalities Act, 1964 (Karnataka Act 22 of 1964) shall with effect from the date to be specified in such notification to be a larger urban area specified under section 3 of this Act.]¹

1. Substituted by Act 35 of 1994 w.e.f. 1.6.1994.

(2) The provisions of the Karnataka Municipalities Act, 1964 applicable to such '[city municipal area]'¹ shall not apply to any local area declared as a '[larger urban area]'¹ under sub-section(1) with effect from the date specified in the declaration:

Provided that any appointment, notification, notice, tax, order, scheme, licence, permission, rule, bye-law or form made or issued or imposed under the said Act in respect of such '[city municipal area]'¹ which were in force as applicable immediately before the date specified under sub-section (1) shall continue in force and be deemed to have been made, issued or imposed under the provisions of this Act unless and until it is superseded by any appointment, notification, notice, tax, order, scheme, licence, permission, rule, bye-law or form made or issued or imposed under this Act.

1. Substituted by Act 35 of 1994 w.e.f. 1.6.1994.

(3) With effect from the date of declaration of any area as a '[larger urban area]'¹ under sub-section (1), the following consequences shall ensue, namely:-

(a) the body functioning as a '[larger urban area]'¹ municipal council under the Karnataka Municipalities Act, 1964 immediately before the date of the said declaration in respect of the said area shall become a body competent to exercise the powers and perform the duties conferred by the provisions of the Act on a corporation in respect of the said area until a corporation is duly constituted for the area within the jurisdiction of such body under the provisions of this Act;

1. Substituted by Act 35 of 1994 w.e.f. 1.6.1994.

(b) the councillors of the '[larger urban area]'¹ municipal council holding office as such immediately before the said date shall become councillors of the corporation;

1. Substituted by Act 35 of 1994 w.e.f. 1.6.1994.

(c) the president of the said '[larger urban area]'¹ municipal council shall become the Mayor of the corporation and discharge duties and perform functions of the Mayor under this Act and the vice-president of the said '[larger urban area]'¹ municipal council shall become the Deputy Mayor of the said corporation under this Act;

1. Substituted by Act 35 of 1994 w.e.f. 1.6.1994.

¹[(cc) Where, under the provisions of section 315 or section 316 of the Karnataka Municipalities Act, 1964 either an administrator or an officer has been appointed, to exercise the powers and perform the duties of the Municipal Council, then, such administrator or officer shall be deemed to be an Administrator appointed under section 99 ²[x x x]². ²[x x x]². The advisory council, if any, appointed to advise and assist the administrator appointed under section 315 of the Karnataka Municipalities Act, 1964 shall be deemed to be an Advisory Committee appointed under sub-section (6) of section 99.]¹

1. Inserted by Act 24 of 1978 w.e.f. 1.6.1977.

2. Omitted by Act 35 of 1994 w.e.f. 1.6.1994.

(d) the unexpended balance of the municipal fund and the property (including arrears of rates, taxes and fees), belonging to the said ¹[larger urban area]¹ municipal council and all rights and powers which prior to the said declaration vested in the ¹[larger urban area]¹ municipal council shall, subject to all charges and liabilities affecting the same, vest in the corporation as the corporation fund;

1. Substituted by Act 35 of 1994 w.e.f. 1.6.1994.

(e) any appointment, notification, notice, tax, order, scheme, licence, permission, rule, bye-law or form, made or issued under any other law in respect of such municipality shall continue in force and be deemed to have been made issued or imposed under the provisions of this Act, unless and until it is superseded by any appointment, notification, notice, tax, order, scheme, licence, permission, rule, bye-law or form, made or issued or imposed under this Act;

(f) all budget estimates, assessment lists, valuation or measurements made or authenticated under the Karnataka Municipalities Act, 1964 immediately before the said date shall be deemed to have been made or authenticated under this Act;

(g) all debts and obligations incurred and all contracts made by or on behalf of the ¹[larger urban area]¹ municipal council immediately before the said date and subsisting on the said date shall be deemed to have been incurred and made by the corporation in exercise of the powers conferred on it by or under the Act;

1. Substituted by Act 35 of 1994 w.e.f. 1.6.1994.

(h) all proceedings pending prior to the said declaration before the ¹[larger urban area]¹ municipal council shall be continued by the corporation;

1. Substituted by Act 35 of 1994 w.e.f. 1.6.1994.

(i) all appeals pending before any authority shall so far as may be practicable, be disposed of as if the said area had been included in the corporation when they were filed;

(j) all prosecutions instituted by or on behalf of the city municipal council and all suits or other legal proceedings intituted by or against the ¹[larger urban area]¹

municipal council or any officer of the ¹[larger urban area]¹ municipal council pending at the said date shall be continued by or against the corporation as if such area had been included in the corporation when such prosecutions, suits or proceedings were instituted;

1. Substituted by Act 35 of 1994 w.e.f. 1.6.1994.

(k) all officers and servants in the employ of the ¹[larger urban area]¹ municipal council immediately before the said date shall become officers and servants of the corporation under this Act and shall, and until other provision is made in accordance with the provisions of this Act, receive salaries and allowances and be subject to the conditions of service to which they were entitled immediately before such date:

Provided that it shall be competent to the corporation, subject to the previous sanction of the Government, to discontinue the services of any officer or servant, who, in its opinion, is not necessary or suitable for the requirements of the service under the corporation after giving such officer or servant such notice as is required to be given by the terms of his employment and every officer or servant whose services are dispensed with shall be entitled to such leave, pension, provident fund and gratuity as he would have been entitled to take or receive on being invalidated out of service, as if the ¹[larger urban area]¹ municipal council in the employ of which he was, had not ceased to exist.

1. Substituted by Act 35 of 1994 w.e.f. 1.6.1994.

¹[(4) A Corporation shall be duly constituted for the larger urban area under this Act within a period of six months from the date of declaration referred to in sub-section (1) and from the date of first meeting of the corporation as so constituted the body exercising the powers and performing the duties of the Corporation shall stand dissolved.

(5) The properties, rights and liabilities of the City Municipal Council of a municipal area declared as larger urban area under sub-section (1) shall vest in the corporation of the said larger urban area with effect from the date of such declaration.]¹

1. Substituted by Act 35 of 1994 w.e.f. 1.6.1994.

¹[503A. Preparation of development plan.- Every Corporation shall prepare every year a development plan and submit to the District Planning Committee constituted under section 310 of the Karnataka Panchayat Raj Act, 1993, or as the case may be the Metropolitan Planning Committee constituted under section 503B of this Act.

503B. Metropolitan Planning Committee.- (1) The Government shall constitute a Metropolitan Planning Committee for the Bangalore Metropolitan Area to prepare a draft development plan for such area as a whole.

Explanation.- For the purpose of this section "Bangalore Metropolitan area" means an area specified by the Governor to be a metropolitan area under clause (c) of Article 243P of the Constitution of India.

(2) The Metropolitan Planning Committee shall consist of thirty persons of which,-

(a) such number of persons, not being less than two-thirds of the members of the Committee, as may be specified by the Government shall be elected in the prescribed manner by, and from amongst, the elected members of the corporations, the Municipal Councils and town Panchayats, and the Adyakshas and Upadyakshas of Zilla Panchayats, Taluk Panchayats and Grama Panchayats in the Metropolitan area in proportion to the ratio between the population of the city and other municipal area and that of the areas in the jurisdiction of Zilla Panchayat, Taluk Panchayat and Grama Panchayat;

(b) such number of representatives of,-

(i) the Government of India and the State Government as may be determined by the State Government, and nominated by the Government of India or as the case may be, the State Government;

(ii) such organisations and institutions as may be deemed necessary for carrying out of functions assigned to the committee, nominated by the State Government;

(3) All the members of the House of the People and the State Legislative Assembly whose constituencies lie within the Metropolitan area and the members of the Council of State and the State Legislative Council who are registered as electors in such area shall be permanent invites of the Committee.

(4) The Commissioner, Bangalore Development Authority shall be the Secretary of the Committee.

(5) The Chairman of the Metropolitan Planning Committee shall be chosen in such manner as may be prescribed.

(6) The Metropolitan Planning Committee shall prepare a draft development plan for the Bangalore metropolitan area as a whole.

(7) The Metropolitan Planning Committee shall, in preparing the draft development plan,-

(a) have regard to,-

(i) the plans prepared by the local authorities in the Metropolitan area;

(ii) matters of common interest between the local authorities including co-ordinated spatial planning of the area, sharing of water and other physical and natural resources, the integrated development of infrastructure and environmental conservation;

(iii) the overall objectives and priorities set by the Government of India and the State Government;

(iv) the extent and nature of investments likely to be made in the Metropolitan area by agencies of the Government of India and of the State Government and other available resources whether financial or otherwise;

(b) consult such institutions and organisations as the Governor may, by order, specify.

(8) The Chairman of the Metropolitan Planning Committee shall forward the development plan, as recommended by such Committee, to the State Government.

503C. Finance Commission.- (1) The Finance Commission constituted under section 267 of the Karnataka Panchayat Raj Act, 1993 shall also review the financial position of the Corporations and make recommendations to the Governor as to,-

(a) the principles which should govern,-

(i) the distribution between the State and Corporations of the net proceeds of the taxes, duties, tolls, and fees leviable by the Government which may be divided between them and allocation between the Corporations their respective shares of such proceeds;

(ii) the determination of the taxes, duties, tolls, fees which may be assigned to or appropriated by, the corporations;

(iii) the grant-in-aid to the Corporations from the Consolidated Fund of the State;

(b) the measures needed to improve the financial position of the Corporations;

(c) any other matter referred to the Finance Commission by the Governor in the interest of sound finances of the Corporation.

(2) The Governor shall cause every recommendation made by the Commission under this section together with an explanatory memorandum as to the action taken thereon to be laid before both the House of the State Legislature.]¹

1. Sections 503A, 503B and 503C substituted by Act 35 of 1994. Notification bringing it into force not available.

504. The provisions of the Karnataka Agricultural Produce Marketing (Regulation) Act, 1966 not affected.- The provisions of this Act in so far as they relate to markets and other premises shall not be applicable to any market established under the Karnataka Agricultural Produce Marketing (Regulation) Act, 1966 and the provisions of this Act with respect to any other market shall be in addition to and not in derogation of the said Act.

505. Exercise of powers by a corporation to be in conformity with the provisions of the Karnataka Town and Country Planning Act, 1961.-

Notwithstanding anything contained in this Act, a corporation or any officer or other authority required by or under this Act to exercise any power, or perform any function or discharge any duty,-

(i) with regard to any matter relating to land use or development as defined in the Explanation to section 14 of the Karnataka Town and Country Planning Act, 1961, shall exercise such power, or perform such function or discharge such duty with regard to such land use or development plan or where there is no development plan, with the concurrence of the Planning Authority;

(ii) shall not grant any permission, approval or sanction required by or under this Act to any person if it relates to any matter in respect of which compliance with the provisions of the Karnataka Town and Country Planning Act, 1961 is necessary unless evidence in support of having complied with the provisions of the said Act is produced by such person to the satisfaction of the corporation or the officer or other authority, as the case may be.

506. Transitional and transitory provisions.- (1) Notwithstanding anything contained in this Act, until the constitution of a corporation in accordance with the provisions of this Act for the City of Bangalore and the City of Hubli-Dharwar,-

(I) the ¹[Bruhat Bangalore Mahanagara Palike]¹ constituted under the City of Bangalore Municipal Corporation Act, 1949 and the Hubli-Dharwar Corporation constituted under the Bombay Provincial Municipal Corporations Act, 1949, functioning immediately before the commencement of this Act, shall on and from the date of such commencement become bodies competent to exercise the powers in respect of the City of Bangalore and the City of Hubli-Dharwar as the case may be;

1. Deemed to have been substituted by Act 22 of 2009 w.e.f.04.06.2009.

(iii) the standing committees functioning immediately before the commencement of this Act shall stand dissolved with effect from the date of such commencement and the chairmen and members of such standing committees shall cease to be the chairmen and members respectively and the [Bruhat Bangalore Mahanagara Palike] and the Corporation of the City of Hubli-Dharwar shall at their first meeting immediately after the commencement of this Act elect members of the standing committees as provided for in this Act and the standing committees so constituted shall elect the chairman in accordance with the provisions of this Act and such standing committees shall exercise the powers and perform the functions of the standing committees under this Act until standing committees are constituted by the said corporation after general elections are held in accordance with the provisions of this Act;

1. Deemed to have been substituted by Act 22 of 2009 w.e.f.04.06.2009.

(iv) subject to any order made under section 508, casual vacancies in the seats of councillors of the bodies exercising the powers and performing the duties of a corporation under this sub-section shall be filled and all matters in connection with the filling up of such vacancies shall be regulated in accordance with the provisions governing the filling of such vacancies and regulating such matters immediately before the said date in the city of Bangalore and the City of Hubli-Dharwar before commencement of this Act;

¹[(v) Where, under the provisions of the City of Bangalore Municipal Corporation Act, 1949 or the Bombay Provincial Municipal Corporation Act, 1949 either an Administrator or a person has been appointed to exercise the powers and perform the duties of the Corporation, and the Standing Committees and other Committees, then, such administrator or person shall be deemed to be an Administrator appointed under section 99 for a period of one year. The Government may, if in its opinion, it is necessary so to do, extend the said period under section 101.

(vi) all officers and servants in the employment of the [Bruhat Banagalore Mahanagara Palike] and the Hubli Dharwar Corporation, immediately before the commencement of this Act, shall become officers and servants of the respective Corporations under this Act and shall, until other provision is made in accordance with the provisions of this Act, receive salaries and allowances and be subject to the conditions of service to which they were entitled to immediately before such date:

1. Deemed to have been substituted by Act 22 of 2009 w.e.f.04.06.2009.

Provided that it shall be competent to the respective Corporations, subject to the previous sanction of the Government, to discontinue the services of any officer or servant who, in its opinion, is not necessary or suitable for the requirements of the service under it after giving such officer or servant such notice as is required to be given by the terms of his employment and every officer or servant whose services are dispensed with shall be entitled to such leave, pension, provident fund and gratuity as he would have been entitled to take or receive on being invalidated out of service, as if the Corporation, in the employ of which he was, had not ceased to exist.]¹

1. Inserted by Act 24 of 1978 w.e.f. 1.6.1977.

(2) A corporation shall be duly constituted under provisions of this Act, before the expiry of such period from the date of commencement of this Act as the Government may, by notification specify in respect of the City of Bangalore and the City of Hubli-Dharwar as the case may be, and from the date of the first meeting of the corporation as so constituted the bodies exercising the powers and performing the duties of a corporation shall stand dissolved.

507. Repeal and savings.- (1) The City of Bangalore Municipal Corporation Act, 1949 (Mysore Act LXIX of 1949) and Bombay Provincial Municipal Corporation Act, 1949 (Bombay Act LIX of 1949) are hereby repealed:

Provided that such repeal shall not affect,-

(a) the previous operation of the said enactments or anything duly done or suffered thereunder; or

(b) any right, privilege, obligation or liability acquired, accrued or incurred under the said enactments; or

(c) any penalty, forfeiture or punishment incurred in respect of any offence committed against the said enactments; or

(d) any investigation, legal proceeding or remedy in respect of any such right, privilege, obligation, liability, forfeiture or punishment as aforesaid, and any such investigation, legal proceeding or remedy may be instituted, continued or enforced, and such penalty, forfeiture or punishment may be imposed as if this Act had not been passed:

Provided further that subject to the preceding proviso anything done or any action taken (including any appointment or delegation made, tax, duty, fee, or cess imposed, notification, order, instrument, or direction issued, rule, regulation, form, bye-law or scheme framed, certificate obtained, permit or licence granted or registration effected) under the said enactments shall be deemed to have been done or taken under the corresponding provisions of this Act and shall continue to be in force accordingly unless and until superseded by anything done or any action taken under this Act :

Provided also that notwithstanding anything contained in the preceding provisos where any tax, duty, fee or cess other than a duty on transfers of immovable properties has been imposed under the said enactments at a rate higher than the maximum rate permissible under this Act, such tax, duty, fee or cess may continue to be imposed and collected at such higher rate unless and until superseded by anything done or any action taken under this Act :

Provided also that any reference in any enactment or in any instrument to any provision of any of the repealed enactments shall, unless a different intention appears, be construed as reference to the corresponding provision of this Act.

(2) Notwithstanding anything contained in sub-section (1), any tax, duty, fee, or cess imposed under the said enactments may, notwithstanding that such tax, duty, fee or cess cannot be imposed under the provisions of this Act, be continued to be levied and recovered as if the provisions of such enactments, the rules, bye-laws, orders and notifications made or issued thereunder relating to such levy and recovery had not been repealed.

508. Orders for bringing this Act into force.- (1) Notwithstanding anything contained in this Act or in any other law, the Government may by order published in the official Gazette make such provision not inconsistent with the provisions of this Act as

appears to it to be necessary or expedient,- (a) for bringing the provisions of this Act into effective operation;

(b) for making omissions from, additions to and adaptations and modifications of the rules, bye-laws, regulations, notifications and orders in their application to any corporation;

(c) for removing difficulties arising in connection with the transition to the provisions of the Act;

(e) so far as it appears necessary or expedient in connection with any of the matters aforesaid for varying the powers or jurisdiction of any court or authority and empowering new courts or other authorities to exercise such jurisdiction as may be specified in such order.

(2) Any order under sub-section (1) may be either prospective or retrospective in operation as may be specified in such order. (d) for authorising the continued carrying on for the time being on behalf of corporations of the services and activities previously carried on by them;

(3) All orders made under sub-section (1) shall be laid before both Houses of the State Legislature and shall, subject to such modification as the State Legislature may make during the session in which they are so laid, have effect as if enacted in this Act.

¹[509. Removal of difficulties.- If any difficulty arises in giving effect to the provisions of this Act, the Government may, by order published in the Official Gazette as the occasion may require do anything which appears to it to be necessary to remove the difficulty.]¹

1. Inserted by Act 5 of 2005 w.e.f. 7.3.2005.

SCHEDULE I

Rules of procedure for the conduct of business of the corporation and committees

(See section 71)

1. In these rules, 'member' means a councillor.

2. The corporation shall meet in the corporation office for the transaction of business at least once every month upon such day and such hours as may be arranged and also at other times as often as a meeting may be convened by the Mayor:

Provided that no meeting shall be held or continued on any day earlier than 8-00 A.M. or later than 7-00 P.M.

3. (1) No meeting shall be held unless at least six clear days before the day of meeting notice of the day and hour when the meeting is to be held and of the business to be transacted thereat has been given to the members.

(2) In cases of urgency, the Mayor may convene a meeting after giving to the members shorter notice than that specified in sub-rule (1). In such cases notice of the day and hour of the meeting shall be published in such manner as the Mayor may deem most expedient.

4. At an ordinary meeting held in each of the months of April, June, August, October, December and February, the Mayor shall place before the corporation a statement of receipts and disbursements on account of the corporation fund from the close of the last preceding year upto the close of the month before that in which the meeting takes place.

5. (1) The Mayor shall call a special meeting on receiving a request in writing signed by not less than one-third of the members specifying the resolution which it is proposed to move.

(2) No special meeting shall be held unless at least four clear days notice, specifying the purpose for which such meeting is to be held and the date and hour thereof, has been given by a separate communication addressed to each member and by advertisement in the local newspapers.

6. If the offices of Mayor and Deputy Mayor are vacant, the duties assigned to the Mayor by rules 2 to 5 shall be performed by the Commissioner.

7. All meetings of the corporation shall be open to the public provided that the Mayor, Deputy Mayor or presiding member may direct that the public generally or any particular person shall withdraw.

8. All questions which may come up before the corporation at any meeting shall be decided by a majority of the votes of members present and voting at the meeting and in

every case of equality of votes, the Mayor, Deputy Mayor or presiding member shall have and exercise a second or casting vote.

9. No business shall be transacted at any meeting unless there be present at least one-third of the total number of members.

10. No resolution of the corporation shall be modified or cancelled within three months after the passing thereof except at a meeting specially convened in that behalf and by a resolution of the corporation supported by not less than two-thirds of the total number of members.

11. (1) Minutes of the proceedings of the corporation shall be entered in Kannada and in English in a book to be called the minute book specifying the names of the councillors who attended the meeting, the business transacted, the decision of the corporation in respect of each item of business, the date of the meeting and the time of commencement and closing of the meeting and shall be signed by the Mayor, Deputy Mayor or presiding member after each meeting. The minutes shall be written by the council Secretary.

(2) The minute book shall be open at the corporation office at all reasonable times to the inspection of any councillor without payment and to the inspection of any other person on payment of a fee of fifty paise and subject to such conditions as the corporation may impose.

12. The Commissioner may grant copies of the proceedings of the corporation and the standing committees on payment of such fees as the corporation may by general or special order determine.

13. No subject which is not connected with the business of the corporation under this Act, the rules, the regulations or the bye-laws shall be raised or allowed to be raised or be included in the agenda of any meeting of the corporation.

14. The Mayor or Deputy Mayor or the members presiding over a meeting shall preserve order thereat and shall have all the powers necessary for the purpose of enforcing his decisions.

15. During a meeting of the corporation, a member,-

(i) shall not read any book, newspaper or letter except in connection with the business of the corporation;

(ii) shall not interrupt any member while speaking by disorderly expression or noise or in any other disorderly manner;

(iii) shall not leave the meeting when the person presiding is addressing the meeting;

(iv) shall always address the person presiding;

(v) shall maintain silence when not speaking in the meeting;

(vi) shall not obstruct proceeding, hiss or interrupt and shall avoid making running commentaries when speeches are being made in the meeting.

16. A member while speaking shall not,-

(i) refer to any matter on which judicial decision is pending;

(ii) make a personal charge against a member;

(iii) use offensive expression about the conduct, or proceeding, of members of Parliament or State Legislature;

(iv) utter treasonable, seditious or defamatory words;

(v) use his right of speech for the purpose of obstructing the business of the corporation.

17. The Mayor or Deputy Mayor or the member presiding over a meeting may direct any councillor whose conduct is, in his opinion, grossly disorderly to withdraw immediatly from the meeting and any councillor so directed to withdraw shall do so forthwith and shall absent himself during the remainder of the day's meeting.

18. (1) The person presiding may, if he deems it necessary name a member who disregards the authority of the Chair or abuses the rules of procedure by persistently and wilfully obstructing the transaction of business of the corporation meeting.

(2) If a member is so named the person presiding shall forthwith put the question that the named member be suspended from the meeting of the corporation for such days as the person presiding may specify in the question:

Provided that the corporation may at any time on a motion being made resolve that such suspensions be terminated.

(3) A member suspended under this rule shall forthwith withdraw from the place of the meeting. If the member refuses to withdraw from the meeting, the person presiding may cause such person to have him bodily removed by the use of minimum force necessary for enforcing his decision.

19. In all matters not specifically provided for in this Act, regulations, bye-laws or the rules in regard to matters relating to conduct of business at a meeting of the corporation, the person presiding shall have and may exercise such powers as are necessary for the efficient discharge of his functions.

THE STANDING COMMITTEES

20. Each standing committee shall meet at the corporation office at least once a month on such day and such hour as the standing committee shall from time to time determine.

21. The chairman of a standing committee may, at any time, call a meeting of the

committee and shall do so within forty-eight hours of the receipt of a requisition signed by the Commissioner or by three members of the committee and stating the business to be transacted.

22. Every notice of meeting shall be issued by the council Secretary.

23. All questions which may come up before a standing committee at any meeting shall be decided by the majority of the votes of the members present and voting at the meeting and in every case of equality of votes, the chairman or presiding member shall have and exercise a second or casting vote.

24. (1) All minutes of the proceedings of each standing committee shall be entered in a book and shall be signed by the chairman or presiding member after each meeting. The minutes shall be written by the council Secretary.

(2) The minute book shall be placed before the corporation at its next meeting.

25. In any case in which two or more standing committees have passed conflicting decisions, and such conflict has not been adjusted or otherwise dealt with by a conference of such committees or a joint committee as provided in sub-section (4) of section 62, the Commissioner shall submit a report to the Mayor who shall place the subject before a meeting of the corporation and pending the resolution of the corporation the Commissioner shall withhold all the action in regard to the matter at issue.

26. Any member of a standing committee, other than the Mayor or Deputy mayor, who fails to attend three consecutive meetings shall cease to be a member of such standing committee but may be re-elected by the corporation.

27. Every resolution of a standing committee shall be made available to every member of the committee within fifteen days from the date of the passing of such resolution and the corporation may, on a motion by any member of the corporation modify or amend or revoke any such resolution.

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SCHEDULE II
ESSENTIAL SERVICES

(See sections 2(10) and 92)

CLASS I

- (a) Scavenging or cleaning streets or premises.
- (b) Maintaining, repairing, cleansing or flushing drains.
- (c) Removing or disposing of excretions or polluted matters from houses, privies, urinals or cesspools.
- (d) Removing carcasses.
- (e) Preventing nuisances generally

CLASS II

- (a) Fire brigade service.
- (b) Services in connection with the maintenance or services in any corporation water works, drains, pumping stations or fire hydrant, including,-
 - (i) Inspectors,
 - (ii) Sub-Inspectors,
 - (iii) Foreman,
 - (iv) Mechanics,
 - (v) Drivers,
 - (vi) Watchmen,
 - (vii) Labourers,
 - (viii) Workmen.
- (c) Lamp lighters.

SCHEDULE III
TAXATION RULES

(See sections 103 and 147)

PART I

Provisions common to taxes in general

1. (1) The Commissioner shall prepare and keep assessment books in such form and in such parts and sections as he thinks fit, showing the persons and property liable to taxation under this Act.

(2) The assessment books and where detailed particulars relating to any assessment are kept in separate records, the portion thereof containing such particulars shall be open at all reasonable times and without charge to inspection by any person who pays any tax to the corporation or his authorised agent and such person or agent shall be entitled to take extract free of charge from the said books and records.

(3) The account books of the corporation shall be open without charge to inspection by any person who pays tax to the corporation or his authorised agent on a day or days in each month to be fixed by the corporation.

2. The Commissioner shall, save as otherwise provided in this Act, determine the tax to which each property or person is liable:

Provided that in the case of taxes payable by the Commissioner the original assessment shall be made by the Mayor.

3. (1) The Commissioner shall give to every person making payment of a tax a receipt therefor signed by him or some person duly authorised by him in that behalf.

(2) Such receipt shall specify,-

(a) the date thereof;

(b) the name of the person to whom it is granted;

(c) the tax in respect of which payment has been made and in the case of property tax, also the property in respect of which payment has been made;

(d) the period for which payment has been made; and

(e) the amount paid.

PART II

Assessment of property tax

4. The Commissioner shall enter in the assessment books the annual value of all buildings and lands and the tax payable thereon. Such books shall also record the following particulars with regard to each assessable item:-

- (i) the serial number, description and name (if any) of the item;
- (ii) the name of the ¹[ward]¹ and of the street, if any, in which it is situated and any survey or other number which it bears;
- (iii) the name of the owner;
- (iv) the name of the occupier;
- (v) the rateable value;
- (vi) the amount of the tax payable.

1. Substituted by Act 35 of 1994 w.e.f. 1.6.1994.

5. The assessment books shall be completely revised by the Commissioner once in every five years.

6. An assessment once made shall continue in force until it is revised and until the revised assessment takes effect.

7. When assessment books have been prepared for the first time and whenever a general revision of such books has been completed, the Commissioner shall give public notice,-

(a) specifying the time when and the place where the books may be inspected; and

(b) stating that revision petitions will be considered if they reach the corporation office within thirty days from the date of such notice:

Provided that in every case where there is an enhancement in the assessment, the Commissioner shall also cause intimation thereof to be given by a special notice to be served on the owner or occupier of the property concerned:

Provided further that in every case where a special notice is required to be served on the owner or occupier under the first proviso, the period of thirty days referred to in clause (b) shall be calculated from the date of service of such special notice.

8. The Commissioner may, after giving notice to the parties concerned and hearing their objections, if any, amend the property tax assessment books at any time between one general revision and another by inserting therein or removing therefrom any property or by altering the valuation of any property or the amount of tax. Such amendment shall be deemed to have taken effect on the first day of the half-year in which it is made:

Provided that when the amendment is made in any half-year after the demand notice for that half-year has been issued, it shall have effect only from the succeeding half-year.

9. In every case in which between one general revision and another, Commissioner assesses any property for the first time or increases the assessment

on any property otherwise than in consequence of a general enhancement of the rate at which the property tax is leviable, the Commissioner shall intimate by a special notice to the owner or occupier of such property that a petition for revising the assessment will be considered if it reaches the corporation office within thirty days from the date of service of such notice.

10. Any person may, at any time, not being less than thirty days before the end of a half-year, move the Commissioner by revision petition to reduce the tax to which he is liable for the forthcoming half-year on the ground that the property in respect of which the tax is imposed has decreased since the assessment of the property was last made or revised.

11. No petition under rules 7, 9 or 10 shall be disposed of unless the petitioner has been given a reasonable opportunity to appear either in person or by authorised agent and to represent his case.

12. Immediately after the disposal of a revision petition, the Commissioner shall inform the petitioner or his authorised agent, in writing of the orders passed thereon and shall direct him to pay the amount fixed on revision within fifteen days after the date of receipt of such intimation or if the amount is not already due, within fifteen days from the date on which it becomes due and shall, if necessary, cause the assessment books to be corrected.

13. (1) A general revision shall be deemed to have taken effect on the first day of the half-year following that in which the notice under rule 7 is published or in a case where a special notice is required to be served on the owner or occupier of the property under the first proviso to that rule, on the first day of half-year following that in which such special notice is served on the owner or occupier of the property.

(2) Any correction in the assessment books made by the Commissioner under rule 12 or rule 24 shall be deemed to have effect on the first day of the half-year to which the assessment which was appealed against relates.

Explanation.- The levy of a new class of property tax or an enhancement in the rate at which any class of property tax is leviable is no amendment or revision within the meaning of this rule and shall have effect from the day fixed for the levy or enhancement.

14. The first payment of tax shall, save as provided in rule 12, be made within sixty days of the day specified in rule 13.

Revision of Assessment

15. Any assessee who is dissatisfied with the assessment of any tax under this Act other than the property tax, may make an application in writing to the

Commissioner for the revision of such assessment stating the grounds of his objection thereto.

16. No application for revision under rule 15 shall be admitted,-

(a) unless the application has reached the corporation office within seven days from the date of demand provided that the Commissioner may, if he thinks fit, extend the period within which notice of objection should be delivered to a period not exceeding one month; and

(b) unless the tax based on the assessment prevailing in the year previous to the year in question was paid before making the application.

Explanation.- The preferring or pendency of an application for the revision of the assessment of any tax shall not,-

(a) bar the collection thereof; or

(b) operate as a stay of proceedings to enforce payment of the same.

17. (1) All such applications and all petitions under rules 7, 9 or 10 shall be entered in a register to be maintained for the purpose; and on receipt of any application or petition, notice shall be given to the applicant or petitioner of a time and place at which his application or petition will be considered.

(2) At the said time and place the Commissioner shall hear the objection in the presence of the objector or his agent if he appears or may for reasonable cause adjourn the investigation.

(3) When the objection has been determined the order passed shall be recorded in the register together with the date of such order and communicated to the objector or his agent by registered post.

18. When an objector is dissatisfied with the order passed by the Commissioner under sub-rule (3) of rule 17 he may within fifteen days from the date on which such order was sent by post appeal against it to ¹[the Standing Committee for Appeals, or as the case may be, Standing Committee for Taxation, Finance and Appeals.]¹

²[x x x]²

1. Substituted by Act 27 of 1998 w.e.f. 21.11.1998.

2. Omitted by Act 27 of 1998 w.e.f. 21.11.1998.

19. (1) The Divisional Commissioner of the Revenue Division, having jurisdiction may, suo motu or otherwise, call for and examine the record of any proceeding relating to assessment of any tax under this Act and these rules by the Commissioner or the ¹[Standing Committee for Appeals, or as the case may be, Standing Committee for Taxation, Finance and Appeals]¹ and if he consider that any order or decision therein is erroneous in so far as it is prejudicial to the interests of the revenues of the corporation,

he may after giving the assessee an opportunity of being heard and after making or causing to be made such inquiry as he deems necessary pass such order thereon as the circumstances of the case justify including an order enhancing the assessment of any tax.

(2) For purposes of sub-rule (1), the Divisional Commissioner shall have all the powers of the Government under section 95.

20. (a) An appeal shall lie to the District Court, having jurisdiction against any decision of the 1[Standing Committee for Appeals, or as the case may be, Standing Committee for Taxation, Finance and Appeals]1 constituted under rule 18 or any order of the Divisional Commissioner under rule 19 but no such appeal shall be heard by the said court, unless the petition of appeal has been presented within thirty days from the date of such decision or order, as the case may be, and the tax has been paid within the said period.

1. Substituted by Act 27 of 1998 w.e.f. 21.11.1998.

Explanation.- In the case of tax leviable by half-yearly instalments the requirements of this clause as to payment of tax shall be deemed to have been satisfied if the half-yearly instalment due under the order appealed against has been paid.

(b) The court may for sufficient cause excuse delay in the presentation of an appeal.

(c) The provisions of the Limitation Act, 1963 (Central Act 36 of 1963) relating to appeal shall apply to every appeal preferred under this rule.

21. The court may direct who shall bear the costs of an appeal under the above rule.

22. The District Court having jurisdiction may, if it thinks fit, state a case on any appeal for the decision of the High Court and shall do so whenever a question of law is involved, if either the Commissioner or the appellant applies in writing in that behalf within fifteen days from the decision of the District Court and deposits such sum as the District Court thinks necessary to defray the cost of the reference.

23. (a) The High Court may pass such order as it thinks fit on a reference under rule 22.

(b) Upon production of a copy of the order passed under clause (a) the District Court shall proceed to dispose of the case in conformity with the terms of the order, and may direct who shall bear the costs of the appeals and reference.

24. The assessment books maintained by the Commissioner shall be corrected in accordance with the decision of the 1[Standing Committee for Appeals, or as the case may be, Standing Committee for Taxation, Finance and Appeals]1 or where there is an

appeal to the District Court, in accordance with its judgment under rule 20 or sub-rule (b) of rule 23, as the case may be, and in the event of the amount of any tax being reduced or remitted by the said committee or court, the Commissioner shall grant a refund accordingly.

25. Subject to any order of the District Court or the Divisional Commissioner or the decision of the '[Standing Committee for Appeals, or as the case may be, Standing Committee for Taxation, Finance and Appeals]'¹ or the order passed by the Commissioner, the assessment or demand of any tax shall be final:

Provided that where any assessment or demand is not in accordance with the assessment books, nothing in this rule shall be deemed to prohibit a fresh assessment or demand of the tax being made in accordance therewith.

1. Substituted by Act 27 of 1998 w.e.f. 21.11.1998.

PART III

Collection of Taxes

26. (1) Where any tax, not being a tax in respect of which a notice has to be served under section 125 or a direction has to be given under rule 12, is due from any person the Commissioner shall cause to be served upon or sent to such person a bill for the sum due before proceeding to enforce provisions of rule 27:

Provided that this sub-rule shall not be applicable in respect of property tax payable under section 112.

(2) A notice under section 121 and a bill under sub-rule (1) shall be signed by the Commissioner and shall contain,-

(a) a statement of the period and a description of the occupation, property or thing for which the tax is charged and other particulars of the demand, and

(b) notice of the liability which may be incurred in default of payment.

27. (1) If the amount due on account of any tax is not paid within fifteen days from the service of the notice or bill or the giving of the direction referred to in section 121 or rule 12 or rule 26 or within thirty days after the commencement of the half-year under section 113 and if the person from whom the tax is due has not shown cause to the satisfaction of the Commissioner why it should not be paid the Commissioner may recover by distraint under his warrant and sale of the movable property of the defaulter or if the defaulter is the occupier of any building or land in respect of which a tax is due, by distress and sale of any movable property which may be found in or on such building or land, the amount due on account of the tax together with the warrant fee and distraint fee and with such further sums as will satisfy the probable charges, that

will be incurred in connection with the detention and of the sale of property so distrained:

Provided always that movable property described in the proviso to sub-section (1) of section 60 of the Code of Civil Procedure, 1908 (Central Act, 5 of 1908), shall not be liable to distraint.

(2) If for any reason the distraint, or a sufficient distraint of the defaulter's property cannot be effected, the Commissioner may prosecute the defaulter before a magistrate.

(3) Nothing herein contained shall preclude the corporation from suing in a Civil Court for the recovery of any tax, duty or other amount due to it under this Act.

28. Under a special order in writing of the Commissioner or any officer charged with the execution of a warrant of distress may, between sunrise and sunset, break upon any outer or inner door or window of a building in order to make the distress, if he has reasonable ground for believing that such building contains property which is liable to seizure and if, after notifying his authority and purpose, and duly demanding admittance, he cannot otherwise obtain admittance:

Provided that such officer shall not enter or break open the door of any apartment appropriated to women until he has given three hours notice of his intention and has given such women an opportunity to withdraw.

29. The officer charged with the execution of a warrant, shall, before making a distraint, demand payment of the tax due and the warrant fee. If the tax and fee are paid no distraint shall be made,-

- (a) seize such movable property of the defaulter as he may think necessary;
- (b) make an inventory of the property seized; and
- (c) give to the person in possession of the property seized at the time of seizure a copy of the inventory and the notice of sale:

Provided that a period of seven days shall be allowed for paying the amounts due and redeeming the property seized.

30. The distress shall not be excessive, that is to say, the property which may remain after the sale and the application of the tax due by the defaulter, together with all expenses incidental to the warrant, distraint, detention and sale.

31. (1) If the amount due by the defaulter on account of the tax, warrant fee and distraint fee and the expenses incidental to the detention of the property are not paid within the period of seven days mentioned in the notice given under rule 29 and if the distraint warrant is not suspended by the Commissioner, the property seized or a

sufficient portion thereof, shall be sold by public auction under the orders of the Commissioner who shall apply the proceeds of the sale to the payment of the amount due on account of the tax, the warrant fee and the distraint fee and the expenses incidental to the detention and sale of the property, and shall return to the person in whose possession the property was at the time of seizure any property distrained shall be as nearly as possible equal to the value of proceeds thereof as aforesaid if application is made by such person within three years from the date of the sale. If no such application is made, the property so remaining shall be forfeited to the Corporation. If the proceeds of the sale are insufficient for the payment of the amount due on account of the tax, the warrant fee and distraint fee and the expenses incidental to the detention and sale of the property, the Commissioner may again proceed under rules 27 and 28 in respect of the sum remaining unpaid.

(2) When the property seized is perishable or subject to speedy and natural decay or if the expenses of keeping it well, together with the amount of tax due, exceed the value of the property, the Commissioner may sell it any time before the expiry of the said period of seven days unless the amount due is sooner paid.

(3) The Commissioner shall consider any objections to the distraint of any property which are made within the said period of seven days and may postpone the sale pending investigation thereof. If the Commissioner decides that the property attached was not liable to distraint, he shall return it, or if it has already been sold may again proceed under rules 27 and 28; and all fees and expenses connected with the first distraint and sale shall be recoverable from the defaulter if it shall appear to the Commissioner that he wilfully permitted the distraint of the property when to his knowledge it was not liable to distraint.

32. (a) Fees shall be levied on distraint under this Act with reference to the amount due for which the distraint is made and according to the rates specified in the following table:-

<i>Sum distrained for</i>	<i>Fees Rs. p.</i>
Under one rupee	.. Twenty five paise
One rupee and over but under five rupees	.. Fifty paise
Five rupees and over but under ten rupees	.. One rupee
Ten rupees and over but under fifteen rupees	.. One rupee and fifty paise
Fifteen rupees and over, but under twenty rupees	.. Two rupees
Twenty rupees and over, but under	

twenty-five rupees	.. Two rupees and fifty paise
Twenty-five rupees and over, but under thirty rupees	.. Three rupees
Thirty rupees and over, but under thirty-five rupees	.. Three rupees and fifty paise
Thirty-five rupees and over, but under forty rupees	.. Four rupees
Forty rupees and over, but under forty-five rupees	.. Four rupees and fifty paise
Forty-five rupees and over, but under fifty rupees	.. Five rupees
Fifty rupees and over, but under sixty rupees	.. Six rupees
Sixty rupees and over, but under eighty rupees	.. Seven rupees and fifty paise
Eighty rupees and over but under one hundred rupees	.. Nine rupees
One hundred rupees and over	.. Ten rupees

(b) Such fees shall include all expenses except,-

(i) the cost of maintaining any live-stock or the expenses incidental to the detention of the distrained property; and

(ii) the charge payable on account of staff kept in charge of the distrained property, namely, fifty paise daily for each member of the staff.

33. (a) The movable property of a defaulter may be distrained wherever it may be found within the State of Karnataka.

(b) If it is necessary to distrain property outside the limits of the city, the Commissioner shall address his warrant to such public servant having local jurisdiction as the Government may by general or special order direct.

(c) Such public servant shall execute the warrant himself or cause to be executed by some person subordinate to him.

(d) Subject to the modification set out in the following clauses the provisions of rules 28 to 32 (both Inclusive) shall apply to the execution of the warrant and the disposal of the sale proceeds.

(e) For the purposes of action under rule 28 no special order in writing of the Commissioner shall be required, but if the Public servant to whom the warrant is

addressed charges any subordinate with the execution thereof, he shall furnish such subordinate with a special order in writing to that effect, and such subordinate shall then have authority to take action under the rule.

(f) For the purpose of action under rule 31 the public servant to whom the warrant is addressed may, without further orders from the Commissioner, sell or direct the sale of the property seized and shall on completion of the sale transmit the proceeds to the Commissioner subject to such deduction, if any, as may be necessary to meet expenses incurred locally.

(g) It shall be unlawful for such public servant himself or for any person subordinate to him to purchase directly or indirectly any property at any such sale.

34. If any tax due from any person remains unpaid in whole or in part at the end of the period specified in sub-rule (1) of rule 27 and such person has left the State of Karnataka and cannot be found, the said tax such part thereof as remains unpaid together with all sums payable or connection therewith shall be recoverable as if it were an arrear of land revenue.

35. (1) Every person who is prosecuted under sub-rule (2) of rule 27 shall be liable on proof to the satisfaction of the magistrate that he wilfully omitted to pay the amount due by him, pay a fine not exceeding twice the amount which may be due by him on account of,-

(a) the tax and the warrant fee, if any, and

(b) if distraint has taken place, the distraint fee and the expenses incidental to the detention and sale, if any, of the property distrained.

(2) Whenever any person is convicted of an offence under sub-rule (1) the magistrate shall in addition to any fine which may be imposed recover summarily and pay over the corporation, the amount under the heads specified in clauses (a) and (b) of sub-rule (1), and may in his discretion also recover summarily and pay to the corporation such amount, if any, as he may fix as the costs of the prosecution.

36. Neither the Commissioner nor any corporation officer or servant shall directly or indirectly purchase any property at any sale of distrained property held under the foregoing rules.

37. In these rules, the expression 'tax' includes payments due by way of penalty under section 112 or by way of composition for a tax.

SCHEDULE IV

(See section 103)

MAXIMUM RATES OF TAX ON SHOPS AND OTHER PLACES OF BUSINESS OR PROFESSION

Items	Class					
	1st	2nd	3rd	4th	5th	6th
1. Shops-						
For each shop per year ..	100	80	60	40	20	10
2. Other places where business or profession is carried on,-						
For each place per year ..	50	40	30	20	10	5

SCHEDULE V

(See sections 103 and 118)

CARRIAGES, BOATS AND ANIMALS LIABLE TO TAXATION WITH THE MAXIMUM RATES OF TAXATION

	Yearly Rs. p.
1. For every four-wheeled vehicle with springs constructed to be drawn by two or more horses, bulls or bullocks.	.. 6.00
2. For every cart or other vehicle without springs drawn by animals.	.. 4.00
3. For every boat	.. 4.00
4. For every elephant	.. 24.00
5. For every horse	.. 6.00
6. For every bullock or bull or he buffalo	.. 1.00
7. For every ass	.. 0.50
8. For every trailer other than those exempted from municipal tax under the Karnataka Motor Vehicles Taxation Act, 1957.	10.00

¹[SCHEDULE VI**x x x]¹**

1. Omitted by Act 21 of 1979 w.e.f. 31.3.1979.

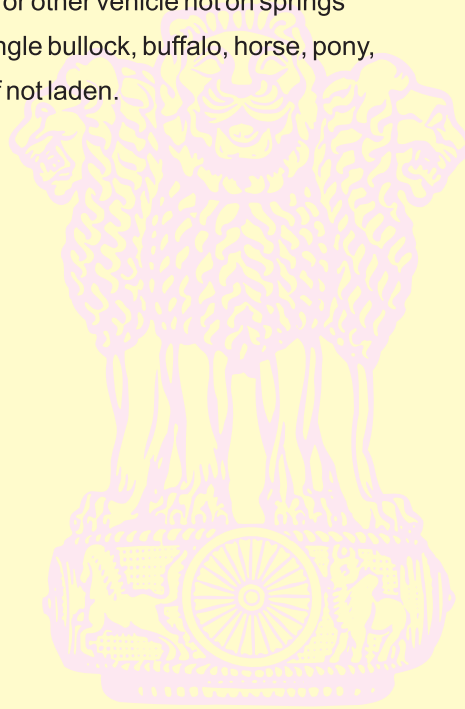
SCHEDULE VII

(See section 103)

**MAXIMUM RATES OF TOLLS PAYABLE ON ENTERING
THE CORPORATION LIMITS**

	Yearly Rs. p.
1. Goods vehicle or stage carriage as defined in the Motor Vehicles Act, 1939 (Central Act IV of 1939) other than those exempted from municipal toll under the Karnataka Motor Vehicle Taxation Act, 1957.	Two rupees
2. Motor cabs as defined in the Motor Vehicles Act, 1939 (Central Act IV of 1939) other than those exempted from Municipal toll under the Karnataka Motor Vehicle Taxation Act, 1957.	Two rupees
3. Trailer attached to goods-vehicle other than those exempted from municipal toll under the Karnataka Motor Vehicle Taxation Act, 1957.	One rupee
4. On every four-wheeled carriage Fifty paise	
5. On every two-wheeled carriage on springs other than jutka. paise	Twenty five
6. On every jutka laden	Fifteen paise
7. On every jutka unladen	Ten paise
8. On every other vehicle with springs	Fifteen paise
9. On every cart or other vehicle not on springs drawn by two bullocks, buffaloes, horses, ponies, asses or mules, if laden.	Twenty-five paise

10. On every cart or other vehicles not on springs drawn by two buffaloes, bullocks, horses, ponies, asses or mules, if not laden. Fifteen paise
11. On every cart or other vehicle not on springs drawn by a single bullock, buffalo, horse, pony, ass or mule, if laden. Fifteen paise
12. On every cart or other vehicle not on springs drawn by a single bullock, buffalo, horse, pony, ass or mule, if not laden. Ten paise



SCHEDULE VIII
(See section 103)
TAX ON ADVERTISEMENTS

Sl. No.	Particulars	Maximum amount of tax per annum
1	2	3
		Rs.
1.	Non-illuminated advertisement on land, building, wall, hoardings, frame, post, structure, etc,-	
	(a) For a space upto 1 sq.m	.. 10
	(b) For a space over 1 sq.m. and upto to 2.5. sq.m.	.. 16
	(c) For every additional 2.5 sq.m. or less	.. 16
2.	Non-illuminated advertisement carried on vehicles drawn by bullocks, horses or other animals, human beings, cycle or any other device carried on any vehicle,-	
	(a) For a space up to 5 sq.m.	.. 60
	(b) For every addition 5 .sq.m. or less	.. 60
3.	Illuminated advertisement boards carried on vehicles	
	(a) For a space upto 5.sq.m.	.. 75
	(b) For every additional 1.sq.m. or less	.. 15
4.	Non-illuminated advertisement boards, carried by switch boardmen,-	
	(a) For each board not exceeding 1 sq.m.	.. 15
	(b) For each board exceeding 1 sq.m. and upto 2.5. sq.m.	.. 30
	(c) For each additional 1 sq.m. in area or less	.. 15
5.	Illuminated advertisement boards carried by switch boardmen,-	
	(a) For each board not exceeding 1 sq.m.	.. 30
	(b) For each board exceeding 1 sq.m. and upto 2.5 sq.m.	.. 50
	(c) For each additional 1 sq.m. in area or less	.. 20

6.	Illuminated advertisements on land, building, wall or hoardings, frame, posts, structures, etc.		
	(a) For a space upto 2. sq.m.	..	15
	(b) For a space over 2. sq.m. and upto 5. sq.m.	..	30
	(c) For a space over 5. sq.m. and upto 2.5 sq.m.	..	35
	(d) For every additional 2.5 sq.m. or less	..	25
7.	Advertisements exhibited on screens in cinema houses and other public places by means of lantern slides or similar devices,-		
	(a) For a space upto 5. sq.m.	..	50
	(b) For a space over 5. sq.m. and upto to 2.5 sq.m.	..	55
	(c) For every additional 2.5 sq.m. or less	..	55
8.	Non-illuminated advertisements suspended across streets,-		
	(a) For a space upto 1. sq.m.	..	10
	(b) For a space over 1. sq.m. and upto 2.5 sq.m.	..	16
	(c) For every additional 2.5 sq.m. or less	..	16
	N.B. The tax on item 8 will be in addition to the rent for the space which will be chargeable according to the scale to be determined by the Commissioner.		
9.	Non-illuminated advertisement boards standing blank but bearing the name of the advertiser or the announcement "To be let" displayed thereon,-		
	(a) For a space up to 1. sq.m.	..	5
	(b) For a space over 1 sq.m. and upto 2.5 sq.m.	..	8
	(c) For every additional 2.5 sq.m. or less	..	8
10.	Permission to auctioneers to put up nor more than two boards of reasonable size advertising each auction sale, other than those in the premises where the auction is held, one on a prominent site in the locality and one on a corporation lamp		100 (including the rent for exhibiting the board on corporation post. lamp post)

SCHEDULE IX
FINANCIAL RULES

(See section 151)

PART I

Authorised expenditure and investment of corporation fund and manner of payment from the fund.

1. The purposes to which the corporation fund may be applied include all objects expressly declared obligatory or discretionary by this Act and in general everything necessary for or conducive to the safety, health, convenience or education of the citizens or to the amenities of the city and everything incidental to the administration and the fund shall be applicable thereto within the city subject to these rules and such further rules or special orders as the Government may prescribe or issue; and shall be applicable thereto outside the city if the expenditure is authorised by this Act or specially sanctioned by the Government.

2. The items of expenditure incidental to the administration include,-

(a) the provision and maintenance of a principal corporation office and record room and of other offices with the cost of appurtenances and fittings and insurance;

(b) salaries, allowances, liveries, pensionary and provident fund contributions, gratuities and pensions and the cost of the vehicles provided for the Commissioner and the corporation officers and servants, study leave allowances of professional officers and subordinates; sending corporation servants to any hospital or institute for treatment; the purchase of provisions and other necessaries for sale to corporation subordinates.

Explanation.- 'Salary' for the purpose of this rule shall include the privilege, if any, granted by the corporation of receiving payments in kind in lieu of the whole or a portion of the salary by purchasing articles from the corporation at such prices as the corporation may fix from time to time;

(c) stationery, printing and all office and advertising expenses including the cost of reporting the discussions of the corporation;

(d) legal expenses;

(e) election expenses;

(f) auditor's fee;

(g) the provision and maintenance of corporation workshops;

(h) corporation surveys, the preparation of maps of the city and of proposed extensions;

- (i) the preparation and maintenance of record of rights in immovable property;
- (j) the acquisition of land for all or any of the purposes of the Act.

3. All moneys received by the corporation shall be lodged in such bank or treasury as the Government may by order direct and shall be credited to an account entitled the 'Corporation Fund Account':

Provided that any such moneys may, with the sanction of the Government,-

- (i) be invested in any of the securities which may be approved by the Government, or
- (ii) be placed on a fixed deposit in any bank approved by the Government.

4. (1) All orders or cheques against the corporation fund shall be signed by the Commissioner or in his absence by the revenue officer, and the bank or treasury in which the fund is lodged shall, so far as the funds to the credit of the corporation admit, pay all orders or cheques against the fund which are so signed.

(2) If the corporation shall have given previous authority in writing, such bank or treasury may at once pay out of the corporation fund without such orders or cheques any expense which the Government have incurred on behalf of the corporation.

5. The payment of any sum out of the corporation fund may be made or authorised by the Commissioner if such sum is covered by a budget grant and sufficient balance of such budget grant is available.

6. The payment of any sum out of the corporation fund may be made or authorised by the Commissioner in the absence of budget provision in the case of,-

- (a) refunds of taxes and other moneys authorised by law, rule, bye-law or regulation;
- (b) repayments of moneys belonging to contractors or other persons and held in deposit and of moneys collected or credited to the corporation fund by mistake;
- (c) costs incurred by the Commissioner in the exercise of his powers under clause (b) of sub-section (1) of section 64;
- (d) sums payable under sections 97 and 165;
- (e) sums payable under a decree or order of a civil court passed against the corporation or under a compromise of any suit or legal proceeding or claim;
- (f) any sum which the Commissioner is required by law, rule or bye-law to pay by way of compensation or expenses;
- (g) the salary payable to a special health officer appointed under section 85;

(h) expenses incurred by the Commissioner under section 406 and expenses lawfully incurred in anticipation of recoupment from a person liable under any provision of law:

Provided that the Commissioner shall forthwith communicate the circumstances to the standing committee which shall take any action that may in the circumstances be necessary or expedient to cover any expenditure not covered by a budget grant.

7. The Commissioner shall not overdraw.

PART II

Audit, surcharge and disallowances

8. The corporation chief auditor appointed under section 150 hereinafter referred to as the auditor shall maintain and keep a continuous audit of the corporation accounts.

9. (1) The Commissioner shall submit all accounts to the auditor as required by him.

(2) The Commissioner shall make ready the annual accounts and registers and produce them before the auditor for scrutiny not later than the first day of October in the year succeeding that to which such account and registers relate.

10. (1) The auditor may,-

(a) require in writing the production of such vouchers, statements, returns, correspondence, notes or other documents in relation to the accounts as he may think fit;

(b) require in writing any salaried servant of the corporation accountable for, or having the custody or control of such voucher, statements, returns, correspondence, notes or other documents or of any property of the corporation or any person having directly or indirectly by him or his partner, any share or interest in any contract with or under the corporation to appear in person before him at his office and answer any question;

(c) in the event of an explanation being required from a member of a corporation in writing, invite such person to meet him at his office and shall in writing specify the point on which his explanation is required.

(2) The auditor may, in any requisition or invitation made under this rule fix a reasonable period, not being less than three days within which the said requisition or invitation shall be complied with.

(3) The auditor shall give to the corporation not less than two week's notice in writing of the date on which he proposes to commence the audit:

Provided that, notwithstanding anything contained in this sub-rule the auditor may, for special reasons which shall be recorded in writing, give shorter notice than two

weeks or commence a special or detailed audit without giving notice.

11. The auditor shall include in his report a statement of,-

- (a) every payment which appears to him to be contrary to law;
- (b) the amount of any deficiency or loss which appears to have been caused by the gross negligence or misconduct of any person;
- (c) the amount of any sum received which ought to have been but is not brought into account by any person; and
- (d) any material impropriety or irregularity which he may observe in the accounts other than those mentioned in clauses (a), (b) and (c).

12. The auditor shall submit to the standing committee for taxation and finance a final statement of the audit and duplicate copy thereof to the Government within a period of three months from the end of the financial year, or within such other period as the Government may notify.

13. (1) The standing committee shall forthwith remedy any defects or irregularities that may be pointed out by the auditor and report the same to the corporation.

(2) The corporation shall submit its remarks on the audit report, if any, to the Government through the Controller, State Accounts Department within six months after the receipt of the report by the corporation.

14. (1) The auditor may disallow every item contrary to law and surcharge the same on the person making or authorising the making of the illegal payment; and may charge against any person responsible thereof the amount of any deficiency or loss incurred by the wilful negligence or misconduct of that person or of any sum which ought to have been but is not brought into account by that person and shall, in every such case, certify the amount due from such person.

(2) The auditor shall state in writing the reasons for his decision in respect of every disallowance, surcharge or charge and furnish by registered post a copy thereof to the person against whom it is made.

(3) If the person to whom a copy of the auditor's decision is so furnished refuses to receive it, shall nevertheless be deemed to have been duly furnished with a copy of such decision within the meaning of sub-rule (2). The period of fourteen days fixed in rules 15 and 16 shall be calculated from the date of such refusal.

15. Any person aggrieved by disallowance, surcharge or charge made may, within fourteen days after he has received or been served with the decision of the auditor, either,-

- (a) apply to the District Court, to set aside such disallowance, surcharge or charge and the Court, after taking such evidence as is necessary may confirm, modify

or remit such disallowance, surcharge or charge with such orders as to costs as it may think proper in the circumstances, or

(b) in lieu of such application, appeal to the Government who shall pass such orders as it thinks fit.

16. Every sum certified to be due from any person by the auditor under this Act shall be paid by such person to the Commissioner within fourteen days after the intimation to him of the decision of the auditor unless within that time such person has appealed to the court or to the Government against the decision; and such sum if not so paid, or such sum as the court or the Government shall declare to be due, shall be recoverable on an application made by the Commissioner to the court in the same way as an amount decreed by the court.

PART III

Form of accounts

17. The corporation shall make regulations to provide for,-

(a) the form in which the budget estimates, budget statements and returns of the corporation shall be kept, and

(b) the form in which the accounts of the corporation shall be kept.

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SCHEDULE X**PURPOSES FOR WHICH PREMISES MAY NOT UNDER SECTION 353
BE USED WITHOUT A LICENCE**

(See section 353)

Aerated waters - Manufacturing.

Ammunition - Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Articles made of floor - Baking, preparing, keeping or storing for human consumption (for other than domestic use).

Ashes - Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever, dumping or shifting

Biscuits - Baking, preparing, keeping or storing for human consumption (for other than domestic use).

Blood - Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Bones - Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Bread - Baking, preparing, keeping or storing for human consumption (for other than domestic use).

Bricks - Manufacturing.

Comphor - Storing, packing, pressing, cleansing, preparing or manufacturing by process whatever or boiling.

Candles - Packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Carpets - Manufacturing.

Catgut - Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Cement - Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Charcoal - Dumping, sifting or storing.

Chemical preparations - Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Chillies - Grinding by machinery.

Chlorate mixture - Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Cinders - Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever or dumping or sifting.

Cloths - Dyeing.

Coal - Dumping, sifting, selling or storing.

Cocount fibre - Storing, packing, pressing, cleansing, preparing, or manufacturing by any process whatever.

Combustible material - Storing.

Combustibles - Baking, preparing, keeping or storing for human consumption (for other than domestic use).

Confectionery - Baking, preparing, keeping or storing for human consumption (for other than domestic use).

Cotton, cotton refuse - Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Dyes - Packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Explosive - Storing.

Fat - Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Firewood - Selling or storing.

Fireworks - Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Fish - Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Fish Oil - Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Flax - Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Fleshings - Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Flour - Packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Fuel - Using for any industrial purpose.

Fulminate of mercury - Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Gas - Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Gold - Refining.

Gram - Husking by machinery.

Gun cotton - Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Gun powder - Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Nitro glycerine - Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Nitro mixture - Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Offal - Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Oil - Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Paddy - Boiling or husking by machinery.

Paper - Packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Petroleum products - Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever in quantities not exceeding six gallons, provided that no licence shall be required for storing petroleum in accordance with the provisions of the Petroleum Act, 1934 (Central Act, XXX of 1934), or the rules issued or the notifications published under that Act.

Pottery - Manufacturing by any process whatever.

Resin (including rosin) - Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Saltpetre - Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Seegekai - Powdering by machinery.

Shellar - Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Soap - Manufacturing by any process whatever.

Spirit - Manufacturing by any process whatever.

Sulphur - Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Tallow - Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Tar - Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Thatching materials - Selling or storing.

Tiles - Manufacturing.

Timber - Selling or storing.

Tobacco (including snuff, cigars, cigarattes and beedies) - Storing, pressing, cleansing, preparing or manufacturing by any process whatever.

Turpentine - Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Wool - Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever, dyeing or drying.

Yarn - Dyeing:

Provided that no licence shall be required for the storage only of any of the articles mentioned in this Schedule or for boling paddy when such storage or boiling is for domestic use and limited to such quantities as may from time to time be fixed by the Commissioner.

Gilding or elctro-plating.

Keeping a shaving or hair-dressing saloon.

Keeping together pigs, or twenty or more sheep or goats or ten or more heads of cattle.

Manufacturing articles from which offensive or unwholesome smells, fumes, dust or noise arise.

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SCHEDULE XI
ORDINARY PENALTIES

(See section 431)

Section or rule	Sub-section or clause	Subject	Fine which may be imposed
(1)	(2)	(3)	Rs.
80	(1)	Interested councillor voting or taking part in discussion.	Two hundred rupees.
114	(1) and (3)	Failure to give notice of transfer of title or to produce documents.	Fifty rupees
188	...	Trespassing on premises connected with water supply.	Fifty rupees
190	...	Failure to maintain house connections in conformity with bye-laws.	Fifty rupees
192	(2)	Occupying or allowing occupation of house without proper water supply.	Fifty rupees
192	(3)	Failure to comply with requisition to make house connection.	Fifty rupees
194	...	Use for non-domestic purposes of Water supplied for domestic purpose.	One hundred rupees
208	...	Waste or misuse of water	Fifty rupees
209	...	Refusal of admittance, etc.	One hundred rupees
211	(1)	Laying of water pipes, etc., in a position where the same may be injured or water therein polluted.	One hundred rupees
218	(1)	Execution of work by a person other than a licensed plumber.	Two hundred rupees

218	(2)	Failure to furnish when required name of licensed plumber employed.	One hundred rupees
218	(6)	Licensed plumber not to demand more than the charges prescribed.	One hundred rupees
218	(8)	Licensed plumbers not to contravene regulation or execute work carelessly or negligently etc.	One hundred rupees
219	...	Prohibition of wilful or neglectful acts relating to water works.	One hundred rupees
223	...	Flow of contents of corporation sewers or drains or sewers communicating with corporation sewers.	One hundred rupees
224	(2)	Private drain not to be connected with corporation sewers without notice.	Fifty rupees
225	(2) and (4)	Non-compliance with requisition for drainage of undrained premises.	Not less than hundred rupees and not more than five hundred rupees.
226	...	Erection of new premises without drains.	One thousand rupees
227	...	Non-compliance with requisition for maintenance or drainage works for any group or block of premises.	One hundred rupees
228	...	Non-compliance with direction to close or limit the use of private drains in certain cases.	Fifty rupees
229	...	Non-compliance with Commissioner's orders regarding the use of a drain by a person other than the owner thereof.	Fifty rupees
230	...	Non-compliance with requisition for keeping sewage and rain water drains distinct.	Fifty rupees

231	...	Non-compliance with requisition for the payment of court-yard etc.	Fifty rupees
233	...	Connection with sewers without written permission.	Two hundred rupees
236	(4)	Non-compliance with requisition to close, remove or divert pipe or drain.	Fifty rupees
240	(1)	Execution of work by a person other than a licensed plumber.	Two hundred rupees
240	(2)	read Failure to furnish when required name with section of licensed plumber employed.	One hundred rupees
223.			
240	(2)	read Licensed plumbers not to demand more with section than the charge prescribed.	One hundred rupees
218.			
240	(2)	read Licensed plumbers not to contravene with section regulations or execute work carelessly	One hundred rupees
218	(8)	or negligently, etc.	
241	...	Prohibition of wilful or neglectful acts relating to sewage works	One hundred rupees
242	(3)	Failure to maintain house-drains, etc. in conformity with bye-laws	Fifty rupees
246	(2)	Keeping of public privy without licence	Fifty rupees
	(3)	Allowing public privy to be in un-clean condition or improper order.	Fifty rupees
247	...	Failure to comply with requisition to provide privy or to remove privy to another site and failure to keep privies clean and in proper order.	Fifty rupees
248	...	Failure to provide privies for premises used by large numbers of people or to keep them clean and in proper order.	One hundred rupees
249	...	Failure to comply with requisition to provide privies for market, cattle shed or cart-stand or to keep them clean and in proper order.	One hundred rupees

250	...	Failure to construct privies so as to screen persons using them from view.	Twenty rupees
252	...	Making connection with mains without permission.	Two hundred rupees
256	(1)	Failure to comply with direction to collect rubbish and filth and deposit them in public receptacle.	Ten rupees
256	(2)	Failure of occupier to comply with direction to collect rubbish and filth and deposit them in a box or basket or other receptacle of his own at or near premises.	Ten rupees
257	(b)	Failure to comply with direction to collect and remove rubbish and filth accumulating on business premises.	Ten rupees
263	(1)	Allowing rubbish or filth to accumulate on premises for more than twenty- four hours.	Twenty rupees
	(2)	Irregular deposit of rubbish or filth	Ten rupees
	(3)	Depositing carcasses of animals or filth in improper places.	Twenty rupees
	(4)	Keeping rubbish or filth for more than twenty-four hours, etc.	Ten rupees
	(5)	Allowing filth to flow in streets.	Twenty rupees
272	...	Building within street alignment or building line without permission.	One thousand rupees
273	(1)	Failure to comply with orders to set back buildings.	Five hundred rupees
278	...	Unlawful displacement etc. of pavement or fences, posts and other materials of public street.	Five hundred rupees
280	...	Failure to provide streets or roads on building sites prior to disposal.	Two hundred rupees
281	...	Unlawful making or laying of new street.	Five hundred rupees
283	...	Failure to comply with requisition to metal etc., private street	One hundred rupees

285	...	Building wall or erecting fence, etc., in a street or any public place vested in the control of the corporation.	One hundred rupees
286	...	Allowing doors, groundfloor windows, etc., to open outwards without licence or contrary to notice.	Twenty rupees
287	...	Failure to remove permanent encroachment.	Two hundred rupees
288	...	Failure to remove temporary encroachment.	Fifty rupees
290	...	Unlawful removal of bar or storing of timber etc or removal or extinction of light.	Fifty rupees
291	(1)	Unlawful making of hole or placing of obstruction in street.	Fifty rupees
	(3)	Failure to remove obstruction	Fifty rupees
292	...	Construction, etc., of building without licence where street or foot-way is likely to be obstructed.	Fifty rupees
292	...	Failure to fence, etc., such building while under repair.	Fifty rupees
293	(3)	Unlawful destruction, etc., of number of public street.	Twenty rupees
294	(2)	Unlawful destruction etc., of number of building	Twenty rupees
294	(3)	Failure to replace number when required to do so.	Twenty rupees
296	(5)	Construction or reconstructing buildings contrary to declaration issued by corporation.	Two hundred rupees
297	(1)	Failure to comply with requisiton to round or display off building at corners of streets.	One hundred rupees
298	...	Construction, reconstruction or retention of external roof, etc., with inflammable materials.	Fifty rupees

310	(1)	Failure to send notice to Commissioner after completion of construction or reconstruction of building.	Fifty rupees
319	...	Failure to keep external wall of premises in proper repair.	Twenty rupees
322	...	Failure to comply with requisition to take down, repair or secure dangerous structure.	Five hundred rupees
323	...	Failure to comply with requisition to secure, lop or cut down dangerous trees.	Fifty rupees
324	...	Failure to comply with requisition to repair, etc., tank or other place dangerous to passers by or persons living in neighbourhood.	Fifty rupees
325	...	Failure to comply with notice regarding precautions against fire.	One hundred rupees
326	(1)	Constructing well, etc, without permission.	Fifty rupees
	(2)	Failure to comply with notice to fill up or demolish well, etc.	Fifty rupees
327	...	Failure to comply with requisition to stop dangerous quarrying.	One hundred rupees
328	(1)	Failure to comply with requisition to to fill up, etc., tank or well, or drain off water, etc.	Fifty rupees
	(3)	Cultivating contrary to prohibitions or regulations. rupees	Five hundred
329	...	Failure to comply with requisition to cleanse or close, etc., tanks, well or other source of water used for drinking, bathing or washing clothes.	Fifty rupees
331	...	Defiling water in tanks, etc.	Fifty rupees
332	...	Failure to comply with requisition to enclose, clear or cleanse untenanted premises.	Fifty rupees

333	...	Failure to comply with requisition to clear or cleanse, etc., building or land in filthy state or overgrown with any thick or noxious vegetation.	Fifty rupees
334	...	Failure to comply with requisition to abate nuisance caused or likely to be caused by dumping, etc., of coal ashes, etc.	One hundred rupees
335	...	Failure to comply with requisition to fence building or land or trim, prune or cut hedges and trees or lower an enclosing wall.	Fifty rupees
336	...	Failure to comply with requisition to lime-wash or otherwise cleanse building.	Fifty rupees
337	...	Failure to comply with requisition to execute work or take other action the with respect of insanitary buildings.	One hundred rupees in case of masonry building and fifty rupees in the case of hut.
338	(2)	Using or allowing the use of buildings unfit for human habitation after prohibiton.	Twenty rupees for each day.
	(4)	Failure to comply with requisition to demolish the same.	Twenty rupees per day.
339	(1)	Allowing overcrowding in building after order to abate the same.	Twenty rupees per day
	(4)	Failure to comply with requisition to vacate overcrowded building or room.	Twenty rupees per day
343	(1)	Keeping a lodging house, eating house, tea shop, etc., without licence or contrary to the licence.	One hundred rupees
344	(a)	Unlawful keeping of pigs	Twenty rupees
	(b)	Unlawful keeping of animals so as to be a nuisance or danger.	Twenty rupees

	(c)	Feeding of animal on filth	Twenty rupees
346	...	Use of place as stable, cattle shed, etc. without licence or contrary to licence.	Fifty rupees
347	...	Construction or maintenance of stable, cattle shed, etc., contrary to Act or subsidiary legislation.	Fifty rupees
349	...	Using a public place or the sides of a public street as a cart stand, etc.	Twenty rupees
351	(1)	Opening or keeping open a new private cart-stand without licence or contrary to licence.	Two hundred rupees
352	...	Failure to remove carcasses of animals.	Twenty rupees
353	(1)	Using a place for any of the purposes specified in Schedule X without licence or contrary to licence.	Two hundred rupees
354	(1), (2)	Unlawful erection of factory workshop and (3) workplace or machinery.	One thousand rupees
	(5)	Disobedience of order regarding chimneys.	Five hundred rupees
355	(1)	Disobedience of order regarding abatement of nuisance	One hundred rupees
355	(2)	Disobedience of order prohibiting the working of the factory, etc., or the use of particular kind of fuel.	Two hundred rupees
357	...	Failure to comply with requisition to put factory, etc., in order to abate overcrowding, etc.	One hundred rupees
358	...	Disobedience of order regarding abatement of nuisance or danger life, etc.	One hundred rupees
363	(2)	Washing of clothes by washerman at unauthorised places.	Twenty rupees
365	...	Use of place as slaughter house	Fifty rupees

		without licence or contrary to licence.	
367	...	Slaughter of animals for sale of food or skinning or cutting up carcasses without licence or contrary to licence or drying skin so as to cause nuisance.	Twenty rupees for every animal carcass or skin.
370	...	Sale or exposure for sale in public market of animal or article without permission or contrary to permission.	Fifty rupees
371	(2)	Opening private market without licence or contrary to permission.	One hundred rupees
372	...	Keeping open private market without licence or contrary to licence.	One hundred rupees
375	...	Sale or exposure for sale of animal or articles in unlicensed private market.	Twenty rupees
376	...	Failure to comply with direction to construct approaches, drains, etc., to private markets or to pave them etc.	Fifty rupees
377	(2)	Opening, or keeping open of private market after suspension or refusal of licence for default to carry out works.	Fifty rupees
378	...	Breach of market regulations	Ten rupees
379	...	Failure of person incharge of markets to expel persons suffering from leprosy or other infectious or contagious disease.	Fifty rupees
381	...	Carrying on butcher's, fishmonger's or poulterer's trade without licence, etc.	Ten rupees
382	...	Sale or exposure for sale of animal or article in public street.	Twenty rupees
386	...	Preventing the Commissioner or any person authorised by him from exercising his powers of entry, etc., under section 385.	Fifty rupees
388	...	Removing or in any way interfering with an animal or article secured under section 387.	Five hundred rupees
392	(1)	Opening, etc., without licence a place	One hundred

		for the disposal of the dead.	rupees.
394	(4)	Use or allowance of use of unlicensed burial or burning ground.	Five rupees
		Use of allowance of use of unregistered burial or burning ground	One hundred rupees.
395	...	Failure to give information of burials or burnings in burial or burning ground.	Twenty rupees
396	...	Construction of vault or grave for burial for corpse in place of public worship.	Five hundred rupees
397	(3)	Burial or burning in place after prohibition.	Two hundred rupees.
398	...	Burial or burning etc., of corpses	Fifty rupee.
400	...	Discharge of office of grave digger or attendant at place for disposal of dead without licence.	Twenty rupees
402	...	Failure of Medical Practitioner or owner or occupier to give information of existence of dangerous disease in private or public dwelling.	Fifty rupees.
406	...	Failure to comply with requisition to cleanse or disinfect building or article.	Fifty rupees.
408	(2)	Washing of infected articles at unauthorised places.	Fifty rupees
409	...	Giving lending etc., of infected articles	Fifty rupees
410	...	Infected person carrying on occupation.	Fifty rupees
411	(1)	Entry of infected person into public conveyance without notifying fact of infection.	Fifty rupees
412	(1)	Failure to disinfect public conveyance etc.	Fifty rupees
	(2)	Using before obtaining certificates from Health Officer a public conveyance in which an infected person travelled.	Fifty rupees
413	...	Letting or sub-letting of infected building without certificate from the Health Officer.	Two hundred rupees
414	...	Failure to close place of public	Two hundred

		entertainment.	rupees
415	...	Sending infected child to school	Fifty rupees
416	...	Use or permitting the use of book from public or circulating library by infected person.	Fifty rupees
417	...	Using water after prohibition	Fifty rupees
419	...	Failure to give information of small pox.	Fifty rupees
420	...	Entering city within forty days of inoculation for small pox without certificate.	One hundred rupees
430	(3)	Prevention of inspection of copies of rules and bye-laws publicly exhibited.	Fifty rupees
	(4)	Destruction, etc., of board exhibiting printed copies of bye-laws and rules.	Fifty rupees
443	(7)	Failure to produce licence on request	Ten rupees
447	...	Failure to comply with requisition to attend, produce document or give evidence.	One hundred rupees
457	(1)	Failure of occupier to comply with requisition to permit owner to comply with provisions of Act.	Fifty rupees for each day
459	...	Preventing the Commissioner or any person authorised by him from exercising his powers of entry, etc.	Fifty rupees
494	...	Obstructing or molesting corporation, standing committee, Mayor, etc.	Two hundred rupees
495	...	Removing mark set up for indicating level, etc.	Two rupees.
496	...	Removal, etc. of notice exhibited by or under order of the corporation or Commissioner.	Fifty rupees
	...	Unlawful removal of earth, sand or other material from land vested in the corporation or deposit of matter or encroachment in or water courses.	Fifty rupees

SCHEDULE XII
PENALTIES FOR CONTINUING BREACHES
(See section 431)

Section or rule	Sub-section or clause	Subject	Fine which may be imposed
(1)	(2)	(3)	
90		Failure to maintain house connections in conformity with bye-laws.	Five rupees
192 (2) and (3)		Failure to comply with requisition to make house-connection.	Five rupees
194		Use for non-domestic purposes of water supplied for domestic purposes.	Five rupees
211 (1)		Laying of water pipes etc., in a position where pipes may be injured or water therein polluted.	Five rupees
(2)		Construction of privies etc., in a position where pipe may be injured or water therein polluted.	One hundred rupees
219		Injury to, or interference with the free flow of contents of corporation sewers or drains or sewers communicating with corporation sewers.	Fifty rupees
224 (2)		Private drains not to be converted with corporation sewers without notice.	Five rupees
225		Non-compliance with requisition for drainage of undrained premises.	Twenty five rupees
233		Connection with sewers without written permission.	Fifty rupees
236 (4)		Non-compliance with requisition to close, remove or divert a pipe or drain.	Five rupees
242 (3)		Failure to maintain house drains, etc., in conformity with bye-laws.	Ten rupees

246 (2)	Keeping of public privy without licence	Ten rupees
246 (3)	Allowing public privy to be in on unclean condition or improper order.	Ten rupees
247	Failure to comply with requisition to provide privy or to remove privy to another site and failure to keep privies clean and in proper order.	Ten rupees
248	Failure to provide privies for permises used by large number of people or to keep them clean and in proper order.	Twenty rupees
249	Failure to comply with requisition to provide privies for market, cattle stand or cart-stand or to keep them clean and in proper order.	Twenty rupees
263 (1)	and Allowing rubbish or filth to accumulate	Ten rupees
(4)	on premises for more than four hours.	twenty
272	Building within street alignment or building line without permission	One hundred rupees
287	Failure to remove permanent encorachment.	Ten rupees
288	Failure to remove temporary encroachment.	Five rupees
291 (1)	Unlawful making of hole or placing of obstruction in street.	Ten rupees
292 ...	Construction, etc., of building without licence where street or footway is likely to be obstructed.	Ten rupees
297 (1)	Failure to comply with requisition to round or display off buildings at corner of streets.	Fifty rupees
298 ...	Construction, reconstruction or retension of external roof, etc., with inflammable materials.	Ten rupees
319 ...	Failure to keep external wall of premises in proper repair.	Ten rupees

324 ...	Failure to comply with requisition to repair etc., tank or other place dangerous to passers by or persons living in neighbourhood.	Ten rupees
325 ...	Failure to comply with notice regarding precautions against fire.	Ten rupees
327 ...	Failure to comply with requisition to stop dangerous quarrying.	Ten rupees
328 ...	Failure to comply with requisition to fill up, etc., tank or well or drain off water etc.	Ten rupees
329 ...	Failure to comply with requisition to cleanse or close, etc., tank, well etc., or other source of water used for drinking, bathing or washing clothes.	Ten rupees
332 ...	Failure to comply with requisition to enclose, clear or cleanse untenanted premises.	Ten rupees
333 ...	Failure to comply with requisition to clear or cleanse, etc., building or land in filthy state or overgrown with any thick or noxious vegetation.	Ten rupees
334 ...	Failure to comply with requisition to abate nuisance caused or likely to be caused by dumping, etc., of coal ashes, etc.	Twenty rupees
335 ...	Failure to comply with requisition to fence building or land, or trim, prune, or cut hedges and trees or lower an enclosing well.	Ten rupees
336 ...	Failure to comply with requisition to lime-wash or otherwise cleanse building.	Ten rupees
338 ...	Failure to comply with requisition to execute work or take another action in the case with respect to insanitary buildings of masonry buildings and five rupees in the case of huts.	Ten rupees
343 (1)	Keeping a lodging house, eating house, tea shop, etc., without licence or contrary to licence.	One hundred rupees

344 (a)	Unlawful keeping of pigs	Five rupees
(b)	Unlawful keeping of animal so as to be a nuisance or danger:	Five rupees
346 ...	Use of place at stable, cattle-shed, etc., without licence or contrary to licence.	Ten rupees
347 ...	Construction or maintenance of stable, cattle-shed, etc. contrary to Act or Subsidiary Legislation.	Ten rupees
349 ...	Using a public place or the side of public street as a cart-stand, etc.	Twenty rupees
351 ...	Opening or Keeping open a new private cart-stand without licence or contrary to licence.	Twenty rupees
352 ...	Failure to remove carcass of animal	Five rupees
353 (1)	Using a place for any of the purposes specified in Schedule X without licence or contrary to licence.	Fifty rupees
354 (1), (2) and (3) (5)	Unlawful erection of factory, workshop workplace or machinery. Disobedience of order regarding chimneys.	One hundred rupees Fifty rupees
355 (1)	Disobedience order regarding abatement of nuisance.	One hundred rupees
355 (2)	Disobedience of order prohibiting the working of the factory, etc., or the use of particular kind of fuel.	Two hundred rupees
357 ...	Failure to comply with requisition to put factory, etc., in order to abate overcrowding, etc.	One hundred rupees
358 ...	Disobedience of order regarding abatement of nuisance or danger to life, etc.	One hundred rupees
365 ...	Use of place as slaughter house without licence or contrary to licence.	Fifty rupees

371 ...	Opening private market without licence or contrary to licence.	One hundred rupees
372 ...	Keeping open private market without licence or contrary to licence.	One hundred rupees
378 ...	Breach of market regulation	Ten rupees
379 ...	Failure of person incharge of markets to expel persons suffering from leprosy or other infections or contagious disease.	Fifty rupees
381 ...	Carrying on butcher's, fishmonger's or poulter's trade without licence etc.	Ten rupees
392 ...	Opening, etc., without licence a place for the disposal of the dead.	One hundred rupees
406 ...	Failure to comply with requisition to cleanse or disinfect building or article.	Ten rupees
410 ...	Infected person carrying on occupation	Fifty rupees
414 ...	Failure to close place of public entertainment.	One hundred rupees
417 ...	Using water after prohibition	Fifty rupees

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सत्यमेव जयते

NOTIFICATION**I Bangalore dated 9-6-1997 [No. HAM 172 MNY 77]**

S.O. 1396.- In exercise of the powers conferred by sub-section (3) of section 1 of the Karnataka Municipal Corporation Act, 1976 (Karnataka Act 14 of 1977), the Government of Karnataka hereby appoints the 10th day of June, 1977, as the date on which the said Act shall come into force in the following areas of the State namely. The areas comprising:-

1. (i) The Belgaum City Municipality.
- (ii) Yamanapur Notified Area.
- (iii) The village of Alarwad, Kudachi, Kanabargi declared as such in the Karnataka Village Panchayat and Local Boards Act, 1959 (Karnataka Act 10 of 1959).
2. The Mysore City Municipality.

By Order and in the name of the Governor of Karnataka,

(K.B. DESHPANDE),

Under Secretary to Government,

Health and Munpl. Admn. Dept.

(Published in the Karnataka Gazette (Extraordinary) Part IV-2C (ii) dated 10-6-1977 as No. 468).

II**Bangalore dated 4th March 1992 [No. DPAR 3 SDE 92]**

S.O.463.- In exercise of the powers conferred by sub-section (2) of Section 1 of the Karnataka State Civil Services Act, 1978 (Karnataka Act No. 14 of 1990) the Government of Karnataka hereby appoint the Second day of April 1992 as the date on which the provisions of the Karnataka Civil Services Act, 1978 shall come into force.

By order and in the name of the Governor of Karnataka

(MOTIRAM PAWAR),

Under Secretary to Government

Dept. of personnel and Administrative Reforms 2 (Service Rules)

(Published in the Karnataka Gazette Part IV-2C(ii) dated 26.3.1992 at page 376.)

2[Notification**No. UDD 89 AHD 2000 (Pt-I), Bangalore, Dated 12th November, 2001**

In exercise of the powers conferred by sub-section (2) of Section 1 of the Karnataka Municipalities (Amendment) Act, 2000 (Karnataka Act No. 31 of 2001), the

Government of Karnataka hereby appoints the 19th day of November, 2001 as the date on which the said Act shall come into force.

By order and in the name of the Governor of Karnataka,

R. Ramachandra

*Under Secretary to Government (I/C),
Urban Development Department.*

URBAN DEVELOPMENT SECRETARIAT

NOTIFICATION

No. UDD 68 AHD 2004, Bangalore, dated 16th January, 2004

In exercise of the powers conferred by sub-section (2) of section 1 of the Karnataka Municipal Corporations (Amendment) Act, 2002 (Karnataka Act 39 of 2003), the Government of Karnataka hereby appoints 16.01.2004 as the date on which the said Act shall come into force.

By Order and in the name of the Governor of Karnataka,

J. Raghavendrachar

*Under Secretary to Government,
Urban Development Department.*

URBAN DEVELOPMENT SECRETARIAT

NOTIFICATION

No. UDD 68 BemRuPra 2007, Bangalore, dated 7th September, 2007

In exercise of powers conferred by Sub Section-2 of Section 1 of the Karnataka Town & Country Planning and Certain Other Laws (Amendment) Act, 2004 (Karnataka Act 1 of 2007), the Government of Karnataka hereby appoints the 15th September 2007 to be the date on which all the provisions of this Act shall come into force.

By Order and in the name of the Governor of Karnataka,

(C.T.NARAYANASWAMY)

*Under Secretary to Government,
Urban Development Department.*

URBAN DEVELOPMENT SECRETARIAT NOTIFICATION

No. UDD 51 CSS 2009, Bangalore, Dated : 08.06.2011

In exercise of the powers conferred by sub-section (2) of Section (1) of the Karnataka Municipal Corporations (Amendment) Act, 2011 (Karnataka Act No. 3 of 2011), the Government of Karnataka hereby appoints the 1st Day of August 2011 as

the date on which the said Act shall come into force.

By order and in the name of Governor of Karnataka,

[C.R. RAVINDRA]

Under Secretary to Government
Urban Development Department

URBAN DEVELOPMENT SECRETARIAT NOTIFICATION

No. UDD 209 GEL 2011, Bangalore, Dated : 10.06.2011

(Published in the Karnataka Gazette Part IV-A No. 580 Dated : 10.06.2011)

In exercise of the powers conferred by sub-section (2) of Section (1) of the Karnataka Municipal Corporations and Certain Other Law (Amendment) Act, 2011 (Karnataka Act 24 of 2011), the Government of Karnataka, hereby appoints the 10th day of June, 2011 as the date on which all the provisions of the said Act shall come into force.

By order and in the name of Governor of Karnataka,

[C.R. RAVINDRA]

Under Secretary to Government
Urban Development Department

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